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 PARTICIPANTS

<table>
<thead>
<tr>
<th>Statement</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Martin R. Gold</td>
<td>9-34</td>
</tr>
<tr>
<td>Alan W. Friedberg</td>
<td></td>
</tr>
<tr>
<td>First Department DDC</td>
<td></td>
</tr>
<tr>
<td>Christine C. Anderson, Esq.</td>
<td>34-48</td>
</tr>
<tr>
<td>Kevin McKeown</td>
<td>48-63</td>
</tr>
<tr>
<td>Hon. Thomas A. Klonick</td>
<td></td>
</tr>
<tr>
<td>Robert H. Tembeckjian</td>
<td></td>
</tr>
<tr>
<td>Commission on Judicial Conduct</td>
<td>63-79</td>
</tr>
<tr>
<td>Justice Duane A. Hart</td>
<td>80-97</td>
</tr>
<tr>
<td>Pamela Carvel</td>
<td>98-109</td>
</tr>
<tr>
<td>Paul H. Altman</td>
<td>109-120</td>
</tr>
<tr>
<td>Luisa C. Esposito</td>
<td>120-128</td>
</tr>
<tr>
<td>William Galison</td>
<td>129-143</td>
</tr>
<tr>
<td>Eleanor Capogrosso, Esq.</td>
<td>143-158</td>
</tr>
<tr>
<td>Robert Ostertag</td>
<td>158-169</td>
</tr>
<tr>
<td>NYS Bar Association</td>
<td></td>
</tr>
<tr>
<td>John A. Aretakis, Esq.</td>
<td>169-182</td>
</tr>
<tr>
<td>Michael Kelly</td>
<td>182-185</td>
</tr>
<tr>
<td>Kathryn Grace Jordan</td>
<td></td>
</tr>
<tr>
<td>End Discrimination Now</td>
<td>185-191</td>
</tr>
<tr>
<td>James A. Montagnino, Esq.</td>
<td>192-203</td>
</tr>
<tr>
<td>Ruth M. Pollack, Esq.</td>
<td>204-216</td>
</tr>
<tr>
<td>Kevin Patrick Brady</td>
<td>217-219</td>
</tr>
<tr>
<td>Carl Lanzisera</td>
<td>219-225</td>
</tr>
<tr>
<td>Americans for Legal Reform</td>
<td></td>
</tr>
</tbody>
</table>
CHAIRMAN SAMPSON: I'd like to just get this hearing started. And I apologize for my tardiness.

First of all, I want to welcome all those who are attending this hearing dealing with the disciplinary process as it refers to lawyers and also to judges in the State of New York. My name is Senator John Sampson, I'm from the 19th Senatorial District, along with my colleague Senator John DeFrancisco, who is from the Syracuse region.

Am I correct, Senator?

SENATOR DeFRANCISCO: That's correct.

CHAIRMAN SAMPSON: And we want to welcome you all here this morning.

This is the first in a series of hearings that will examine the disciplinary process for lawyers and judges in the State of New York. When a complaint comes to a disciplinary body, we want to know how is it being handled, how many people examine the complaint to decide what the process is, what review mechanisms are in place to
ensure that once the decision is reached it is fair and according to the rules of law.

These are just a few questions that we'll be examining during the course of this hearing. I know many of you have traveled great distances to be here today to observe and to participate in today's hearing. I would like to take this opportunity to thank you all. Your participation and input on the disciplinary process will help the committee determine what if any measures are needed to improve or repair the system so that the members of the public as well as the lawyers and judges are all treated fairly and equitably by the disciplinary system.

This hearing has generated a great deal of interest from the public. A lot of people want to speak today, but unfortunately the committee was not able to accommodate them all due to the limited time. We have about 30 witnesses, close to 30 witnesses. I'm going to try to ask everybody to keep their comments within five
minutes. We want to get to the point so we can have, you know, the interchange between questions and answers.

And due to the number of responses we received, the committee will conduct additional hearings in New York City as well as in Western New York so that we can get a better understanding of the total picture across the state and accommodate those who couldn't testify today.

As I indicated, we have about 30 individuals who are going to testify, and I do apologize for that. But we're going to try to be as swift as possible.

As I said, this hearing will examine the disciplinary process for the judges and attorneys in the State of New York. Judges in our state are disciplined by the Commission on Judicial Conduct. The commission acts pursuant to Article 6, Section 22 of the New York State Constitution. This law was put in place in 1978, after the people of New York spoke with one voice that there needed to be a
better system for judicial discipline.

The Legislature acted through the Judiciary Law to codify what the people asked for. Article 2 of the Judiciary Law sets out the powers and duties of the commission. The commission consists of 11 individuals, four appointed by the Governor, one by the Temporary President of the Senate, one by the Minority Leader of the Senate, one by the Speaker of the Assembly, one by the Minority Leader of the Assembly, and three by the Chief Judge of the Court of Appeals.

This commission is empowered to censure, admonish or remove judges from office if necessary. They can subpoena witnesses, compel courts to release records to them, offer immunity to witnesses, investigate written complaints about judges or, on their initiative, conduct investigations concerning judges of the United Court System.

There are approximately 3500 judges and justices in the New York State Unified Court
complaints of judicial misconduct, and of these the commission conducted 262 full-fledged investigations, along with 174 investigations that were pending from 2007.

Dealing with attorney discipline in New York is governed by the Appellate Division of the State of New York Supreme Court. The rules that govern attorney conduct and discipline are found in rules of professional conduct. Lawyers who violate those rules are subject to discipline. This discipline can take the form of a letter of caution, an order of public censure, suspension or disbarment of the attorneys. Only complaints that do result in formal disciplinary action, censure, suspension or disbarment are available to the public.

Once again, ladies and gentlemen, I want to thank you very much for being here today. We're going to try to conduct this hearing as quickly as possible in an orderly fashion.

And I would like to introduce one of my
colleagues who just came, Senator Perkins, from New York City, from Harlem.

But at this point in time I would like my colleague Senator DeFrancisco to say a few words.

SENATOR DeFRANCISCO: My words are very few.

Everybody is handing in a written presentation. Do me a favor, because I've gone through many, many hearings in the last 17 years. Assume, just for the sake of argument, that we can read. You know, maybe that's a bad assumption on behalf of officials in state government, but let's assume that we can read. And get to the main points of your presentation. Otherwise, we'll never get you to say what's really on your mind and we get into a reading contest, which doesn't do anybody any good, and those who are here towards the end of the list will be here about 4 o'clock this afternoon waiting for their turn.

So please do that, and it will really be helpful for all of us. Thank you.
CHAIRMAN SAMPSON: Senator Bill Perkins.

SENATOR PERKINS: I'm going to be even briefer.

I of course echo the sentiments of my colleague in terms of the fact that the testimony has been written, and a brief summarization that allows us to sort of explore your questions and concerns more would be helpful.

And I just also want to compliment the chairman for his vision with respect to this committee, and particularly on this issue which is of such great importance to many of us. And I just want to urge him to keep up the good work.

CHAIRMAN SAMPSON: Thank you very much, Senator Perkins.

Without further ado, we're going to get started. The first witness is Martin Gold, a member of the First Department Departmental Disciplinary Committee, and also Alan Friedberg, chief counsel, First Department Departmental Disciplinary
Welcome, gentlemen. Good morning.

MR. GOLD: Good morning. Thank you.

Mr. Chairman, distinguished members of the committee, my name is Martin R. Gold. I am a lawyer in New York City and a partner in Sonnenschein, Nath & Rosenthal, a large national law firm. I'm a volunteer member of the Departmental Disciplinary Committee for the First Judicial Department appointed by the Appellate Division. I am also a senior member of the policy committee of the Disciplinary Committee.

The chairman of the committee, Mr. Roy Reardon, very much wanted to be here today and to attend this hearing and participate, but another commitment made that impossible. And he asked me to attend in his place, and it's my pleasure to do so.

With me is our chief counsel, Alan Friedberg. Together we will provide you with a description of the operation of the attorney disciplinary system in the First Department and answer any questions you may
have concerning our operation.

The Departmental Disciplinary Committee was established by the Appellate Division, First Department, to assist in the court's role in disciplining attorneys in the First Department, which consists of New York and Bronx Counties. Members of the committee are all appointed by the Appellate Division. They are all volunteers.

There are approximately 80,000 attorneys in the First Department. As I have indicated, Mr. Reardon is chairman of the committee. The committee also receives hands-on guidance from the Policy Committee appointed by the Appellate Division from the members of the committee. The Policy Committee oversees the general functioning of the committee and the staff and also provides direction on pending issues.

Now, the Appellate Division has adopted public rules and procedures governing the Departmental Disciplinary Committee and rules governing the conduct of attorneys. These rules are available to the public,
together with the rules of professional conduct which govern attorney conduct, on the Departmental Disciplinary Committee website, which is part of the Appellate Division website.

Also available on the website is information about the committee, including information concerning how a complaint can be filed. Information about filing a complaint is also available to members of the public who call or visit the committee's offices. Complaint forms are available in English, Spanish, and Chinese.

It is important to note that the purpose of attorney discipline is not to mediate disputes between attorneys and clients or to vindicate the rights of complainants. Such matters can best be handled by the court system. Generally fee disputes, issues of legal strategy, and single incidents of malpractice that might be addressed in a civil matter do not constitute misconduct. The Appellate Division and the committee must devote its
limited resources to the limited remedial
options within its jurisdiction.

Pursuant to Section 90, Subdivision 10,
as Senator Sampson mentioned, of the
Judiciary Law, all materials concerning an
investigation or proceeding concerning an
attorney's conduct are sealed until the
Appellate Division issues a decision
sustaining charges of misconduct concerning
an attorney. When the Appellate Division
issues such a decision, the record of all of
the proceedings becomes public.

The Office of the Chief Counsel of the
Disciplinary Committee is staffed by 23
attorneys. The staff attorneys screen
complaints, investigate allegations of
misconduct, and prosecute cases at hearings.
As I have indicated, Mr. Alan Friedberg is
the chief counsel.

Here is the process by which a
complaint is handled. When a complaint is
received at the committee, it is immediately
assigned to a staff attorney to be screened.
Investigations may also be commenced by the
chief counsel on his own initiative, even in
the absence of a complaint from a third	party.

Since numerous attorneys have offices
in more than one location in the state, the
address that an attorney lists in
registering with the Office of Court
Administration determines which disciplinary
body exercises jurisdiction over that
attorney. Complaints against an attorney
who is registered at an address in another
judicial department are referred to the
appropriate disciplinary body. Accordingly,
each regional disciplinary agency is able to
keep a record of all complaints filed
against that attorney.

Complaints against judges are referred
to the Commission on Judicial Conduct; we
have no jurisdiction over them.

The staff attorney who screens the
complaint reviews the entire complaint,
including attachments, and may choose to
interview the complainant, obtain court
documents, or obtain documents or
information from the attorney who is the subject of the complaint. If the staff attorney believes the allegations are likely to warrant formal charges, he or she refers the matter to the chief counsel for immediate assignment.

If the chief counsel concurs that the allegations are likely to warrant formal charges, the complaint is immediately assigned to a staff attorney for investigation, which may include obtaining a written response from the respondent attorney, scheduling testimony of the respondent attorney or others, and obtaining records, including court records and bank records. All of them, we have subpoena power to do that.

In cases where there's conclusive evidence of serious misconduct or failure to cooperate with the committee, the committee is authorized to make an immediate motion to seek an attorney's interim suspension during the proceedings.

If the allegations appear less serious,
the screening attorney may determine to seek
the written response of the respondent
attorney. When that is obtained, it is sent
to the complainant, who is requested to
reply to the attorney's response. After
obtaining this information, the screening
staff attorney may recommend, in writing,
dismissal or assignment of the matter to a
staff attorney for further investigation.

Each recommendation is reviewed by the
chief counsel, who may determine to assign
the matter to a staff attorney for
investigation or recommend dismissal of the
complaint.

If the recommendation of the chief
counsel is to dismiss the complaint, the
chief counsel signs the recommendation
memorandum and the entire file, including
the memorandum, is sent to one of the 55
members of the Departmental Disciplinary
Committee who must approve the dismissal.

If the complainant seeks
reconsideration, the matter is sent to
another attorney committee member who must
also approve dismissal. And if there's
disagreement, we have procedures to deal
with that.

The committee members are appointed by
the Appellate Division and include
experienced practicing attorneys, former
prosecutors, and approximately one-third are
lay members.

CHAIRMAN SAMPSON: So this committee
that reviews it, they are appointed by
members of the disciplinary --

MR. GOLD: These are the members of
the committee, the disciplinary committee,
all of whom were appointed by the court.

CHAIRMAN SAMPSON: Okay.

MR. GOLD: The types of complaints
that are dismissed include those complaints
expressing general dissatisfaction with the
outcome of a case without an allegation of
specific misconduct by an attorney, a very
common kind of complaint. There's a losing
side in every litigation.

CHAIRMAN SAMPSON: We know that.

And, Mr. Gold, we're just trying to keep
everything within five minutes, because we have quite a few --

MR. GOLD: Well, I'm going to the heart of what you're asking about --

CHAIRMAN Sampson: Okay. If you can, that would be great.

MR. GOLD: -- is how these things are reviewed internally and what are our procedures.

The committee has discretion to refer action concerning possible misconduct by an attorney until litigation in the court system is concluded. The exercise of that discretion is done on a case-by-case basis.

If the staff attorney determines that the allegations do not constitute misconduct, the screening attorney may recommend that the complaint be rejected without seeking a response from the respondent attorney. In such a case the screening attorney's written memorandum is reviewed again by the chief counsel, who, if he agrees with the recommendation, signs the memorandum, and again the entire file is
sent to a committee member who must approve the rejection.

Following an investigation, which may include depositions, subpoenaed documents, interviews, the attorney writes a memorandum recommending action on the complaint. The memorandum again must be approved by chief counsel. If the recommendation is for dismissal, the entire file again goes to a committee member for approval. And again, there's a procedure for reconsideration if the complainant seeks such reconsideration.

If the recommendation is for a letter of admonition or the filing of formal charges, it must be approved by two separate attorney members of the Policy Committee of the committee, which is composed of nine attorneys and three laypersons. The members review a file; if two members approve an admonition, a confidential admonition is sent to the respondent attorney and the complainant is notified.

An admonition, although private, is considered discipline and may be used as
aggravation if further charges are filed against the attorney. If two attorney members of the Policy Committee, after reviewing the file, approve charges, the Appellate Division appoints a referee who conducts a hearing, which is essentially a trial. The rules of evidence apply.

The referee's recommendation is then reviewed by a panel, usually of four members of the Disciplinary Committee, who make a recommendation to the Appellate Division as to misconduct or possible action.

SENATOR PERKINS: Excuse me. Maybe we can get to the balance of what you're going to share with some questions that I think are coming up.

MR. GOLD: Fine.

SENATOR PERKINS: For instance -- if you don't mind, Mr. Chair -- I'm looking sort of like for some statistical information in terms of how many complaints --

MR. GOLD: I'm coming to that, but I'll --
SENATOR PERKINS: So I might as well ask the question so you can get to it, and that way we can try and have a conversation. Because, you know, one of the wonderful things, Mr. Chairman, is that this is such a great turnout, there's a lot of folks here. And it's going to take a lot of time, so --

MR. GOLD: Well, let me just jump to the statistics that we have.

SENATOR PERKINS: Okay.

MR. GOLD: In 2008 the committee received approximately 3300 complaints concerning attorneys. Five hundred twenty-five of these were dismissed without seeking responses from the respondent attorney because these complaints did not describe conduct that violated the rules which the committee enforces. An additional 367 complaints were referred to other disciplinary agencies, such as when a complaint is made against an attorney in a different department.

And also included in that number are complaints against nonattorneys, such as the
unauthorized practice of law. Those things we refer to the district attorney's office.

Of the remaining cases, responses are sought and other forms of investigation are commenced.

In 2008, 21 attorneys were disbarred after hearings, that's after full hearings. Eight attorneys submitted disciplinary resignations, 22 attorneys were suspended, and two were publicly censured. In addition, approximately 1900 complaints were dismissed by the committee and 58 attorneys received private admonitions.

Now, I can say -- these are the 2008 statistics -- I've been a member of the committee for quite some time, and I would say that this was a representative year.

CHAIRMAN SAMPSON: That's usually the -- that's the norm, or are there more complaints, less complaints?

MR. GOLD: I think this is typical.

CHAIRMAN SAMPSON: Typical?

MR. GOLD: Mm-hmm. A typical kind of a year.
CHAIRMAN SAMPSON: And when you were talking about the issue, if there is a question where, say, the staff attorney is uncertain whether this rises to the level of an attorney being disciplined, does he then go speak to the chief counsel?

MR. GOLD: Absolutely. Each staff attorney -- now, let me turn this one over to Alan Friedberg, because he handles the staff.

MR. FRIEDBERG: If there's any question that there might be misconduct, we would proceed with it.

But we get many complaints that are just somebody who might have lost a criminal or civil case and just said "I lost, and I'm blaming it on my lawyer." If there's no grounds for misconduct, then those are rejected without seeking a response.

But in most cases we do seek the response of the attorney, and then that response, which we call an answer, is sent to the complainant for what we call a reply. And then when that comes in, we make a
determination in every case.

And that's 3300 to 3500 complaints a year, I review them. And for any dismissal, a committee member must review it, an attorney committee member. And if reconsideration is sought, a second attorney committee member must review it.

For anything that may go to charges or an admonition, two attorney Policy Committee members must review it and approve.

CHAIRMAN SAMPSON: And dealing with the -- and usually there's one staff attorney who works on these complaints? Or,

MR. FRIEDBERG: Well, almost all the attorneys screen cases except for several of the supervisors. So it's just randomly given out to the next attorney. Our intake people just give it out --

CHAIRMAN SAMPSON: How many cases do they normally handle?

MR. FRIEDBERG: Well, they normally have about 50 cases for -- not for screening, for investigation. And they
probably would screen 3300 complaints
divided by 21 or 20 attorneys who are
screening, 150 a year, three a week, I'm
assuming.

Most of our staff is very experienced.

Many are former prosecutors.

MR. GOLD: Senator, let me just add
one thing. In cases where there's internal
disagreement or, say, the chief counsel in
his own mind looks at a case and says "This
one is kind of close, I don't know what we
ought to do," he'll take it to the chairman,
to Mr. Reardon.

Sometimes when Mr. Reardon looks at a
case, he says, "Let's bring this to the
whole Policy Committee."

CHAIRMAN SAMPSON: I gotcha. So if
there's a question such as that, it then
goes to the entire Policy Committee?

MR. GOLD: It could, yes.

CHAIRMAN SAMPSON: How many members
of the Policy Committee?

MR. FRIEDBERG: There's 12. All
appointed by the Appellate Division.
CHAIRMAN SAMPSON: And out of those 12 members, suppose you have a split? You know, six say it doesn't rise to that level, and the other six say it rises to a certain level. What do we do in those instances?

MR. FRIEDBERG: That's theoretical. It never really happens.

CHAIRMAN SAMPSON: Never really happens.

MR. FRIEDBERG: If six people thought it was misconduct, I'd have to say, well, potentially it could be misconduct, and I'd proceed. But generally it's fairly obvious.

CHAIRMAN SAMPSON: And most of the cases that you see are usually mishandling escrow or --

MR. FRIEDBERG: Well, most of the complaints we get are neglect from the clients.

Most of the serious cases that result in serious charges involve financial matters, particularly escrow. Although escrow is not the biggest type of complaint, it's the biggest type of complaint that
perhaps results in serious penalty.

MR. GOLD: I should say that in the First Department, because of the nature of what goes on in the Island of Manhattan, we get an awful lot of very major complaints involving complicated financial issues. Sometimes -- we don't get too many of them, but we do get some of these cases which are very complex and involved. Sometimes they involve allegations of mishandling of funds in connection with estates or trusts or securities matters or things of that sort.

And we deal with all of those kinds of matters, and we have members of the Policy Committee who are skilled and experienced in mostly all of these areas.

Now, by the way, at the present time one of the issues that's facing us, which is very important to us, is immigration cases. We are very concerned that people who are coming into the United States and are here and are subject to the immigration litigation system, too many of them are being inadequately represented by counsel.
Now, we just handle one little aspect of that. We're concerned when lawyers take advantage of some of the vulnerable population.

CHAIRMAN SAMPSON: No, I have seen that. And you're correct about that, I have seen that, especially with respect to my constituencies; these individuals have paid a considerable amount of money and it hasn't gone anywhere.

MR. FRIEDBERG: Judge Katzman of the Second Circuit has established a panel of people from various fields who work in this, and we're working very closely with that panel. And we are very concerned about people who take advantage of perhaps the most vulnerable people around.

CHAIRMAN SAMPSON: Thank you very much.

Senator DeFrancisco?

SENATOR DeFRANCISCO: No, thank you.

CHAIRMAN SAMPSON: Senator Perkins, you had a question?

SENATOR PERKINS: Can you just give
us -- you just mentioned two major sources, I guess, of complaints. One has to do with the escrow accounts and the other one sort of neglect.

MR. GOLD: Yes.

SENATOR PERKINS: Now, what falls into sort of the neglect category?

MR. GOLD: Well, a typical kind of neglect case, someone will write a letter and say, "I hired a lawyer, I paid him X thousand dollars as a retainer, and then I couldn't get him on the telephone and he didn't do anything for me." That's a serious matter. That X thousands of dollars is important to the client. Lawyers are not supposed to neglect matters for clients.

And generally what we do with those is, depending upon whether or not the client has been adversely affected already by what's happened -- I mean, if the statute of limitations has run or something like that -- we treat those as serious matters.

In the absence of something serious having already happened, and certainly if
this is a first offense against that lawyer, it would normally result in a letter of admonition. So even though neglect is the largest single category of matters that we have, it's not often the most serious in terms of the discipline.

The mishandling of client funds, a client escrow account or maybe estate funds or something like that, is probably the most serious and comes with the way the court deals with that --

SENATOR PERKINS: Would you say most of your cases are in that area of the escrow accounts?

MR. GOLD: No.

MR. FRIEDBERG: Not most, but many.

SENATOR PERKINS: But many.

MR. GOLD: Yes.

SENATOR PERKINS: Most would be in the neglect categories?

MR. GOLD: Right.

SENATOR PERKINS: Let me ask two quick other questions, just for the sake of discussion.
Are these processes open, do they have any transparencies? Or are these behind closed doors, totally confidential?

MR. GOLD: They're absolutely closed. Because of Section '90, Subdivision 10 of the Judiciary Law, everything is confidential, sealed, not subject to -- it's not available to anybody in the public at all.

SENATOR PERKINS: The good news or the bad news is it's sealed; right?

MR. GOLD: That's right. Unless and until the Appellate Division orders public discipline against the lawyer. That would be either a censure, suspension or disbarment. Until one of those happens, the whole file is closed.

So for example -- and by the way, I'm glad you asked that, Senator, because that's important in terms of what's before you. We get these complaints from complainants who think that they've been injured, and we deal with them fairly.

A complainant has a limited role in terms of our proceedings. He's not like a
plaintiff in a civil litigation who's able
to prosecute a case by himself. He's more
like a complainant in a criminal matter who
refers things to a district attorney and
then watches to see what the district
attorney is going to do.

And if we decide to dismiss a matter,
we'll advise the complainant, our procedure
is to advise the complainant that we've done
that. But we don't tell them why, or we
don't tell them what we've discovered in our
investigation. We don't disclose anything
in our file to the complaint because we're
not permitted to.

CHAIRMAN SAMPSON: I think that's
understandable. A lot of people need to
understand that you're not permitted to
provide that information unless the
Appellate Division, if they choose to
suspend or admonish an individual, at that
point in time.

I think that this is a misunderstanding
that some people have, and I'm glad we were
able to clear it up to a certain extent at
this point in time.

MR. GOLD: Now, by the way, the Appellate Division, I should add, with respect to that point, has the legal authority under Subdivision 10 to open the file at any point with respect to any particular matter.

CHAIRMAN SAMPSON: I think Senator DeFrancisco has a question.

SENATOR DeFRANCISCO: Just very quickly to follow up on that. I think that was a great analogy, because I've heard some complaints about these things are not open to the public. But you're not a plaintiff, you are someone referring to an agency, just like a DA doesn't have to prosecute every case if they don't think the evidence is there or that the testimony is not supportable by other facts that they learn. And I think that's a big confusion in the general public.

But one other question. What happens if there's a complaint by somebody against an attorney that's found to be unfounded?
Will that attorney at least get notice that somebody's complaining about something under those circumstances? Because no doubt that person is unhappy. And wouldn't the attorney at some point, after it's dismissed, be entitled to know what the complaint was?

MR. GOLD: Well, it depends upon the time within the matter and the stage of the matter and also the nature of what's occurred.

As I indicated before, if a complaint is filed and on its very face it doesn't set forth any disciplinary matter, then the respondent may not even be notified of this. The complaint is simply dismissed on its face, administratively, internally at the commission, and the attorney, as far as we're concerned, doesn't need to know that anybody complained about them because as far as we're concerned, they didn't complain about them. You know? They didn't complain about them with anything even close to something.
It doesn't have to get to a very high level before we'll send it to the respondent and ask him for a response. That happens in a substantial majority of cases.

MR. FRIEDBERG: Once the attorney learns about it, obviously at the end of the case we will notify them as to what happened.

CHAIRMAN SAMPSON: Mr. Gold and Mr. Friedberg, I want to thank you very much for taking the time.

And the reason I let it extend over the five minutes is because I really wanted them to explain the procedures and the process with respect to dealing with these complaints.

Thank you very much.

MR. FRIEDBERG: We stand ready to cooperate with you and answer any questions today or any other day.

MR. GOLD: And we plan to stay here for the day and be available to you in case you have anything further you'd like to ask us about.
CHAIRMAN SAMPSON: Thank you very much, gentlemen.

MR. FRIEDBERG: Thank you for your time.

CHAIRMAN SAMPSON: The next witness is Christine C. Anderson, who used to be a former employee with the First Department Disciplinary Committee.

(Applause.)

CHAIRMAN SAMPSON: I think we should try to keep our -- no need for applause, ladies and gentlemen. We're just trying to keep an orderly process and just keep it moving.

Ms. Anderson, thank you very much. We're going to try to keep it under five minutes. We allowed them to go over just to explain the process, to lay the groundwork. Okay?

