

Digests of Recent Opinions

SEE SECTION TWO FOR COMPLETE LISTING

Supreme Court

▶ LONG-ARM JURISDICTION

It does not offend notions of substantial justice and fair play to ask the seller of this luxury vessel to account for its negotiations of this transaction in a New Jersey court. *Lebel v. Everglades Marina, Inc.* Page 33.

▶ PLEA BARGAINS

Sentencing court may not accept plea bargain that enables State to withdraw if "negotiated sentence" is not imposed. *State v. Warren.* Page 35.

Appellate Division

▶ PUBLIC EMPLOYMENT — WORKERS' COMPENSATION

Injured public employee receiving Workers' Compensation benefits entitled to pension contributions by employer. *Szczepanik v. PERS et al.* Page 37.

Inside

GO TO JAIL

A suit has been filed challenging a Monmouth County practice of deferring jail terms Page 5

EDITORIAL

Campaign ethics Page 6

FOR THE RECORD

Remembering justice Page 7

FEDERAL PRACTICE

Recent rulings Page 10

COURTSIDE

Not Blackmun's day Page 12

STREET TALK

Book talk Page 13

BANKRUPTCIES	55
CALENDAR	8
CONSUMER PRICE INDEX	2
GENERAL CLASSIFIEDS	23
LAWYERS' MARKETPLACE	21
NOTICES TO THE BAR	2
ON THE MOVE	5
OPINIONS APPROVED	33
PUBLIC NOTICES	53
REAL ESTATE OPPORTUNITIES	29
SUITS & DEALS	9

TWO SECTIONS

The U.S. Supreme Court abortion decision, *Webster v. Reproductive Health Services*, appears on page 40.

The Draft Final Report of the New Jersey Supreme Court Task Force on Dispute Resolution starts on page 42.



George Sassower has brought his fight against what he alleges is corruption in New York to the federal courts in New Jersey. New Jersey court officials rue the day he arrived.

Frequent Filer Brings His Crusade to N.J.

By Kathleen Bird

George Sassower, a disbarred New York lawyer who sees judicial and political corruption everywhere and has filed more than 300 suits and motions to expose it, is unfazed by efforts to make him shut up and go away.

The 65-year-old Sassower has been stripped of his New York law license, has been prohibited by a parade of federal judges in both New York and New Jersey from filing any more pleadings, and has been incarcerated eight times for contempt of court.

Sassower, recently described by *The Village Voice* as "the bane of New York's judiciary" is now carrying on his crusade on this side of the Hudson.

His underlying allegations about corruption — contained in the mountains of pleadings he has filed over the past nine years — mostly involve the appointment by New York judges of politically connected lawyers to receiverships.

After striking out in New York, Sassower turned his gaze westward. Although he has virtually no connection to New Jersey, he entered this state's U.S. district courts in December 1987 when a New York federal judge granted a change-of-venue motion after Sassower claimed as his residence a Newark address. The address turned out to be a washing-machine repair shop rented by one of Sassower's clients in a depressed section of the city.

So like it or not, the New Jersey federal courts, U.S. attorney's office,

and federal bankruptcy trustee's office were stuck with the consequences. Sassower unleashed a flood of filings, repeating all of his New York corruption allegations, later adding to his list of defendants various New Jersey judges who ruled against him and federal officials who opposed him in court.

Although all of Sassower's litigation

CONTINUED ON PAGE 4

Legislators Wield Sharp Budget Knife

Judiciary, Law and Public Safety Department Get Less

By Tracy Schroth

Despite its vocal commitment to crime fighting in New Jersey, the Legislature has reduced the budgets for the Department of Law and Public Safety and the judiciary for the fiscal year that just started.

In the state's new \$12 billion budget, signed by Gov. Thomas Kean July 1, the department's budget dropped from \$383.5 million for the 1988-89 year to \$360.6 million in this fiscal year.

Not all of that reduction is for crime-related uses. Within the department, the Division of Motor Vehicles was hardest hit with a \$13.8 million decrease. Law enforcement and criminal justice, which includes the State Police and about 170 of the state's 640 deputy attorneys general, was cut about \$8 million. The Division of Law, which funds the salaries of 450 deputy attorneys general who represent the state in civil cases, lost \$520,000.

