

1 NEW YORK STATE SENATE  
2 STANDING COMMITTEE ON JUDICIARY

3 -----  
4 PUBLIC HEARING IN THE MATTER OF  
5 AN EXAMINATION OF THE JUDICIAL DISCIPLINARY PROCESS  
6 -----

7 Senate Hearing Room  
8 250 Broadway  
9 19th Floor  
10 New York, N.Y.

11 September 24, 2009  
12 Thursday  
13 10 a.m.

14 BEFORE: Senator John Sampson  
15 Chair  
16 Judiciary Committee

17 Senator Bill Perkins  
18 Chair  
19 Corporations, Authorities & Commissions

20 Senator George D. Maziarz

21 Senator Eric Adams

22 Senator Ruben Diaz

23 OTHER STAFF MEMBERS:

24 Shelly Mayer  
Majority Counsel

Lisa Lashley  
Counsel

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1 loving family than to have lost my children  
2 and had them alienated in the process.

3 SENATOR SAMPSON: Thank you.

4 MR. ARUTI: And accordingly, and in  
5 an opinion by Clarence Thomas, where he was  
6 dissenting, I believe it was Troxel versus  
7 Granville, where he went so far as to say  
8 well, I concur, however the court has not  
9 reached the issue as to what level of  
10 scrutiny should be applied to these.

11 And he volunteered that he was of the  
12 position that this is something that  
13 requires strict scrutiny.

14 SENATOR SAMPSON: Got you. Thank you  
15 very much, Mr. Aruti.

16 MR. ARUTI: The protections are not  
17 there in the Family Court Act.

18 SENATOR SAMPSON: We will work on it.

19 MR. ARUTI: Our children are our  
20 future.

21 SENATOR SAMPSON: Terrence Finnan.

22 MR. FINNAN: Here is a copy you might  
23 look at it. I have a large number of issues  
24 with the court system and the complaints

1           against lawyers, I'm not going to do it, I'm  
2           going to stick it, I have made five  
3           complaints to the Commission on Judicial  
4           Conduct.

5                     Right now -- I made five complaints to  
6           the Commission on Judicial Conduct.

7                     Right now I have a number of health  
8           problems, my life -- I've been defibrillated  
9           five times, I've had three heart operations,  
10          a stroke, and a huge number of other  
11          operations.

12                    SENATOR SAMPSON:        You look pretty  
13          good to me, man.

14                    MR. FINNAN:         Now I'm going to go into  
15          my letter to Mr. Tabeckian and he left the  
16          room.

17                    SENATOR SAMPSON:        He's right behind  
18          you.

19                    MR. FINNAN:         It says Dear Mr.  
20          Tabeckian and CJ members, please use this  
21          opportunity for you based on information  
22          provided to preserve your honor and faith.

23                    I make you aware of my disability and  
24          demand that Mr. Tabeckian not allow this

1 corrupt Judge Ryan to abuse me because of  
2 limitations of my disability.

3 I'm going to skip this part about my  
4 disability and on the next says Judge Ryan  
5 moved up a two week later scheduled court  
6 hearing until later in the same morning  
7 while I was in intensive cardiac care and  
8 notice to me was a call made by his staff to  
9 the hospital which did not send calls into  
10 cardiac intensive care.

11 Now my question is do you, Mr.  
12 Tabeckian, or any of the commission members,  
13 think calling up the hospital to move a  
14 trial up to later that same morning excuses  
15 the resulting ex parte trial?

16 And Mr. Tabeckian, you and each member  
17 of the CJI are compelled by law and human  
18 decency to stop this unethical judge.

19 I brought this up by motion, the judge  
20 says gee, you know, I got notice. He sent I  
21 found out that the judge sent a fax to my  
22 home then and -- because I don't even have a  
23 fax machine, and I am in cardiac intensive  
24 care.

1                   This isn't funny, because I don't want  
2 my life destroyed.

3                   I have a lot -- there is \$1 million in  
4 assets in this thing, and I don't want to be  
5 cheated by a Judge Ryan, and I have multiple  
6 other things.

7                   Judge --

8                   SENATOR SAMPSON:       When you say --  
9 where does Judge Ryan is sit?

10                  MR. FINNAN:       Judge Ryan is an acting  
11 Supreme Court Judge, he's a Surrogate Judge  
12 and the court is in Essex County, but he  
13 sits in Clinton County.

14                  SENATOR SAMPSON:    He's acting  
15 Surrogates Court?

16                  MR. FINNAN:       Supreme Court Judge.

17                  SENATOR SAMPSON:    Exact acting  
18 Supreme Court Judge.

19                  MR. FINNAN:       In Essex County, but  
20 Surrogate Judge in Clinton County.

21                  SENATOR SAMPSON:    He's an acting  
22 Supreme Court in the Surrogates Court?

23                  MR. FINNAN:       The court appoints  
24 acting Supreme Court Judges to act as

1 Supreme Court Judges because we don't have  
2 enough.

3 SENATOR SAMPSON: And this is Judge  
4 Ryan and Ryan is located in Clinton County?

5 MR. FINNAN: Clinton County, it's the  
6 Clinton County court, the Surrogate Judge.

7 SENATOR SAMPSON: Your matter before  
8 him is a surrogate matter?

9 MR. FINNAN: No it's a matrimonial  
10 matter. It's a settlement of the thing,  
11 it's been going on for six years.

12 Basically my wife went to the thing,  
13 she explained that all the marital property  
14 was really her separate property, so he gave  
15 it all to her, even though I sent him copies  
16 of all the joint bank accounts.

17 SENATOR SAMPSON: This case is still  
18 pending, correct?

19 MR. FINNAN: Well, technically I will  
20 file a motion to reconsider based on the  
21 fact my complaint here did that and --

22 SENATOR SAMPSON: Are you represented  
23 by an attorney?

24 MR. FINNAN: I was represented by an

1 attorney, the reasons I'm not represented by  
2 an attorney, I didn't want to get into at  
3 this point, but basically it is related to  
4 the judge, several attorneys were informed  
5 by the judge that I had to lose the case.

6 So what happens is would you like an  
7 attorney who says I can't bring this to  
8 court because I don't want to offend the  
9 judge?

10 I made the -- those are others  
11 complaints which I told you I don't want to  
12 get into at this point.

13 Because I want -- everybody I know  
14 wants to go home, but I'm asking your help  
15 to do this.

16 Are there any other questions, Senator  
17 Sampson? I promised to be very brief.

18 SENATOR SAMPSON: No more questions,  
19 thank you very much. Next individual Ms.  
20 Weisshaus. Ms. Weisshaus, good seeing you  
21 again, Ms. Weisshaus.

22 MS. WEISSHAUS: Thank you, Senator  
23 Sampson.

24 I didn't prepare a speech for myself