MS. ANDERSON: So you can just do five?

CHAIRMAN SAMPSON: No problem, Ms. Anderson. Thank you very much. We just want to get to the -- we have your
statement, we've read it, we just want to
get to the heart. So we're going to be
jumping in and asking you questions.

MS. ANDERSON: Okay. I should also
start by saying that this statement is drawn
solely from allegations set forth in my
federal court complaint. It is therefore
comprised solely of publicly available
information, and it is fully in compliance
with the stipulation and order of
confidentiality entered on February 20,
2008, in my case and based on Judiciary Law
90.10.

CHAIRMAN SAMPSON: So basically we
want to make sure, presently you have a
case?

MS. ANDERSON: Yes, sir. Yes,
Senator.

I would be happy to take questions when
I have counsel present.

CHAIRMAN SAMPSON: No problem. But
just go ahead.

MS. ANDERSON: Okay. It has been
said that men can write perfect ethical
systems, but nevertheless they cannot stand being watched when they go out at night.

And I think that to a large extent that's the situation with the DDC. The DDC is the Departmental Disciplinary Committee, for which I used to work. I was a former principal attorney there for six and a half years.

I alleged that upon learning of the DDC's pattern and practice of whitewashing and routinely dismissing complaints leveled against certain select attorneys -- to the detriment of the public that the DDC is duty-bound to serve -- I reported this wrongdoing pursuant to my rights under the First Amendment to the United States Constitution and, importantly, my own ethical obligations under the New York State Code of Professional Responsibility.

In response, however, rather than attempting to address and rectify the problem, my supervisors embarked upon a campaign of abuse and harassment of myself, including a physical assault on myself by
the first deputy, Sherry Cohen.

CHAIRMAN SAMPSON: Ms. Anderson, we understand that; I can read from your factual statement. But I want to get down to the factual background and issues with respect to --

MS. ANDERSON: Well, I can give you one example, sir.

CHAIRMAN SAMPSON: That's what I want to get to, some examples.

MS. ANDERSON: Yes. I conducted an intensive investigation of a case. My caseload supervisor, Judith Stein, approved it, and so did Thomas Cahill, who was then the chief counsel. It was recommended for charges, and then suddenly it was dismissed.

The complainant called me -- he happened to be an attorney -- and asked me how could something like this happen. I requisitioned the file and found that it had been completely gutted. What had been a file which was almost 3 inches thick was suddenly an inch, perhaps. All of my work product was taken out, Verizon phone records
that I had subpoenaed were not there --

CHAIRMAN SAMPSON: This was an actual case you worked on?

MS. ANDERSON: Yes, sir. Yes, Senator.

CHAIRMAN SAMPSON: And the documents were missing?

MS. ANDERSON: Yes, the documents were missing.

Another such case which I refer to as whitewashing was a case which was intensively, again, investigated --

CHAIRMAN SAMPSON: When you say "intensively investigated." what do you mean by that?

MS. ANDERSON: Okay, I will bring in the complainant -- maybe once, twice -- I'll bring in witnesses, I will have a deposition, I will subpoena documents. I left no stone unturned. I had a reputation as being thorough and conscientious.

In that case, it was recommended for an admonition because we could not really prove conversion. In fact, this was a case that
many of my colleagues, at least four of my colleagues and I agreed that there probably had been conversion but we couldn't prove it. And so we had to just settle for an admonition.

Instead, Sherry Cohen came into my office holding the admonition in my hand and saying, "This is too harsh. I can't let it go to the Policy Committee because they may send it back for charges, and I can't tie up an attorney on a trial for six months."

And I replied, "That happens all the time." And she said: "No, I am going to rewrite this." And I said, "You cannot ethically and legally rewrite something to achieve a desired outcome. You cannot skew something to achieve that outcome."

Nevertheless, she said six months --

CHAIRMAN SAMPSON: Was this just in this one incident, or you discovered a pattern?

MS. ANDERSON: I discovered a pattern, and this is the second example I'm giving you.
CHAIRMAN SAMPSON: Okay.

MS. ANDERSON: Okay?

In any event, she took nine months to rewrite it, and it went by under the radar. And that is what I mean when I say cases are whitewashed.

For example, another case that I had, it was agreed by my caseload supervisor and by Cahill that there were three elements. And one of the elements was misrepresentation to us, which is very serious. Sherry Cohen looked at me very earnestly and said: "Christine, you know what happens if they lie to us. They can go for charges. I don't see misrepresentation here, I only see failure to pay a lien."

So she took the case from me and took out the misrepresentation, and he got an admonition purely for failing to pay a medical lien. That is another example.

In any event, I think that you have a good idea of how they -- from the prior gentlemen. However, I have a recommendation and --
SENATOR DeFRANCISCO: Excuse me one moment, before you give the recommendation. You've given us several instances in your written remarks; you mention two here.

Over the six years that you were with the organization, how many files did you investigate?

MS. ANDERSON: That would be difficult to tell you.

SENATOR DeFRANCISCO: Hundreds?

Tens?

MS. ANDERSON: Certainly hundreds, yeah.

SENATOR DeFRANCISCO: And these instances that you state in your written remarks and here, are those the only instances where you and your supervisor differed?

MS. ANDERSON: No, there were others. But those were some -- you wanted me to be quick, so I just chose those. But there were others, for example --

SENATOR DeFRANCISCO: What I'm trying to determine here is obviously I think
anybody disagrees with their supervisor from
time to time. There's a substantial
difference between disagreement over a very
small percentage of the cases and
whitewashing and activities that are
improper that would justify recovery on a
lawsuit. And that's what I'm trying to
determine.

MS. ANDERSON: Well, I think you make
a very good point that you're not always
going to be in agreement on a case or how it
should be handled. I think you're perfectly
right about that.

And on certain occasions, rare
occasions, I would say yes, you know, that
part of it is not maybe strong enough. For
example, there was one where lack of
competence -- there is a disciplinary rule
about that. And I said, okay, then, let's
let that go. So that was -- in other words,
I understand being a professional and I
understand your question.

My one recommendation that I would like
to make, however, is on the last page, which
is I think that the Policy Committee should be disbanded, for the simple reason that it is rife with conflict.

As the gentleman before said, he is with a large law firm and that they serve without pay. It is not coincidental that on one occasion at least, when one of their partners' brother got into trouble, that it was handled -- it was taken away from me and handled very quickly and expedited to their satisfaction.

I think that the Policy Committee is actually in violation of Judiciary Law 90.10 because they are not --

(Scattered applause.)

CHAIRMAN SAMPSON: Ladies and gentlemen, we can't -- please. Please hold the applause.

SENATOR PERKINS: Can I ask a question? Just so I'm clear, because (a) you're saying that there's preferential treatment in this decision-making, in this process, that there are those who, because of their stature or their connections, are
not prosecuted or investigated or whatever
the appropriate terminology is?

MS. ANDERSON: Or handled lightly.

SENATOR PERKINS: Or handled lightly.

I just want to be clear that that's what
you're saying.

MS. ANDERSON: Yes.

SENATOR PERKINS: Number two, if I
may, you also say that you were employed at
the DDC and you were subjected to various
acts of discrimination and harassment as a
result of your race.

So now are you saying that there's a
racial view in some of these cases as well,
or are you just saying that as it relates to
just your own particular relationship at the
agency?

MS. ANDERSON: My allegation is that
there was a pattern and remains a pattern of
discrimination against minorities at the
DDC.

(Scattered applause.)

CHAIRMAN SAMPSON: Ladies and
gentlemen, please. We don't need any
applause.

MS. ANDERSON: For many years, for example, there was not one minority supervisor, although several of them were competent.

Let me just finish the point, however, if you don't mind.

If you are not an employee of the court, you have no right under 90.10 to know confidential information, which was just testified to. And these members of the Policy Committee are not employees of the court. They're not employed by the court, they're outsiders. And they have no part to play, because it's a direct violation of 90.10.

SENATOR PERKINS: So again, you're just saying that they should be employees of the court in order to be a part of that Policy Committee? Or are you suggesting there should be no committee? I'm just trying to --

MS. ANDERSON: The latter. The latter. We don't need a Policy Committee.
The DA's office doesn't have a policy committee; it relies on its staff and the DA. You look at the U.S. Attorney's office, they don't have a policy committee.

We -- I am no longer "we" -- the DDC has its staff and the court. There is no need for Big Brother.

Thank you.

CHAIRMAN SAMPSON: Hold the applause.

Senator DeFrancisco has a question to ask you.

SENATOR DeFRANCISCO: Who appoints the members of the Policy Committee?

MS. ANDERSON: They're appointed by the court.

SENATOR DeFRANCISCO: Thank you.

CHAIRMAN SAMPSON: The majority of -- when you say there's 12 members, I think there's 12 members on the Policy Committee --

MS. ANDERSON: Twelve, yes.

CHAIRMAN SAMPSON: And the majority of these 12 members come from big firms, small firms?
MS. ANDERSON: Mostly large law firms.

CHAIRMAN SAMPSON: Large law firms. What are they, partners in large law firms?

When you say large --

MS. ANDERSON: Large law firms.

CHAIRMAN SAMPSON: Senator Perkins.

SENATOR PERKINS: So why were you terminated?

MS. ANDERSON: I was terminated for internal whistleblowing and harassed. I was physically assaulted. When I reported that to the court, I then asked to be removed from contact with Sherry Cohen, who was the assailant. I was refused to be removed from her. I asked for an ethical wall --

CHAIRMAN SAMPSON: But that is an issue that's being taken in a separate litigation; am I correct? You have your own litigation going against --

MS. ANDERSON: Oh, yes. Yes.

CHAIRMAN SAMPSON: Senator Perkins.

SENATOR PERKINS: Just one final --

what is the racial makeup of the committee?
MS. ANDERSON: Of the committee?

SENATOR PERKINS: Yeah, of the Policy Committee.

MS. ANDERSON: I really don't know. And very frankly, I don't want to know.

CHAIRMAN SAMPSON: Okay. Thank you very much, Ms. Anderson.

MS. ANDERSON: Thank you, sir. Thank you, gentlemen.

CHAIRMAN SAMPSON: The next witness is Kevin McKeown, on behalf of the Fred Goetz Trust.

Mr. Goetz, five minutes, thank you very much. Go right ahead.

MR. McKEOWN: First of all, Senator, my name is --

CHAIRMAN SAMPSON: Mr. McKeown, I'm sorry. Mr. McKeown.

MR. McKEOWN: -- Kevin McKeown, and I'm not reading a statement on behalf of the Fred Goetz Trust. That is going to be submitted at the subsequent hearing when those 13 people will fly in from around the country to testify before your great
committee.

I am here to read a 30-second statement of my own and then --

CHAIRMAN SAMPSON: Perfect. I like 30 seconds.

MR. McKEOWN: -- and then I will torture you, and then I will read a short letter from a former judge of this state.

CHAIRMAN SAMPSON: You didn't submit any testimony to us, did you?

MR. McKEOWN: Yes, I did.

CHAIRMAN SAMPSON: Okay. I guess we do have it somewhere here. Okay.

MR. McKEOWN: Again, my name is Kevin McKeown. I'm the proud member of various organizations focusing on the restoration of the trust the public should have in the judicial branch of our government. The organizations include Integrity in the Courts, Expose Corrupt Courts, and the Frank Brady Organization.

I believe the statewide attorney and judicial ethics oversight structure is corrupt, and I applaud this committee for
what can only be described as a heroic and
beginning step in returning a lost faith by
the public in this state court system.

I will say one thing today as I defer
my own personal experience to the next
hearing to be held in New York City. The
idea of having attorneys regulating
attorneys and attorney judges is laughable,
and today marks --

(Appause.)

CHAIRMAN SAMPSON: This is the last
time I'm going to ask. We're trying to
conduct an orderly, an orderly hearing here,
trying to get everybody's testimony in. If
this continues, I will definitely cut it
short and just end it. Okay? Thank you.

MR. McKEOWN: Senators, today marks
the beginning of a process in which the
public, attorneys, court employees and in
fact judges can have faith that the respect
that they should have in the integrity of
their courts will once again return to this
great state.

I'm going to now read a short letter
that was prepared -- Judge Philip Rogers could not be here today; he had broken ribs. However, Judge Rogers was one of three judges of New York State that accompanied me before a U.S. House Subcommittee on the Judiciary a few months ago as it pertains to the federal crimes we allege that are ongoing within the New York State court system.

CHAIRMAN SAMPSON: Could you paraphrase it? I mean not read it, but paraphrase it.

MR. McKEOWN: It's very short. And it's done to be read, Senator, if I may.

CHAIRMAN SAMPSON: Okay.


"I was the victim of a secret and corrupt grievance process that lacks the most elementary due-process constraints and
safeguards and was used as part of a
conspiracy by former business partners to
ruin me after our venture went bankrupt.

"I respectfully ask that this committee
propose legislation that will protect
victims such as myself from suffering the
loss of their law license and, as in my
case, all of their life choices as a result
of the totally corrupt attorney disciplinary
process managed and controlled by money,
favoritism, and cronyism.

"By way of background, I practiced law
in my home village of Patchogue, in Suffolk
County, for 30 years of my professional
life. From 1970 to 1994, I also served as
the Patchogue village justice. I was
elected to six consecutive four-year terms
by substantial majorities in each election,
by the people who knew me best from my days
as a Patchogue student. I served as the
chairman of the Patchogue-Medford School
Board Ethics Committee, president of the
Suffolk County Magistrates Association, and
as a director of the Suffolk County
Magistrates Association.

"In the end, however, my professional standing was left in ruins and my status as a member of the bar was taken from me by a corrupt, secret, nontransparent disciplinary system that places power in attorneys to supervise their fellow lawyers. Are we to believe that attorney supervision is too complex, complicated or problematical to be left to nonattorneys? Only lawyers drafting the laws and regulations could foster such a ridiculous concept.

"What we have had for years now is a fatally flawed system where no one truly watches the watchers who, according to testimony of former and current staff, regularly abuse the process they are paid to administer. Clearly the lawyer-controlled disciplinary committees must be replaced by a new system, where nonattorneys who are fully familiar with ethical problem-solving review and adjudicate complaints concerning lawyer conduct.

"No lawyer can or should be permitted
to sit in judgment of a fellow attorney. In my case, people seeking to bring pressure on me as a result of a failed business venture sought to use the grievance process to coerce a settlement payment from me and in the end, as they themselves said on more than one occasion, ruin me.

"My former partners and their allies achieved their goal by using political and other connections to move my disarmament proceedings from Patchogue to Brooklyn. Once removed to this location, exculpatory evidence was ignored, perjured testimony was accepted as true, basic due-process protections were denied me, and false and fraudulent accusations became the foundation of the ruling against me.

"When my investigation was moved to Brooklyn, I was warned that the fix was in, and later events proved this to be true. I believe I would still be serving the legal community as an attorney had the ethics process that was used against me simply been more transparent. Instead, a secretive and
corrupted process intent on only ruining me
ended my life of public service.

"Transparency would have provided me
the opportunity to reveal the perjurious
testimony allowed against me. It was also
improper that my most basic right of due
process was denied, thus preventing the
vital testimony of various witnesses.

"Senator Sampson, I commend you and
your committee for holding these important
hearings on the attorney grievance process.
Based on my personal knowledge of other
cases similar to mine, I know that the most
elementary inquiry by this committee will
find that many others, both attorneys and
clients, have been wronged like me.

"I trust that these injustices will see
the light of day and permit the immediate
reinstatement of attorneys wrongly
disbarred. I am also hopeful that needed
changes will include systemwide transparency
and the providing of due process to those
accused."

CHAIRMAN SAMPSON: Mr. McKeown, we
have the letter here, and definitely there's only one paragraph left. But as you heard earlier from Mr. Gold and also Mr. Friedberg, these processes under law have to be done in those certain circumstances, you know. So, I mean --

MR. McKEOWN: If I may address that, Senator Sampson, I have the pleasure of actually having personal interaction, so I'm waiving confidentiality. I have personal interaction with Mr. Friedberg and with Mr. Gold. I presented evidence that I was threatened by Mr. Friedberg.

And although I was called in by the U.S. Attorney's Office and the FBI and the referral in Washington, D.C., to the United States Justice Department, although they all found it very interesting and are currently looking at it, Mr. Friedberg and Mr. Reardon and Mr. Gold have done what they have summarily done, and that is get rid of it.

Senator Sampson, the documentation, I assert, is there. And I will tell you that at your next hearing, as a member of the
various organizations, we will present to you at your New York City hearing over 100 documented cases of the most ludicrous and slipshod investigations resulting in what we believe is a gross pattern of misconduct by the ethics committees themselves.

CHAIRMAN SAMPSON: I mean, that's something we're interested in.

Senator DeFrancisco has a couple of questions for you.

SENATOR DeFRANCISCO: Who do you represent?

MR. McKEOWN: Myself. And the three organizations that I mentioned.

SENATOR DeFRANCISCO: When you're talking about the FBI and the U.S. Attorney and all that, was that about a personal file pertaining to you or is it for this judge that you read the letter for? I'm trying to figure out --

MR. McKEOWN: Well, actually, that judge had nothing to do with the FBI.

However, I will tell you when I was called into the FBI at 26 Federal Plaza,
that we had become a lightning rod for
literally the worldwide collection of people
that have been harmed by these so-called
ethics committees. And they asked me to
bring in my four outrageous cases, and I
went in there.

Now, before, a group of us, which
includes former federal prosecutors,
attorneys, et cetera, we would go through
the evidence before we presented it to the
FBI. We went out, pulled case studies --
whether it was a judge, a lawyer, a
disbarred lawyer, or a litigant, we would
pull the case files and see for ourselves
what the documentation said.

Based on that, the FBI asked for four
specific -- the four worst cases. And then
in other circumstances where the U.S.
Attorney's office, where certain information
has come to light where they have then said
we want to interview those people.

SENATOR DeFRANCISCO: I am totally
confused. I just asked you the cases that
you went to the FBI about, were those
personal cases that you were called in on or were they people that you were representing that somehow got in the federal criminal system.

MR. McKEOWN: They were -- the organizations that I'm a member of, to answer your question, as a member of that organization, we brought those cases when asked to these federal entities.

SENATOR DeFRANCISCO: All right, so you weren't brought into the FBI, you were seeking the FBI to look into these. Is that what you're saying?

MR. McKEOWN: Well, the U.S. Attorney's office told us. The FBI, in one instance we called them; in another instance they called us. And actually there's a new inquiry in another --

SENATOR DeFRANCISCO: So this wasn't something that -- this is something you wanted to have done to explain all this to the federal investigators, the U.S. Attorney and the like; correct?

MR. McKEOWN: Absolutely.
SENATOR DeFRANCISCO: Okay. In addition, last point -- I think -- you had indicated that it should not be attorneys who are reviewing these particular cases, it should be laypeople. And the laypeople would then make determinations concerning fraud, concerning due process, concerning whatever it may be.

How would they gain the expertise in those areas as to what the disciplinary rules are and the like? Would they have to have any qualifications that you would presume that attorneys would have?

MR. McKEOWN: Senator, that's a very good question. And --

SENATOR DeFRANCISCO: That's why I asked it.

MR. McKEOWN: ---of course they would have to be guided by what the laws are, what the procedures are.

I ask you, do we want bankers self-regulating? That doesn't work. Do we want Wall Street self-regulating? We know that doesn't work.
CHAIRMAN SAMPSON: What you're saying is basically, you know, lawyers can't regulate attorneys.

I mean, you have very reputable and ethical attorneys who we put in these positions to make that decision. You know, there might be an aberration here or there, but I don't see it as a problem having a panel of -- having a panel of attorneys, based upon their background and everything else, making decisions such as that.

But if there is, as you're saying, when you present cases to me where I see discrepancies and issues, that's why we're having this hearing, so we can get to the bottom line of these things, all these allegations and these conspiracy issues. We want to get to the bottom line, and that's why we're asking for specific instances, so we can look for ourselves and, based upon those recommendations, make a determination.

MR. MCKEOWN: Absolutely, Senator.

And again, that is a very good point. And obviously you need attorney input because
attorneys are versed on the law. But it brings up the bigger issue of people self-regulating.

CHAIRMAN SAMPSON: Understood.

MR. MCKEOWN: If an attorney is named John Doe and he has been convicted of a federal crime and goes to federal prison and does time, will he get his law license back? That's a question.

Of course we all know that there was a chief judge of this state who was convicted of a federal crime who went to federal prison and got his law license back.

What this comes down to, Senator, is equality.

CHAIRMAN SAMPSON: Understood.

MR. MCKEOWN: And I would much rather handle a complaint that said the person's name was John Doe rather than a certain person who that name triggers favoritism and unequal treatment. That's what it all comes down to.

CHAIRMAN SAMPSON: Senator Perkins.

SENATOR PERKINS: So do you believe
that there is favoritism in the process, as was pointed out by the speaker before you? Do you think that those who are big shots or who have connections or some other such credentials are getting treated with kid gloves and favoritism?

MR. MCKEOWN: Yes, Senator. In fact, I'll go so far as to say that it is embedded in the four statewide grievance committees, and I say under the four departments.

We have heard from state attorneys, judges, attorneys, retired judges from all over the state. If you're a prisoner and you file a complaint with an ethics committee, don't you dare think that it's going to be handled properly. Just because you're a prisoner automatically puts you to the bottom of the list at every one of the four ethics departments in this state. There's the presumption that if you're in jail, you could not have been wronged by an attorney.

And, Senators, that's wrong. That is totally wrong. And that's -- we can't wait
to get a stack of the 100 complaints that we have from the beautiful people of Brooklyn, Queens, Staten Island and Harlem alone who couldn't make it up here today.

CHAIRMAN SAMPSON: So, Mr. McKeown, we're looking forward to that. Thank you very much for your testimony. And we look forward to getting those documentations in at our next hearing.

MR. McKEOWN: Thank you, Senators.

CHAIRMAN SAMPSON: Thank you very much.

The next witness is Robert Tembeckjian, counsel for the New York State Commission on Judicial Conduct, and the Honorable Judge Thomas Klonick, chair of the Commission on Judicial Conduct.

Just to make a note of it, we also have representatives -- who are not going to speak -- from the Second, Third and Fourth Department Disciplinary Committees.

Thank you very much. Your Honor, good morning.

JUDGE KLONick: Good morning,
Mr. Chairman, members of the Judiciary Committee. Thank you for this opportunity.

I am Thomas Klonick. I'm an attorney and a part-time town justice from Monroe County. I'm chair of the Commission on Judicial Conduct. I was appointed to the Commission on Judicial Conduct to a four-year term by Judge Judith Kaye in 2005, reappointed by Judge Jonathan Lippman just earlier this year.

I am here today with the commission's administrator, Robert Tembeckjian, whom I believe you already know.

The commission is pleased to participate in this hearing, which should shed further light on our constitutional mission and how we operate.

As you stated earlier, Senator, but I will just briefly review, the commission is comprised of four judges, five lawyers, two law people appointed by the Governor, the Chief Judge, and the four leaders of the Legislature.

The commission operates under a very
rigorous system of internal checks and balances that has been emulated by other states to assure that all complaints are treated seriously and fairly. For example, the commission members, the 11 commission members view and act upon every complaint that comes into the agency. Last year that was a record number, 1,923, or more than 275 complaints every seven weeks.

While the administrative staff conducts the investigation, the administrator reports to us regularly on the progress of each investigation. At the conclusion of the investigation, it requires a quorum of eight members of the 11 and the concurrence of six commission members to serve a judge with formal disciplinary charges.

The administrative staff prosecutes a case; an impartial referee presides over the hearing and files a report with the commission. The commission then, aided by its own law clerk, adjudicates the matter, subject to review ultimately by the Court of Appeals if requested by the disciplined
judge.

I believe you have the statement submitted by the commission today outlining the processes and procedures. And after a few remarks by Mr. Tembeckjian, we will be happy to answer any questions. Thank you.

CHAIRMAN SAMPSON: Thank you very much, Your Honor.

Mr. Tembeckjian, I'm sorry I butchered your name earlier. I apologize.

MR. TEMBECKJIAN: Thank you. Thank you, Senator.

You have a rather extensive description of our process and procedures. I'd like to just highlight three points in these brief remarks before we take your questions, three very important features of the commission system.

The first is the independence of the commission itself. It's created by the State Constitution, various appointing authorities, no one of whom controls a majority of appointments. And the commission elects its own chair and it hires
its own administrator to manage, as the chief executive officer, the day-to-day operations of the agency.

The balance of judges, lawyers, and laypeople is something that assures that all relevant representatives or features of our pluralistic society are represented in the commission process. We are, after all, talking about disciplining members of an independent branch of government.

I happen to be only the second chief executive officer that the commission has had in over 30 years, which has provided an extraordinary stability. And the commission model is one that has not only been emulated by other states but I think is one that is worthy of emulation by other state ethics entities throughout New York.

Secondly, the commission really plays two roles apart from its own structural independence. It's responsible, obviously, for disciplining those judges who commit ethical misconduct, but it's also responsible for protecting the independence
of the judiciary so that judges can decide cases fairly, impartially, as they see and hear them, without undue outside influences. And that's a very important dual role.

CHAIRMAN SAMPSON: Let me ask you a question, Mr. Tembeckjian. These proceedings are private or open to the public?

MR. TEMBECKJIAN: All commission proceedings, under law, are confidential. It wasn't always that way. In 1978 the law changed. Prior to that, once the -- all investigations, as with a grand jury, were always confidential. But prior to 1978, once the commission authorized formal disciplinary charges against a judge, the process then became open. The charges, the answer, the hearings and so forth were open --

CHAIRMAN SAMPSON: Once they were formally charges, you said?

MR. TEMBECKJIAN: Yes. Once reasonable cause has been found to go forward with a formal disciplinary process,
so after the investigation is over, the commission concludes a reasonable basis that discipline may be justified here, a quorum of eight members, the concurrence of six is required, they vote formal charges. Up until 1978, that process then became public.

And the commission's position consistently since then has been that it should be made public at that stage. We were opposed in '78 to the change in the law. And since then, on occasion, the Legislature has taken up the issue, but it has never adopted, in both houses in the same session, the open hearings provision.

CHAIRMAN SAMPSON: What would be your position today?

