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Elena Ruth Sassower, Coordinator

BY PRIORITY MAIL

January 27, 2003

Barry Kamins, Esq.
Flamhaft, Levy, Kamins & Hirsch
16 Court Street
Brooklyn, New York 11241

RE: Responding to the Mandate of Appellate Division, Second Department Presiding Judge Gail Prudenti to “‘make sure we are acting fairly and equitably’ when dealing with an attorney’s right to practice” (“*Committee to Study Discipline Process*”, New York Law Journal, 11/26/02)

Dear Mr. Kamins:

This follows up our conversation together last Monday at the dinner honoring Chief Judge Kaye for her “Pursuit of Justice”, in which I stated that the Second Department Committee studying attorney discipline, admissions, and reinstatement should examine the files of lawsuits brought against the Appellate Division, Second Department and its grievance and admissions committees arising from their handling of these matters. This would not only be relatively easy for the Second Department Committee to do, but would be a *methodologically-sound* way for it to have the kind of critical “real life” information which, assuredly, will not be brought to its attention by those of its members whose unconstitutional and lawless conduct has generated the lawsuits.

So that you may be convinced of the extraordinary probative value of these lawsuits – as well as the depraved and criminal conduct of such Committee members as Gary Casella, Chief Counsel of the Ninth Judicial District Grievance Committee -- enclosed is a copy of the cert petition in the §1983 federal action, *Doris L. Sassower v. Hon. Guy Mangano, et al.* (No. 98-106), to which Mr. Casella was a named defendant, and whose significance I discussed with you. The facts and law therein presented are entirely *undenied*

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and undisputed – as may be seen from Doris Sassower's supplemental brief (pp. 3-7) – a copy of which is also enclosed.

Among the key documents in the appendix to the 30-page cert petition: a full copy of Doris Sassower's verified complaint in the federal action [A-49-100]¹ and the "Questions Presented" and "Reasons for Granting the Writ" from her cert petition in her predecessor Article 78 proceeding, *Doris L. Sassower v. Hon. Guy Mangano* (No. 94-1546) [A-117-131]. These graphically chronicle the unconstitutionality of New York's attorney disciplinary law, *as written and as applied*².

As I now see that you are not only Chairman of the New York State Bar Association's Committee on Professional Discipline and, by reason thereof, involved in the Second Department Committee's work, but actually Co-Chair of its Attorney Discipline Subcommittee, your review of the enclosed cert papers is even more compelled.

A copy of this letter and enclosed cert papers, along with copies of the relevant published items I gave you, *in hand*, last week, "*Where Do You Go When Judges Break the Law?*" (NYT, 10/26/94, ltr to editor) and "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" (NYLJ, 8/27/97, ad, pp. 3-4), is

¹ In addition to Mr. Casella, who was served with the verified complaint in the federal action in October 1994, 20 copies were served on the Appellate Division, Second Department for distribution to its 20 justices. This includes Second Department Justice Krausman, now chairing the Second Department Committee, and former Appellate Division, Second Department Justice Joseph Kunzeman, now a Committee member.

² As discussed, this "Reasons for Granting the Writ" summarizes the importance of *Mildner v. Gulotta*, 405 F.Supp. 182 (E.D.N.Y. 1975) – a consolidation of three separate cases brought by three disciplined New York attorneys, in which, more than 27 years ago, Judge Jack Weinstein, writing in dissent from a three-judge district panel, would have held New York's attorney disciplinary law unconstitutional on due process and equal protection grounds. Point I addresses the facial infirmity of the Second Department's §691.4(l) for interim suspensions, so-recognized by the Court of Appeals in *Matter of Russakoff*, 79 N.Y.2d 520 (1992).

It may be noted that as recently as last year, I brought to Chief Judge Kaye's attention that a decade after *Russakoff*, the Second Department, as well as the Third and Fourth Departments, have continued to operate under constitutionally-infirm interim suspension rules which make NO provision for prompt post-suspension hearings.

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being sent to your Subcommittee Co-Chair, Second Department Justice Nancy E. Smith, for her review as well.

To facilitate the Subcommittee's examination of the documentary proof substantiating the federal complaint's allegations [A-49-94], as well as the cert petition's recitation -- an examination which is the Subcommittee's duty if it takes its mandate seriously -- I will assemble a copy of the files of the Appellate Division, Second Department's disciplinary proceedings against Doris Sassower and her responding Article 78 proceeding and federal action against it. Unless I hear from you to the contrary, these files will be *hand-delivered* to your law office no later than Friday, February 7th for presentment to the full Subcommittee membership, if not all 29 members of the Second Department Committee.

Needless to say, Doris Sassower is available to answer questions and to be interviewed, including under oath, as to the brazen obliteration of her most fundamental constitutional, due process and equal protection rights, resoundingly established by the lawsuit files.

Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

Enclosures: cert petition & supplemental brief in §1983 federal action,
Doris L. Sassower v. Hon Guy Mangano, et al.

cc: Appellate Division, Second Department Justice Nancy E. Smith
Doris L. Sassower, Director, Center for Judicial Accountability, Inc.



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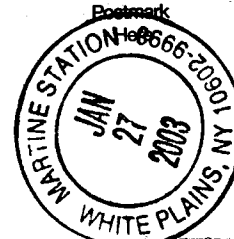
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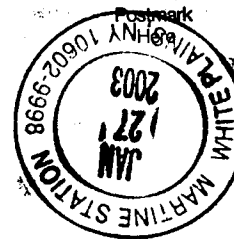
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