Meanwhile, the judiciary's budget was cut almost \$4 million from the last fiscal year, while the public defender's office and the Department of Corrections got increases.

The state judiciary was allotted \$90 million, a decrease of \$3.8 million from the 1988-89 fiscal year.

The public defender's office, part of the state Department of the Public Advocate, got an increase of \$2.4 million, from \$40.2 million to \$42.6 million. A spokesman for the department has said that the bulk of the money will be used to hire additional lawyers.

The Department of Corrections received a hike of \$34 million, from \$441.7 million to \$475.2 million. The money will be divided among the state's prisons, juvenile facilities and parole

CONTINUED ON PAGE 14

Little Impact Seen as Result of Federal Diversity Statute New Law Not Cutting Cases

By Suzanne Riss

Too little. Too late. That's what federal court officials say about a new law that raises the threshold in federal diversity actions from \$10,000 to \$50,000.

The statute bars from federal courts those actions that involve state law disputes between parties in different states unless the amount in dispute is \$50,000 or more. The law, the Judicial Improvements and Access to Justice Act, is expected to divert to state courts thousands of smaller civil claims that previously could be heard in either jurisdiction.

But several court officials say that the new law, which took effect on May 18 and which represents the first change in the threshold in 31 years, has had a negligible impact on state and federal caseloads: Few cases have been shifted to state courts, and the burden on federal courts has not been lightened.

Ronald Nau, chief deputy clerk for the U.S. District Court in Newark, does not mince words: "The impact literally is not enough to stir the dust." Nau says the number of civil filings before and after the new rules took effect has not changed: There were 500 filings

CONTINUED ON PAGE 3

Crusade

CONTINUED FROM PAGE ONE

was eventually dismissed at the trial-court level last August, he has filed piles of motions and appeals with the Third U.S. Circuit Court of Appeals in Philadelphia. He also is awaiting trial in Newark on a criminal contempt citation issued after he ignored judges' orders that he file no new pleadings without their permission.

In connection with the trial, U.S. District Judge Nicholas Politan of Newark on May 23 ordered Sassower to undergo 30 days of in-patient psychiatric evaluation at a federal Bureau of Prisons hospital. For the past month, Sassower has been committed to the Federal Medical Center in Rochester, Minn., which he calls "the American gulag."

He was arrested in New York on May 18 by federal marshals and held without bail on the contempt charge — a misdemeanor that could earn him a maximum of six months in a federal penitentiary.

Early last month, between a short stay at the Metropolitan Correction Center in Manhattan and his arrival at the Minnesota hospital, he was taken on a four-day trek through federal prisons in Harrisburg, Pa., Birmingham, Ala., Tallahassee, Fla., and El Reno, Okla.

First Assistant Federal Public Defender Thomas Higgins, who is acting as standby counsel to Sassower — he is handling his own defense — says Sassower's trip was "horrendous" yet "typical of the marshals."

Before Sassower stands trial, Judge Politan wants to know if the indefatigable Sassower understands the charge against him. Sassower was scheduled to be released at press time and sometime this week returned to Judge Politan's courtroom for a hearing on the outcome of the psychiatric evaluation.

'Expert in Contempt'

Sassower, who practiced primarily as a solo practitioner doing corporate work in his 40-year career, said in a telephone interview last week that any psychiatrist would realize in a matter of minutes that he understands the charge. "I am an expert in contempt," he said.

Expert or not, in the eyes of many Sassower is a litigator run amok, a legal terrorist, or a fruitcake. He does not hesitate to call judges crooks to their faces. He challenges as invalid the orders prohibiting him from filing, and challenges the fitness of the judges to adjudicate his cases.

To Sassower, Judge Politan and other judges and lawyers he has tangled with are "members of a criminal racketeering enterprise, engaged in the larceny of judicial trust assets, extortion, judicial corruption, and other criminal and unethical activities."

He has recommended in papers filed with the Third Circuit that Judge Politan resign and seek employment with the government of the late Iranian ruler, the Ayatollah Khomeini.

Meanwhile, Higgins, the public defender, concedes there is case law supporting the slew of judicial orders to curb Sassower's filings, and federal statutes supporting Judge Politan's ordering a defendant in a criminal case to undergo 30 days of psychiatric evaluation.