MR. TEMBECKJIAN: Oh, the commission's position has consistently been that the law up till 1978 was appropriate and that these hearings should be public once probable or reasonable cause has been found.

And opening up that disciplinary process to the public I think would go a
long way to dispelling a lot of the
misconceptions about how the commission
operates and how it makes its decisions.

CHAIRMAN SAMPSON: That's a good
idea.

MR. TEMBECKJIAN: Senator Perkins
looks like he's about to ask me a question.

SENATOR PERKINS: So you think the
law should be changed?

MR. TEMBECKJIAN: Yes. The
commission has advocated that any number of
times, and consistently over the last 30
years.

SENATOR PERKINS: So you've heard
some of the concerns of prior witnesses. I
believe that I saw you here. And though I
know you're really dealing with judges for
the most part, I just also want to get a
sense of how you might, if at all, relate to
some of the criticisms that have been shared
already.

MR. TEMBECKJIAN: Well, I haven't
yet, although I believe I will later this
afternoon, hear some criticisms of the
commission's operation. That's really the only agency that I'm comfortable speaking for and about at these proceedings, and really the only one that I'm authorized to.

SENATOR PERKINS: Okay. Thank you.

Just wanted to check.

MR. TEMBECKJIAN: So that dual role of disciplining those judges where it's appropriate and protecting the independence of the judiciary by absorbing a lot of the unfounded criticism that may be reflected in some of what you hear today and that I know has been submitted to you on other occasions -- and at other hearings that this committee has held over the years -- is really part of what we do.

But the suggestion that may, I think, mistakenly be left that the commission is inactive by some of its critics is really not borne out by the facts. We've handled approximately 40,000 complaints in the last 30 years, which is by far more than any other state, even those that have equivalent numbers of judges as New York. The
commission has publicly disciplined
approximately 700 judges and confidentially
cautioned about 1200.

The vast majority of our complaints are
dismissed. But every single one of them
gets treated individually and gets seen by
the full commission. We conduct preliminary
reviews and inquiries, about 350 or more a
year. Full-fledged investigations, last
year a near record number, 262.

CHAIRMAN SAMPSON: Mr. Tembeckjian,
when you talk about these investigations,
these are mostly complaint-driven? Or at
times does the commission themselves, which
I know they have the authority to, look into
certain situations?

MR. TEMBECKJIAN: The commission
itself has the authority, and it does quite
actively initiate inquiries on its own.

CHAIRMAN SAMPSON: How would you do
that -- you know, like on your own, make a
determination, well, you know, I don't like
what this judge is doing? Or how do you
come about getting to that point?
MR. TEMBECKJIAN: It's never "I don't like what this judge is doing," certainly not on the bench.

But, for example, if we read in the newspaper about a judge who has been intemperate or whose conflict of interest has been reported, the staff will bring that article to the commission's attention and it will ask the commission for an authorization to investigate. The full commission has to do that.

That was literally what happened on a case involving a judge in Niagara County that you might recall who had incarcerated over 40 people because a cellphone went off in the courtroom and the judge couldn't identify whose cellphone it was. So 46 defendants were called up one by one, and as each one denied that it was his phone, they were remanded. That was something we read about in the newspaper. It was not the result of an individual complaint.

We brought it to the commission's attention, they authorized investigation, we
reviewed the matter, charges were
authorized, the judge was removed by the
commission, took it up to the Court of
Appeals, which unanimously upheld that
decision.

So the process is quite sophisticated,
but where we get that information, we move
forward.

CHAIRMAN SAMPSON: So once you get
that information, it then goes to the
commission?

MR. TEMBECKJIAN: Yes. Under the
law, it's the commission that has the
authority to investigate or to discipline.
The staff can recommend, but the commission
actually makes the disposition.

And so we are not screening out
material or information that complainants
send to us because we might have a
predisposition or we might dislike or we
might not credit the complainant. We will
analyze, review, conduct some preliminary
inquiries, forward it to the entire
commission, which will then decide whether
or not we should go forward.

CHAIRMAN SAMPSON: And I know Senator DeFrancisco just noted that you were able to get additional monies to help you clear up some of the backlog that existed maybe a few years ago.

MR. TEMBECKJIAN: Yes, thanks in huge part to this committee and to Senator DeFrancisco's leadership.

For about 20 years we were grossly underfunded. As our complaints and workload were expanding, our staff was reduced to as few as 20 statewide, and in real dollars, we had lost substantial resources. But this committee two years ago held hearings on the subject, of the commission, of the town and village court system, and one of the beneficial results was that the Legislature made a substantial increase that this committee championed for the commission's resources to meet the growing needs.

CHAIRMAN SAMPSON: When you say investigators, who does the investigating? Do you have attorneys or do you have private
people, investigators?

MR. TEMBECKJIAN: We have attorneys and investigators on staff. And every complaint that is going to be investigated is actually assigned to an attorney, and that attorney works with an investigator to interview witnesses, to make field visits, to analyze court records, to try to get to the bottom of whether the allegation of misconduct is actually established.

And then we will present progress reports along the way, and then a final report to the full commission, as Judge Klonick indicated, and then that full commission will decide whether to confidentially caution the judge or authorize formal charges or, if the complaint is unfounded, to dismiss.

And that's really where our role in protecting the independence of the judiciary comes in. Because we absorb a lot of the complaints and criticisms that judges might otherwise get from complainants who are essentially unhappy with the results of a
case. And rather than inhibit the judiciary with having to answer to all of those, we preliminarily inquire, we deal directly with the complainant, and if it's determined not to be founded, we don't go forward.

And we take a lot of the heat, but that goes with the territory of what it is that we do.

CHAIRMAN SAMPSON: And if in fact if a judge is being elevated to, say, the Appellate Division, Court of Appeals, whatever it is, does the commission -- do those committees request from the commission if there are any complaints, anything lodged against these judges? Or do you come forth with it? How does that work?

MR. TEMBECKJIAN: Yes. If any judge who is subject to Senate confirmation or appointment by the Governor without Senate confirmation or is running for election and is going before a screening committee, they are required to submit a waiver of confidentiality so that the commission, when presented with that waiver, will give to the
screening entity not only the record of public action that's been taken but any confidential cautions, any adverse confidential dispositions against that judge.

So those committees have it, without mentioning names, when the Commission on Judicial Nomination provides us with those waivers, when the Governor's screening committee for Court of Claims or Appellate Divisions provides us with those waivers, we provide not only the public record but also any confidential adverse dispositions that were made against the judge to that body.

CHAIRMAN SAMPSON: And does the commission keep records in instances where, you know, against judges where it has been dismissed but, you know, you see a pattern of increased complaints with respect to judges? Do you have an opportunity to refer back? Or do you just -- once it's dismissed, are they sealed or do you have an opportunity to go back to look to see if there's a pattern being created?
MR. TEMBECKJIAN: We have an
opportunity to go back and look at a
pattern, subject to the State Administrative
Procedures Act regarding the disposition of
records.

But for example, if a subsequent
complaint comes in alleging new information
or a new perspective on a previously
dismissed complaint that was not disposed of
on the merits after a hearing but was deemed
not to have shown sufficient merit on its
face to be investigated, we can go back and
reexamine whether or not the appropriate
disposition was made in the first instance.

But I must say that that's very rare.
Because if a type of misconduct is part of a
pattern or practice, it's usually alleged
up-front, and we have the opportunity then
to go in, for example, sit in on the court
to observe whether the judge is intemperate
on a frequent or an infrequent basis, if
that's the complaint that's been made.

It's very rare for someone to say the
judge is intemperate and not allege, if it
is in fact part of the pattern, that any number of attorneys or litigants might be able to verify that. And we will reach out to litigants and lawyers to determine whether or not these complaints are part of a pattern or practice.

CHAIRMAN SAMPSON: Questions?

Mr. Tembeckjian, thank you very much and, Your Honor, thank you very much for giving us that outlay. We truly appreciate it.

MR. TEMBECKJIAN: Thank you.

JUDGE KLonICK: Thank you very much.

CHAIRMAN SAMPSON: At this point in time we're going to have Judge Hart present testimony.

Good morning, Your Honor.

JUSTICE HART: Good morning. It's good that Mr. Tembeckjian is staying here.

My name is Duane Hart. I'm a sitting Supreme Court justice in Queens, New York. While I gave the members of the committee a long package, I'm just going to give you a few anecdotes of the type of attorney we're
dealing with with Mr. Tembeckjian.

Four or five years ago I was undergoing treatment for cancer; in fact, I was in Sloan Kettering being operated on for cancer. Instead of giving me an adjournment for it, Bob Tembeckjian wanted to see my chart to make sure that I was being treated for cancer and not just ducking his committee.

I've been charged probably more than most. I've been censured twice by the Commission on Judicial Conduct. Of the three attorneys who offered testimony against me or filed complaints against me, all three -- well, the first one was a Max Goldweber, who was found to be a liar and a thief by a federal judge.

The second was one was a Ms. Naidoo, who one of my colleagues, Justice Cullen, found she lied to him and to the Appellate Division.

And the third one was being sued at the time for running what appears to be a Ponzi scheme to finance his cases. And one of the
reasons why he wouldn't try the case before me was that had the case been disposed of, he would have been responsible for paying the people who financed this case anywhere from $1 million to $3 million.

Those complaints are in the package before you. I'm not making them up; they're recorded cases.

Of the first case against me, which was I think litigated in 2004, I am still waiting for the first bit of discovery.

Of the second one, Mr. Tembeckjian got a little cuter. What he did, or what he and Mr. Friedberg did, they got my witnesses, some of them -- because as you found out, I believe, if they offered testimony to help me, the tape recorder was turned off, which is a habit they also like to do, turn off the tape recorder when there is positive evidence against the judge that doesn't help their case. And --

CHAIRMAN Sampson: I know when you're saying a tape recording, these proceedings, there's not a stenographer or it's just a
tape recorder?

JUSTICE HART: Well, in the second trial against me there was a stenographer. In the discovery and the trial before that, there were tape recorders that Mr. Friedberg or one of his employees controlled.

In fact, during the first proceeding, which was an EBT, my brother, who was representing me, put a statement on the record. The statement and the things he said are nowhere in the transcript. My brother refused to sign the transcript.

At the first trial, wherein it was a tape recorder and the tape recording was being controlled by an employee of the commission, I saw Mr. Friedberg making hand gestures and I heard click-click, click-click. Again. And I believe there are other witnesses who the committee might have gotten in touch with who will verify that that's their conduct.

I also went down during the first proceeding, since the Senate and the Assembly give them money to investigate
these cases, I went down with my clerk, my law secretary, and my court officer, who verified my story that the attorney who was testifying against me wasn't telling the truth. They were not allowed -- or they were not asked any questions. So their investigation only stops at, gee, what's harmful to the judge. And if you want, I will produce those people if you have hearings in New York City.

Also, one of my other court officers was asked by an attorney for the Commission on Judicial Conduct to change his story because, after all, judges are scum and why would you testify to help a judge. Again, don't take my word; I could produce witnesses.

Let me see. What's interesting about some of the commission rulings -- well, the first one, on the full record, even though the commission found that I was wrong, I was actually affirmed by the Second Department both on the substantive law and the contempt that I held the person who accosted me in
parking lot was -- I mean did. I was
censured on the doctored records submitted
to the Court of Appeals by Mr. Tembeckjian.

I think the best way to describe the
way Mr. Tembeckjian and Mr. Friedberg, who's
now at the First Department, ran their
little shop was they marked the deck, they
shaved the cards, then they started to
cheat.

(Laughter.)

CHAIRMAN SAMPSON: You know, I mean,
these allegations -- I'm just trying to get
an understanding. What do you mean by
marking the deck?

JUSTICE HART: You try cases before
them, they pick the judge -- and I have
nothing against the retired judges who they
pick. They pick the judge. I've been a
lawyer pushing 30 years --

CHAIRMAN SAMPSON: You mean the
commission picks the judge.

JUSTICE HART: The commission picks
the judge. You go in against them, they
don't give you discovery or they give you
doctored discovery. You -- credibility --
the first dealing I had with the commission,
my brother Leon Paul was screaming with
Vicky Ma, who was one of their attorneys,
and he was questioning the credibility of
this Max Goldweber. And Ms. Ma was
screaming back to him that credibility is
not an issue. And, I mean, that's the type
of people they have.

You don't have to take my word for it.
I gave you recorded documents or case law
that shows Max Goldweber, the first person
who accused me, was called a liar and a
thief for running a scam to bilk his clients
by Judge Wexler.

I gave you a document that showed that
in a case that was originally started in
Eastern District of Pennsylvania, Michael
Flomenhaft, who was the second person to
accuse me, was being sued for running what
appears to be a Ponzi scheme to finance the
case before me. And when he refused to try
the case -- oh, and he also tried to export
me by saying he would complain to the
commission if I made him try the case.

And I produced a document wherein the attorneys who employed the third attorney who complained about me, Ms. Naidoo, they fired her for lying and stealing in that case.

These are the people who offered complaints against me and that were found to be legitimate by Robert Tembeckjian.

CHAIRMAN SAMPSON: Senator Perkins.

SENATOR PERKINS: Yeah, thank you so much. I have to run, but I just want to ask one quick question. So what's the solution?

JUSTICE HART: Well, firstly, you have to fire Tembeckjian and Friedberg.

I mean, I've got to tell you, I've been a trial attorney or a judge, again, pushing 30 years. The only reason that Robert Tembeckjian, in my opinion -- so I don't get sued -- isn't the sleaziest attorney I've ever met is because I've met Alan Friedberg.

(Laughter.)

SENATOR PERKINS: So now you've taken care of the personalities. What about the
system --

JUSTICE HART: No, no, it's not just the personalities.

SENATOR PERKINS: I want to get a systemic opinion as well.

JUSTICE HART: It's -- it's --

SENATOR PERKINS: I heard that the individuals --

JUSTICE HART: They don't do it right.

SENATOR PERKINS: Well, let me ask a question. I hear you talking about the individuals. Are there any systemic process issues or concerns that you might want to add to that?

JUSTICE HART: Well, firstly, you've got to have some situation where they don't pick the judges, where judges aren't beholden to them to be named again.

There has to be a limit on how long people like Mr. Tembeckjian can serve in office so that he doesn't have some sort of --

SENATOR PERKINS: Term limits. Term
You have to have some -- and, I mean, I complained to everybody; no one has jurisdiction over these people. When I was an ADA in Queens, I actually worked for Joe Fisch. Judge Fisch said he didn't have jurisdiction. I complained to the clerk of the Court of Appeals. They said they didn't have jurisdiction. Only when I complained to Senator Sampson, Senator Smith, and Governor Paterson did anything actually get done.

I complained to the Attorney General. I complained, I had a long conversation with one of the senior attorney generals. Nothing was investigated.

SENATOR PERKINS: Let me ask you this, then. Term limits, how long a term?

JUSTICE HART: Three years, four years.

SENATOR PERKINS: And when you made complaints to other governments or other officials, you said that nothing happened.
JUSTICE HART: Nothing happened. In fact --

SENATOR PERKINS: What would be a better process?

JUSTICE HART: There's got to be some -- well, firstly, you should appoint a special prosecutor to do some sort of accounting of what they've done. These people had no -- you know, who was it that said absolute power corrupts absolutely?

Well, in the situation you have right now, Mr. Tembeckjian has absolute power. He can do anything he wants.

And, I mean, he's investigated me -- he has come before you saying that he only investigates matters that are serious.

There has got to be something more serious in the State of New York than me going through a court scanner with my 81-year-old mother to take care of my dying father's business.

I was actually investigated for that. He got the rule wrong. I produced Jewel Williams to say they got the rule wrong.
They still argued the wrong rule.
They have no control. They argue whatever they want when they want to argue it. There is absolutely no control over this -- again, you don't have to take my word for it. This is all documented.

CHAIRMAN SAMPSON: Senator DeFrancisco has a question.

SENATOR DeFRANCISCO: How many complaints were investigated against you?

JUSTICE HART: I'll give you -- I think -- well, there are two that they don't know that I know about. They investigated me --

SENATOR DeFRANCISCO: How many?

JUSTICE HART: I think five or six.

SENATOR DeFRANCISCO: Okay. And can you give me just the general flavor of what these investigations were about?

JUSTICE HART: Okay, going through a court scanner with my mother, showing my judge's ID with a blue strip -- the judges -- there are three IDs in the court system, red, yellow and blue. A judge has a
blue ID. The lieutenant, the newly minted lieutenant, didn't know my ID said that I could pass without being stopped and anybody can pass with me. I was there with my 80-plus-year-old mother. She's going to be 85 in about three weeks.

SENATOR DeFRANCISCO: What is that, going through a security area or what?

JUSTICE HART: Yeah, going through a security area.

SENATOR DeFRANCISCO: Okay. That's one.

JUSTICE HART: That's one.

Keeping a child in her home -- the child reported to me that she had the flu. Actually, it was a 12-year-old child who evidently was going through her first period and didn't want to tell. When the sheriff came to throw her out of the house, I stopped it. Chase complained I stopped it. The rule is that people give basically six months to be evicted from a home. I gave two months. They got me on that.

They censured me on -- when I was
accosted in the parking lot in the gated, secured parking lot of the court in Jamaica, somebody came up to me, he didn't like the fact that I was going to go visit my sick father. My father eventually died of Alzheimer's and cancer. I told the jury -- not the jury, I told the attorneys that I was going to get a tire fixed, but actually my father had the flu and I was going to go --

SENATOR DeFRANCISCO: Wait, wait.

This is bizarre --

JUSTICE HART: This is bizarre.

That's the point.

SENATOR DeFRANCISCO: No, no, wait a minute. But your explanation is bizarre. You were stopped in a parking lot and accosted?

JUSTICE HART: Yes.

SENATOR DeFRANCISCO: What you were asked to do?

JUSTICE HART: I was -- he wanted me to --

SENATOR DeFRANCISCO: Who is "he"?
JUSTICE HART: The person who accosted me.

SENATOR DeFRANCISCO: So somebody in the general public accosted you --

JUSTICE HART: Mm-hmm. So what -- no, no, excuse me, the litigant accosted me. The next day --

SENATOR DeFRANCISCO: And what was he accosting you for?

JUSTICE HART: He wanted a longer adjournment.

SENATOR DeFRANCISCO: Okay.

JUSTICE HART: The next day I said forget about it. His attorney, Max Goldweber, said no, no, no, I don't want to forget about it.

In the record that Mr. Tembeckjian didn't know was a brief that was filed with the Second Department that talked about the meeting that we had. It said I didn't want to hold the guy in contempt, all he'd have to do is apologize. Mr. Tembeckjian said that meeting never took place even though the complaining lawyer said it took place.
SENATOR DeFRANCISCO: But what court proceeding was there that was being complained of --

JUSTICE HART: It was a contempt proceeding. I was doing the trial, and I held him in contempt for accosting me.

SENATOR DeFRANCISCO: So you held somebody in contempt.

JUSTICE HART: For accosting me.

SENATOR DeFRANCISCO: For accosting you outside of the courtroom.

JUSTICE HART: That's right.

SENATOR DeFRANCISCO: I didn't -- I wasn't familiar with that rule. I thought contempt proceedings dealt with what happens in the courtroom.

JUSTICE HART: No, no. Well, they changed the law for me, thank you.

SENATOR DeFRANCISCO: Oh, okay --

JUSTICE HART: He came up to me --

SENATOR DeFRANCISCO: So that's three. What are the other ones?

JUSTICE HART: Let me see. Going with my mom through the scanner.
SENATOR DeFRANCISCO: Well, we already heard that.

JUSTICE HART: Making somebody try a case after two and a half years.

They also investigated me. An attorney named Darren Kerns was found by two federal courts to have brought a poorly thought out cause of action. They mentioned that to him. I did the same thing. Mr. Tembeckjian called the other attorneys to see what I did wrong on that. But he was told that I agreed with -- two federal courts agreed with me. He stopped that.

And most recently they investigated me for -- the attorney who represented me in the last cause of action, they had an action before me that I recused myself from about a year and a half or two years earlier, but they still wanted proof that I had recused myself.

SENATOR DeFRANCISCO: Okay. And just along those same lines, how many of those are still pending?

JUSTICE HART: None.
SENATOR DeFRANCISCO: Okay, so they're all over at this point.

JUSTICE HART: But I was censured twice.

SENATOR DeFRANCISCO: Okay. Thank you.

JUSTICE HART: Like I said, I don't know -- I know Tembeckjian and -- Mr. Tembeckjian and Mr. Friedberg have to be removed.

CHAIRMAN SAMPSON: We don't -- as Senator Perkins said, I think, we're not interested in character assassination, we're just interested in recommendations, if any, that we can make the system, as we've seen, seem more equitable and fair not only in the eyes of the public but also those who are coming before that commission.

JUSTICE HART: Well, the system -- if the system works properly, it's fair. But anyone, any system that doesn't have the goodwill of the people who are running it behind it is going to fail no matter what you do.
So while I agree with my friend Senator Perkins that this isn't about character assassination, it's about getting a fair, equitable system -- and frankly, in the hands of people like Mr. Tembeckjian and Mr. Friedberg, you'll never have it. You could put whatever -- you could change the system however you want, you've got to have people in there who are fair, who are ethical.

I mean, again, my -- Mr. Tembeckjian -- and again, I believe I submitted it to you on an earlier day, when my brother told Mr. Tembeckjian that he had to follow certain a rule of ethics, Mr. Tembeckjian actually wrote back to my brother saying that there are no ethics that he has to follow. And -- am I correct?

CHAIRMAN SAMPSON: I hear your point, Your Honor.

Your Honor, thank you very much for --

JUSTICE HART: Always a pleasure.

CHAIRMAN SAMPSON: -- taking your time out and speaking with us today.
JUSTICE HART: Thank you.

CHAIRMAN SAMPSON: Thank you very much.

I'm going to try to move it a little faster. The next person is Pamela Carvel.

Ms. Carvel.

You can do all this in five minutes, Ms. Carvel?

MS. CARVEL: I will rush, I certainly will.

CHAIRMAN SAMPSON: Thank you very much.

MS. CARVEL: You have the written thing?

CHAIRMAN SAMPSON: Yes, I do.

MS. CARVEL: And the flow chart that I've given you is the same as the one I enlarged for you to see.

I flew in from London because I wanted to be part of this hearing that I think is a very significant effort --

CHAIRMAN SAMPSON: I can give you a little bit longer than five minutes, since you flew in from London.
MS. CARVEL: But I think it's a significant effort at preserving our aspiring democracy, because what's going on Surrogate's Court, which is where my connection to the Office of Court Administration and the DDC and the other disciplinary committees comes from, is nothing less than a criminal enterprise.

You don't have to take my word for it, because one of the lawyers that I hired actually wrote an article in the New York Law Journal, and I've attached that for you. Eve Markewich, who I hired to help me recover money stolen by the controlling shareholders of Hudson Valley Bank, wrote an article in the New York Law Journal detailing all of the gross violations of ethics that went into railroading my aunt so that in her whole lifetime she received nothing of benefit after my uncle died.

In 1990 my uncle, the week before he died, said there was $250 million in the family. He called me and asked me to come back from China, where I was acting as a
fraud investigator, to be able to help him
discover where $100 million had gone
missing.

On the Saturday before his death, he
had told people that he was going fire the
two employees, a lawyer and his secretary,
that he felt were responsible. He was found
dead on Sunday. And on Monday morning the
culprits, who were agents of Hudson Valley
Bank that held the money and that has been
the recipient of all of the money since
1990, they were in control of everything.

Just recently I've discovered that my
uncle's death certificate was forged, that
the information on it was falsified to avoid
an autopsy. And I will be trying to exhume
his body to see if he was murdered in order
to set in motion this criminal enterprise
that is a pattern in Surrogate's Court.

No efforts to bring these things before
the Office of Court Administration have
worked in any of the cases that I've
investigated other than our own.

Hudson Valley Bank paid Surrogate
Scarpino $100,000 during his election. Just prior to the trials in my uncle's estate, they paid Surrogate Scarpino $200,000 as an alleged loan. And just prior to the trials in my aunt's estate, they paid Surrogate Scarpino another $100,000.

CHAIRMAN SAMPSON: These issues, did you raise them with the --

MS. CARVEL: Raised them with the Office of Court Administration --

CHAIRMAN SAMPSON: When you say the Office of Court Administration, you mean the Commission --

MS. CARVEL: I'm sorry, the Commission on Judicial Conduct.

CHAIRMAN SAMPSON: When did you do this? When was this?

MS. CARVEL: It was probably -- I discovered it in 2007, so it was probably 2007, 2008.

CHAIRMAN SAMPSON: So what has happened since then?

MS. CARVEL: They said they didn't find a problem with Scarpino not only
receiving money from Hudson Valley Bank but allowing Hudson Valley Bank's controlling shareholder to receive all of the assets from my uncle's estate, and to allow him to appear before Scarpino as a witness without ever disclosing that there were financial arrangements between Hudson Valley Bank and Judge Scarpino.

CHAIRMAN SAMPSON: And you raised this to the Commission on Judicial Conduct?

MS. CARVEL: Raised it to the Commission on Judicial Conduct. They asked for documentation. I gave them full documentation. They found absolutely nothing wrong with that.

CHAIRMAN SAMPSON: Since Mr. Tembeckjian is here, before this is over, we'll -- I will raise that issue.

MS. CARVEL: All right. I also, in the course of investigating, found out that the controlling shareholder of Hudson Valley Bank, William Griffin, was given control of all of my aunt's real estate, which consisted -- part of it was 19 acres in
Ardsley, New York, which is a very expensive area.

Griffin was allowed to flip that property to himself through Hudson Valley Bank, through one of his former law partners' brothers. In other words, Griffin signed the property over and then the property came back to Griffin as Hudson Valley Bank. And the whole proceeding took place for $2 million on paper that never changed hands, and the property is worth $10 million or more.

I brought that to the attention of Surrogate Scarpino, and Surrogate Scarpino again found there was no problem because of the dealing being done by William Griffin, who was responsible for paying Surrogate Scarpino at least $400,000.

Part of the problem with the whole system of — by the way, I also filed a complaint against Eve Markewich for knowing about all of these violations. Eve Markewich, who I hired on behalf of my aunt's estate, betrayed any representation
for us on the promise that William Griffin
would pay her $4 million, allow her to be
paid $4 million in legal fees -- which she
has been paid, I understand. And when I
filed the complaint with the Commission on
Judicial Conduct on her lack of
representation, her betrayal of the purposes
for which she was hired, and also her
complete knowledge of ethical violations by
other attorneys, that she refused -- not
only did she refuse to tell me about them,
but she refused to take any action herself,
which was her duty as a lawyer.

