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February 23, 1984

Hon. Francis T. Murphy, Jr.
Presiding Justice
Appellate Division: First Judicial Department
27 Madison Avenue,
New York, New York, 10010

Hon. Milton Mollen
Presiding Justice
Appellate Division: Second Judicial Department
45 Monroe Place,
Brooklyn, New York, 11201

Re: Grievance Committee v. George Sassower

Honorable Sirs:

1. Pursuant to Judiciary Law §90]10], and any other statute, rule, regulation, or other provision that may be applicable, I hereby voluntarily waive any and all right or privilege of confidentiality, without reservation, in the above matter, and further assert the unbridled right and privilege of deeming any and all parts thereof as non-privileged, and within the public domain.

Any other or further document that may be required to effectuate the aforementioned, upon notice, will be promptly executed.

The events, particularly over the past month, leave little realistic alternative, but to waive such right. The option has become optionless!

The smear campaign long carried out primarily by the Office of the Corporation Counsel, the Office of the Suffolk County Attorney, and the Attorney General's Office to camouflage their own egregious conduct and the conduct of their clients has now come to an end!

2. Some comment, and criticism, I believe, is in order, and appropriate:

a. I have been unable to find a single person, who could rationally justify a situation wherein the charges or professional complaints may be published and republished with impunity, while the vindicating material, if not the vindication itself must, under penalty of further disciplinary proceedings, remain secret, confidential, and undisclosed, even in relevant judicial proceedings. The situation, understandably, cannot be believed by most people, and those who see the documentation on the subject, even those of reserved judgment, have described it as bizarre, insane, or demented.

Thus, the right and privilege of confidentiality, can and is an intolerable burden, when, even after vindication, the courts, including Your Honors' Courts, permit professional complaints to be republished, in direct violation of the spirit and letter of Judiciary Law §90[10].

b. The situation is made more egregious by the fact that those who are continually republishing those ethical complaints, under which I was charged, are the very persons who know of the resounding manner in which I was vindicated.

c. My vindication was not the result of legal technicalities, or a favorable weighing of the evidence, or the failure of witnesses to appear, or lack of investigation. On the contrary, because of the sources of the complaints, and the intense manner some of the charges were pressed, it was one of the most intensive and expensive operations of the Grievance Committee of the Ninth Judicial District resulting in the first budget deficit in a number of years.

3. On the complainants' own testimony, their documents, and their witnesses, the complainants were massacred in every sense of the word. They were only saved by Grievance Committee attorneys, who in the finest legal and ethical tradition, "threw in the sponge", and by a Referee, who most properly permitted you to make a point, not kill, and certainly not overkill!

A. Of the several charges which came from an Assistant Corporation Counsel, the Referee, the Honorable Aloysius J. Melia, noted that "cross examination ... had not run it's course" (Report p. 85) when the attorneys for the Grievance Committee capitulated. Of the little testimony the Referee heard, His Honor stated it "does not reflect favorably on the assistant Corporations Counsel's conduct" (Report p. 87). The manifest understatement of His Honor's comment, can certainly be confirmed by the Grievance Committee whose action was based, as they made clear on the record, not only by what they heard, but on what they knew was forthcoming, since there had been a complete exchange of evidence beforehand.

Nevertheless, the charges, without mentioning the vindication, are asserted repeatedly by the Office of the Corporation Counsel, and accepted, sub silentio, by the courts, even when they have no relevance to the issue at hand.

B. As to the charges related to Charles Z. Abuza, Esq., here again the attorneys for the Grievance Committee had no alternative but to "throw in the towel", in the midst of cross examination, with an extended explanatory statement, concluding with:

> "To attempt to catalogue and analyze every false and misleading statement to a document prepared by the .... firm in connection with these two trusts would be a Herculean task and would belabor the point." (Report p. 12)

Then followed the remarks of the Honorable Referee, who stated:

> "I subscribe to everything that you have said [Grievance Committee attorney], and I think it was obvious from the few questions that I put to Mr. Abuza that I agree with your conclusions. ... [D]irect admissions from Mr. Abuza himself and by documentation that was here certainly substantiates that. Now really, I find it difficult to believe anything that

Mr. Abuza said, I hate to say that, and I only do it because I think it is necessary to do so, because this is a very, very strange case. I had factual and legal difficulty emanating from the fact that there were numerous court orders where judges ordered Mr. Sassower to do certain things and they found that they were not done. There had been a holding of Mr. Sassower in contempt on the charges made and the orders on which those contempts were predicated were not complied with.

