

CENTER for
JUDICIAL
ACCOUNTABILITY



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BY EXPRESS MAIL

October 4, 1994

Professor Martin Schwartz
Touro Law School
300 Nassau Road
Huntington, New York 11743-4346

RE: 42 U.S.C. §1983 action

Dear Professor Schwartz:

I again thank you for taking the time to speak with me today--and for considering providing us with the expert assistance we need to file our §1983 complaint. As I mentioned, the Center for Constitutional Rights has already stated that it will participate in this case.

Per our conversation, I am enclosing a copy of the Court of Appeals' September 29, 1994 Decision/Order in the Article 78 proceeding, Sassower v. Hon. Guy Mangano, et al., as well as of the submissions that were before that Court. Also enclosed is a copy of the federal complaint which we filed in the Southern District of the Second Circuit on June 20, 1994--within three years of service upon my mother of the June 14, 1991 suspension Order¹. Such complaint, whose causes of action were hastily put together under severe time pressures and neither finalized nor proofread², was filed simply to toll the statute of limitations. It will have to be substituted with another complaint before the lapse of the 120-day period.

¹ Exhibit "D-6" to the Jurisdictional Statement.

² As for the "Factual Allegations" portion of the filed complaint (at pp. 10-61), it is similar, though not identical, to the "Chronology", annexed as Exhibit "J" to my mother's reargument/reconsideration motion. The "Chronology" is a later and more comprehensive document.

At the time the federal complaint was drafted, we were unaware of Mildner v. Gulotta, 405 F.Supp. 182 (1975). The profound significance of that case--which, for your convenience, I enclose--is an important additional reason to substitute the filed complaint.

As you will note from Mildner v. Gulotta, Judge Weinstein, in his powerful dissenting opinion twenty years ago, found New York's attorney disciplinary law (Judiciary Law §90):

"constitutionally infirm in denying attorneys the due process and equal protection guaranteed by the Fourteenth Amendment to the United States Constitution." (at p. 201)

As discussed, the basis upon which the two-judge majority in Mildner v. Gulotta sustained Judiciary Law §90 was that there were no allegations of bias or improper motive by the court. However, in my mother's case--and at the core of her Article 78 proceeding--is the evidentiary record of massive and ferocious hostility against her by the court.

Indeed, the Appellate Division, Second Department's refusal to disqualify itself from Sassower v. Mangano, et al.--where law and ethical rules so clearly required it to do so--is a reflection of its knowledge that it could not afford to have the extraordinary file under A.D. #90-00315 independently reviewed (see ¶24 of the Jurisdictional Statement)³.

The unconstitutionality of Judiciary Law §90--and the relevance of Mildner v. Gulotta to my mother's case--is detailed at pp. 16-23 of her July 19, 1994 affidavit in support of her motion for reargument, reconsideration, and leave to appeal.

As reflected by the Attorney General's flimsy opposing "Memorandum of Law" and pointed out by my mother's reply affidavit (at ¶¶10-13)--the Attorney General totally failed to defend the constitutionality of Judiciary Law §90--which it is his duty to do.

Finally, since you stated that it was your practice not to work with a client, but with his/her attorney, I would note that prior to the Appellate Division's utterly fraudulent suspension of my mother's license more than three years ago, she had a long

³ As described at ¶7 of the Jurisdictional Statement, each and every order in the underlying disciplinary proceedings under A.D. #90-00315 is, when compared with the record, "jurisdictionally void (and) otherwise factually and legally unfounded".

and distinguished legal career. For your information, I enclose a copy of her 1989 Martindale-Hubbell listing, which always gave my mother its highest "AV" rating throughout the years it rated her, as well as a copy of a letter from the Fellows of the American Bar Foundation, confirming her election to membership, an honor reserved for less than one-third of one percent of the practicing bar of each state.

Very truly yours,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

- Enclosures:
- (a) 1989 Martindale-Hubbell listing
 - (b) ltr of American Bar Foundation
 - (c) 1/24/94 Jurisdictional Statement
 - (d) Attorney General's 2/11/94 ltr
 - (e) 3/14/94 ltr of Evan Schwartz, Esq.
 - (f) 7/19/94 reargument, reconsideration motion
 - (g) Attorney General's 8/4/94 Memorandum
 - (h) 8/8/94 Reply Affidavit
 - (i) filed federal complaint
 - (j) Mildner v. Gulotta, 405 F. Supp. 182 (1975)

Inasmuch as you were good enough to offer to make inquiries on our behalf for legal counsel, I attach a copy of our recent advertisement in The New York Law Journal.

ATTORNEY — To act as counsel to public interest group fighting judicial corruption. Must be fearless litigator, with proven track record, for 1983 action challenging constitutionality of New York's attorney disciplinary law. Top pay. Fax (914) 684-6554