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BEFORE THE NEW YORK STATE SENATE
STANDING COMMITTEE ON JUDICIARY

Public Hearing on the
Appellate Division First Department
Departmental Disciplinary Committee,
the Grievance Committees of the
Various Judicial Districts, and the
New York State Commission on Judicial Conduct

Hearing Room 6
Empire State Plaza
Albany, NY

June 8, 2009
10:35 a.m.

PRESIDING:

Senator John Sampson
Chair
Senate Standing Committee on Judiciary

PRESENT:

Senator John A. DeFrancisco (R)

Senator Bill Perkins

LIST OF PARTICIPANTSSTATEMENT

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3	Martin R. Gold	
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1 we have and the amount of opaqueness that
2 our agency has, this is a perception
3 problem, even though we personally behave in
4 a saintlike way.

5 These should be the people who are
6 advising you on how to fix the problem. And
7 the fact that they are not I find deeply
8 offensive, and I personally feel very
9 suspicious of them.

10 CHAIRMAN SAMPSON: Well, I don't
11 think, Mr. Altman -- this is why we are
12 having these proceedings. They did come
13 forward. They expressed -- now you
14 expressed your belief. And this is why we
15 have these hearings, so we can get to the
16 bottom of this.

17 MR. ALTMAN: Thank you.

18 CHAIRMAN SAMPSON: Thank you very
19 much, Mr. Altman.

20 The next witness is Luisa Esposito, of
21 West Hempstead, New York.

22 MS. ESPOSITO: Good afternoon.

23 CHAIRMAN SAMPSON: Good afternoon.

24 MS. ESPOSITO: My name is Luisa

1 Esposito, and I believe these serious
2 matters that are being brought forth by the
3 public are of urgent importance and it begs
4 for your immediate attention and involvement
5 in your honorable pursuit to defend and
6 promote justice.

7 On or about July 8, 2005, and
8 September 16, 2005, Attorney Allen H. Isaac,
9 while representing me on an auto accident
10 case, sexually assaulted me by putting his
11 hand inside my bra and grabbing my nipple
12 and all. On September 16th, Isaac locked me
13 in his office and wanted me to try clothing
14 on in front of him. He used extortion and
15 coercion to try to get me to fellate him.
16 And after hanging up on a phone call, Isaac
17 came from behind and grabbed both of my
18 breasts. While leaving his office, he
19 grabbed my buttocks. This was witnessed by
20 two people.

21 On October 7, 2005, I was wired by a
22 private investigator, and hence an
23 approximate 1 hour, 49 minute audio-video
24 DVD tape was produced with Isaac admitting

1 to his crimes.

2 I reported these crimes, along with
3 irrefutable evidence and witnesses, to the
4 New York County District Attorney's Office
5 Sex Crimes Unit, Manhattan Special Victims
6 Unit, the New York State Attorney General's
7 Office, and other various investigatory
8 agencies, including the First Departmental
9 Disciplinary Committee, in hopes of a
10 resolution towards justice. But instead, I
11 was further victimized and treated as if I
12 were the criminal. All of my pleas were
13 either dismissed or ignored.

14 As a result of these flagrant abuses, I
15 presently have a case pending in front of
16 the Second Circuit Court of Appeals, *Luisa*
17 *C. Esposito v. The State of New York, et*
18 *al.*, 08-4879-CV, as well as several others
19 which had been marked related to *Christine*
20 *Anderson v. The State of New York, et al.*,
21 07 Civ. 9599 (SAS). These cases involve
22 shocking allegations regarding systemic
23 corruption within the New York State Ethics
24 Committee.

1 I believe my complaints to the ethics
2 panel against my former attorney, Allen
3 Isaac, Docket No. 2005-3074, are being
4 whitewashed, ignored, and mishandled, the
5 very same practices that are very similar to
6 several others.

7 The First Department Departmental
8 Disciplinary committee, DDC. The level of
9 malice and corruption at the First
10 Department Departmental Disciplinary
11 Committee cannot be overstated.

12 On or about October 2005, I filed a
13 grievance complaint at the DDC pertaining to
14 serious allegations against my former
15 attorney, Allen Isaac. The complaint
16 regarded sexual abuse, extortion, coercion,
17 and corrupt influence on judges. When my
18 complaint was forwarded for prosecution
19 approximately two years later, Ms. Naomi
20 Goldstein was the attorney selected by the
21 DDC to prosecute this, Docket No. 2005-3074.

22 On or about April 2007, the hearings
23 began against Mr. Isaac, who was represented
24 by Michael Ross and Richard Godosky. I

1 asked the court and Ms. Goldstein if I could
2 have my attorney present during the
3 proceedings, and Ms. Goldstein and the court
4 told me I wasn't allowed to have my attorney
5 present during the hearings. This was
6 clearly an abuse and violation of my rights.

7 It soon became obvious that
8 Ms. Goldstein was not representing my
9 interests but rather protecting my
10 assailant, Mr. Isaac, by the most fraudulent
11 and despicable means. For example,
12 Ms. Goldstein presented altered and redacted
13 evidence to the court instead of the
14 original transcript of the A/V DVD tape and
15 evidence that I had given her. This
16 evidence is an approximate 1 hour, 49 minute
17 videotape that records Mr. Isaac explicitly
18 demanding oral sex from me in return for his
19 legal services, admitting to his sexually
20 assaulting me, and boasting that he could
21 command favors from various judges.