Now, I find great difficulty --- I found great difficulty with that from a factual and a legal standpoint, particularly when it is certainly the true that the Justices involved here, including the Appellate Division, were all fine, eminent, able men. But, hearing the testimony, however, it is clear to me that for the most part they did not have the benefit of all that is before me. Indeed, it has taken at least ten days of testimony so far for me to get to the point that we are now at.

I go back to my statement that I find it difficult to believe anything that Mr. Abuza says, unless I find it corroborated in the documents. ... Mr. Sassower was cooperative and was always willing to be.

There are too many instances of this in the record to detail here and I think it is unnecessary. The conclusion is inescapable.

In addition, and as part of this whole patchquilt, we have Mr. Abuza admitting here that in many instances there were false statements in papers submitted by him to these various judges, which, indeed, would tend to excite them. ...

His testimony is replete with falsehoods, half truths and misleading statements, and that is true of the papers that he submitted to the various courts.

> The foregoing conclusions of Mr. Grayson [one of the Grievance Committee attorneys] and myself are capsulized. The instances of deception and evasion are too numerous to chronicle here." (Report p. 12-15)

With respect to the accountings, His Honor found, as everyone conceded:

> "they contained all of the relevant facts extant (and that) Judge .... was misled in numerous respects by Mr. Abuza, both in papers filed and in the respondent's non-appearance ... .
>
> The non-appearance seems crucial. Mr. Abuza was the junior in Samuel Schacter's firm. Clearly most of the respondent's dealings with the Schacter's firm was with Schacter.
>
> The respondent claims that he had an agreement with Schacter to adjourn the matter before Judge ... [at Special Term Part I] before Judge .... and was therefore not in attendance. Abuza denied that there was such an agreement. However the Grievance Committee found a Schacter memo in his file which tends to confirm such an understanding. [emphasis supplied]
>
> Abuza proceeded to obtain relief from Judge ... in the respondent's absence and without advising the court of the respondent's situation both with respect to the respondent's difficulty in obtaining requisite information [from the accountant, because of Abuza's refusal to cooperate in agreeing to any fee claimed due to the accountant by the deceased] and communications about an adjournment." (Report p. 16).

Once again, although completely vindicated, in no uncertain terms, on the merits, and the complainant found to have been a scoundrel, Kelly v. Sassower (78 A.D.2d 502, 431 N.Y.S.2d 819), my adversaries repeatedly allude to the aforementioned citation, although it is clearly irrelevant to any issue at hand, and they are expressly cited by nisi prius judges, also even when irrelevant.

C. Ironically, the most resounding vindication came because the Suffolk County entourage would not permit any of the charges which came from Judge Signorelli to be dropped despite the evidence at hand. Consequently, Judge Signorelli, and his charges, went down "like the Titanic" of their own accord, without even an ice cube in sight.

A preliminary comment is of significance. At the outset of the hearings, Judge Melia requested a complete exchange of evidence between the parties. The request was honored in very respect by both sides. On my part, even the significance of some of the many documents were made known to the Grievance Committee. Nevertheless, as the accused attorney, the leper, little value was placed on my statements, even when documented.

By the time the Signorelli charges were to be met, the Grievance Committee attorneys recognized that, in fact, with all their research they could never find any statement that I had ever made in the judicial arena to be false or misleading. They found all my statements to be extraordinarily accurate. Consequently, in some respects, Signorelli and his sycophants were forewarned of some of evidence at hand and its significance. Nevertheless, arrogance and bathed in their own lies, they did not listen. Blatant lies are no match for clear and unmistakable truth, where a fair chance is afforded.