It came back, the decision came back
that her problems would be sorted out in the
legal lawsuit. Well, there was no legal
lawsuit pending between me and Eve
Markewich, and there was no venue for that
to be handled at all. So whether they
investigated or not, I don't know. She put
in a response, and her response was this is
going to be handled in litigation. But
there was no litigation.

There is --
CHAIRMAN SAMPSON: That complaint that you put, was that in the First Department?

MS. CARVEL: That was the -- for Manhattan. It was the First Department.

I put in a similar complaint with one of Eve Markewich's fellow attorneys, Frank Streng, who didn't tell me that he was employed by the judge. He was also an attorney of mine, was supposed to represent me. He converted approximately a million dollars that I paid him and then took another million from the estate.

Complaints were filed against him, and I was informed that he has a law partner -- one of his law partners is on the commission in Westchester, and that nothing would be done. And the same answer came back on that thing, that it would be handled in litigation. But again, there was no litigation in which Frank Streng's ethics were part of the litigation. There was no -- actually, at that time there was no litigation involving Frank Streng at all.
The whole system -- and I call it a criminal enterprise, because the exact tactics being used are in the New York State Penal Code: coercion, larceny, conspiracy. These are all being operated out of the court, out of the Surrogate's Court, and in particular Westchester. But I know it's happening in Manhattan, it's happening in Dutchess. And they're using a one-sided system of favoritism.

My aunt and I, as fiduciaries, should have had equal access to indemnification as all the other fiduciaries. We were the only two fiduciaries denied indemnification because we were the only two working with law enforcement. All the others were paid completely.

As long as my aunt lived, she never received a penny from my uncle's estate. But Hudson Valley Bank controls $150 million of Carvel money that my aunt was the sole beneficiary of.

CHAIRMAN SAMPSON: They still control it?
MS. CARVEL: It's all been given to them. Over the last 10 years, by Surrogate Scarpino, all of the money in my uncle's estate and in my aunt's estate has been passed over to Hudson Valley Bank. Without notice to the named beneficiaries, without notice to the creditors. Without court approval, assets have been disposed of that were supposed to be in constructive trust. None of these things have fazed the judicial commission.

CHAIRMAN SAMPSON: I think, since we still have Mr. Tembeckjian here, this is something, I'll ask staff, maybe I may want to look a little further into something like this.

So if you have time maybe before the end of today, maybe we can just -- my staff just have a meeting with the members of the commission to see what some of these issues are.

MS. CARVEL: I'd be glad to.

I just wanted to point out one other problem with the system. Most times when
you complain about a decision or a judge's
actions, they'll tell you: Well, you have
the avenue of appeal. In Surrogate's Court,
the judges either don't render decisions --
even though there's a 60-day rule, they may
not render decisions for two years or more.
They do not hold trials. If they do hold
trials -- Surrogate Emanuelli didn't hold a
trial for 10 years. My aunt's issues were
not litigated at trial until five years
after she was dead.

You're denied trial by jury or
decisions are rendered by transcript, which
cannot be appealed, or they're rendered in
such a way that it's too late -- the issue,
the money, everything has already been gone
by the time the decision has been rendered.

This is a pattern, and it's more than
one estate. And I congratulate you for
recognizing there's a problem. I think part
of the solution, if not the whole solution,
is complete transparency and complete
anonymity. No judge should be given one
case for 20 years. No one court should have
one case for 20 years.

If you have -- in our case, I'm dealing
with Surrogate's Court. If you have
numerous proceedings, let everything go into
Supreme Court; dispose of the Surrogate's
Court.

Let everything be assigned by a blind
rotating calendar of judges. Let the
proceedings be separated so that each
proceeding is going to get a different judge
and a different hearing.

And there has to be something to ensure
that money is not passed from one side to
the other or that one side alone is funded.
There has to be an enforcement of the
Constitution that all people have equal
rights before the law.

Thank you.

CHAIRMAN SAMPSON: Ms. Carvel, thank
you very much.

The next witness -- and I'm going to
adhere to the five-minute rule -- is Paul
Altman. Mr. Altman, are you here?

MR. ALTMAN: Yes, Senator.
CHAIRMAN SAMPSON: How are you doing, Mr. Altman? That's a very extensive -- I'm quite sure you can adhere to the five-minute rule.

MR. ALTMAN: Well, what I'm going to do is totally let you off the hook with all those exhibits, now that I see how this works.

CHAIRMAN SAMPSON: Thank you.

MR. ALTMAN: I didn't come in to trash any personalities. I've never met anybody in the room before. I'm not part of any group. I am a 54-year-old guy who lives in Florida. I was a jazz musician in New York. And I have run afoul of the system.

And my life has been turned into a nightmare, which I'm going to tell you in the hundred-second version. And the DDC has stood down and allowed an unethical attorney to torment me. And I will leave it to you to decide whether I'm just a disgruntled litigant or whether I have something valid to say. Okay?

Here's my story in a nutshell. This
has been going on for eight years. I'm going to try to give you the 120-second version, Senator. What happened to me is that I have a child who's now 15. In 2001, there was Family Court issues; I hired an attorney, Richard L. Gold, of Morelli & Gold. You can imagine that I'm not in love with him, or I wouldn't be here talking about this. But I'll spare you a character assassination and try to stick to the facts.

In 2006, after four years of Family Court, my relationship with him soured, and I owed him $20,000. A fee dispute ensued, and I took advantage of the Part 137 law -- in New York State, 22 NYCRR 137 -- which allows for mandatory arbitration if the client demands it. And I demanded it. I did not want to go to trial. I live in Florida, I'm not an attorney.

The arbitrators hated Mr. Gold, and they told him not only to waive the $20,000 that I allegedly owed him, but they told him to refund an additional $5,000. And Mr. Gold did not do so. I called the
Disciplinary Committee, and I said, "This man has my money." And the Disciplinary Committee said, "This is a concern for us, please make a complaint." And I did.

And at that time what happened is that -- well, I don't want to get into all the details because it will be an hour, so I'm going to try to keep it to five minutes. What happened in a nutshell is that Mr. Gold's retainer said that should there ever be a fee dispute and should Altman choose arbitration as is his right pursuant to New York law, that arbitration will be binding upon Altman and the firm.

Well, Gold sued me in Supreme Court of New York. And I will quickly get to the DDC's role in this, but give me a little leeway to tell the story, okay? Gold sued me and asked the Supreme Court to award him $35,000. I, who am not a lawyer, made a motion to dismiss pre-answer and said, "Your Honor, this is an illegal and unethical misuse of the Supreme Court. There's already been an arbitration, and here is
Gold's retainer agreement, and it clearly says the arbitration is binding."

Well, Gold made opposition to this, and he said, yeah, the word "binding" was in the retainer agreement, but it was a special use of the word that meant "nonbinding."

(Laughter.)

MR. ALTMAN: now, the judge did not buy this, but on June 30, 2008, in a landmark decision which is featured on the front of the New York Law Journal, with the judge's photograph, Justice Carol Robinson Edmead ruled that although the word "binding" is suggestive of binding, that Gold was free to vacate the $25,000 award and start an entirely new trial and drag me to New York.

I would never have hired him if I had known that the retainer was a trick.

And she ruled that the reason for this is because Gold himself had not used a super-secret Boy Scout-password-encoded form from the Office of Court Administration that I, as an unrepresented consumer, could have
known nothing about.

Well, the DDC stood down on this. I laid it all out to the DDC. I've given you the exhibits, which I cannot drag you through in five minutes, and I will mercifully not --

CHAIRMAN SAMPSON: But this was a --
I guess was a judge's determination with respect to --

MR. ALTMAN: It was a judge's determination after the DDC -- I'm telling the five-minute version, so I'm a little out of sequence -- after the DDC stood down and said there appears to be pending litigation on this matter.

Well, I wrote back to the DDC and said:

Look, I know there's pending litigation. That's part of my complaint. This is an unethical litigation. And you guys have all the jurisdiction in the world to deal with this here and now, before the litigation goes on.

I cannot quote you chapter and verse, Senator, but the DDC's rules say that they
can pursue issues even if there's pending litigation, that they are not hamstrung by the fact that there's pending litigation.

CHAIRMAN SAMPSON: So the DDC did not investigate because there was a pending litigation?

MR. ALTMAN: Correct. They closed down. They closed the investigation. And I wrote to them and I said, With all due respect, if you close every ethics investigation that has pending litigation corresponding -- at the same time, what you're doing is creating a rule so that attorneys who are accused of an ethics violation must bring lawsuit against the client who accused them. Because that's the automatic the DDC will stand down.

And if the attorney is unethical enough to keep playing this game in a law of attrition and finally wear the client down, as Richard Gold is trying to do to me, well, then he wins. The DDC does not find this to be unethical.

Now, the DDC's own rules forbid what
Gold did. Gold, as a matrimonial attorney, is not allowed to have trick wording in a retainer agreement regarding fee arrangements. Now, I'm not going to quote chapter and verse that attorneys cannot lie to clients and they have a fiduciary relationship. Let's put all that aside. The specific rules of the DDC say -- or the ethics rules say that a matrimonial attorney must set forth the fee arrangements in the retainer agreement in plain language.

Now, how on earth is "binding" meaning "nonbinding" in plain language?

CHAIRMAN SAMPSON: So the DDC never took any action?

MR. ALTMAN: The DDC never took any action.

So now I will try to give you the punch line. Only did it later turn out that the form was never even available, the website that the form was supposedly on wasn't available, but I made a reply to Gold's DDC opposition which was substantially the same as what he made in court. He said, Yeah,
binding, but it meant nonbinding.

So what I did is I said okay, let him have that. What about the fact that he lied in court? He took me into the wrong court, he perjured himself. Here are the transcripts. What about the fact that he puffed up the bill and then knocked it down with courtesy discounts and then went after those courtesy discounts when he found out I wasn't happy with his services? I could go on with two or three more examples. The DDC never submitted these allegations to Gold.

So here's -- here are the four ways that the DDC specifically stonewalled me and whitewashed the case, which is supposedly still pending. My litigation in New York is still pending in front of Justice Edmead. It has turned my life upside down.

But to be precise, the DDC, the first thing they did is they wrote me a letter saying there's pending litigation so we're closing the case. And as I said earlier, that does not follow their rules.

Second, they did not tell me the case
could be reconsidered. Their rules require that they notify me of this.

Third, they said that there was pending litigation in related matters. That was not true. Okay?

And fourth, to this day I have been in touch with Sherry Cohen, who has told me that the reconsideration is still pending, and to this day they have never submitted the additional allegations to Attorney Gold.

AUDIENCE MEMBER: Where are the other two senators?

CHAIRMAN SAMPSON: Basically, the other two senators had commitments. This is -- my colleagues come in and out because, you know, this is during the day we have other committee meetings and everything else going on.

So you have the chairperson here who's -- I'm in charge of the committee. So as long as I don't leave, you're all right.

MR. ALTMAN: Well, I want to take second to apologize to the audience. I am a little heated, and I am trying as best as
possible to knock an eight-year story down to a few seconds.

CHAIRMAN SAMPSON: Mr. Altman, no, no, no, I understand it. And this is something, since your litigation is still pending and something like this can be reconsidered, so I will make sure that we follow up with you in the near future with respect to the complaint that you have filed with the DDC.

MR. ALTMAN: Senator, again, I won't drag you through the exhibits, but in the exhibits you will see that the DDC has written to me and said that there was nothing legitimate -- nothing worthwhile to send to Gold.

CHAIRMAN SAMPSON: Well, that's something that maybe since we have the members of the DDC here, the First Department, that's something that maybe we can -- you know, maybe I can ask them in a subsequent environment.

Just for complete disclosure, I used to work for Justice Edmead about 20 years ago.
MR. ALTMAN: Well, I don't agree with her decision. She knows that. I'm quoted as saying so in the New York Law Journal. I think this was a mistake, and I am dealing with her, respectfully, in the court, with motions and what have you. And I hope that she ends up agreeing with me, and I hope my ex-wife ends up agreeing with me about a few things too.

But I would like to just make one more comment, if I may, and then I will take any comments you have or stand down. I did not come here with an ax to grind. I don't know anybody here. But I was deeply offended, personally offended by Mr. Gold and Mr. Friedberg. I walked in listening to them.

And I find it outrageous that these people, who know the system better than anybody else, and deserve every benefit of the doubt and should not be the victims of character assassination, that these people do not come forward and say to you: Senator, obviously, with the amount of power
we have and the amount of opaqueness that
our agency has, this is a perception
problem, even though we personally behave in
a saintlike way.

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

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

MR. ALTMAN: Thank you.
CHAIRMAN SAMPSON: Thank you very
much, Mr. Altman.

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

MS. ESPOSITO: Good afternoon.
CHAIRMAN SAMPSON: Good afternoon.

MS. ESPOSITO: My name is Luisa
Esposito, and I believe these serious matters that are being brought forth by the public are of urgent importance and it begs for your immediate attention and involvement in your honorable pursuit to defend and promote justice.

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

On October 7, 2005, I was wired by a private investigator, and hence an approximate 1 hour, 49 minute audio-video DVD tape was produced with Isaac admitting
to his crimes.

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

As a result of these flagrant abuses, I presently have a case pending in front of the Second Circuit Court of Appeals, Luisa C. Esposito v. The State of New York, et al., 08-4879-CV, as well as several others which had been marked related to Christine Anderson v. The State of New York, et al., 07 Civ. 9599 (SAS). These cases involve shocking allegations regarding systemic corruption within the New York State Ethics Committee.
I believe my complaints to the ethics panel against my former attorney, Allen Isaac, Docket No. 2005-3074, are being whitewashed, ignored, and mishandled, the very same practices that are very similar to several others.

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

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

On or about April 2007, the hearings began against Mr. Isaac, who was represented by Michael Ross and Richard Godosky. I
asked the court and Ms. Goldstein if I could have my attorney present during the proceedings, and Ms. Goldstein and the court told me I wasn't allowed to have my attorney present during the hearings. This was clearly an abuse and violation of my rights.

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

The committee and Ms. Goldstein used a transcription of a copy of the videotape that Herbert Waichman of Parker & Waichman
submitted to the committee. The court would not allow my original certified copy, tape and transcript, into evidence. The version of the DVD transcript Ms. Goldstein presented was heavily altered and redacted, and omitted the critical sections most damaging to Mr. Isaac. Ms. Goldstein cherry-picked what she wanted to submit into evidence.

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

When I tried to address these serious and unethical and flawed matters to various individuals within the committee and outside
of the committee, my pleas were immediately dismissed and ignored. Therefore, as a result of their unethical practices, I became very ill and could no longer continue to attend the hearings as a witness and complainant.

I will quote a part of the audio-video DVD tape where Isaac is heard boasting about a case that was in front of the First Department Appellate Division and how he had influence on that appeal regarding the $200 million fen-phen case: "Yesterday I was in the Appellate Court First Department -- not the Second Department. The Second Department is tougher than the First Department. I was in the First Department. There were 16 cases, and my case was the last. I wasn't arguing it, but the client wanted me there because some of the judges on the panel are very close to me. So I wanted them, the appellate judges, to know that I'm really interested in that case. This is all bullshit politics. And they saw me, so I wanted them to know that
I'm really interested in that case. That case, you know, is worth $200 million. Not this."

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

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

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

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

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

CHAIRMAN SAMPSON: What complaint was dismissed?

MS. ESPOSITO: The ADA Lisa Friel. I had filed a complaint --
CHAIRMAN SAMPSON: A criminal complaint?

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

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

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

CHAIRMAN SAMPSON: Oh, the ADA in the --

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

I've written letters to Alan Friedberg, I've written letters to Thomas Cahill, I've written letters and --
CHAIRMAN SAMPSON: Since the parties are still here, we'll follow up with that, Ms. Esposito.

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

CHAIRMAN SAMPSON: Thank you very much for your testimony.

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

Thank you very much.

(Brief recess taken.).

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

Mr. Galison, where are you?

MR. GALISON: Here.

CHAIRMAN SAMPSON: Mr. Galison, you know the routine, you've been with me a couple of hearings. Let's get to the point,
1. let's move on. Go ahead, Mr. Galison.

2. MR. GALISON: Okay. I'd like to

3. start by just touching on a point that

4. Senator DeFrancisco made, and I'm sorry he's

5. not here to respond or to hear this. It's

6. not a criticism, just a clarification.

7. He asked Ms. Anderson what the

8. percentage of cases were in which she felt

9. there was some impropriety or favoritism,

10. and he suggested that possibly the small

11. number, the small percentage, was indicative

12. that maybe something was -- if I understood

13. correctly, was that things were not so bad

14. and there might be an acceptable sort of

15. random level of impropriety or malfeasance.

16. The fact is that the vast majority of

17. cases provide no motivation for corruption.

18. By definition, corruption occurs when there

19. is a vested interest in the outcome. If a

20. policeman arrests 100 drug dealers and then

21. fails to arrest his younger brother, his

22. corruption rate is not 1 percent, it's a

23. hundred percent, because that's where he had

24. a motivation to be corrupt.
And nobody is accusing Mr. Tembeckjian or Mr. Friedberg of doing this for sport; they do it because they have a vested interest. What exactly those vested interests are is not known to us, but we can only assume that they don't do it for sport.

Having said that --

CHAIRMAN SAMPSON: Now you have four minutes. Go ahead.

MR. GALISON: Sir, thank you -- Senator. Give me a break.

Mr. Gold sets the rules of the grievance committees -- I'm sorry, Mr. Gold claims that the grievance committees are governed by rules. The problem is not that there are no rules, the problem is that the rules are ignored, twisted and perverted.

The New York State judiciary is so dysfunctional and corrupt that their so-called ethics committees routinely break existing laws and capriciously create false laws, without due process and with utter impunity. By doing so, they undermine the credibility of the courts, which is clear to
everyone here.

Their corruption is so absolute and flagrant that they don't even make an effort at the appearance of propriety. Instead, they spit in the face of citizens, the Constitution, and the universal tenets of justice. These committees use corruption both as a sword against their enemies and a shield to protect their friends. Complaints against lawyers with connections are brazenly whitewashed or ignored. I didn't learn this from anybody else; this is from my experience.

Decent lawyers are sanctioned or disbarred with no legitimate reason, simply because they dared to oppose the corrupt power structure. Likewise, the Commission on Judicial Conduct routinely whitewashes and dismisses complaints against judges without any investigation or explanation, and judges who dare to challenge the system are punished.

To compound the problem, no attorney will touch cases of corruption against
crooked attorneys or judges because they know this means professional suicide.

The corruption is not only deep and wide, it extends to the highest office of the judiciary. The Chief Judge of New York State, Jonathan Lippman, who I respectfully submit was shoehorned into office by a faulty confirmation process, is personally implicated in at least a dozen lawsuits and dozens more complaints regarding corruption, and those are only the ones that I know about. This is the head of the snake. We can talk about the tail or the middle, but this is the head of the snake. And before him, it was Judith Kaye.

In his prior role as presiding justice of the First Appellate Division, Lippman appointed Alan Friedberg to head the Disciplinary Committee. Alan Friedberg, who already earned his reputation as corrupt in his former position as chief counsel to the CJC.

When Friedberg continued to run the DDC as corruptly as his disgraced predecessor,
Thomas Cahill, Lippman received scores of complaints about Friedberg's corruption and incompetence. Lippman did nothing.

And that is no surprise. In his previous position as administrative judge of the OCA, Jonathan Lippman had personally fired DDC Investigating Attorney Christine Anderson for reporting systemic felonious corruption at the DDC. He fired her for insubordination, but that's obviously a mischaracterization.

No one can deny that DDC protects guilty lawyers and attacks innocent ones. But what I'd like to address is how they do that, what are the methods that they use. And I think people will relate to many of these. I will be as brief as possible.

All problems with the DDC arise from underlying conflicts. Mine had to do with a -- I'm a musician, it had to do with a record that I made and a lawyer tried to steal the rights from the record by writing and claiming that I was not the copyright owner. Six months later, he changed his
CHAIRMAN SAMPSON: Exactly. I want to get to -- you talk about whitewashing. What specifically was done that you consider to be whitewashing, those specific

mind and said that I was the copyright owner, admitted that in a sworn document.

Now, in the interceding six months, I could not get a record deal, and I was basically being threatened with the federal crime of copyright infringement. Turned my life upside down.

Two streams of systemic and coordinated official misconduct arose from my underlying dispute. One, my efforts to file disciplinary complaints against certain lawyers have been illegally obstructed by multiple government agencies, including the DDC, the DA's office, the Attorney General, and others --

CHAIRMAN SAMPSON: Stop. We have had this dialog, and you talked about these instances.

MR. GALISON: What would you like to know?

CHAIRMAN SAMPSON: Exactly. I want to get to -- you talk about whitewashing. What specifically was done that you consider
incidents? And what recommendations would you have to improve the system?

MR. GALISON: I appreciate your editing, as always, Senator.

Well, I'll make it very clear, two cases which are -- which I see as absolutely crystal-clear. I mean, I'm not going to talk about stuff that's debatable with debatable facts.

For example, this lawyer, who wrote in a letter to my record company that I was not the owner of the record and that he was going to sue me for copyright infringement, six months later admitted in a sworn affidavit that I was the copyright owner. By any definition of the word, the man was lying.

And lying is against the rules. It's not against the law; I cannot sue him in court for lying. Maybe for fraud, possibly, but not for lying. Lying is an ethical infraction that is in the LCPR. It has a particular number, it's DR 1.102. A lawyer or law firm shall not engage in conduct
involving dishonesty, fraud, deceit, or misrepresentation.

Now, if you tell a record company that I'm not the owner of the record and you know perfectly well and six months later you say, yes, I knew that he was the owner --

CHAIRMAN SAMPSON: We got that point.

MR. GALISON: Okay, I want to make sure everybody understands there was no question.

What did the DDC, what did Mr. Fried --

CHAIRMAN SAMPSON: What did the DDC do that was so --

MR. GALISON: Okay, what Mr. Cahill did was he asked for a response from the lawyer. The response came from the lawyer's employer and counsel at the time, Myron Beldock. It should be noted that the --

CHAIRMAN SAMPSON: What did he do that was questionable to you?

MR. GALISON: Okay, I'm sorry, yeah. I was just going to note that Hal Lieberman, who preceded Mr. Cahill, was working at Beldock's office at that time. He went
directly from the DDC, which I think gives some insight as to how the revolving door works here.

CHAIRMAN SAMPSON: Your issue is that that's a conflict issue that's --

MR. GALISON: That's a conflict issue. But that's an aside, just to shed some light on what's going on behind the scene.

What happened, what Cahill did is he got the response from the lawyer, but the lawyer said: "Here's my response, it's 27 pages long, but Mr. Galison can't see it because he's considering suing me, and it may contain some information." By the way, this is after months of delay --

CHAIRMAN SAMPSON: But don't they send you a copy of his response --

MR. GALISON: Yeah, they were supposed to. But instead, they sent me the letter, which said the response is redacted and sealed.

He said, We are attaching two versions of the answer from Mr. Greenberg. One is
entirely deleted -- redacted. That is, page 3 to page 28 is redacted. The other is in a sealed envelope which neither you, the DDC, or Mr. Galison is allowed to view.

Now, the DDC booklet and the rules say that when and after a case is opened -- and by sending the thing, they've opened the investigation -- the complainant is required or encouraged to respond to the answer. And I wrote to Mr. Cahill, and I said, Well, how can I respond to something that's in a sealed envelope that I can't even see?

CHAIRMAN SAMPSON: I mean, that's a very valid point which you make. Let's go to the second incident.

MR. GALISON: Let me just say that he said "Do the best you can."

So in response, I wrote a 40-page report, fully documented -- 40 pages of text, hundreds of pages of exhibits --

CHAIRMAN SAMPSON: What actually happened to the case? Was it dismissed?

MR. GALISON: It was dismissed. And I wrote and I said when you dismissed this,
did you take into account the information
that was in the sealed envelope, or did you
just decide that I was lying?

And they said, Oh, well, maybe we made
a mistake, we'll have it reconsidered. It's
one of the things they do. They spend six
months reviewing a case, then they say, oh,
maybe we goofed, we'll reconsider it. Then
there's another six months or a year.

CHAIRMAN SAMPSON: I want you to kind
of get -- because I've got another minute
left, I want you to --

MR. GALISON: Please, just ask me the
questions, I will tell you. This is one
case.

The other case, there are five lawyers
and two judges. I haven't gone to the CJC
yet. The other case involved a judge -- I
mean a lawyer, a guy named -- which you've
heard this story before, a guy named
Friedman, Leon Friedman, who I complained to
Cahill, and Cahill said -- the very words he
wrote were "This attorney does not practice
in Manhattan or the Bronx and is therefore
not under our jurisdiction."

I wrote him, I said he does, he just
does. I'm not making that up. Here's his
letterhead, here's the picture of the plaque
over his door, here's a recording of his
secretary saying that's his sole law office.
But he was fraudulently registered in the
10th District. I said the fact that he's
fraudulently registered in the 10th District
doesn't have any bearing.

Three years -- actually, 3 1/2 years
now I have been contesting with Mr.
Friedberg and his committee that 148 East
78th Street is in Manhattan and not in
Suffolk County somewhere. They maintain
that it's in Suffolk County. And they --
because by no account does Mr. Friedman have
a law office in Suffolk County. He just
doesn't.

So that is just nonsense. I mean, you
know, that's the stuff that I'm -- but what
happened was they sent my complaint to the
10th District, where it was dismissed one
week after it was sent in April of 2006. It
was never sent to Mr. Friedman.

And what was the rationale behind not investigating? They said this is not a complaint about ethics, this is a civil complaint. Well, hold on a second. The entire complaint was enumerated in the precise language of the LCPR, the Lawyer's Code of Professional Responsibility. Every complaint was followed by a numerically -- a numbered description of the exact law and why my cases corresponded to those particular ethical rules. To say that it's not an ethical complaint is just ludicrous.