At the May 23 hearing on the issue before Judge Politan, Assistant Federal Public Defender Lawrence Lustberg unsuccessfully sought an order of outpatient psychiatric evaluation. At the hearing, Sassower's oldest of three daughters, 33-year-old Elena Sassower, was subdued by marshals, after she repeatedly disrupted the proceedings with remarks and rushed toward her

father saying, "Daddy," at the end of the hearing. She was charged in a complaint with interfering with the marshals.

Elena Sassower says she was "attacked" by the marshals. Assistant U.S. Attorney Kevin McNulty, who was not at the hearing and has been assigned to prosecute her, says several marshals "tackled her. She was kicking and screaming and planted her feet against the wall."

She was released by Magistrate G. Donald Haneke on personal recognizance and ordered to undergo outpatient psychiatric review. She was also ordered not to enter the federal courthouse in Newark without prior court permission. The charge against her is pending. "She's obsessed. It's nutty, not criminal," McNulty says of the case.

Since then, Elena has been garnering support for her father from various human rights organizations, and from prominent people including Harvard Law Professor Alan Dershowitz and New York legislators. Dershowitz was quoted by United Press International as saying, "This is a paradigm ACLU case."

'No Fruitcake'

"My father is no fruitcake. My father is a legal heavyweight. You're talking about a man against the system," she says.

Her sister, Carey, 31, says, "This isn't Russia and you don't put people in jail for questioning the system." She says her father does not belong incarcerated even "if he was the craziest person in the world."

Assistant U.S. Trustee Novalyn Winfield, whose Newark office oversees the integrity of bankruptcy petitions in New Jersey, Pennsylvania, and Delaware, says: "I think he flipped a switch that hasn't flipped back."

Last summer, Winfield won the dismissal of a Sassower bankruptcy petition, which served as the toehold for him in New Jersey's district courts.

"I think he's tilting at windmills, but I'm sure he would dispute that," says Winfield. She adds, "I feel sorry for him in a way. I don't think he intends to screw up the justice system ... although that's the byproduct of it. I don't think there's bad motives there."

Most of Sassower's litigation involves the involuntary dissolution in 1980 of Puccini Clothes Ltd. of Brooklyn after the death of one of its four partners. Sassower represented Hyman Raffé, one of Puccini's shareholders.

Sassower contends that Puccini's assets were "plundered" through the "massive larceny" of the lawyers who were appointed to protect the company. Sassower claims that members of Feltman, Karesh, Major & Farbman, the Manhattan firm appointed the receiver for Puccini, are "criminals with law degrees" who have raped Puccini of all of its tangible assets,

leaving nothing for legitimate creditors and stockholders."

Court records, according to *The Village Voice*, show that Feltman, Karesh's legal fees, totaling \$750,000, drained the Puccini account. (Attempts to reach Lee Feltman of the firm were unsuccessful.) Sassower claims he is owed \$45,000 for legal work he did for Puccini.

He also claims that Feltman, Karesh, along with Kreindler & Relkin — a Manhattan firm representing Citibank, the executor of the dead Puccini partner's estate — improperly have collected \$2.5 million in legal fees in connection with the matter.

The bills, for the firms' defending themselves against Sassower's litigation, have been paid by Raffé, who had been cited for contempt along with Sassower. Raffé did not go to jail for contempt after he agreed to pay the firm's legal fees.

Kreindler & Relkin partner Donald Relkin has called Sassower a "lunatic."

The Puccini matter led not only to extensive litigation in both the New

In the eyes of many, Sassower is a litigator run amok, a legal terrorist, or a fruitcake.

York state and federal courts, but to Sassower's disqualification from representing Raffé — because Sassower had previously represented Puccini Clothes — and Sassower's being found guilty of 63 counts of criminal contempt.

Throughout the Puccini matter's tortured history, Sassower has won an occasional motion but the courts generally have sided with the defendants he has named in his cases — leading Sassower to add the trial judges, appellate judges and other high state officials, including New York Attorney General Robert Abrams, to the ever-growing litany of defendants.

Sassower maintains that his chief complaint is black and white: that in nine years there has never been a complete accounting, required by New York statute, of Puccini's assets.