22 The committee and Ms. Goldstein used a
23 transcription of a copy of the videotape
24 that Herbert Waichman of Parker & Waichman

1 submitted to the committee. The court would
2 not allow my original certified copy, tape
3 and transcript, into evidence. The version
4 of the DVD transcript Ms. Goldstein
5 presented was heavily altered and redacted,
6 and omitted the critical sections most
7 damning to Mr. Isaac. Ms. Goldstein
8 cherry-picked what she wanted to submit into
9 evidence.

10 Another example. When Ms. Goldstein
11 asked me to testify under oath to my
12 certified copy of the A/V tape's accuracy,
13 she then handed it back to me and did not
14 submit it into evidence. Instead, Ms.
15 Goldstein submitted the copy of the tape
16 that Mr. Waichman submitted to the committee
17 back in 2006. Ms. Goldstein did not allow
18 me to listen to Mr. Waichman's copy of the
19 tape with the court, as promised, but
20 instead the court listened to it in front of
21 the attorneys without my presence.

22 When I tried to address these serious
23 and unethical and flawed matters to various
24 individuals within the committee and outside

1 of the committee, my pleas were immediately
2 dismissed and ignored. Therefore, as a
3 result of their unethical practices, I
4 became very ill and could no longer continue
5 to attend the hearings as a witness and
6 complainant.

7 I will quote a part of the audio-video
8 DVD tape where Isaac is heard boasting about
9 a case that was in front of the First
10 Department Appellate Division and how he had
11 influence on that appeal regarding the
12 \$200 million fen-phen case: "Yesterday I
13 was in the Appellate Court First
14 Department -- not the Second Department.
15 The Second Department is tougher than the
16 First Department. I was in the First
17 Department. There were 16 cases, and my
18 case was the last. I wasn't arguing it, but
19 the client wanted me there because some of
20 the judges on the panel are very close to
21 me. So I wanted them, the appellate judges,
22 to know that I'm really interested in that
23 case. This is all bullshit politics. And
24 they saw me, so I wanted them to know that

1 I'm really interested in that case. That
2 case, you know, is worth \$200 million. Not
3 this."

4 To whom and where do you report this
5 kind of outrage on the citizens of New York?

6 Wherefore, I bring this before the
7 Senate Judiciary Committee and pray that you
8 have the courage to bring these people to
9 justice before they do irreparable harm to
10 our society's perception of the courts.

11 CHAIRMAN SAMPSON: Ms. Esposito, the
12 question I have is do you still have a
13 pending case before the --

14 MS. ESPOSITO: My case is still open
15 and pending four years later.

16 I'd also like to mention that when I
17 reported the New York County District
18 Attorney, Lisa Friel, to the First
19 Department Disciplinary Committee, within 10
20 days that complaint was dismissed.

21 CHAIRMAN SAMPSON: What complaint was
22 dismissed?

23 MS. ESPOSITO: The ADA Lisa Friel. I
24 had filed a complaint --

1 CHAIRMAN SAMPSON: A criminal
2 complaint?

3 MS. ESPOSITO: No, a complaint
4 against her regarding -- well, I mean, if
5 it's criminal I really don't know.

6 CHAIRMAN SAMPSON: I'm just trying to
7 understand. You filed a complaint against
8 who?

9 MS. ESPOSITO: I filed a complaint
10 against the ADA at the New York County
11 District Attorney's Office.

12 CHAIRMAN SAMPSON: Oh, the ADA in
13 the --

14 MS. ESPOSITO: The New York County
15 District Attorney's Office. I filed a
16 complaint against ADA Lisa Friel. And that
17 complaint, when I filed it at the First
18 Department Disciplinary Committee, was
19 immediately dismissed within 10 days. And
20 then I refiled again; I haven't heard back
21 from anybody.

22 I've written letters to Alan Friedberg,
23 I've written letters to Thomas Cahill, I've
24 written letters and --

1 CHAIRMAN SAMPSON: Since the parties
2 are still here, we'll follow up with that,
3 Ms. Esposito.

4 MS. ESPOSITO: All right. Thank you
5 so much.

6 CHAIRMAN SAMPSON: Thank you very
7 much for your testimony.

8 Ladies and gentlemen, I have to take
9 about a five-minute break and resume in --
10 we'll resume in about 10 minutes, because I
11 just have to run somewhere. Ten minutes,
12 and we'll resume the session again. So just
13 take a 10-minute break, walk around, get rid
14 of all your anxieties. We're going to try
15 to get through this today.

16 Thank you very much.

17 (Brief recess taken.)

18 CHAIRMAN SAMPSON: The next witness
19 is Mr. Galison, William Galison.

20 Mr. Galison, where are you?

21 MR. GALISON: Here.

22 CHAIRMAN SAMPSON: Mr. Galison, you
23 know the routine, you've been with me a
24 couple of hearings. Let's get to the point,