But worse than that, they did not send me any confirmation. I did not know for three years. During the time of that three years, I was communicating with Mr. Friedberg, and he denied, he would refuse to answer the simple question of whether Mr. Friedman was practicing in the First Department or the 10th District, the Second Department. He -- I sent him 15 letters, and I have a tape recording which I put on YouTube of him saying that he will not tell
me, he refuses to tell me whether the lawyer
is in his jurisdiction. That is the level
of utter disregard for fairness and rules.

CHAIRMAN SAMPSON: And I need you to
-- we need to end it. And I think I
understand your point with the whole issue
of the transparency issue and just basically
the common decency and courtesy of just
following up --

MR. GALISON: No, no, no, not --
decency and courtesy is way more than I
would demand. I'm talking about legal
behavior. I don't care if he's decent or
courteous to me. He has to respond to my --
finally --

CHAIRMAN SAMPSON: The transparency
issue is what you --

MR. GALISON: Yes. Well, not just
transparency, following the laws. I've got
a list of the laws that Mr. Friedberg broke.

And I just want to say -- end with one
thing. I was recently speaking to the chief
clerk of the Second Appellate Division,
Mr. Pelzer. And I have him on a tape
recording saying the courts may dispense
with the rules, with their own rules.

That is not true. The senators can't
dispense with their own rules, the citizens
cannot dispense with their own rules, the
president cannot dispense with his own
rules.

Thank you, sir.

CHAIRMAN SAMPSON: Thank you very
much.

The next witness is Eleanor Capogrosso.

How are you doing? Please don't follow
Mr. Galison and take longer than five
minutes.

MS. CAPOGROSSO: I gave you a great
deal of material, Senator, so I'll try to
just hit right to the points.

CHAIRMAN SAMPSON: When you say hit
the points, that's what I want the witnesses
to do. Let's hit the points, the issues
that you have, and maybe any recommendations
that you may want to see.

MS. CAPOGROSSO: Certainly.

Perhaps I could answer a question that
you raised earlier that what can we do with the SCJC. And it's a very --

CHAIRMAN SAMPSON: Does everybody know what the SCJC is?

MS. CAPOGROSSO: State Commission on Judicial Conduct.

The answer is very simple. You just have to make it public. And you're mandated to do so, and I'll explain why. Article 6, Section 22 of the Constitution of the State of New York states: "The State Commission on Judicial Conduct is the disciplinary agency constitutionally designated to review complaints of judicial misconduct in New York State."

The Legislature presently has abrogated its constitutional responsibility by giving the constitutional obligation to an organization that is not subject to review or oversight. As a result, Section 44 of the Judiciary Law violates the equal protection and due process clauses of the United States Constitution.

That was the basis of my federal case
that I filed in the Southern District. Both
attempts of trying to file that case were
dismissed, first by the Honorable Griesa,
where I couldn't even file a complaint
because he coached the Attorney General what
to do in order to get that case dismissed.
The second was Honorable Scheindlin, when my
case was consolidated with hers. That also
was because it was sua sponte dismissed,
where I couldn't file the complaint.

This is the issue, this is the answer.

And the federal court does not want to
address it. Based upon those dismissals
where I couldn't file a federal complaint --
and if you look at the transcript, which is
next to the materials I sent to you, of
which these are in Judge Griesa's words
where he coaches the Attorney General on
what to do to get this thing dismissed, and
the unusual ruling by federal Judge
Scheindlin to sua sponte dismiss a
complaint, which is against prevailing
Second Circuit case law because it doesn't
even give an adversary the capability of
opposing it.

This is the issue they don't want to address, but this is what you can address. This is what you can fix, this is what you can cure.

And I will tell you what the overall problem with this is. By not making it public, what you're doing is allowing the rigging of the election system in this state. By the State Commission on Judicial Conduct not turning over these complaints to the screening committees who screen the judges, what you've done is rigged these elections, nothing more complicated than that. And this is what they're trying to preserve. They want these elections rigged so they can put the people into power that they want to be put in power.

And it's unconstitutional what they've done, and that's a simple thing that you can do right now, which two federal judges do not want to address that this legislature can do.

Secondly, the uniform judicial question
here is hidden under a veil of confidentiality by the OCA. The Board of Elections controls the election process with any of the politicians in this state, but not with the judges. They keep it secret, they keep it under a veil of secrecy. And by doing so, you're not giving the capability of the public to look carefully at these responses, to look at the resumes of these judges, to see whether or not they're making false statements.

Now, the reason why I bring this up and it's a big issue is because Judge Sotomayor right now is being judged. And if you look on the judicial webpage of the Senate Judiciary Committee in Washington, you'll see her answers to judicial questionnaires. You will also see her transcripts that when she was nominated in the past, of what her responses were. So that the public can go ahead and view it. Why should this state deserve anything less?

Now, the reason I mention all of this is it's also very important to do it because
Section 17-128 of the Election Law says that a public officer who willfully omits, refuses or neglects to perform any of its duties by hindering or delaying or attempting to hinder or delay the performance is guilty of a felony.

So when you have administrative judges who are not being truthful to the screening committees when they're asked are any complaints being filed against these judges who are seeking an elected post, they run afoul of this. Because that questioning is done by an informal process where a screener calls the judge up over the phone, on which they can say anything or conceal anything. It's not under oath, under the penalty of perjury, with a court reporter in the room.

Because I have boxes of letters that I had sent to the administrative judges concerning missing court files, clear violations and contempts of executive orders by the Governor after September 11th that were summarily dismissed by the State Commission on Judicial Conduct.
Now, dealing with the First Department Disciplinary Committee, I have to tell you a little story, if you wouldn't mind just a minute, and the perhaps you can understand what the gist of this is.

Many years ago I hired an attorney to represent me in a dispute, and I believe he charged me an excessive fee. He files a lawsuit to recover his fee, and I hire another attorney to represent me. His name was Howard Benjamin. Mr. Benjamin doesn't go to court, and Mr. Calabro obtains a default judgment against me. When I requested Benjamin to vacate the default, he claimed he could not because he made a false statement to the court about having been on jury duty at the time of the court appearance but he instead was in his office. Benjamin informed me he was going to pay the judgement to avoid the ramifications of explaining it to the court.

Years later, my credit was seriously affected, since Calabro's judgment had not been paid, unknowingly to me. Neither
Calabro nor Benjamin was helpful in giving me copies of the alleged checks that Benjamin had paid Calabro which was damaging my credit score. Without recourse, I filed a complaint with the First Department DDC, since by law if Benjamin had paid Calabro, then Calabro and Benjamin were required to hold onto these checks for a period of seven years.

The First Department DDC transferred the case to the Fourth Department DDC, since Howard Benjamin was an attorney who formerly worked there at the First Department DDC, and his partner, Mike Gentile, was the former chief counsel at the First Department DDC.

At the Fourth Department DDC, my case was closed without an investigation as to the whereabouts of those checks and the investigation of Benjamin's false statements to the court. I brought the complaint to the former presiding justice of the Fourth Department DDC, the Honorable Piggott, who now sits on the Court of Appeals. He did
nothing. He concealed it, he covered it up, he let it go.

I filed again in the First Department DDC, to have Sherry Cohen and Sarah Jo Hamilton tell me for years that they were retrieving these checks from the bank, of which I've given you correspondence, documents and all of that.

Then I received a letter dated November 8, 2004, three years after I requested those copies of checks, in which Thomas Cahill, chief counsel to the DDC, states: "In fact, after you filed your complaint, Mr. Benjamin provided the committee with copies of the fronts of two checks and a copy of the front and back of another, as well as the corresponding transmittal letter to Mr. Calabro." You have those letters.

During this period of time where I could not obtain copies of these checks, I wrote boxes of letters, I mean boxes, to the Honorable John Buckley, who was the presiding justice at the time, to the
Honorable Judith Kaye, who was the Chief Judge. They were the administrators. They were supposed to deal with something; they did nothing. They concealed it, they covered up, they did absolutely nothing. There is no administration of this court system. That is what the problem is.

And I can tell you, I called up Chief Judge Kaye's office many a time and spoke to Mary Mone, her counsel, and her response was: "The judge is a sitting judge, she's not an administrative judge." I said, "Well, what do you want me to do? She's the one that has this duty." But she refuses to live up to her responsibilities. That is the problem.

But to go back to the court, during the time when I could not get these checks, I filed a complaint against Mr. Calabro under the Fair Credit Reporting Act, in an attempt to obtain copies from him.

Honorable Joan Kenney publishes a decision on the front page of the Law Journal in which she says I have 35 lawsuits
as a pro se litigant. Then she says, in another transcript, "When I rendered the decision in the other case a year ago, I did my own research, and she at that point commenced in excess of 75 actions."

First of all, a judge cannot do their own research. They cannot go outside the record. Number two, she makes things up and was lying.

Now, how did this judge get on this bench? It's very interesting that how could she freely do it and be allowed to do it, because I filed a complaint with the State Commission on Judicial Conduct, and they summarily dismissed it.

My federal complaint was seen by someone who is in this room who happened to be a certified court examiner and was also at the brunt end of the misconduct and allegations by Joan Kenney. And she went ahead and obtained the curriculum vitae of Joan Kenney when she ran for election.

She found material misrepresentation in her campaign website. The official site
provided inaccurate and false information
about the candidate's participation in law
school activities such as Law Review, the
candidate's licensure date, legal employment
and professional experience.

I have no personal knowledge of the
investigation, but I brought her here so
that if you want to question her concerning
this, she's sitting in this audience right
now.

But this would not have been allowed to
happen if that unified judicial
questionnaire would be able to be made
public. That judge would not be sitting on
the bench freely going ahead and saying I
have 35 lawsuits, 75 lawsuits, and whatever
she can come up with, and going outside the
record.

But this leads to an important point,
because based upon that decision, the
Honorable Debra James, in a case I brought
because of some legal malpractice where I
hired an attorney to represent me, says that
I have -- has put protective order
preventing me from initiating any further litigation as a party plaintiff without prior approval of the administrative judge of the court. This also gets published on the front page of the Law Journal, claiming that my frivolous or repetitive actions or vexatious conduct -- which is based on Judge Kenney's decision, which she makes up.

CHAIRMAN SAMPSON: Ms. Capogrosso, could you sum it up?

MS. CAPOGROSSO: Yes. We've got more, though. If you want crimes, I'll give you crimes right now, what's in that paper, to get a special prosecutor not only at the DDC but at the State Commission on Judicial Conduct.

CHAIRMAN SAMPSON: And I will -- it's in here, I will definitely follow it up. But if you can wrap it up.

MS. CAPOGROSSO: Okay, I'll wrap it up in two -- about five more sentences.

I appealed the decision in the Kansas case into the Appellate Division. Who sits on the panel? Judge Buckley. What does
Judge Buckley do? He doesn't recuse himself. I make a motion for his recusal. It's -- he refuses. Then I make a motion to reargue, get a whole other five judges that are sitting on the panel there. Judge David Friedman, Tom, Acosta, and Helen Freedman, and they agree that he doesn't have to recuse himself.

So there is certainly a basis for his recusal, because he has a vested interest in the dismissal of that case because it has to deal with the federal complaint which I put in.

Further, I have a judgment against me for over a quarter of a million dollars that was put on a landlord-tenant dispute. In terms of me trying to perfect the appeal, of which the case law was in my favor and the judgment should not have occurred, the file in the county clerk was completely destroyed. I sent a secretary down there to copy it for the purpose of getting the record. She was given initially five files, six files closed. The next two days, she
was given five files. Then it turned out to be four files. To the point where I couldn't even perfect the appeal concerning that. I asked the Appellate Division to help me reconstruct the file; they refused.

You want retaliation? This is what happens when an attorney opens their mouth and complains about violations of executive orders, missing court files in a courthouse. If you want every attorney sitting in this room and out the door, I can have you thousands if you give them protection. What you need to do is give them a registration with an anonymous number, and any time they see misconduct, corruption by a judge, to anonymously report it and to be taken seriously.

Believe me, the attorneys in this -- I'm probably one of the few attorneys here. There would be many more if you would give them that level of protection, and this would stop. And the people of this state would be well-served by finally get some justice into this state.
(Scattered applause.)

CHAIRMAN SAMPSON: Ms. Capogrosso --

MS. CAPOGROSSO: Oh, can I make one more point?

CHAIRMAN SAMPSON: Ms. Capogrosso, we have to --

MS. CAPOGROSSO: One more point.

CHAIRMAN SAMPSON: We have to --

MS. CAPOGROSSO: No. I'll be 30 seconds, I promise you. Because this one you can't let go of.

On November 22, 2008, I write a letter to the DDC. Alan Friedberg charges me because -- he chose to start an action against me because a locksmith who repaired some locks in my office, I disputed the bill and he filed a complaint against me. A bill. Not even attorney services. While on other cases I know of, where lawyers are practicing law, unauthorized to practice law in New Jersey, he doesn't even the complaints.

I also have in there --

CHAIRMAN SAMPSON: Your 30 seconds
are up.

MS. CAPOGROSSO: All right. There's more --

CHAIRMAN SAMPSON: Ms. Capogrosso, thank you. Thank you very much, but we'll follow up. Thank you very much.

(Scattered applause.)

CHAIRMAN SAMPSON: The next witness is Mr. Ostertag, former president of the New York State Bar Association.

Mr. Ostertag, how are you, sir?

MR. OSTERTAG: Good afternoon, Mr. Chairman.

CHAIRMAN SAMPSON: How are you doing?

MR. OSTERTAG: I have a question, if I may, before you run the clock. Is there a rule, does this committee have a rule about the surreptitious videotaping of witnesses who come voluntarily before this committee to testify?

CHAIRMAN SAMPSON: We don't have a rule because, if you notice, the proceeding is being videotaped.

MR. OSTERTAG: I don't mean that one.
CHAIRMAN SAMPSON: Right. The proceeding is being videotaped, and this is open to the public. So, you know ... 

MR. OSTERTAG: Well, I've been videotaped by Mr. Galison, I think it is. I don't know where he is now.

CHAIRMAN SAMPSON: Well, you and me both.

MR. OSTERTAG: He was sitting over there, then he was over there, and then he was up against the wall, and he was sitting over here, and then he was up front, and now he's up against the wall again.

CHAIRMAN SAMPSON: At least you were videotaped. He tape-records it too, you know. Watch what you say around him.

(Laughter.)

MR. OSTERTAG: I don't know Mr. Galison. He was videotaping the faces of Mr. Friedberg and Mr. Gold, who I also don't know.

CHAIRMAN SAMPSON: No, I would understand that, Mr. Ostertag. But the proceedings are open to the --
Mr. Galison, could you cease the videotaping to allow -- I want our witnesses to feel comfortable to testify. Thank you very much.

MR. OSTERTAG: Well, I was going to give him the finger, but I didn't think quickly enough.

CHAIRMAN SAMPSON: I'm glad.

MR. OSTERTAG: My name is Robert Ostertag, and I am here on behalf of the 76,000-member New York State Bar Association. We are a voluntary association devoted to the concept of lawyers serving their clients consistent with the highest standards of professional integrity.

I would like to get back to what I am here for. I have no complaints about anybody, I have no inquested accusations to make against anybody. What I want to address is the question of when disciplinary proceedings should be made known to the public. And in considering this question, we need to take note of the legitimate competing interests that are involved.
For lawyers, their competence and reputation is what they offer to the public. It affects how they are viewed by individual clients, judges, and the community at large. The arguments and viewpoints of a lawyer with a good reputation will be heard and carefully considered, whether by his or her clients, the court in which the lawyer appears, or in the general community.

Lawyers spend years, a career, trying to earn a stellar reputation. A good reputation cannot be bought or easily gained. It can be achieved only by a lawyer's demonstrated actions and efforts on behalf of clients over a period of time. Gaining the type of reputation for which all of us strive requires demonstrated skill and expertise on a continuing basis. Unfortunately, however, an earned reputation can be lost, and it can be lost in a mere moment.

I've practiced law for 50 years. My reputation I think is beyond repute. I recognize that it can be lost in a mere
moment.

For clients, they are entitled to know that any lawyer they retain has integrity and meets the standards of our profession. When serious questions are raised about the ethics, competence, trustworthiness of a lawyer, the client is entitled to know. The Bar Association understands that we should not have a disciplinary mechanism whereby clients are unknowingly represented by lawyers who may not meet those professional standards.

The problem, of course, is that when a complaint is filed against a lawyer with a disciplinary committee, the complaint may or may not have merit. If the fact of the complaint is disclosed and it is later found to have lacked merit, the lawyer's reputation will have been affected, obviously so.

Anyone who is in any way in public life, including lawyers -- and including also legislators, as you know -- knows that any initial story in the media about a
complaint that has been filed overwhelms any follow-up story reporting that the initial complaint was of no merit and that the individual did not engage in any wrongdoing.

In such a situation, disclosure of the complaint will have caused reputational damage that cannot be erased. Thus, early disclosure of complaints against lawyers is unfair to those who, in the end, are found to have done absolutely nothing that supports discipline.

We recognize, however, that there are situations where the public should be made aware of the questionable conduct of a lawyer without waiting for a final determination of the disciplinary body. Clients who retain a lawyer during the pendency of a disciplinary proceeding or continue to be represented by a lawyer during this proceeding may be harmed in some situations if they are unaware of serious charges that have been brought but have not yet been finally determined.

The State Bar Association has
considered these issues on several occasions, with at least different committees having examined the matter within the last 15 years. While, as an association of attorneys, we want to protect our members, we recognize that we also have an obligation to make certain that those represented by attorneys are not harmed.

In light of all these considerations, and the recognized competing interests, the State Bar Association has concluded that where there is a need to safeguard the public, the Appellate Divisions, which are in charge of lawyer disciplinary matters, should exercise the authority they already have in any appropriate disciplinary case and consider interim suspension of the subject lawyer pending the outcome of the disciplinary process. With suspension comes public disclosure.

This proposal achieves several objectives. First, in those cases where allegations have been made against an attorney which are not serious or for which
there is not significant supportive evidence, the attorney is protected. His or her name will not be revealed unless and until there is public discipline, meaning that disciplinary action beyond a private letter has been addressed to the attorney.

Where public discipline is not warranted, the fact of allegations having been made and the results of the disciplinary proceeding would not be revealed. The attorney's reputation would remain intact.

However, to protect clients and the public in those cases where serious charges are brought and the initial evidence is supportive of those charges, the courts would step in and make a judgment as to whether suspension and public disclosure is warranted. This would be a determination made by the judges of the Appellate Divisions on a case-by-case basis. This would place the decision as to whether to suspend and disclose exactly where it should be, with judges, whose fundamental role in
our society is to examine individual cases
and make decisions based upon the facts
placed before them.

I am aware that there have been general
calls for increased disclosure of
disciplinary proceedings. However, I do not
believe that those who have called for such
disclosures have done the careful analysis
that has been done by three Bar Association
committees, nor have they acknowledged the
competing interests that need to be
reconciled as I have outlined them.

The law recognizes that certain
proceedings need to be confidential to
protect innocent parties from being tainted.
Grand jury proceedings are the best example.
They have been secret for centuries, in
recognition of the need to protect innocent
parties.

Similarly, while the courts are open to
the public, certain cases, such as many
Family Court cases, are not public. The
Legislature has recognized that there are
situations in which the need for
confidentiality is superior to the desire to have public disclosure in a democratic society.

In conclusion, the State Bar Association recognizes that disclosure is necessary in certain circumstances. Where clients and the public need to be protected, we want the courts to use their power to step in, suspend an offending lawyer, and disclose to the public.

However, absent a finding by an Appellate Division that there is a need for immediate suspension and disclosure, your association urges that disciplinary proceedings not be open and that disclosure be made only where there is a finding that public discipline is warranted and that an attorney has in fact done something wrong. Innocent lawyers need protection as much as other innocent parties, and our proposal offers both lawyers and the clients they serve the protections to which they are entitled.

Thank you, sir.
CHAIRMAN SAMPSON: Mr. Ostertag,

thank you very much. And I'm very
interested that you at least and the
association recognizes there is some need I
guess to deal with the perception but most
of all having the public have faith in a
system like this.

MR. OSTERTAG: I understand public

concern about the issue.

CHAIRMAN SAMPSON: But at the same
time, we have to -- those counsels who have
done good jobs, just to be labeled for
complaints that should be dismissed or are
frivolous in its nature, at the same time
we're trying to do two competing concerns.

MR. OSTERTAG: I do understand that.

And I also recognize the fact that there are
complaints that are filed with -- I've been
involved in the grievance process for a
number of years. I've been involved in the
disciplinary process for about 19, 20 years,
off and on.

And I recognize that complaints are
filed and it's easy to make a complaint
about a political person or an attorney or a political person who is an attorney, particularly at election time or during the proceedings that predate Election Day -- in other words, a campaign time. And that's a very difficult time for an attorney who is running for political office.

You need only look at the television channels in the last few days, last few weeks, about this man in New Jersey who was a former United States Attorney who has become the subject of a complaint of pay-to-play. And I don't know whether he's done that or he hasn't done that. But if he hasn't done it, his reputation has been badly besmirched. And it happens over and over and over again.

I recognize the need to protect the public. I certainly would want to protect the public. I must tell you that neither my association nor I suffer wrongdoers lightly. But I think there is a two-way street here.

CHAIRMAN SAMPSON: So thank you very much for your comments.
MR. OSTERTAG: Thank you.

CHAIRMAN Sampson: The next person is

John Aretakis.

MR. ARETAKIS: Good afternoon, Senator. My name is John Aretakis. I'd like to thank you, and I'd like to thank you for your overwhelming patience in this hearing. And I thank you also, Mr. Spotts.

My focus is on the treatment and the failure to follow procedure, the failure to follow the law, and acting in excess of the jurisdiction by the Third Department Committee on Professional Standards, otherwise known as COPS. In the First Department we've heard it's called the Departmental Disciplinary Committee, the DDC. In the Third Department, in Albany, it's called COPS.

I was born and raised in Brooklyn, and for well over the last decade my only practice for the practice of law has been in Manhattan, in New York City. And for the past 20 years, 80 to 90 percent of my cases have been in New York City. But starting in
the year 2002, when I became one of only a handful of lawyers handling a very, very controversial area of law involving representation of children who were abused by pedophiles -- that started in 2002. The Third Department Committee on Professional Standards has come down to New York City and investigated me over 50 times, 5-0. And on a multiple of occasions, the cases that they investigate in New York City involve New York City litigants, New York City judges, New York City decisions, and of course me, a New York City attorney.

Why is the Committee on Professional Standards up here in Albany going down the Thruway 150 miles and investigating me? Their only answer: I graduated from Albany Law School in 1985. That supposedly gives them jurisdiction over me.

After law school, Senator Sampson, I went on to get a master's in law at Georgetown University Law Center. And because I graduated from Albany Law 23 years ago, Mr. Ochs, who's been sitting in the
back of this room all day, who I will not attack, says that they have jurisdiction to investigate me. Using vague and arbitrary ethical statutes like conduct unbecoming of an attorney and actions that are prejudicial to the administration of justice.

I am hopeful that a review of my case in a nutshell will help this honorable committee more appropriately see that this system is rife with abuse and it needs to be remedied.

I heard the first speaker, Mr. Gold. And as I sat over there quietly, I almost fell out of my chair. He said "Using the address listed on the Department of OCA, that determines which disciplinary committee will investigate." I agree with that wholeheartedly.

CHAIRMAN SAMPSON: So where are you listed?

MR. ARETAKIS: I'm listed in New York City, where I've been for 15 or 20 years. I am only listed there.

CHAIRMAN SAMPSON: Have you ever been
listed in the Third Department?

MR. ARETAKIS: Excuse me?

CHAIRMAN SAMPSON: Have you ever been listed in the Third Department?

MR. ARETAKIS: I graduated from Albany Law in '85, and I briefly worked in Albany in 1987 for less than one year. And then in 1988, I moved my entire practice to Manhattan, where I've been.

CHAIRMAN SAMPSON: On your registration, do you register your Manhattan address?

MR. ARETAKIS: Only my Manhattan address. I pay taxes in Manhattan, I vote in Manhattan, I've done a month of grand jury service a few years ago in Manhattan. I did civil jury service in Manhattan.

CHAIRMAN SAMPSON: I'd like to cut to the chase. Then what is your basis for them -- what is your basis for the Third Department having jurisdiction --

MR. ARETAKIS: They don't have any basis. They've broken the law. They've violated their own brochure that they hand
out at the Court of Appeals. They say, We will investigate lawyers who have an office for the practice of law in the jurisdiction of the Third Department in Albany.

And I think Mr. Gold and Mr. Friedberg might be excellent witnesses on my behalf, because they were talking about lawyers who are outside of their jurisdiction who they will not investigate.

I will also tell you this, Your Honor. Of those 50 complaints -- and I need to say this very, very carefully, because we lawyers know that the ones we owe our ethical duties to are our clients. None of those 50 complaints are from clients. None.

It's overwhelming.

Mr. Ochs wakes up and reads the newspaper at various parts of the state, and he likes to track my career and he likes to follow me because I've been engaged in a very controversial area, and he'll start an investigation against me. He's started over 20 sua sponte investigations and then, sometimes because I am involved in removing
pedophiles from their job, these pedophiles
file complaints against me, and Mr. Ochs
takes it upon himself to investigate them.

One time I was on a nationally
syndicated radio show criticizing an
employer for employing a pedophile, and a
woman who I'd never even heard of filed a
complaint against me, and I was forced to
defend myself from the Third Department for
about a year.

CHAIRMAN SAMPSON: So out of those 50
complaints, what happened to those
complaints?

MR. ARETAKIS: Well, 49 of them, the
first 49 were dismissed, as they should have
been.

On December 11 of '08, six months ago,
Mr. Ochs merged some decisions on New York
City cases from 2005, 2006, and 2007 and
asked the Appellate Division up here in
Albany to suspend me. And I was suspended
for one year. And as God is my witness --

CHAIRMAN SAMPSON: Wait, wait. Hold
on. You were suspended for one year.
MR. ARETAKIS: Yes. By the Third Department up here in Albany.

CHAIRMAN SAMPSON: And why were you suspended?

MR. ARETAKIS: They suspended me for conduct that is prejudicial to the administration of justice -- I don't know what that means -- they suspended me for conduct unbecoming of an attorney -- I don't know what that means -- and they suspended me primarily for making what they termed rather aggressive motions for recusals of various judges.