In addition to Puccini, Sassower has extensively litigated in New York's state and federal courts over his removal as temporary administrator of the estate of a Eugene Kelly. Again, he alleges corruption and wrongdoing, this time on the part of Suffolk County officials, and again, he violated prohibitions that he refrain from filing.

A Newark Address

Sassower's entry into the New Jersey federal courts came Dec. 30, 1987,

when Judge Howard Schwartzberg in the Southern District of New York granted his motion for a change of venue of a Chapter 13 personal bankruptcy petition Sassower had filed there. Sassower had claimed that the Southern District of New York was "not fit for human litigation."

Sassower listed as his residence the White Plains, N.Y., home of his daughter, Elena, with whom he lives, as well as 87 Mount Vernon Place, Newark. The Newark address was actually a washing-machine repair shop.

Sassower's Chapter 13 petition provided him a presence in Newark's federal courts, and although none of the parties had any connection to New Jersey, the frequent filer then reasserted all of his allegations about Puccini and the Kelly estate. He sought orders holding New York appellate judges in contempt and protecting him from contempt findings in that state.

In dismissing all of Sassower's New Jersey cases, Bankruptcy Judge Daniel Moore said in a 30-page opinion last August that Sassower's filings were an attempt to relitigate in a new forum issues that were settled across the Hudson River.

The U.S. attorney's office in Newark sought dismissal of his various actions. In one, in which Sassower last year named 55 defendants and claimed \$3 billion in damages, Assistant U.S. Attorney Susan Cassell wrote, "This is yet another in the series of 'Sassower' litigations designed solely to harass the Court and parties thereto. ... The defendant litigants [he has named in his cases] have lived approximately eight years with the results of the legal system's inability to fully and finally put an end to litigation filed by a totally out of control litigant."

Says Cassell: "In his frustration at being made a defendant himself by this plaintiff, Judge Schwartzberg misguidedly acceded to this ludicrous [change of venue] request. Once the petition was transferred here, plaintiff seized upon this filing as a spring-board from which to re-launch the suits previously litigated and enjoined from being further litigated."

Mountain of Briefs

His flood of filings in New York since 1980 and in New Jersey since December 1987 has triggered a truckload of briefs and motions by those he has sued. Winfield, the assistant bankruptcy trustee, says, "I would love to run a tab on what he's cost all of us on his tour through bankruptcy court and other courts. It must be staggering."

Despite what she sees as the wasted time, effort, and money — ultimately borne by the taxpayers supporting the judicial system — Winfield gives Sassower more credit than many who have crossed his path.

Winfield concedes that there may be a shred of truth to his underlying complaints about the behavior of receivers and the lack of accountability. "Those cases languish. There's nobody to make anybody" account, she says.

The problem for the system, she says, is that Sassower dismisses anybody else's version of the truth, then "joins that person in his next litigation because they, too, are part of this great conspiracy. ... This got out of control at some point with him ... beyond what a rational person or attorney would do."

Cassell, the assistant U.S. attorney, says New Jersey federal officials don't care about Sassower's underlying complaints about alleged judicial and political corruption in New York. "They were reviewed up and down the state and federal courts in New York. We don't care about it. We just want Mr. Sassower out of our district," she says.

Sassower argues that his allegations have never been properly reviewed and that he won't stop until they are. "What I give up? ... I have just begun fight."

Wilentz out of Hospital

Chief Justice Robert Wilentz has been discharged from Mount Sinai Medical Center in New York after surgery for ileitis, an inflammation of the small intestine.

Earl Josephson, spokesman for the courts, says the chief justice's physicians are reporting that the surgery was a success.

The chief justice will be at home in Deal for a one-month recovery period, the normal length required by such surgery, Josephson says. Chief Justice Wilentz was discharged from the hospital on July 7.

"During that recuperation period, Wilentz will resume his duties and responsibilities as chief justice," the

spokesman says.

The Court has scheduled two conferences for July, and Wilentz will participate by telephone or by written message, says Josephson. The Court will recess in August.

The 62-year-old chief justice, who had been receiving outpatient treatment for several weeks, became ill at home on June 19 and was admitted to Monmouth Medical Center in Long Branch. He was transferred three days later to Mount Sinai, which has a leading ileitis treatment center.

Justice Robert Clifford was acting chief justice during Chief Justice Wilentz's hospitalization.

—By Henry Gottlieb