

SUPRME COURT, APPELLATE DIVISION

First Department, September 1982

Theodore R. Kupferman, J.P.  
Leonard H. Sandler  
Samuel J. Silverman  
Arnold L. Fein, JJ.

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In the Matter of George Sassower, an :  
Attorney and Counselor-at-Law: :

Grievance Committee for the :  
Ninth Judicial District, :

Petitioner, : M-1425

-against- M-2967

George Sassower, . . . :

Respondent. :  
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Disciplinary proceedings instituted by the Grievance Committee for the Ninth Judicial District, Respondent was admitted to the Bar at a Term of the Supreme Court, Second Judicial Department on March 30, 1949. By order of the Supreme Court, Appellate Division, Second Department, entered on January 9, 1981 the within proceeding was transferred to this Court. By further order of this Court entered on July 8, 1981, Hon. Aloysius J. Melia was apponted Referee to hear and report.

Richard E. Grayson, of counsel (Gary L. Casella, attorney) for the petitioner

George Sassower, respondent pro se

Motion Nos. 1425 and 2967 - September 24, 1982

Matter of George Sassower, An Attorney

PER CURIAM (Not for Publication)

Respondent, admitted to practice in the Appellate Division, Second Department on March 30, 1949, was charged with 14 specifications of misconduct contained in a disciplinary petition dated August 14, 1980, later amended April 13, 1981. By order dated January 9, 1981, the Appellate Division, Second Department transferred the proceeding to this court. By order entered July 8, 1981 this court referred the issues raised in the petition to the Hon. Aloysius J. Melia to hear and report. The referee has now rendered his report upon the evidence taken during 17 days of hearings at which 171 exhibits were introduced.

During the hearings the petitioner Grievance Committee moved to withdraw charges 1, 2, 5 and 11-14, which motion was granted by the referee. Those charges are dismissed.

In his report, the referee has found that charges 3, 4 and 6-10 were not sustained by the evidence and has recommended that they be dismissed. Petitioner moves to confirm the referee's report only with respect to charges 4, 7 and 9, and those charges are hereby dismissed.

The petitioner has moved to disaffirm the referee's report with respect to charges 3, 6, 8 and 10. Respondent has declined to request confirmation of the referee's report,

choosing instead to proceed by a cross-motion for an order "nullifying all of the disciplinary proceedings against respondent nunc pro tunc, expunging all records of same," and for related relief. To the extent that the cross-motion addresses the merits of charges 3, 6, 8 and 10, it is deemed a motion to confirm the referee's report, and the motion is granted to that extent, and is in all other respects denied. We have examined the record and find it supports the recommendations of the referee in all respects. Petitioner's motion to disaffirm the referee's report in part is denied, the report is confirmed in its entirety, and accordingly all the charges contained in the petition are dismissed.

All concur.

November 15, 1982