I have been forced to be very critical of some judges because the work I've been employed to do on behalf of 250 victims is -- I sue the Catholic Church because they employ some bad priests. I've been very critical, I've been very public with my work. It's been a very controversial area of law. And some judges have sanctioned me for filing a frivolous lawsuit because a client might have been molested 30 years ago.
CHAIRMAN SAMPSON:  How many times have, I guess, judges admonished you for filing a frivolous lawsuit?

MR. ARETAKIS:  Four times. They merged the four decisions; two cases were exclusively New York City cases, and two cases were from elsewhere.

However, Ethical Consideration 7.4 says a lawyer may file a frivolous lawsuit if you believe the law should be modified, changed or extended, or the law is wrong. I happen to believe that if in 1975 a priest abused a 10-year-old altar boy that they should be able to sue right now. I believe there are laws that are pending right now before various committees that may modify the law.

And I'm not here to speak on that issue at this time, I'm just saying that because I have taken some controversial stances and my matters have been extraordinarily made public all over the entire country, I've been the subject of front-page articles in the New York Times, the New York Post, in Vanity Fair, in the Village Voice, all kinds
of publications. Mr. Ochs wakes up and he sees a complaint made by the church about my aggressive tactics, and he files a sua sponte complaint.

And he sits back there, and I cherish the thought that he can come up here and answer some of your questions or privately find some answers to these questions.

They have a rule that says you need seven members of the committee to vote for a punishment, that's a quorum. And they acted and suspended me and punished me and admonished me with four members. And one of the four members was an attorney that I had a pending aggressively hostile, adversarial case with. It's a clear conflict of interest.

But what you have is you have the Appellate Division that employs the Committee on Professional Standards, and they rubber-stamp all their decisions. And I've looked at hundreds -- I don't want to say thousands. All the decisions regarding disciplinary matters are five-nothing. So
the attorney who's been disciplined has no right to automatically to the Court of Appeals. You have nothing to hang your hat on.

I also would like to say this. As far as procedural due process, they violated their rules in a plethora of ways. However, not once on any of these 50 complaints have I been allowed to give testimony. Matter of fact, they have started six new --

CHAIRMAN SAMPSON: But you won -- out of the 50, you won 49.

MR. ARETAKIS: Well, that's right. But I've asked to be allowed my opportunity to give testimony, especially when they were disbarring me, when they were suspending me.

Because I filed a lawsuit against them two months before they suspended me because I was so positive that I knew the lay of the land, they were going to suspend me. It was only a matter of course. I've been complaining to them and to the chief judges for a number of years that they pursue me willy-nilly, aggressively for no other
reason other than they do not like the political position I've taken adverse to the Catholic Church.

And I may say this publicly, I love the Catholic Church. However, there are some bad people that have gotten into the Catholic Church --

CHAIRMAN SAMPSON: No, no, no --

MR. ARETAKIS: -- and it's not a problem or a vendetta I have.

However, being Greek Orthodox and being from Brooklyn and Manhattan, I think they've taken upon themselves to say you don't come to Albany like that, Mr. Aretakis, and act like that: The law is determined in our courtroom, with our standards.

And because a judge sanctions me or admonishes me, then Mr. Ochs thinks he has unfettered authority to punish me. And I've spend hundreds of thousands of dollars of my own time and my own attorneys in helping defend myself from all of these frivolous ethical complaints that have come against me. These committees are prosecutors --
CHAIRMAN SAMPSON: So, Mr. Aretakis, so to sum it up, what's your recommendations?

MR. ARETAKIS: Well, I would love nothing more than either this committee take it upon themselves or hand it off to the State Commission on Investigations or to the Inspector General's Office to take this matter, my matter and investigate it. If they do investigate it, you'll find it's rotten from the core.

However, I would also ask in the meantime, since they have taken away my ability to earn any type of living for my family, that everything that Mr. Ochs up here in the Third Department has pending be transferred to the First Department. If I committed such egregious actions so as to be an unethical lawyer who's not trustworthy, what's wrong with these fine attorneys from the First Department investigating me?

The reason is they've gotten a few dozen complaints against me as well, and what they've done is they wrinkle them up
and they throw them in the wastebasket, because these are not clients of mine. So they've sent me one letter in 20 years -- in seven years that I've been engaged in clergy abuse saying "Please respond to this complaint." And that was dismissed as well.

So there's no problems that I have -- and I also would like to just finish with this. It's my understanding that 99.9 percent of all attorneys are suspended or disbarred for stealing money, commingling funds, neglecting a case, getting arrested, or being charged in another jurisdiction with a crime of moral turpitude and therefore being given comity and being suspended in this jurisdiction.

My crime is without precedent, making accusations and allegations in court papers against various judges and having frivolous lawsuits -- if you look at this, there's an awful record, and I've again only touched the tip of the iceberg.

I appreciate the time you've given me.

Thank you very much.
CHAIRMAN SAMPSON: Mr. Aretakis,

thank you very much, and we will definitely

look into it.

MR. ARETAKIS: Thank you.

(Recording ends and resumes during
testimony of Michael Kelly.)

MR. KELLY: -- judge assigned to my
case. And for the last three years, because
I am trying to uncover forgeries outside of
Rockland County that I believe are coming
out of the Surrogate Court using deceased
people's names, I am being targeted by the
judges and district attorney's office in
Rockland County.

The gentleman, Gary Casella, says that
my complaint of my former defense attorney
being promoted to the district attorney's
office in the middle of my case now being a
district attorney, a senior district
attorney in the Rockland County District
Attorney's Office -- for four months after
he swore the oath of office, he acted as my
defense attorney on my criminal matter in
the same court he is sworn to be a
prosecutor with.

I have a sworn oath of office in that package, I have forgeries with naming a person, named forgeries out of Rockland County with a handwriting analysis expert's opinion on there on who forged those documents. There's more in that.

My daughter, they kept me away from my daughter with illegal court orders saying I can't see my 17-year-old daughter where she wrote letters to the court asking the judge for unrestricted visitation with her father. The judge ignored those.

I am being retaliated against in Rockland County. They recently incarcerated me, as a first-time offender, for harassment, as a retired New York City policeman, for 14 days in jail with a $250 fine. No docket of that decision and order. The only thing on the docket is that I paid a fine and I paid restitution.

Everything in Rockland County, when it comes my case in that package, sir, is fraudulent in nature, to cover up for the
crimes that the lawyers and judges in that county have committed. And I'm being retaliated against. And if somebody would look at that package and hear what I'm saying, you will find that it's undisputable evidence. Like I told you, a three-year litigation in Rockland County Court with no docket.

I'm in a court right now for criminal charges going back three years ago. No grand jury, no indictment, no anything. And for three years later they reduced the charge to harassment and want to send me to jail -- right on the brink of me coming to this hearing because they want to stop me from coming here.

CHAIRMAN SAMPSON: Well, I mean, I'm glad you made it here, and I will make sure that we go through this and get a response back to you very quickly.

MR. KELLY: I appreciate it. And all the committee letters where I'm -- they're all rubber-stamps: We see nothing, we see no problems. They always have like a catch
phrase: Your complaint doesn't fall in our jurisdiction, et cetera, et cetera.

But based on -- following those complaints is fact, sir, that you can verify. And there is corruption, and it's happening now. And you can catch these people.

CHAIRMAN SAMPSON: Thank you very much, Mr. Kelly. I'll make sure we definitely follow it up. Thank you.

The next witness is Kathryn Grace Jordan, of New York.

MS. JORDAN: Good afternoon, Your Honor. I'm here to talk about the Commission on Judicial Conduct.

By way of background, though, I do want to identify myself as the president of END, End Discrimination Now, an organization that I started in 2008 after it became apparent to me that our nation's and state's antidiscrimination laws are not being enforced by the judiciary and that many activist judges are actually rewriting the laws on a regular basis.
I myself endured a 13-year litigation on a disability discrimination case. Ten years of that litigation resulted in a jury verdict in my favor which was reversed by the First Department under Jonathan Lippman.

I believe I have stepped back -- because my training is as a management consultant and Fortune 100 executive, and I have done a thorough analysis of all the information that's available, including Mr. Tembeckjian's 2009 annual report and all the data that's in it.

CHAIRMAN SAMPSON: What's your analysis?

MS. JORDAN: Well, I will tell you this. I don't think there's anything to be proud of.

First of all, judicial misconduct is up. And he talks about managing -- just one second here, one second. I've got to flip the page. He talks about you know that things are very bad when you have to refer to 30 years worth of work and 69,000 complaints over 30 years. What he didn't
focus on was the 1,923 new complaints that are up 12 percent from last year, which is part of the evidence that shows that the rules of judicial conduct are not being enforced, either in district court or at the appellate level, despite the increase in complaints, because judges, as I just said, are not enforcing the laws. And the judicial misconduct commission is not doing their job in terms of reviewing the conduct of these judges.

And they talked about the fact that they have 22 commission attorneys and 12 commission members and the fact that you gave them extra money -- I don't know what they've been doing with it, but obviously they haven't been doing it to thoroughly review complaints and to make sure that these judges are held accountable.

One of the most astounding statistics is that there were 40 complaints against appellate judges, and zero were investigated.

If you take Mr. Tembeckjian at his
word, at its face value, they're doing a bang-up job and we have a bunch of delusional litigants who are just populating the system with meritless complaints. I don't believe that's the case. I think what's going on is that we have a crisis of leadership in the judiciary and a culture of corruption and cover-ups. And I believe that the Commission on Judicial Conduct is part of that.

Mr. Tembeckjian, I wanted to ask a couple of questions to him when he was in the room before, one of which is does he still have his cable television show where he interviews judges and lawyers -- because that's kind of a conflict of interest with your current position -- and how he goes about conducting investigations. Because I myself have filed several complaints with the judicial conduct commission, very, very meritorious complaints where judges expressly violated, either through ex parte conduct, acting -- making -- attacking --

CHAIRMAN SAMPSON: Those complaints
were dismissed and never followed up with?

MS. JORDAN: They were dismissed almost like within a month, a couple of months, no explanation.

The process is not transparent. It's all secretive. And as far as appeals, the appeals, as he's just admitted, are for the benefit of the judges. It is -- in my opinion, the judicial commission on misconduct has numerous problems. I'm going to list them very quickly. Lack of transparency, conflicts of interest, the composition of the actual commission itself.

The investigators, who actually, on paper, many of which have -- seem to have good qualifications, which kind of creates an interesting question, which is why can't they resolve these investigations positively and in a timely manner.

There's actually no interaction with the complainant, so you have no idea what's going on.

The priorities seem to be on routing the town and village errant judges while
letting the big fish swim away.

I don't know how they handle evidence; I know there's a huge issue about evidence handling that has been spoken about by a number of people in this room, and it's very serious. If you go to 60 Centre Street, you will know the lack of integrity that exists in terms of files. Anybody could walk in, take a file out, and there's nothing that can be done about it. I mean, there's no proof, nothing. What has to happen is the files need to be digitized.

CHAIRMAN SAMPSON: So basically summing it up, Ms. Jordan, I just want to --

MS. JORDAN: Yes. I've talked faster than anybody up here.

CHAIRMAN SAMPSON: That's correct. And that's why -- because you seem to be very specific in what you want.

MS. JORDAN: Right.

CHAIRMAN SAMPSON: That's what I'm looking for, the recommendations, the changes that you --

MS. JORDAN: Yes. I think that a
task force should be formed to review whether or not the Commission on Judicial Conduct is an effective body and --

CHAIRMAN SAMPSON: When you say task force, who do you think should be comprised of this task force?

MS. JORDAN: I am not going to make specific recommendations here, Your Honor, because I don't have enough time to do that. But I will get back to you with that.

I do believe, though, that we need a multi-stakeholder task force to investigate whether or not the Commission on Judicial Conduct is doing its job. And, if it's not, what kind of entity might replace it. Because we definitely need to monitor the judges and make sure that they are enforcing the laws, because it appears that they're not doing it at the moment.

CHAIRMAN SAMPSON: Ms. Jordan, thank you very much.

MS. JORDAN: Thank you.

CHAIRMAN SAMPSON: The next witness is James -- how do you pronounce your last
name, James?

MR. MONTAGNINO: Montagnino.

CHAIRMAN SAMPSON: Montagnino.

AUDIENCE MEMBER: I object -- I object, because I have personal knowledge of his personal activities.

CHAIRMAN SAMPSON: There's no objection right here. We're going to let Mr. Montagnino make his comments.

And if you have comments to make, if you're on the list, then we can listen to your comments. Or you can talk to me after this is over and then we can follow up. Okay?

AUDIENCE MEMBER: Thank you. Thank you very much.

CHAIRMAN SAMPSON: Thank you very much. Go ahead.

MR. MONTAGNINO: Thank you, Senator.

I just want to begin by saying that I don't have an ax to grind, I'm not here with a specific gripe about anything in particular with regard to myself.
On a personal level, I've been an employee of the Unified Court System since 1995. I've been a court attorney/referee for the last 10 years. I started out in my legal career in the Bronx District Attorney's Office. I was a prosecutor in the Westchester DA's office. I was a Legal Aid lawyer in Westchester. I was principal law clerk to a county judge for five years in Westchester.

The last three years, I've been a court attorney/referee here in the Capital District. And I love my job.

And one thing I've learned in years in the judiciary is that with every decision a judge makes, that judge makes one temporary friend and one permanent enemy. And this is something that really has to be considered when weighing the probative value of complaints that are made against judges over the course of the years.

I can say with pride that my experience in the Capital District, the Third Judicial District, has been wonderful over the last
three years. As a court attorney/referee
I'm assigned to the chambers of various
judges on a rotating basis. I've worked
with Supreme Court justices, Court of Claims
judges, county judges, a Family Court judge,
some City Court judges. I've been all
around the Third District.

And I can say categorically that the
judges of this district do their jobs to the
best of their ability, they are hardworking,
they are ethical people. And one of the
reasons, one of the big reasons for that is
that the administrative judge for this
district, George Ceresia, is a man of the
highest moral and ethical caliber. And he
sets the tone for the way business is
conducted in this district.

Having said that, I'm here because in
the seven years that I worked as a court
attorney/referee assigned to the matrimonial
part in Westchester County, that same
condition did not apply to Westchester.
That for years in Westchester I, having been
assigned to matrimonial cases, saw on a
regular basis that the district
administrative judge entertained ex parte
communications from well-connected attorneys
and well-connected litigants, and those ex
parte communications often resulted in
transfers of cases from one judge to
another -- in one case, the change of a
decision that a judge had already signed and
sent out to the parties, based upon ex parte
communications.

I saw this for years and finally
decided that I had to take action, and I
brought an internal complaint to the various
chief administrative judges of the Office of
Court Administration, and the result of that
was retaliation against me. Not by OCA, but
by the target -- by the administrative
judge.

I'm going to cut through some of the
details and get to the point, what brings me
here today, Senator. I can certainly
understand the Commission on Judicial
Conduct taking a jaundiced eye looking at a
complaint brought by a litigant who lost a
case in court. In Westchester County, I filed a complaint ultimately with the Commission on Judicial Conduct that was detailed. It named names, it gave cases, it gave dates. Attached to it were photographs of dumpsters, dumpsters of court records that were ordered destroyed. Matrimonial files by law must be retained permanently. They were destroyed.

It would have been one thing if I had been the only complainant, Senator. But a retired acting justice of the Supreme Court, Fred L. Shapiro, sent his own complaint to the Commission on Judicial Conduct against the same administrative judge, Judge Francis Nicolai, alleging the same kinds of abuses -- naming names, giving dates, giving information that he had personally obtained.

And it wasn't just the two of us, Senator. There was a third individual, the principal law clerk to a Supreme Court justice in the Ninth Judicial District, Barry Skwiersky, sent his own complaint to the Commission on Judicial Conduct, with his
information on routine, regular, consistent patterns of misconduct whereby Judge Nicolai would steer cases.

When a lawyer who had the right connections didn't like the way his matrimonial case was being handled, he could go to Judge Nicolai -- without, of course, opposing counsel having any idea of it -- explain the fact that he had a problem with the judge who was assigned to the case, and lo and behold, the case would be reassigned to a more sympathetic judge.

There were written complaints. A law guardian who was involved in a child custody proceeding where the judicial hearing officer who was presiding over that case ordered that the father have the right to see his children, and made it so under supervised conditions to protect everybody's safety. That litigant went ex parte to Judge Nicolai, and Judge Nicolai told that judicial hearing officer to change his decision. He did that, and then complained about it.
The law guardian, the attorney for the children in that case, wrote a letter herself to Judge Nicolai and said to him:
You can't do this, this is improper, this is the worst of ex parte communications. And what did that law guardian get for her troubles? That letter that was sent to Judge Nicolai he forwarded on to the woman who was in charge of the law guardian panel with a cover letter saying "For whatever action you deem appropriate."

The bottom line, Senator, is that without a hearing, without an investigation, without any contact with any of the three members of the court system and retired member of the court system who brought the complaints -- no contact with us, no documents subpoenaed, no documents requested, no information requested, no testimony taken, no witnesses put under oath -- the Commission on Judicial Conduct in one sentence dismissed all three complaints against Judge Nicolai, and that was the end of the matter. With no accountability, no
explanation, no transparency.

And so I think, Senator, that at the very least Mr. Tembeckjian himself mentioned it this morning, and the commission has year after year in their annual report themselves asked for it, open up the proceedings to the public. Why should this be secret? Judges are public officials. They have a public trust. Many of our judges are elected officials. The public has a right to know how complaints against judges are handled.

I'm sensitive to the concerns that many judges have, because of the fact that they are either appointed or elected officials, that abuses can occur, that frivolous complaints can be lodged for purposes of political gain or, as happens very, very often, most of the complaints -- I'm sure Mr. Tembeckjian will confirm -- most of the complaints come from litigants who simply lost.

I know from personal experience, having presided over contested matrimonial cases for seven years, every day of the week,
Monday to Friday, you know, you can imagine, Senator, it's human nature. If I make a ruling that says this parent will have custody of the child and the other parent will not, how often do you think the parent who loses goes home and says, well, I'm just an unfit parent and that's why I lost?
That's not the way it works; we know that.
So it's so common, particularly in family cases, custody cases and matrimonial cases, the litigant who loses frequently will try to blame someone: It's my lawyer's fault, my lawyer did something wrong; it's the judge's fault, the judge did something wrong. Most of the time we know that's not so.
The problem is, though, when you have in with those thousands of complaints that get dismissed without investigation where you have a complaint that wasn't brought by a disgruntled litigant or a disgruntled former employee, but brought by three people on the inside of the court system who give information with dates and names and places
and photographs and copies of documents and it's just tossed aside.

CHAIRMAN SAMPSON: But my question to you is I'm assuming there was some sort of retaliation because of these allegations that you made; correct?

MR. MONTAGNINO: Yes.

CHAIRMAN SAMPSON: And that resulted into negative evaluations; is that correct?

MR. MONTAGNINO: No, Senator. I've never had a negative evaluation. In fact, what happened, since you asked the question -- I didn't want to get into personal things, but I'm glad to do that -- Judge Nicolai essentially opened his file of every complaint that any litigant who wasn't happy with the result of their matrimonial cases had with me. And he gave that over the Inspector General for the Unified Court System.

I went through about a month and a half of hell having to answer for every decision that anybody had a question about it: Why did you rule this way? Why did you say
this? Did you say this? Did you talk to this litigant? Did you not talk to this litigant? I had to answer --

CHAIRMAN SAMPSON: That's a form of retaliation.

MR. MONTAGNINO: Yeah. And at the end of all that, at the end of all that --

CHAIRMAN SAMPSON: At the end, what happened?

MR. MONTAGNINO: At the end, the head of human relations said to me orally -- I got nothing in writing -- she said, "I want you to know there have been no negative findings against you. And your personnel file" -- she gave me a full copy of the personnel file, she said, "it will not even reflect the fact that an investigation had ever been taken against you."

CHAIRMAN SAMPSON: And I think being that no -- if you have complaints of individuals on the inside, you would probably want to look at that a little bit closer because of the positions that you have.
MR. MONTAGNINO: But there was a little bad news attached. I got transferred.

CHAIRMAN SAMPSON: You got transferred up to what?

MR. MONTAGNINO: Well, I was ordered transferred to Bronx County. And I made an arrangement. I said, "Look, I'd rather be transferred where we have our second home, up in Saratoga Springs, we love upstate New York. If you can do that, it will be voluntary. If I'm forced to go elsewhere, then I'd consider that a retaliatory employment act under the Whistleblower Law."

And, you know, where it would go from there would be something else.

And they were kind enough, they accommodated the request. And so I voluntarily transferred up here.

CHAIRMAN SAMPSON: Okay.

Yeah, I got five minutes, I know, I know.

AUDIENCE MEMBER: I'd like to know what happened to my transcript where you --
CHAIRMAN SAMPSON: Gentlemen, you don't have this -- excuse me. You don't have the floor. Hello. Hello, hello. We're trying to be courteous here.

AUDIENCE MEMBER: I'm sorry. I'm sorry.

CHAIRMAN SAMPSON: You don't have the floor.

AUDIENCE MEMBER: -- my wife and my children --

CHAIRMAN SAMPSON: Mr. Montagnino, thank you very much for your testimony here today.

MR. MONTAGNINO: Thank you, Senator.

CHAIRMAN SAMPSON: And if I could just have a two-minute break, I have to make a quick phone call. Two-minute break. We're going to have the next witness -- I guess the next witness could come up, Ruth Pollack.

If I could just have a two-minute break, make a phone call, and I'll be right back.

(Brief recess taken.)
CHAIRMAN SAMPSON: All right, we're getting ready to start.

Ruth Pollack, Ms. Pollack, go right ahead.

MS. POLLACK: Good afternoon, Senator, and thank you very much. My name is Ruth Pollack. I'm an attorney in the east end of Long Island -- Riverhead, New York. Practiced 26, going on 27 years.

I love my career, and I have had a wonderful career. I've practiced in just about every court that you can practice in. I've tried cases in Surrogate's Court and took a verdict at 2 o'clock in the morning and won. I have been in the state and federal courts and agencies, and I'm a former prosecutor for the Nassau DA about 26, 27 years ago. There's not much I haven't seen and done. And for the most part I love what I do, and I look forward to any new attorney or judge that I meet.

I'm here today, however, because of the breakdown of the system and my brief suggestions for what I think, as a member of
the brothers and sisters in law in the
trenches, we can do to fix it.

I went through the full monty, and I
survived that. I'm now considered cured,
even though I still suffer from lymphodema
in both my legs. That means I carry 60
pounds of extra fluid in my legs every day,
so I'm partially physically disabled. And
of course, as a survivor, we don't seek
sympathy, we just want understanding and
some accommodation. I'm just happy to be
here and happy to be alive.

But I tried a case in Eastern District
federal court against the US government, and
many of my cases, despite my stature, I go
up against some big-league people. I go up
against the federal government, I've gone up
against banking institutions, many school
districts and so forth. I have an asbestos
case involving a school district on Long
Island right now. My cases are
controversial, and I'm not afraid to go
after anyone, including an attorney, if the
attorney is doing something that is improper.

When I returned back into active duty, so to speak, as an attorney, the case that I had against the federal government was, partly on account of my disability, dismissed in the middle of my direct examination of -- I must have been through about eight to 10 witnesses at that point. And that was on June 5, 2007.

That led to a contempt hearing, and I was held in contempt of court, and I'll move on from there.

The very next day I walked into an ongoing Family Court case in Manhattan Family Court, the Jubb case, J-U-B-B, representing a father and his infant son -- or actually I represented the father on behalf of him and his son. And I'd been there many times before. I'd objected to what I saw was tampering of witnesses by Child Protective Services, tampering with records, the general poorly run courtroom and poorly run proceedings.
And at 9:30 in the morning, in Family Court at 60 Lafayette, and at the beginning of a hearing before Judge Susan Knipps, a male court officer proceeded to come toward me without provocation. He placed me in a forward -- in a front headlock before I was able to sit down. And the ten or so court officers that were already in the courtroom when I walked in, of that group, about five of them came around me from behind and put me in a full bodylock, lifted me from the floor, dragged me out, crashed me against the wall, and then threw me out into the court lobby, physically, bodily.

Everyone -- I have lay witnesses and I have my client and other witnesses to this occurrence. Everyone in the courtroom, the judge and everyone, denied that it happened. I had done nothing. The judge said, "Clear the courtroom now," when I had simply said to the court officer: "I have two witnesses, they're not testifying." And that's all I said.

As a result, I suffered tremendous
posttraumatic stress syndrome. I never walked into a courtroom again feeling the same safety and security that I had for 26 years.

I filed a case against the State of New York which is pending with the Attorney General's office. I had hoped and I am hoping that the Attorney General will investigate this.

But then it continued. Because thereafter, on September 28th of 2007, when I went back to that court to the financial judicial hearing officer for the monetary portion of the case, the record was shut off by the JHO and the court officers slammed my desk against the wall and told me to get up, and my client, and get out. And they surrounded us, but they didn't touch us. I took the badge numbers as well. So it was more internal terrorism, so to speak.

I have never before been attacked by anyone in my lifetime. So this was, again, more of a message of some sort; I'm not sure what.
Since that time, I've been menaced by
court officers on behalf of two judges in
district court in Hempstead in a criminal
case, because I do a lot of criminal defense
work, and that has caused me great
consternation. I've had witnesses to that
occurrence as well -- I have witnesses.

I'm here because while I could go on
and on about my long career -- and my
curriculum vitae is up there for you and for
the panel -- the system is breaking down.
We need to fix it. It's worthy of that.
You know, my father was a top gun in the
Second World War, and I still have him
today. And it's because of him and our
foremothers and forefathers that we're here
today able to speak out about how we feel
about this country and our state.

And I'm here to be part of the
solution, not part of the problem. And I
will do everything that I can to be part of
the solution, which is a huge, huge -- in
need of huge help.

I personally am now -- I've been
suspended for two years. It started out
with 'a 45-day suspension with a threat of
six months' incarceration. And I served my
45 days of suspension in the Eastern
District of New York because I disagreed
with a judge and because I missed a day of
court due to my legs. I went to two federal
courthouses in the Eastern District, neither
of which are ADA-compliant. I have
complained about it; nothing's been done.
So that my disabled clients -- who are also
whistleblowers -- and I have difficulty
parking to get to those courthouses.