In view of the still publicized ethical charges made against me, accepting as established fact that I had been removed as Executor, that I attempted to sell some property after I had been removed, and failed to turn over papers belonging to the estate, portions of the Referee's report in this matter are very revealing. The Report states:

a. Removal as Executor and Sale of House:

"The Public Administrator was not named to replace the respondent until 1 year later, on March 25, 1977. (Ex. 24)

In the intervening year, court transcripts of proceedings before the Surrogate, amply demonstrate that participants in the proceedings considered the respondent to still be the executor. ..."

Indeed, in this period, on October 21, 1976, on the record, the Surrogate ordered the respondent to sell the house. He could only do so as executor. (Ex. BP) [Emphasis supplied]

The respondent prepared and entered into a contract to sell on December 2, 1976. The Surrogate then aborted the deal.

More than a year later, after paying additional taxes, and Public Administrator sold the same house to the same party for the same price.

On July 6, 1976, papers were prepared by the respondent in the court room, by court personnel, and signed by the Surrogate. These papers purportedly still recognized the respondent as executor (Ex. CD) (Ex. AR)" [Report p. 60-61]

Thus it is clear that contrary to assumed fact, and as erroneously reported in opinions of the Appellate Division, the federal courts, and nisi prius decisions, I was not removed in 1976; was recognized as the executor by everyone for at least one year after the claimed removal, including Surrogate Signorelli; and that "on the record" Surrogate Signorelli "ordered" me to enter into such contract, when some of the participants would not expressly consent.

As the testimony also clearly reveals, after I entered into such contract as "ordered" by Judge Signorelli, it was cancelled by Judge Signorelli as unauthorized, only to have this non-income producing property sold one year later to the same party for the same price!

There is absolutely no question regarding the aforementioned, from any quarter, the sua sponte extensively published and overpublished disciplinary complaint of Signorelli to the contrary, notwithstanding. This represents only one example why Signorelli refuses to verify his "diatribe", as he has repeatedly been challenged to do.

Turning over of Papers:

> "By an order, dated April 28, 1977, the respondent was ordered to turn over to the Public Administrator all books, papers and other property of the estate ... .
>
> ...The conclusion was reached that the respondent would go to the basement, where th Public Administrator's office was located, and turn over documents for photocopying. This was to be done by Mr. Berger [attorney for the Public Administrator].
>
> Berger and respondent proceeded to the basement and the task was commenced. This went on from some time in the morning until some time in the afternoon. So far, all parties agree. ...

On March 8, 1978 the respondent was held in contempt for failure to turn over the required records.

While the Surrogate and Mr. Berger allege that the order to turn over all documents has been complied with, there is no evidence to support that belief, unless you credit those transmitted in June 1981 [when the duplicate copies were turned over]." (Report p. 61-63). [emphasis supplied]

"The Public Administrator testified at page 93 and 94 of the Minutes of November 4, 1981 as follows:

> 'The Referee: -- Is there anything that you know of that Mr. Sassower has that prevents you from fulfilling your duties?
>
> The Witness: I have no idea.
>
> The Referee: You don't know of anything?
>
> The Witness: No.
>
> The Referee: Are we agreed that when Mr. Sassower sent Mr. Mastroianni, about six months ago, only duplicates of what you got in '77?
>
> The Witness: They were duplicates of what I have, your Honor.
>
> The Referee: They were duplicates, there was nothing new?
>
> The Witness: No, there was nothing new.

> The Referee: There was nothing that he had held out that you got six months ago that prevented you from fulfilling your duties; is that true?
>
> The Witness: I don't believe there was anything new in there, yes.'
>
> Vincent Berger, Counsel to the Public Administrator also testified that he was not aware of any material in the respondent's possession that adversely affected the estate's tax position." (Report 65-66).

Obviously, to set forth more, from Judge Melia's report, confirmed in all respects by the First Department, would be supererogatory!

Nothing, seemingly, so clearly convinced the attorneys for the Grievance Committee that I had been victimized, when Judge Signorelli denied any proceedings had taken place on a particular day. To refresh his recollection they showed him a copy of the stenographic transcript, which they received from his court and obviously forgot about when they went about their task of destroying and/or concealing exculpatory judicial records. Significantly, it was this particular transcript which made reference to other filed records and documents which had also been destroyed or were being concealed.

