

GEORGE SASSOWER

ATTORNEY AT LAW
51 DAVIS AVENUE
WHITE PLAINS, N. Y. 10605

914-949-2169

January 11, 1987

Hon. Burton S. Joseph
Acting Justice of the Supreme Court
Family Court : Nassau County
1200 Old Country Road,
Westbury, New York, 11590

Re: NOTHING

Honorable Sir:

1a. Today, Sunday, January 11, 1987, from very early this morning, until now, almost midnight, I did not think of or about Your Honor all day -- not even for a micro-second.

b. That is my problem, and essentially the cause of this letter.

2a. Late this afternoon, I came around to glancing at the NY Law Journal of Thursday, January 8, and saw the article about the proposal for sanctions against attorneys for various acts of alleged misconduct. I also read the slip opinion of the Court of Appeals on the subject (A.G. Ship v. Lezak, 12/18/86); and some of the authorities the Court cited.

b. To overexaggerate the point, it seems that all judicial complaints have the label "Sassower" on them! Eliminate "Sassower" and you have Nirvana!

3a. I need not tell Your Honor, I generally respond with nothing less gentle than a sledge hammer, in this case at those who overemphasize "speed and efficiency" as the desired panacea!

b. The bottom line is that it was only when I finished my articles for publication, did Your Honor pop into my head, and I wanted to say that anything that may be published on the subject, was not intended to reflect on Your Honor, or his ways, one way or the other, even by subconsciously!

c. I believe Your Honor knows me well enough to be assured that if I intended any criticism of Your Honor's actions it would be said "eyeball to eyeball"!

4a. I did this evening, for other reasons, I retrieved from microfilm, an article that was published in the N.Y. Law Journal on June 7, 1976, entitled "Does Anybody Care About The Children?".

b. I liked it when I wrote it (while in a hospital paralyzed, as the testimony before Your Honor revealed), and I still like it.

c. Since Your Honor is essentially a Family Court Judge (the hardest judicial position there is, in my opinion), I thought it might be of interest to Your Honor, albeit it concerns actions taken in the Supreme Court.

d. I have retyped it so as to facilitate reading!

e. Would Your Honor, or Mr. Cahn, desire to venture a guess as to how it was received by the vox populi?

5a. I really did not turn out to be the eight headed monster, which Your Honor originally perceived me to be, did I?

Have a Happy New Year!

Respectfully,


GEORGE SASSOWER

cc: Richard C. Cahn, Esq.

DOES ANYBODY CARE ABOUT THE CHILDREN?

Your personality profile concerning the judicial author of four recent highly publicized matrimonial decisions should provoke profound juridical considerations (NYLJ May 24, p.1).

Repercussions from the matrimonial action spring not only from the judgment, but also from the form and conduct of the antecedent trial, which may assuage or exacerbate the parties' post-judgment conduct. The "Final Judgment", while resolving some issues, oftentimes creates more complex ones, which may serve as prologue to continuing conflict in the judicial arena and elsewhere.

A matrimonial judge, faced by frustrated, disappointed, and angry marital antagonists, whose very lives and destinies and those of their infant children weigh in the balance needs multi-faceted, unique qualities to meet the social and legal responsibilities such difficult and delicate decisions require.

To strive for an ideal, albeit unattainable does not excuse not employing the best available. Nonetheless, all too frequently those who sit in Matrimonial Part (while they may have otherwise fine qualities) are patently deficient in meeting the court's heavy responsibilities to the parties and their children. At times, the mismatch between the feuding parties is exceeded only by that of the judge and the assignment.

Whatever the criteria employed by assigning authorities, it is often painfully clear that the best interests of the children, not to mention their litigating parents, is not a significant factor.

Ironically, despite repeated pronouncements that the court stands as parens patriae, decisions needlessly stigmatize and traumatize those very infants by identifying them in a way which makes these young victims known, now and for all time.

Unquestionably, peer-group attitudes about these children, as well as their own self-image, are adversely affected by the publicized details of their parents' strife.

The court has a non-delegable legal and moral obligation to respect the dignity and interests of these children. Viable and common-sense approaches are sufficiently obvious and plentiful. If "wisdom is the ability to find alternatives", the courts have shown themselves lacking that attribute in these situations.

Your article specifically referred to four earlier published opinions involving non-public people and involving children.

Do we not recognize the emotional torment that those children went through by such publication? Are we so obtuse not to realize that some of these children's classmates inevitably learned (and accepted) the court's characterization of their parents' conduct, and immaturely, if not brutally, handled the situation?

Unqualifiedly, the Lord rightfully enjoined us to "Honor thy Father and Mother", a task unnecessarily made more difficult for these children because a "New Judge in Part V Likes to Write."

Can there be any doubt about the immorality involved in publicizing such intimate legal opinions without concealing identities.

But we -- particularly in the legal profession -- are the worst offenders, for we observe all this in ignominious silence.

Have we not learned that we must not keep silent? Yet, not even the smallest voice was heard to protest so fundamental an indecency. Nor did any bells toll for this psychological infanticide.

Apparently, the long hard march of man out of the cave has brought us right back to the cave.

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Letters To the Editor

Does Anybody Care About the Children?

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George Sassower
New Rochelle, N.Y.

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