I'm moving rather rapidly because I
just want to hit on certain points that I
think people should know.

Since that time, I have had -- since
the federal suspension which I served, I was
advised rather cryptically that they thought
that I had violated my 45-day suspension by
using my former law partner to cover my
cases for me, one case for me. And so they
just sent me a letter saying, You haven't
responded in 20 days, so we're going to
suspend you for two years now.

CHAIRMAN SAMPSON: Who is this?

MS. POLLACK: Only in Eastern District. That was Judge Cogan. They claim that there is an Eastern District of New York grievance committee, but I have never seen any such thing.

CHAIRMAN SAMPSON: So you were suspended from practicing in the Eastern District?

MS. POLLACK: Only. For two more years. That's where almost all of my cases are. One of my clients is here in the audience today, Mr. Kevin Chesney.

Again, that was to put me out of business. That was to get rid of me. My own appointed attorney told me to give up all my cases in the Eastern District, submit to urine tests or else I would go to jail. And that would be the best thing, you know, she could do. She accused me of being mentally ill, something I am clearly not.

So I was essentially put in a position where they were going to have me suspended
to get me out of the Eastern District come hell or high water. And that's where I am today, fighting all the way to come back.
And that is a fight for another day.

But the point is that now the Eastern District has sent paperwork behind the scenes, without my knowing what it is, to the 10th Judicial District where I reside, and Rita Adler, who is the chief counsel there, has bombarded me with letter after letter after letter, day after day after day, relating to that case in which I was held in contempt in 2007, saying that she thinks I'm a criminal and I should be treated as a criminal and I shouldn't be allowed to practice and we should do something about this woman --

CHAIRMAN SAMPSON: I mean, when you say -- she didn't write you a letter to that extent.

MS. POLLACK: She wrote a letter to Mr. Pelzer to that effect.

CHAIRMAN SAMPSON: Not calling you a criminal.
MS. POLLACK: "What she did was criminal" essentially is what she says in her letter. And that's part of my packet. Basically saying, yeah, her actions are criminal, they're -- you know, quite strong, actually citing to sections of the Penal Law. And as a criminal defense attorney and former prosecutor, I'm very well acquainted with the Penal Law.

So part of her approach, if we may look at how rules are to be followed, is she pretended, as did a member of the 10th, that she couldn't reach me or serve me.

So an investigator came to my home, left a business card in my door -- which could have floated off into the atmosphere. My 86-year-old father saw that, saw orders slipped under the door.

And one day when I walked into my office in 2008, I was met with an order that was taped to my door with red masking tape -- I'm holding it up now -- which I took a picture of and blew up so that you could see the door of my office. Everybody in my
office building saw this, my suite with this red masking tape -- I don't know where you get it -- taped to my door.

So again, these terror tactics or whatever you want to call them have been used to intimidate me and to make me go away. I may just be a country girl from the east end, but I do not go away. I have always fought for the underdog my whole life. I've seen injustices since I was a kid. And I do discriminate; I represent everybody. I don't care who or what the person is about, I represent them all.

Mr. Kelly, in Rockland, is my newest client.

I'm an outsider. I'm a new kid on the block. I've seen what he has described. It is a fact. I have never had any problems in my life of any kind, criminal or otherwise, other than one incident with the grievance committee back in the late '90s involving a matrimonial which was clearly a political way of getting a case, a very interesting case involving the Manuses, Morton Manus, a
matrimonial, away from me when it was going rather well and given to another attorney.
And because I stood up for my retaining lien and I was in the middle of a retaining lien hearing, I had charges brought up against me. But my case was transferred to the 9th District that didn't know me at all. So that was my first foray into the 9th.

CHAIRMAN SAMPSON: So if you want to sum it up, Ms. Pollack.

MS. POLLACK: Yeah. My summary is that the solution to these many things that you've heard today, without my repeating the many things that we've heard as a group here, is that we need transparency, and the transparency must look like this.

We need transparency in terms of judges and all public officials that serve in our system and on these committees should disclose what insurance companies insure them, what financial institutions they have their pensions or finances in through the system, what banks are involved, what disability insurance companies are involved
-- because when I've sued these various
types of companies, I've never known if
there was a conflict of interest between
those people that I was working in front of
as judges or against as litigants, if there
was a conflict of interest.

So I highly, highly support full
disclosure of any and all of those types of
things on the docket, including all
committee members on all of the committees
we've discussed today. Who they are, where
they're from, all of their affiliations,
what their trainings are. I can't find any
of it, and I've looked all over the place.
Who are the people on the committee, where
did they come from, et cetera.

And I don't think I need to go on, I
think it's a point that's been taken.

CHAIRMAN SAMPSON: Thank you very
much.

MS. POLLACK: And I just wanted to
thank you sincerely for your time.

CHAIRMAN SAMPSON: Thank you very
much, Ms. Pollack. Thank you very much.
The next witness is Lawrence Grey.

Mr. Grey, are you here? Mr. Grey is not here.

UNIDENTIFIED SPEAKER: He submitted his testimony.

CHAIRMAN SAMPSON: Okay, great.

Ken Jewell, Esquire. Mr. Jewell, you here? Mr. Jewell is not here.

Kevin Patrick Brady?

MR. BRADY: Yes.

Senator, I want you to remember me as being the one guy who used the least time as possible to tell you my story and will move on.

I haven't heard yet today my kind of a case. I am a nonlawyer, I have been prosecuted criminally three times, incarcerated, prosecuted in quasi-criminal prosecutions twice, and not one of these courts had jurisdiction.

Now, the assistant attorney general managed to shove through a money judgment against me that's not valid. And I have been petitioning courts for the last six
years to recognize that these judgments are void, they must be taken off my record. I showed proof every time that the judgments were void. And no court, to date, has done one thing about it.

Now, I'm talking about the Fourth Department, I'm talking about the First Department and the Third Department. The petitions and appellate briefs that I filed enunciated these issues perfectly. It could not be mistaken. I believe they all just dumped them. They didn't read the petition or they read it just far enough to hear me complaining about corruption in the courts, and that's all they needed to know.

I have been, like I told you, petitioning courts -- I've got in excess of 30 trying to get those two or three issues across. One, the courts never had jurisdiction. Two, the judgments are void. And three, the assistant attorney general has absolutely no authority to be prosecuting me under judiciary law for his own fraud. In all of those actions, not one
single issue has been adjudicated.

So I have given proof, I've put them on CDs, it's all there, that the system is corrupted far beyond what anyone can really imagine. I really encourage you to take a look at my proof because it's prima facie.

Okay?

CHAIRMAN SAMPSON: We will definitely do that, Mr. Brady. I give you my word.

MR. BRADY: Thank you.

CHAIRMAN SAMPSON: Thank you very much, Mr. Brady.

The next witness is Carl Lanzisera,

Mr. Lanzisera.

MR. LANZISERA: How you doing. When you go in the subway, you see a sign that says --

CHAIRMAN SAMPSON: I just want to let everybody know, about 2:45 we're going to take a break for another 15 minutes and then I'll be back. I just want to check into session. Okay?

Mr. Lanzisera?

MR. LANZISERA: Yes. Carl.
CHAIRMAN SAMPSON: All right, we've got another eight minutes. Let's go ahead.

MR. LANZISERA: If you go in the subway, you see a sign: "If you see something, say something." If you go in the airports, "If you see something, say something." If you go to a marina, they say "If you see something, say something."

If you go in the courts and you see something and you say something, that's the worst day of your life. And everybody is here with that same complaint.

The first two speakers, Martin and Alan -- or Alan and Martin -- they really should have a Broadway skit, because they're two jokers. Either they don't have --

CHAIRMAN SAMPSON: Mr. Lanzisera, you know, Mr. Lanzisera -- no, no, I understand it, but everybody's -- listen to me, please. Everybody here is afforded the courtesy and respect. No character assassinations. This is a public hearing to get to the issues because we want solutions.

MR. LANZISERA: Well, I was arrested
for telling jokes, so --

CHAIRMAN SAMPSGON: We don't want to arrest you, all right.

MR. LANZISERA: They had a grand jury hearing and I told lawyer jokes.

But I'm in the investment business 45 years. In the investment business, if you have a complaint, you go to now FINRA or the NASD, it's called, or the SEC. Can you imagine if the SEC or FINRA was run by stockbrokers, what would happen after 40 years, 50 years? Bernie Madoff would probably get six months in jail.

The legal profession is run by lawyers for a hundred years. The first thing the grievance committee did when they were assigned to uphold the Constitution of the United States, was to give themselves judicial immunity. Even you have -- don't have judicial immunity. You have to answer to us. But they don't have to answer to anyone.

In the securities business, if you have a complaint against a stockbroker, you go to
the NASD for a few dollars and you have a public hearing before three panelists. The panel, their complete history is listed — where they eat, where they sleep, what cases they have. And you a right to eliminate any of the three panelists if there's the slightest inkling.

With the grievance committee, you have no idea who the commission is and what they're doing.

The hearings are all public. The findings are more than 60 percent of the cases the public gets an award.

CHAIRMAN SAMPSON: Which proceeding is this?

MR. LANZISERA: In NASD or FINRA, in mandatory arbitration.

And if there's a finding against you, it's made public, not only in the state that you operate in but throughout the world.

Thirty-five years ago, there was a finding that I didn't buy a stock at the best price and I had to give someone $250. Thirty-five years later, if you look up my Social
Security number, you will see it on my record. If there's a finding against me and they ever took my license away, it would be throughout the United States.

In the legal profession, if there's a finding in New York State, the lawyer can go to New Jersey, get his license over there and practice law in New York. They claim they can't follow the lawyer and his past history. That's a bunch of malarkey. That's why I made the original comments that I made. There's no reason in today's day and age you can't follow someone with a Social Security number throughout the world.

The findings are public, the hearings are public, you face your accuser, you defend yourself, you know exactly what they say.

As a result of my personal history, I started a group, Americans for Legal Reform. If you look at it, that's our newsletter. I've been doing this for more than 20 years. In there you see a list of lawyers and judges that we have found that do things
that we feel are questionable.

We can't say what they do, because your senator friend to your left from Syracuse, one of his lawyer friends in Syracuse sued me for libel by innuendo. There's only maybe three cases in the world of libel by innuendo, and I had to spend $100,000 defending myself because I put his name on that list and he felt he was damaged.

They're so afraid of their reputation. Why are they any different than a stockbroker or a plumber? If I go to Consumer Affairs and there are 500 complaints against a plumber, I can look at them all and evaluate whether they're frivolous or real. If you want to open an account with a stockbroker, you should check with FINRA and find out his history.

But if you're a lawyer, as Jack Solowitz, my divorce attorney, one of my divorce attorneys, stole millions from 49 people. The 49th didn't know about the 48th; the 48th didn't know about the 47th, and so on. Eventually he did go to jail.
And when he comes out of jail, he could have been a lawyer again.

It's all secret, it's the only profession it's a secret. It's a bunch of malarkey about their reputation. The lawyers as a group are considered the most criminal group in America. Their position in life is less than a New York City taxicab driver. And they're trying to, by secrecy, protect themselves. It's a good-ole-boy brotherhood that somebody has to stop. And if it's not stopped by people like you, the public is not going to take it forever.

CHAIRMAN SAMPSON: Mr. Lanzisera, I thank you very much for that comment.

Ladies and gentlemen, I have to take about a 15-minute break; I have to register in session. And I'll be back to conclude these hearings. Thank you very much.

(Proceedings adjourned at 2:45 p.m.)
NEW YORK STATE SENATE
STANDING COMMITTEE ON JUDICIARY
-------------------------------------
PUBLIC HEARING IN THE MATTER OF
AN EXAMINATION OF THE JUDICIAL DISCIPLINARY PROCESS
-------------------------------------

Senate Hearing Room
250 Broadway
19th Floor
New York, N.Y.

September 24, 2009
Thursday
10 a.m.

BEFORE: Senator John Sampson
Chair
Judiciary Committee

Senator Bill Perkins
Chair
Corporations, Authorities & Commissions

Senator George D. Maziarz

Senator Eric Adams

Senator Ruben Diaz

OTHER STAFF MEMBERS:

Shelly Mayer
Majority Counsel

Lisa Lashley
Counsel
<table>
<thead>
<tr>
<th>#</th>
<th>Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>RICHARD KUSE</td>
<td>7</td>
</tr>
<tr>
<td>2</td>
<td>CATHERINE WILSON</td>
<td>21</td>
</tr>
<tr>
<td>3</td>
<td>VICTOR KOVNER</td>
<td>90</td>
</tr>
<tr>
<td>4</td>
<td>DOUGLAS HIGBEE</td>
<td>147</td>
</tr>
<tr>
<td>5</td>
<td>JUDITH HERSKOWITZ</td>
<td>52</td>
</tr>
<tr>
<td>6</td>
<td>ANDREA WILKINSON</td>
<td>67</td>
</tr>
<tr>
<td>7</td>
<td>MARIA GKANIOS</td>
<td>98</td>
</tr>
<tr>
<td>8</td>
<td>REGINA FELTON</td>
<td>126</td>
</tr>
<tr>
<td>9</td>
<td>KATHRYN MALARKEY</td>
<td>155</td>
</tr>
<tr>
<td>10</td>
<td>NORA RENZULI</td>
<td>158</td>
</tr>
<tr>
<td>11</td>
<td>STEPHANIE KLEIN</td>
<td>165</td>
</tr>
<tr>
<td>12</td>
<td>IKE ARUTI</td>
<td>180</td>
</tr>
<tr>
<td>13</td>
<td>TERRENCE FINNAN</td>
<td>194</td>
</tr>
<tr>
<td>14</td>
<td>GICELLA WEISSHAUS</td>
<td>198</td>
</tr>
<tr>
<td>15</td>
<td>ELIOT BERNSTEIN</td>
<td>206</td>
</tr>
<tr>
<td>16</td>
<td>SUSAN MCCORMICK</td>
<td>234</td>
</tr>
<tr>
<td>17</td>
<td>PATRICK HANDLEY</td>
<td>237</td>
</tr>
</tbody>
</table>
PROCEEDINGS

SENATOR SAMPSON: I want to say good morning to everyone, and I apologize for being late. There is traffic in New York City, blame it on the President and all the other heads of State coming in.

THE AUDIENCE: You can be late any time.

SENATOR SAMPSON: No, I can't be. My colleague would always say the Senate Democrats we are instilling discipline and in order to be an effective legislature we need to be disciplined, and that not only requires us to be on time, but most of all to pass legislation that is reflective of the issues and the core values of the People of the State of New York.

I want to thank you all for coming here this morning. I see my counsel, Shelly Mayer back there, Shelly, Shelly Mayer, that's majority counsel, I see Lisa Lashley she was somewhere out there, Lisa is my counsel and all my other staff people are here.

But first of all I want to thank you,
and this meeting is the second in a series of oversight hearings for New York's system of investigating and adjudicating complaints against lawyers and judges.

The Judiciary Committee's first hearing on this subject was held in June and we heard from a number of witnesses, but unfortunately we were not able to get to all of those witnesses who wished to be heard.

That was the day we had the coup, but rest assured we are all coupd out, so don't worry about a coup today. We are not in session so you don't have to worry about a coup.

At the previous hearing we heard from the commission on judicial conduct, the Fourth Appellate Division lawyer grievance committees and various judges, attorneys and citizens touched by this important issue.

Representatives from the commission and the grievance committee are here with us today in case questions arise, they will not be testifying directly since they already participated in the June 8th hearing.
We are here today to continue this inquiry in New York City, recognizing that this issue is one of statewide importance to the practice of law and the integrity of our judicial system, particularly here in this global capitol of law, commerce and finance.

It is vital to New York City's economy and continual leadership in these fields that the organized Bars, clients ranging in size from leading corporations to small businesses and individual families and the public have the utmost confidence that we hold lawyers, we hold judges to the highest standard of competency and integrity.

Because at the end of the day -- thank you very much.

Because this commission on judicial conduct and attorney grievances are our quality control system it is fitting that we continue these oversight hearings to ensure that the system works as it should.

And to give the public, to give the public a meaningful voice in guaranteeing the fairness, equality and diligence of the
disciplinary process.

At this point in time I would like my colleague, Senator Adams, to say a few words before we kick this hearing off.

Senator Adams.

SENATOR ADAMS: Thank you, Chair Sampson.

I think this is important because countless number of men and women who come before our criminal justice process, as a retired Captain in the New York City Police Department, I am clear on how intimidating the system can be to the every day public, and these hearings will allow us to come up with an effective legislation to make sure that when an individual enters the courtroom he receives the necessary justice and jurisprudence to make sure their cases are heard.

I think now it's time to hear from the public on what we need to do, and I would like to turn it back over to the Chairman Sampson to start the hearings.

SENATOR SAMPSION: Thank you very much
and good morning, and I think the first
person Richard Kuse of New City, New City,
are you here?
The process is you have ten minutes.
MR. KUSE: Ten minutes like the last
time, or a California ten minutes?
SENATOR SAMPSON: No, it's going to
be a New York City 10 minutes, not an Albany
ten minutes, New York City ten minutes.
So the clock is running.
MR. KUSE: Thank you very much,
Senator Sampson, I appreciate your integrity
and Mr. Adams' integrity.
I would like to start off by quoting
Mrs. Carvel who at the June 8th hearings who
said that the Surrogates Court System of the
State of New York was a criminal enterprise,
or she said it was a criminal empire, either
one would be correct.
I believe that she had obviously lost
$100 million dollars or $150 million when
somebody looted her estate.
I believe additionally hundreds of
millions of dollars, if not more, are being
drained from the economy of the State of New
York and from the People of the State of New
York and I detect an emphasis on taking the
homes and property of black families in the
State of New York on top of it.

I would like to also invoke Catherine
Wilson, the investigative reporter, super
accountant par excellence from the
Westchester Guardian, and I would like to
invoke the New York State Whistle Blower's
Law on what we can reveal would save the
State of New York probably hundreds of
millions of dollars in stolen assets, or
routed assets from the honest and legitimate
families of the State of New York.

Presently at this time, at this moment,
part of a group of forgers are living in a
home paid for from money looted from my
agent uncle's bank accounts before his
death.

In addition, my aunt Genevive Corrigan,
who is still alive at 99 years old, bless
her little heart, had her trust fund looted
which was contained within my uncle's Will,
a Will that was proven to be a forgery.

And an uncontested forgery at that.

And she would like her trust fund returned before she dies, she's 99 years old at this moment.

SENATOR SAMPSON: Who looted the trust fund?

MR. KUSE: I don't want to say at this point. It's apparent in my paperwork that I have given to you.

SENATOR SAMPSON: Okay.

MR. KUSE: My uncle died in December of 1999. When we finally got a copy of my uncle's Will it was noted that my -- it was not the Will that my mother remembered.

My mother is the sister of Charles Maxwell. When we looked at the Will, we saw that my uncle had made a glaring error to the Will, he made his dead mother an Executor to his will.

She died 30 years before, he paid for the funeral, he was at the funeral, okay?

He did not make a mistake in the Will.

Our family knew my uncle was a very
exacting man who would have never made such
a glaring error, we could not understand why
the Surrogates Court Judge insisted over our
protest that he knew our uncle better than
we did, and insisted that the glaring error
was a common error of my uncle.

Really? I don't think so. We could
not understand why the judge and the lawyers
were in such a rush to fast track my uncle's
Will through his court.

We could also not understand why the
judge kept allowing the opposing law firm to
resist and break years of the judge's own
court orders to provide an estate
accounting. To this day we don't have an
estate accounting.

Mrs. Catherine Wilson, a forensic
accountant of superior grade, who worked for
the Rockefeller family, said you couldn't
make heads or tails of what they gave us.

During this time, during the time of a
deposition the opposing lawyers gleefully
pronounced that they had created my uncle's
Will, with the glaring error in the Will and
the rush to push it through the court, the refusal to comply with court orders by the attorneys to account for the estate assets, a national forgery expert was hired by myself.

To our shock the will turned out to be a stone cold forgery.

Now it becomes apparent the reason behind the glaring name mix up in the Will; Will listing a long dead relative as an executive.

I don't know, do you think a dead relative in your family could manage your estate?

I don't think anybody could believe that.

But they managed to believe that in Nassau County.

The forgery also revealed the motive or the breaking of court orders to account for the estate assets including my uncle's expensive two story home in Woodside Queens. Sold via a forged will.

An uncontested forged will. Because my
uncle's home was located in Queens, we took
the forgery report to the Queens D.A. in
charge of professional conduct.

That D.A. did a Grand Jury
investigation, the investigation included
the law firm that created the Will and
others court officers.

The D.A. told us she believed the
origin of the forgery and the crime started
in Nassau County.

The Queens -- that D.A. told us whoever
did an investigation of the Charles Maxwell
forgery estate death would open up a
Pandora's box of forged Wills, forged deeds,
forged accountings and mostly forged
accountings in New York State.

My lawyer and I thought the D.A. From
Queens was telling us about the Nassau
County. She was not. I have to reiterate
what Mrs. Carvel said.

The Surrogates Courts in the City of
New York are a criminal enterprise.

She was right. The Queens
investigation file was passed to Nassau,
where it disappeared. Three years after my uncle's death and in clear violation of New York estate law we could not get an accounting of the missing assets which were looted from my uncle's bank accounts before he died.

An August morning in 2003 the opposing lawyers are required to finally produce the estate accounting at 10:00 in the morning.

For two hours the opposing lawyers failed to show with the accounting.

In those two hours waiting for the lawyers and the accounting, the Nassau court called me four times telling me to take $40,000 and a gag order to sweep this growing mess out of this court.

I believe that $40,000 was an admission of guilt, and they wanted me to take a gag order.

We came to this court not to be bribed into silence but to find those who forged the Will and where all my uncle's bank accounts went and vanished.

And a particular item which Mrs.
Catherine Wilson and I will be indicating to you might produce hundreds of millions of dollars in missing funds from the State of New York, and that is vanishing returnable security deposits due back to estates but through mishandled accountings, and I am being generous here with that word, those returnable security deposits appear to be vanishing, amongst other things.

At 12:00 noon court was cancelled because the opposing lawyers don't show and now we are out in the hall.

And the outside of the hall is a court of no record, suddenly and miraculously the opposing attorneys show up with an accounting that Mrs. Catherine Wilson says you couldn't make heads or tails of.

We are forced to accept it, the court tells us that we have to take the accounting because the court officer just got a call that the judge insisted we take the accounting.

Well, I just walked out with him, how in the world was that possible, the guy was
30 feet, 30 seconds move out of the court
into the hallway, he made no phone calls and
received no phone calls. How did he know?
It was a set up. The accounting was
non-accounting. And at this point I would
like to read a little statement about the
law. When one conveys a false impression by
disclosure of some facts and concealment of
others, such as the concealment in effect is
false representation that what is disclosed
is the whole truth.

We had an accounting that didn't
account for anything, okay, false
representation.

I would also like to read that this is
from Black's Law, an intentional perversion
of the truth for the purpose of inducing
another into reliance upon it with some
valuable thing belonging to him or to
surrender some legal right, that's fraud.

We were presented a fraudulent,
uncontested fraudulent Will and a fake
accounting deliberately concealing material
evidence.
Out in the hall in Nassau County --

SENATOR SAMPSON: Try to wrap it in two minutes.

MR. KUSE: We had to do an appeal, we submitted an appeal of the judge's decision against us, after telling us that promised us we would have a trial and an accounting.

And we were not allowed that promise, I had to do an appeal.

We submitted the appeal in 2004 and we were told my phone calls, my paperwork from my attorney, all through 2004, that the Appellate Court had not made a decision.

We called all through 2005 and we were told by the Appellate Court that no decision had been reached.

We called into 2005, mind you this is over and over and I have letters to prove it, that there was no decision reached on my uncle's case.

In the spring of 2006 I called the Appellate Court again and I am told that a decision was reached in 2004.

Basically, gentlemen, somebody is
lying, and I have the paperwork to prove that we are not.

After that point I had to go to OCA.

I don't even want to tell you what happened there, but I was followed by an Asian person on several occasions, because of a critical piece of information that Mrs. Catherine Wilson and I believe will reveal hundreds of millions of dollars being looted from the accounts of the State of New York and the decent families of the State of New York, and that is returnable security deposits.

I was followed on several occasions and only the office of court --

SENATOR SAMPSON: What do you mean by returnable security deposits?

MR. KUSE: When you send a person into a nursing home -- thank you for that question -- when you send a person, an elderly person into a nursing home in the State of New York you have to come up with about $30,000 returnable security deposit.

If that person dies or if they move to
another state, the average death rate in a
nursing home is about 100 people a year, now
if that $30,000 does not come back, that's
about $3 million if there is fake
accountings that are brought into court.

So now you have 30 times 100, that's
about $3 million, now in Rockland County we
have a number of nursing homes, let's just
say it's 10, now you are looking at $30
million, now multiply that by the number of
nursing homes in the State of New York, and
if fraudulent accountings are being brought
in the courts of the State of New York, they
are being turned into laundries for
criminals.

Understand? I think you do. This is a
serious crime.

SENATOR SAMPSON: The returnable
security deposit is what?

MR. KUSE: Should be coming back to
the estate.

SENATOR SAMPSON: It is given to the
nursing home?

MR. KUSE: Well, that is supposed to
be provided in an accounting when the case goes to a Surrogates Court.

SENATOR SAMPSON: Who pays the $30,000, the individual?

MR. KUSE: The person that put the elderly person in, a lot of times it private pays, and these are sometimes the victims here, but somebody is looking for people that don't have any relatives around that may own -- well, look at Mr. Garfield Gillens, a black artist from Brooklyn, he's still trying to get his place back and all his paintings were robbed, I could list you a number of black families, Mrs. Acosta, Mrs. Murdock I think her name was, the three women from Queens whose family -- who were living in their homes, black widows and their homes were sold out from underneath them by the Clerk of the Court, who was a CPA.

This is Jonathan Demick's brother, it was in the Post.

I'm not making it up. I think I have extended my time, but I think you got my
point.

SENATOR SAMPSON: Definitely, Mr. Kuse, you have extended your time, but do any of my colleagues have any questions?

We have been joined by my good colleague Reverend Diaz from the Bronx.

MR. KUSE: Pleasure to meet you.

SENATOR DIAZ: Thank you. Let me ask you a question, those $30 million you said, why do you think that the Attorney General doesn't look into that yet?