Thus, when analysis revealed that all of the more than twenty (20) unquestionably filed documents that had been destroyed and/or concealed were exculpatory, the conclusion that judicial files had been deliberately pruned was inevitable and still remains undenied.

4. Despite the obvious fact that this defamatory barrage, orchestrated by Judge Signorelli and his sycophants, in soliciting a Daily News reporter to his Chambers for a "private interview" for republication on the morning that my habeas corpus proceeding was to commence; and his sua sponte diatribe published in the New York Law Journal; and the constant republication of same are but a "ploy" to discredit me and as a "cover-up" for what truly happened, I have attempted to reluctantly obey, and discreetly disobey, the mandate of the Grievance Committee, that publication of the aforementioned Report and the underlying testimony, may not be disclosed, only to find these ethical, completely discredited complaints continuing to be republished.

Thus, I must respectfully ask, have Your Honors' and Your Courts completely abdicated your legal and moral responsibility which gives you and your appellate courts complete and exclusive original jurisdiction in disciplinary matters and the publication of disciplinary complaints?

While Your Honors may have no right or power to still those outside the judicial forum, I assume you can exercise some control when these very same complaints are republished by your own attorney -- the Office of the Attorney General (although one Assistant Attorney General has shown some restraint, but he is the exception)!

I know Your Honors have control to prohibit the republication of these ethical charges in Your Courts, but here again, one does not even hear the "voice of a turtle", critical of such republications!

Must, I, as I have, waive my "double jeopardy" rights in order, once more, "run the gauntlet". Thus, I find myself, not only waiving my "double jeopardy" rights, but instead inviting a rerun of the same disciplinary proceedings, but this time in a public forum!

Perhaps it is about time that the public knows that in the last quarter of the twentieth century in the State of New York, there exists a Surrogate, a former Assistant District Attorney, a former County Court judge, an Acting Supreme Court judge, who claims he does not know that one cannot be tried, convicted, and sentenced in absentia, when one has not even been charged or advised of any hearing!

Perhaps it is about time that the public knows that this same jurist believes he has the legal power and authority to hold me incommunicado, repeatedly refuse me the right to present a Writ of Habeas Corpus, deny me and actually testify that he believes I had no Fifth Amendment rights, and exercise me for the exercise thereof!

Perhaps it is about time that the public knows that in Suffolk County, that not only did they refuse to obey a Writ of Habeas Corpus, allegedly because it was signed by an "illiterate" Supreme Court Justice, but also incarcerated my wife and daughter for serving same!

Perhaps it about time the public should again see and hear Suffolk County Deputy Sheriff Anthony (Arnold Schwarzenegger) Gryzmalski testify, how I, while handcuffed, beat him up, sent him to the hospital, causing him to lose eleven days from work!

5. We now come to the recent date of January 30, 1984, when the Suffolk County Attorney's Office, presented an interim stay application to Mr. Justice Arnold L. Fein, to halt a simple examination before trial, where because of his prior stipulated consent, he presented a dubious appealable, and certainly no reviewable, issue.

Instead of the merits, the Suffolk County Attorney's Office did present the usual irrelevant "rot", which I generally, no longer even protest or controvert. His fourteen (14) page supporting affidavit opens as follows:

> "This, and a multitude of other actions which have been indiscriminately brought by attorney-plaintiff, George Sassower, against public officials, judges and

> justices of the courts, attorneys for the various parties herein, and others, all arise out of Mr. Sassower's six and one-half year long campaign to avoid the criminal contempt sanctions imposed against him by the Suffolk County Surrogate, defendant Ernest L. Signorelli (as against whom this action has since been dismissed). That contempt proceeding arose out of Mr. Sassower's failure to account for the assets or records of an estate probated in the Suffolk County's Surrogate's Court. Mr. Sassower is no stranger to this Court, since his civil contempt convictions in New York County arising out of trust aspects of the very same estate have previously been upheld here (see Kelly v. Sassower, 78 A.D.2d 502)."

