

DORIS L. SASSOWER

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January 22, 1993

Commission on Judicial Conduct  
Agency Building 1, 11th Floor  
The Nelson A. Rockefeller Empire State Plaza  
Albany, New York 12223

Att: Albert B. Lawrence, Clerk

RE: Samuel G. Fredman  
Justice of the Supreme Court  
Westchester County

Dear Mr. Lawrence:

Your perfunctory, three-sentence January 20, 1993 letter, purporting to be a "response" to my letter of December 4, 1992, hardly befits an agency established to police the judiciary and protect the public. As shown by my December 4th letter, I made specific charges of fraud and other judicial misconduct by Judge Samuel Fredman--all of which I documented with references to pertinent portions of my Appellants' Brief and Appendix filed with the Appellate Division in the case of Breslaw v. Breslaw. Such documentary evidence is unassailable and requires the Commission to take disciplinary action, including removing Judge Fredman from the bench.

Immediately upon receipt of your inexplicable dismissal letter, I telephoned your Albany office to discuss it with you directly. I was told by your secretary, Sharon, that you "do not take calls". She would give me no information as to the specific reasons for the dismissal disposition and would not state whether Commission members had themselves reviewed my December 4th transmittal, whether they had considered or acted on it at any formal meeting, or the date thereof. She told me that the transmittal might have been reviewed by "either a lawyer or an investigator", but would not identify such person(s) or who actually made the dismissal disposition. I requested an opportunity to meet with a member of the Commission to discuss this matter personally and asked that she convey such request to you. After telling me, rather rudely, that I should put my requests in writing, Sharon unceremoniously hung up.

I, therefore, hereby request a response to all of my foregoing inquiries.

I do not believe that any objective lawyer could have reviewed my December 4th transmittal and deemed it dismissible, let alone on the clearly erroneous ground set forth in your letter, i.e., that it contained "no new allegations". If anything proves that my transmittal was never read by whoever made the dismissal decision, it is this statement--since the specific allegation of fraud, set forth in the second paragraph of my December 4th coverletter, was never previously asserted.

The fraud committed by Judge Fredman was his issuance of a knowingly false and defamatory July 13, 1989 decision concerning me (A-32-7), which he released to the media (A-342), including The New York Law Journal, which published it in full (A-281). Such July 13, 1989 decision was based upon my alleged non-appearance for a contempt proceeding on July 10, 1989. In fact, as the record shows, the case was not on the Court's calendar on that date (A-128-9) and the Court Reporter noted no appearances on either side (A-126-7).

As a result of this malicious fraud by Judge Fredman (Br. 8-9, 25-6, 61) and his refusal to follow black-letter law and the ethical mandates of the Code of Judicial Conduct, I suffered irreparable injury and was dragged through a factually and legally unfounded proceeding, costing me, as well as the taxpayers of this State, tens of thousands of dollars for countless hours of legal and judicial time.

To the extent your dismissal letter refers to my 1991 letter to the Governor--which was not a complaint directed specifically against Judge Fredman--the documentary proof presented by my December 4th transmittal shows that the Commission's dismissal of such letter was not only precipitous, but palpably erroneous.

Considering the irrefutable proof you now have before you of a judge who, in addition to being intellectually dishonest and incompetent, may well be suffering from pathological disease, such as paranoia, or early senility, or both--your concluding sentence that "the matter cannot be reconsidered" is incomprehensible. May I remind you that the Commission's duty is to protect the public. The evidence I have presented is more than sufficient to establish "probable cause" for investigation.

The evidence transmitted under my December 4th coverletter includes:

- (1) An affidavit by the Court Reporter (A-126-7) and his official court calendar for July 10, 1989 (A-128-9)--establishing the fraud by Judge Fredman.

- (2) All of Judge Fredman's decisions in the case of Breslaw v. Breslaw (A-9-56)--constituting prima facie evidence of his emotional instability and unabashed ignorance and disrespect for the law.
- (3) Trial transcript excerpts (Br. 44-9, 52-8), highlighting a pattern of intemperate and injudicious conduct, as well as ignorance of, and disregard for, basic and controlling legal and ethical principles.
- (4) A filed statement of political contributors to Judge Fredman's campaign for election (A-323)--showing a \$500 political contribution from my adverse counsel's law firm shortly before my first court appearance before Judge Fredman in the Breslaw matter.

The foregoing substantiating proof is in addition to the legal authority, set forth at length throughout my Appellants' Brief. As shown by the trial excerpts therein, Judge Fredman's view of controlling law is characterized by a pattern of ignorance, indifference, and open hostility--his stated position being that litigants should save their legal arguments for an appeal (Br. 31-2, 53, 57).

I request a telephone conference with either you or Gerald Stern to discuss the manner in which the Commission has approached this documented complaint. Its dismissal thereof is either evidence of the Commission's dereliction or of its "double standard" when a judge with the right political "connections" is the subject of complaint before it.

Very truly yours,

  
DORIS L. SASSOWER

DLS/er

cc: Gerald Stern, Administrator, Commission on Judicial Conduct  
Lee Kiklier, Administrative Assistant,  
Commission on Judicial Conduct  
G. Oliver Koppell, Chairman, Assembly Judiciary Committee