

COURT OF APPEALS
STATE OF NEW YORK

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In the Matter of Doris L. Sassower,
An Attorney and Counselor-at-Law,

JURISDICTIONAL
STATEMENT

GRIEVANCE COMMITTEE FOR THE NINTH
JUDICIAL DISTRICT,

Petitioner-Respondent,

A.D. Docket
#90-00315

DORIS L. SASSOWER,

Respondent-Appellant.
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1. The title of this case is as set forth above.

2. This is an appeal to the Court of Appeals from an Order of the Appellate Division, Second Department, dated July 31, 1992 (Exhibit "A"), served upon Respondent-Appellant by mail on August 6, 1992, with notice of entry thereof.

3. Said July 31, 1992 Order denied Respondent-Appellant's motion to vacate an Order of the Appellate Division dated June 14, 1991, which immediately, indefinitely, and unconditionally suspended Respondent-Appellant from the practice of law pursuant to §691.4(1) of the Rules Governing the Conduct of Attorneys "until the further order of the Court" (Exhibit "B").

There has been no further order of the Court altering that suspension since the June 14, 1991 entry date. The July 31, 1992 Order denied, without reasons, such further order as was

sought by Respondent-Appellant and also denied her application for leave to have such denial reviewed by the Court of Appeals.

4. The name and address of the attorney for Respondent is Gary Casella, Esq., Chief Counsel of the Grievance Committee for the Ninth Judicial District, 399 Knollwood Road, White Plains, New York 10603.

5. The Court has jurisdiction to entertain this appeal and to review the substantial constitutional questions involved because the July 31, 1992 Order appealed from represents a direct refusal of the Appellate Division, Second Department, to follow this Court's clear recent controlling precedent in Matter of Russakoff, 79 N.Y.2d 520 (1992), which ruled that an interim suspension without findings had to be vacated as a matter of law (Exhibit "C"). Such refusal by the Appellate Division, Second Department merits immediate sua sponte review by this Court particularly since the instant case is a fortiori to Russakoff-- Respondent-Appellant having committed no misconduct involving moral turpitude and all material facts having been controverted by Respondent-Appellant.

The Appellate Division's July 31, 1992 Order did not in any way distinguish Russakoff or articulate any basis for denying Respondent-Appellant vacatur pursuant thereto.

6. This case raises issues of transcending public importance, including the following issues already raised and likely to be raised:

POINT I

Whether the Appellate Division's denial of Respondent-Appellant's motion for vacatur of her suspension based on Russakoff denies Respondent-Appellant her constitutional right to equal protection of the law.

POINT II

Whether the Appellate Division's failure to make findings in its June 14, 1991 Order (Exhibit "B") resulted in a suspension without jurisdiction and without due process in that:

(a) The underlying suspension order was not preceded by a pre-suspension hearing, as required under §691.4(f) of the Rules Governing the Conduct of Attorneys of the Appellate Division, Second Department;

(b) The Appellate Division made no threshold finding that the pre-conditions to its disciplinary jurisdiction without a pre-suspension hearing had been met under §694.4(1), thus ignoring its own mandate to the lower courts, Meyers v. Cadman Towers, Inc., 89 A.D.2d 844, 453 N.Y.S.2d 25 (2nd Dept. 1982);

(c) The underlying suspension order was not followed by a hearing, as contemplated by this Court's decision in Russakoff, which made such procedure the subject of specific instruction to the Appellate Division, Second Department;

(d) The underlying suspension order rests on a motion the Grievance Committee, made without a supporting petition, without formal charges, without personal service--all contrary to Judiciary Law §90(6) and the disciplinary rules of the Appellate Division, Second Department under which Petitioner-Respondent was proceeding;

(e) All jurisdictional and other underlying predicate facts were sharply controverted by Respondent-Appellant.

POINT III

Whether an interim suspension of an attorney is violative of constitutional rights where there was no hearing before or after the interim suspension, which occurred more than a year ago--an issue expressly not reached by Russakoff.

The foregoing represent issues involving constitutional rights and a decision in conflict with this Court's express and implied holdings in Russakoff, the requirements of Judiciary Law §90(6), and the Rules of the Appellate Division, Second Department, Governing the Conduct of Attorneys.

7. Respondent-Appellant respectfully submits that the Russakoff case is dispositive of the appeal, meriting summary vacatur of the interim suspension order. By reason thereof and the on-going irreparable injury caused by such without-due-process suspension, appeal as of right should be granted.

Dated: White Plains, New York
September 3, 1992

DORIS L. SASSOWER, Pro Se
283 Soundview Avenue
White Plains, New York 10606

To: Clerk, Court of Appeals
20 Eagle Street
Albany, New York 12027

Gary Casella, Chief Counsel
Grievance Committee for the Ninth Judicial District
399 Knollwood Road
White Plains, New York 10603

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GRIEVANCE COMMITTEE FOR THE NINTH
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Petitioner-Respondent,

DORIS L. SASSOWER,

Respondent-Appellant.

JURISDICTIONAL STATEMENT

DORIS L. SASSOWER, [REDACTED]

Pro Se

Office and Post Office Address, Telephone

New Address:

283 Soundview Avenue

White Plains, N.Y. 10606

(914) 997-1677

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir:— Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

19

NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

19

at

M.

Dated,

Yours, etc.

New Address:

DORIS L. SASSOWER, [REDACTED]

283 Soundview Avenue
White Plains, N.Y. 10606
(914) 997-1677

Pro Se

Office and Post Office Address

To

Attorney(s) for