Nevertheless, since I earnestly desired such examinations before trial to go forward, after being stonewalled for about seven years, I did protest this wholly irrelevant ad hominem attack, which now includes "assets" among the charges made.

Obviously, as the papers on file clearly indicates, where only the right to have an examination before trial of a party is in issue, assuming such issue to be arguable, an ad hominem attack, citing publications or republications that have been completely discredited, as the Suffolk County Attorney's Office well knows, is irrelevant and despicable.

Mr. Justice Fein very severely excoriated my adversary, in denying his application, and the entire incident would have gone unmentioned, were it not for the fact, that within one day, I was served with a motion for partial summary judgment based upon the theory of res judicata and/or collateral estoppel, triggering, according to my adversary a CPLR 3214(b) statutory stay.

Despite the severe reprimand given the same attorney representing the Suffolk County Attorney, his new motion while defective and deceptive in numerous ways, and clearly intended to circumvent the ruling of Mr. Justice Fein, commences almost in haec verba with the same irrelevant rampage.

There followed, for the next two weeks, similar and more vile irrelevant references to these ethical complaints [of course, never mentioning the vindication], by the Suffolk County Attorney, at Special Term, the Federal Court, and other courts, even in matters where his request to intervene were denied.

As I told my youngest child, when we saw the movie picture Gandhi recently, and were discussing the scene where almost 1,100 inhabitants were killed and wounded, as they ran away from a squad of colonial riflemen. Had they run towards the rifle fire, as I and every other soldier learned in World War II, the chances of survival were generally increased. Remaining on the beachhead could only result in getting "clobbered"!

The excoriating remarks of Mr. Justice Fein, was, to the Office of the Suffolk County Attorney, nothing but water off the back of a duck!

Consequently, I consider myself unshackled from any imposed mandate of secrecy and confidentiality from whatever quarter imposed. From hereon truth, as revealed in a judicial transcript and other unimpeachable sources, will speak most eloquently!

No longer will I remain silent, in or out of the judicial forum, only to be "clobbered". My only weapon will be "hard truth", and I need nothing more!

6. The question I leave for Your Honors to ponder is what use is Judiciary Law §90[10], when Your Honors and Your Courts fail to give the spirit and intent of the statute even lip service, when jurisdiction is exclusively vested?

7. One further word, I believe must be said.

I had never tried or argued before Hon. Aloysius J. Melia before the disciplinary hearings, and our first short introductory session, was, for me, an opportunity to "feel out" His Honor.

There was no question in my mind, as His Honor read the Grievance Committee Petition, that a finding of guilt was inescapable.

The petition was a "horrible" and improperly drawn document, which set forth not only the charges, but the comments on such charges from judicial members, including members of the Appellate Division, who the Grievance Committee did not intend to call to testify.

I was dismayed that the Appellate Division would permit such a prejudicial petition to be presented, my alleged crimes were what I did, not what someone, who was not going to testify, said I did, a matter which thereafter caused Judge Melia some difficulty, which he expressed in some detail.

Nevertheless, I sensed, in His Honor, even without having expressed it, a determination to give me a fair hearing and a personal integrity to do so.

Thus, at the end of the first session, I told the Grievance Committee attorneys, "I think I am going to enjoy this trial" and "irrespective of the outcome, [His Honor] so impressed me with his sense of fairness, I was committing myself to move to confirm the outcome".

As matters turned out, his resolve and strength for courteous and fairness, was shown towards some of the witnesses that testified. Reading some of the testimony, it is a wonder His Honor did not figuratively, if not literally, throw them out of the window.

There may have been times that I may have been inwardly displeased that he showed them such courteous and fair treatment, but what remains is an admiration for his ability to do so towards my accusors.

It is that courtesy and fairness which has not generally been afforded me since that time, despite vindication, in the judicial forum!

Most Respectfully,

GEORGE SASSOWER

GS/h

cc: Hon. Joseph J. Lucchi
Hon. Irving N. Selkin
Hon. Martin B. Stecher (Special I - 2/14/84)
Hon. Robert Abrams
Hon. Martin B. Ashare
Hon. Frederick A. O. Schwarz, Jr.
Grievance Committee: Ninth Judicial District