MR. KUSE: We have brought it to his attention. Why the only person who appears to be doing anything is Mr. Sampson here and Mr. Price, I guess from Harlem, or Perkins from Harlem and Mr. Paterson.

SENATOR DIAZ: You are saying the Attorney General knows all this?

MR. KUSE: He told me to stop writing him letters. That ain't going to happen on my watch.

SENATOR SAMPSON: Mr. Kuse, if you can provide me with some more information, I'm very interested in this returnable
security deposit.

SENATOR DIAZ: Me, too.

MR. KUSE: We would like to invoke the Whistle Blower's Law because we know there is a good chance that hundreds of millions of dollars, if not billions of dollars --

SENATOR SAMPSON: Who is that you are pointing to?

MR. KUSE: That's Ms. Catherine Wilson.

SENATOR SAMPSON: Why don't you have that seat. I just want to ask you some questions about this returnable security deposit.

MR. KUSE: This woman is brilliant.

SENATOR SAMPSON: We are very interested in that.

MS. WILSON: Senators, thank you for your time. My background is several things, I used to be an auditor, I did not work for the Rockefeller's, I actually was a global auditor for Reader's Digest conducting operational audits and reported directly to
their Board of Directors, which included Lynn Chaney and David Rockefeller.

I was also, as I refer to it now, married to the mob for 20 something years, my ex-husband is a law secretary with the New York State Supreme Court, and when he divorced me I then became a victim of the power plays within the system and essentially got, well, shagged, for want of a much better word.

But in terms of the returnable security deposits there is actually much more at stake here, and if I may, I would like to take a moment to explain it.

I actually had an entire presentation and was hoping I could be allotted ten minutes, but I will give you the Reader's Digest condensed version here.

SENATOR Sampson: You have five minutes.

MS. Wilson: Both in divorce situations and particularly in Surrogates Court we have essentially a license to steal, and it happens for two reasons.
One, because Surrogates Court is the most political of all the political appointments in the system, I know this from being behind the scenes for 20 years.

And as you know from Lopez Torres versus the State of New York, where the United States District Court referred to the New York State judicial appointment system as the most corrupt in the nation, the most corrupt of the corrupt are the Surrogates Courts because they get to make the appointments to the attorneys, the accountants and the guardians who will be overseeing the trusts and the estates.

Now this is critical for two reasons, the trusts are for vulnerable people, we are talking about the disabled, the mentally ill, people who have no one else to advocate for them, and for the estates to make perfect victims; they are dead.

What happens in Surrogates Court, so many times the money disappears long before the estate action takes place.

So in the new law that the Senate
passed, and I thank you for this, the Power of Attorney Law takes some steps to address the issue, but the real issue is on the people who have control over the money while the individual is still alive.

And that includes the agents with the Power of Attorney and the Trustees.

There is supposed to be an accounting that goes on to the courts for the Trustees, but no one enforces that law.

The Surrogates Court in Westchester County in particular is a joke. They do not have full accountings.

Also the accountings that were proposed by the Administrative Judge, Jonathan Lipman, are not what any decent accountant would ever refer to as an accounting, they are essentially laundry lists of numbers.

You start with the numbers of where you begin with the finances at hand and you account for what you have spent in and out and then you give the ending total.

There is no documentation, no backs and fronts of checks, nothing that would support
why this money was spent.

Plus there is nothing to say that the numbers you are starting with in the individual's estate or trusts are the numbers that should have been there.

It is improper accounting to start at the point in time the money is handed over and comes to court and say this is what we are starting with.

I'm involved in a trust at the moment in an estate where the numbers we are looking at are less than $100,000, but the numbers that were there three years prior when the thief got his hands on the Power of Attorney was $1.7 million.

Now, how the state is suffering in all of this is in the question of the returnable security deposits, these are monies that should be going back to the individuals.

If the security deposit was not fully spent in expenses in the nursing home, then the balance is due back to the family and to the estate, I'm sure you would agree.

So those are personal victims, but how
the state is being affected is in the issues
of the transfers of assets.

For example, say, Senator Adams, I
appoint you Power of Attorney for my funds
because I am now suffering from dementia,
which as you can understand is a growing
concern in the state, as the population
ages.

I have $1 million that I have
accumulated through hard work over the
years.

Senator Adams, you get your hands on my
Power of Attorney, you now go to my accounts
and you see I have $1 million.

You suddenly realize that I have only
one or two family members equally elderly,
who will never -- don't know what's
happening, my family have no idea I have
accumulated this money so you, with Power of
Attorney, start writing checks to yourself.

By the time I die and go and my estate
is now probated and my elderly siblings
stand to inherit, there is only $10,000 left
in the estate.
How we can catch these individuals is they all make one mistake, accountants like to say that all criminals have one thing in common, they cheat in their taxes.

If you look in the estate tax returns and the individual annual returns filed by the Powers of Attorney for the individual whose finances they are in care of, whatever withdrawals they made from those funds in excess of $10,000 a year should be declared as taxable gifts.

They are not. And that's how I can nail them every time. Those are taxes that are due to New York State and the Internal Revenue Service.

So we are talking about State tax fraud and federal fraud.

SENATOR SAMPS: Run that by me again.

MS. WILSON: I figured you would be interested in this.

This is a nice way to get tax revenues where nobody will mind because we are catching the criminals.
You have Power of Attorney over my estate, $1 million, I've got dementia, it takes me a few years to die, but that's okay.

You start writing yourself $25,000 checks out of my bank account during those three years, so by the time I die there is nothing left in my estate for Senator Adams and Senator Diaz to inherit.

But when you file the estate, my relatives show up, Rick, there is only $10,000, he tries to do a discovery, he goes there is no full accounting, so there is even no way at present within the court system to find out how much has been stolen, because if you go to the court and try to do a discovery the court will only allow you to discover the documents that are on hand at the time of the estate.

So that if you were smart enough with the Power of Attorney to transfer it to new accounts, I will never know.

And if you ask in the discovery process for any and all documents that may have been
out there, it is referred to in the court
system as a fishing expedition and it is
denied.

Accountants refer to that as due
diligence and would never be denied.

What we need to do is change some of
the legislation. We need to put in place in
the discovery process that we can pull
credit reports of the individual, either the
person for whom the trust is being
established and the Trustee, the person, the
deceased, et cetera, at the time either the
trust was established or the Power of
Attorney was issued.

So therefore we can tell at that point
in time any and all bank accounts owned by
that individual, all assets owned by that
individual at that time.

That then becomes the basis for the
discovery.

If we then find that during the period
of time between the exercise of the Power of
Attorney and the death of the deceased that
millions of dollars, or even $10,000, has
disappeared from the -- well, actually it would have to be greater than $10,000, I stand corrected, but say even as minimum as $20,000 has been depleted and the returns, tax returns in the discovery process do not show that the person who was the Trustee or the Power of Attorney agent declared those withdrawals as taxable gift income, and they cannot prove the withdrawals were for the use of the Trustee or the individual, now we have tax fraud.

I have a case where $1.7 million was withdrawn over the course of two years for an individual who was covered under a veterans V.A. Hospital insurance, plus his own private medical insurance and he was withdrawing an average of $33,000 a month for a father who was being housed in a VA facility.

Somehow I don't think that $33,000 a month was going to the dad's care, so that's $300,000 average annually per year that was being depleted from these funds that far exceeds the $12,000 allowed annually by the
IRS for gift tax for untaxable gifts.

Therefore that should have been declared as a taxable gift on the tax filings; that's how we can catch these criminals. Thank you. I do have other issues and I would appreciate some time later, if possible.

SENATOR DIAZ: I am interested to get your phone number, my lawyer will be contacting you.

I think -- let me ask you another question. Roughly how much money do you think that the State will save if we solve this problem?

MS. WILSON: Right now if you did the backlog I would off the top of my head, and the top of my head with my financial experience is usually pretty good, I would imagine it runs in the hundreds of millions of dollars.

SENATOR DIAZ: In a year?

MS. WILSON: Easily, because the estate I looked at was $1.7 million that was depleted and only $10,000 a year is allowed,
so if we are looking at almost $1.7 million
in state taxable rates, 5 percent, that's a
lot of money; just one estate.

SENATOR DIAZ: The gentleman just
said before that he had written to the
Attorney General and the Attorney General
asked him not to bother him no more.

That's what you said, right?

MR. KUSE: That's true, yes.

SENATOR DIAZ: No, no, no, was that
what you said?

MR. KUSE: Yes, I got a letter from
one of his people who told me to stop
writing him.

SENATOR DIAZ: Stop writing him.

MR. KUSE: This is an explosive
issue.

SENATOR DIAZ: This is a public
hearing, and you are practically accusing
the Attorney General of the State of New
York of --

MR. KUSE: I was told to stop writing
them letters about this topic.

SENATOR DIAZ: So you are saying the
Attorney General knows about this?

MR. KUSE: I don't know him specifically, but his underlings told me to stop writing the letters.

SENATOR DIAZ: Can I get a copy of that letter?

MR. KUSE: At this time I don't know if I can produce it, we are talking about a history of 10 years.

SENATOR DIAZ: You are in a public hearing now.

MR. KUSE: I understand that.

SENATOR DIAZ: You are testifying that someone at the Attorney General's Office wrote to you.

MR. KUSE: Look at it. I would love if he stepped in immediately.

SENATOR SAMPSON: I think reverend --

I'm sorry, reverend.

SENATOR DIAZ: My concern, this is a public hearing, you just said -- you testified that someone in the Attorney General's Office wrote to you.

MR. KUSE: No, they told me.
SENATOR DIAZ: Now they told you?

MR. KUSE: Yes, it's either in writing or they told me to stop sending them letters.

SENATOR DIAZ: So there is no proof of that?

MR. KUSE: There may or may not be. At this point you are asking me to dig up a piece of history that I don't know if I can put my fingers on.

To the best of my recollection at this time, to the best of my memory at this time.

SENATOR DIAZ: All right.

MS. WILSON: On this issue of I've only recently contacted the State Attorney's General Office.

SENATOR DIAZ: We just want to be fair to everyone, because this is a public hearing, and when you make a statement, the kind of statement you made, people are listening and people get --

MR. KUSE: I'm not going to back down.

SENATOR DIAZ: I got -- I am pleased,
and I said what, now I'm clear there is no proof of that.

MR. KUSE: I would also like to indicate that a lot of this is abuse against elders.

SENATOR DIAZ: I assure you that my lawyer will contact the lady here and that the Attorney General will know.

MR. KUSE: Thank you very much.

MS. WILSON: That's wonderful.

SENATOR SAMPSON: Let's make sure we get your information.

MR. KUSE: I would like to make one more.

SENATOR SAMPSON: Hold on, Senator Adams, we are being joined by Senator Bill Perkins from Harlem.

Senator Perkins.

SENATOR ADAMS: Your name again, please?

MS. WILSON: Catherine Wilson.

SENATOR ADAMS: Can you give me your background?

MS. WILSON: Certainly, I could give
SENATOR ADAMS: A brief background on your accounting background.

MS. WILSON: I used to be an international auditor for Fortune 100 companies, then went into private consulting and worked for various small companies and even a couple of local government agencies.

And I now work for small companies I also do some writing for a local newspaper, and I actually left you ten copies of my articles that are pertinent to these issues at hand.

I also for 20 years was married to a member of the New York State Supreme Court, so was privy to all the back room hearings and goings on and at the time was appalled by it, but only knew a little of it, and then when that individual decided he no longer wanted to be married to somebody as wonderful as me, I became a victim to the power and the corruption in the court.

And ever since then I have been reporting, this is only one of the issues I
I have come across, I have reported these issues to Jonathan Lipman, I have reported them to Judge Hay, I have reported them auditor to auditor, to the New York State auditors, Dennis Donahue, I believe, for the OCA auditors, who unfortunately seem to think that they take the direction from OCA. They do not seem to understand that they are independent.

I have reported it to Cheryl Spats, and I have reported it to New York State Attorney General, I reported it to Frank Nicoli, I know all the players, I know them on a first name, they have done nothing.

SENATOR ADAMS: And your educational background?

MS. WILSON: My educational background, I am a certified accountant, I have a Bachelor's of Science in accounting and I have a double masters in marketing and finance.

SENATOR ADAMS: I am going to make a recommendation to the chair to put in place, because this is extensive, and some of the
information that you are sharing with us in one hearing we are not going to be able to bring it out, and I'm pretty sure there is going to be some duplications in the testimony.

MS. WILSON: I agree.

SENATOR ADAMS: What we will need because I think that the best way to resolve inefficiencies and corruption in government is through -- is to allow the people who are personally touched by the matter to empower us with information, so I'm going to ask the chair if he will put in place a task force that will be comprised of individuals like yourself and those who are victims to assist us in navigating how this problem is being hidden from public view.

But what's important, what's important, and the reason I asked for your background, both professional and education, is not that that is important to me, but when we attempt to go up against exposing corruption in the judicial system, there are those who are going to question who's bringing the
complaints and information, that's why it's imperative what Senator Diaz was saying to you, sir.

Any accusations we make must be well documented.

If you made calls and inquiries to the state auditors, to the Attorney General, anyone else, if you wrote letters that goes for you or anyone else in the audience, if you have those documents to show the paper trail that there has been a refusal to look at this very important issue and I think a task force with someone like yourself and your extensive background, and particularly some of the intimate relations you may have had that know firsthand of some of the problems, I think it would help us push this issue years forward, because we are committed to finding a resolution on this issue.

We are committed to doing that, but we need your help in doing so, and I just want to ask you two things, Mr. Chair, if I am permitted.
If you could just give me some brief answers, you know, I know and I think that some of the statements, we are going to let everyone know, I know this is an emotional issue, but we want to give the respect for the entire list of people who want to testify, and we want to try to be not as wordy as need be.

So that we can be, so we can put the information together.

How widespread do you see this problem as being?

MS. WILSON: Well, from the Surrogates Court perspective I see it as extremely widespread.

Based on my knowledge of the politicalness of the appointments of the Surrogates Court and how it's actually viewed as a candy jar kind of appointment, where whoever gets that position gets to dole out lucrative appointments to the attorneys, the players, the party players.

In divorce court it's somewhat prevalent the issues, some of it is actually
due to the lack of training and I am sad to say in certain cases ignorance on the part of the judges.

That was part of my presentation. I'm trying to and I hear what you're saying, Senator, address this not just as the insider and the victim but also my auditing brain as to what we can do in terms of resolving it.

So there are, indeed, many individuals within the system, in fact there are some present here today.

One of my many accreditations is CPR training.

One of the problems is we do have individuals within the court system who know the problems and are trying to fight it from within, but whenever they speak up a little too loudly they either find themselves ostracized, find their credentials and their career on the line, or they are demoted to the hinter lands.

SENATOR ADAMS: So what we need, what we need is that from you and whoever else is
present, and I'm sure the chair is going to
give you a website, but there are three
things we need, number one, as I stated we
need some form of a task force, number two,
we need some very clear specific
recommendations in a bullet format because
we get a ton of information, if you send us
a dissertation it's not going to be read as
often as need be, if you give us some -- if
you give us the category, problem, solution.

That's where we are at right now,
problem, solution. That would be extremely
helpful.

How much of this do you feel is based
on incompetence or corruption?

MS. WILSON: In the Surrogates Court
sad to say I would say it's mainly based on
corruption, political corruption.

In the other courts, a lot of it is
based on incompetence. One of the
particular issues is people with
disabilities or cognitive, emotional issues,
or whatever, which are a lot of people in
the court system, the courts are just
ill-equipped to deal with this, and the amount of abuse from the attorneys, from opposing counsel, from the judges themselves, there was an issue just this week where a woman with traumatic brain injury was before the Appellate Court, got through explaining to the Appellate Court what her problems were, and right in front of her the lawyer kept badgering her that she kept repeating herself.

Well, first of all that is a symptom of traumatic brain injury, but no one on the appellate bench stepped in to stop the attorney from badgering her in such a fashion.

She should have been protected, and as you know, our returning vets are suffering from TBI, so this should be understood by the court system, so there is a lack of knowledge.

SENATOR ADAMS: Lastly, how effective do you believe the systems are in place to respond and report to those allegations of corruption?
MS. WILSON: Actually very ineffective. The systems that are in place now, as I said the internal auditors within OCA seem to feel that they report to OCA, they are not independent.

The investigators such as Cheryl Spats, and even the Attorney General are limited by law as to what they can respond to.

I think what the system really needs, in fact state-wide, are independent auditors, an audit committee that does not report to anyone in the court system and that can step in at any time and do an audit.

The problem with investigations by the lawyers is you're now governed by legal statutes.

Attorneys have to obey whatever the Senate says. Auditors report to federal standards, so we have more discretion.

If I was an attorney investigating I would have to get a subpoena, I would have to go through a discovery process.

If I'm an auditor and I suspect you of
fraud, I show up.

I don't tell you I'm coming. I walk right in.

So the problem right now is with the way things are run by the time you go to catch the fox, they have already hid all the chickens.

SENATOR ADAMS: Thank you.

SENATOR SAMPSON: We have been joined by Senator Bill Perkins.

MS. WILSON: Thank you.

SENATOR PERKINS: I just want to ask one quick question, particularly with respect to the Surrogates Court.

I didn't get the benefit of her opening remarks, I'm not sure if we are on the right path, but you mentioned that the Surrogates Court and the corruption and the political corruption, did you mention that?

MS. WILSON: The way Surrogates Court is set up largely handles trusts and estates, so you have people who cannot speak for themselves, they are either disabled or they are dead.
So what happens is a lot of times guardians are appointed, Trustees are appointed, accountants are appointed, sadly members of my own profession who get these appointments by nature of the amount of political campaigns that they give to the judges who hold these positions.

Now, technically everybody is supposed to report their contributions to a judge, but for every rule there is a loophole.

My ex-husband used to go into his Judge's Chambers and pull the contribution lists off his desk when he wasn't looking and bring them home and show me everybody's mother-in-law, brother, ex-wife or whatever, they made the contributions through third parties.

And then what happens at the meet and greet is whoever the person who really made the contribution, they show up with the ticket so they can shake the judge's hand, nudge, nudge, wink, wink, you know I'm the one whose really paying for your black bathrobe.
So in turn when the judges get their appointments, they are now seen in Surrogates Court, they return the favor by appointing these individuals to Trustee's of these multimillion dollar trusts for the disabled and/or to guardians or whatever of the deceased.

And I say what the problem is, though, the way, between the corruption of the appointments which guarantees that no full accountings are rarely done, despite the law saying they have to be, between that and the ability of the individuals in the system to understand what to look for, and the limitations of what is allowed in the discovery process, it's a perfect storm for anyone who wants to go in and deplete the assets of a disabled victim.

SENATOR PERKINS: So the Surrogates, you seem to be somewhat familiar with the process of this corruption.

MS. WILSON: 20 years married to the mob.

SENATOR PERKINS: 20 years married to
who?

MS. WILSON: My ex is a New York State Law secretary for the New York State Supreme Court, and his judge is one of the most powerful political judges in Westchester County.

His golfing buddies are George Pataki and Donald Trump.

SENATOR PERKINS: I'm just wondering with that depth of knowledge and appreciation of how the process of corruption takes place.

Have you had an opportunity to share that with the appropriate authorities?

MS. WILSON: I sadly just gave them the laundry list, yes, for the last six years I have reached out to everybody I could think of.

SENATOR PERKINS: Sorry, you don't have to continue.

MS. WILSON: That's fine.

SENATOR PERKINS: So then having done that, now you are talking about the Surrogates throughout the state, or at any
particular area, Westchester only?

MS. WILSON: Well, I initially started with my claims and accusations and findings with the divorce courts and then expanded that, became known and was asked to start doing some writings for a local newspaper and now got into Surrogates.

SENATOR PERKINS: I don't want to take too much time.

Now, again, your surrogate research is state-wide, Westchester, New York City, give me some sense of this.

MS. WILSON: It started out as Westchester, it's now becoming state-wide, but this is beyond your jurisdiction, it seems to be national.

But it is definitely state-wide.

SENATOR PERKINS: Have you focused at all on New York City?

MS. WILSON: I have gotten some New York City cases, yes, I have had three so far just in the last couple of months from Queens, and Nassau County.

SENATOR PERKINS: And you have had an
opportunity to share your information with the D.A.'s office, or anybody of that caliber.

MS. WILSON: I only just recently filed with the New York City Attorney General's to inform them that I want to pursue this with them.

MR. KUSE: The Whistle Blower's Law.

MS. WILSON: I filed under the IRS Whistle Blower's Law for protection, I just sent that into the IRS.

SENATOR PERKINS: Okay, thank you.

MS. WILSON: You are most welcome.

SENATOR SAMPSON: Thank you very much, Senator Perkins, Ms. Wilson, thank you very much.

I guess we wanted to have a further conversation with you with respect to the cases that you are working on, and maybe get more in-depth involved, especially when we create this task force, okay?

MS. WILSON: I am most willing to be as most helpful as I can, and, Senator Adams, if you manage to get that task force
together, I will gladly be a member of it.

SENATOR SAMPSON: Thank you very much.

MR. KUSE: Senator Sampson, I would just like to take another 30 seconds.

Senator Sampson, our elders, these are beloved elders, they are not farm animals to be harvested. There is a line in the Bible that says as you do it unto the least of these, you do it unto me.

Reverend Diaz you know it as well I as I do, my background is the same as yours.

SENATOR SAMPSON: Next speaker is Victor Kovner, we will wait.

Douglas Higbee of Mamaroneck, New York.

Douglas, are you here?

MR. HIGBEE: I asked to be put on the back of the list, push me back.

SENATOR SAMPSON: Okay. Judith Herskowitz of Miami Beach, Florida. I know we went over the last one, but I think we are going to stick to the ten minutes, because we want to get the questions in. So try to be as brief as possible.
MS. HERSKOWITZ: It's hard to be brief, you know, when you go through 20 years of torture.

It's hard to be brief when you go through 20 years of torture in the court system.

SENATOR SAMPSON: I'm quite sure you can be brief, just get to the salient points that we need to know.

MS. HERSKOWITZ: The point is that my major thing here is I'm submitting 13 complaints that I made to the New York City commission on judicial conduct with regard to judges of the Supreme Court, New York County.

I am attaching copies of each of these complaints but without the supporting documents.

The complaints are followed by the letters acknowledging receipt of the complaint and by letters of dismissal.

The dismissal letters simply stated is my complaint was dismissed upon careful consideration, the commission concluded that
there was insufficient indication of judicial misconduct to justify additional discipline.

When I requested more specific information I then received a response that pursuant to Section 45 of the judiciary law, the commission records and proceedings are confidential except as to matters in which public discipline is rendered.

Since there never was any public discipline it has never been revealed as the right consideration my complaints were accorded, if any, I was refused any information as to anywhere the commission met, and which members of the commission attended the meeting.

The letters of the commission were marked confidential and that the commission could find no wrong and no proceedings have been instituted by me as complainant, so I don't believe that, you know, the confidential notations really have any legal significance.

The reason I filed so many complaints
is because the grievous acts that are compounded by further apparent misconduct.

It was unbelievable that the commission could ignore the court's disregard for the fact, for the law and the violations of the judicial canons.

I have extensively cited the judicial canons in my complaints, supported with the facts to no avail, that is why there is a dire need for this hearing and for affirmative action to be taken.

My most recent complaints attached as Exhibit 1 to 21 were based upon the activities of Justice Sherry Klein Heitler of the Supreme Court of New York County.

Upon allegations that she persistently has failed to perform her judicial duties and by such the relation has placed her court in complicity with a scheme to misappropriate approximately $700,000 of corporate funds, of which I'm a majority shareholder.

Upon insistence of Plaintiff's counsel the funds were free and clear of all claims
of Pettigers when transfers transferred from the jurisdiction of the New Jersey Bankruptcy Court in August 2000 to the New York court in a case that was terminated long ago.

In other words, this whole -- there was a bankruptcy court proceeding, all the claims of creditors were adjudicated and there really was no reason to transfer that money to the New York court except for these lawyers who were already appeared in the bankruptcy court to take whatever money was left, which really belonged to the shareholders, I'm just trying to explain that.

Then they put in somebody, we come back to this fiduciary business, and they put in this Paul Windels, he was just supposed to be a neutral custodian to hold this money, for determination how much money the shareholders would get.

But I didn't know that it was all prearranged, that all the Plaintiffs' lawyers, who were numerous, they would be
getting the money, and they would clean out
this money to the last penny not leaving one
dime in the corporation, and nothing for me.

And they also made it up that they gave
the appearance that the surplus funds were
the results of liquidation by this Mr.
Windels in a New York court which wasn't
because of liquidation of the property, it
was in the bankruptcy court.

And she allowed, this judge simply just
allowed her judicial office to be misused to
give the distribution a color of legitimacy
through this phony receiver, Mr. Windels,
who acted upon fraudulent claims that he's
the receiver of the assets of north Jersey,
and it couldn't be because the assets were
in the bankruptcy court.

Just legally it could not be. And then
he filed papers retroactively to make
believe that he's the receiver.

He never filed any papers, receivership
papers in the office of the court
administration which is a requirement, and
it was all artificially created proceeding
under Article 12, this whole receivership, to give it a color of legitimacy for them to take the money.

I mean they played this game for years and there never was any such proceeding, it just came out of nowhere.

They retroactively named these attorneys as creditors and then they had retroactive publications going back six years, I just can't -- it was absolutely phony publication because the receiver has to do publications.

And then the judge refused to recognize that they did this with a $4 million judgment which was fully satisfied, the judge refused to recognize the law of joint and several liability that was the law.

And I was denied standing to object and to be heard on my objections, and my papers, whatever papers I filed in opposition, they were stricken, I was denied a hearing on evidence and testimony, so by the stroke of the pen they just took this $700,000, which is all described, I submitted all these
complaints that I made to the judicial commission that was never, ever, entertained.

Now, the Exhibits 22 to 29, the prior are from a prior judge, a Justice Comptons and what they have done here is, you know, we live in Florida, my father was in Florida and they created a phony derivative, stockholders derivative suit.

Now, they did the stockholders derivative suit so a lawyer can get fees and he just kept on litigating and litigating and what was involved here was a 54 unit apartment building on Riverside Drive that my father and my parents purchased in 1958, and they used this derivative suit of something that should have been a Florida probate case to reach the property and appoint receivers and to take it over and to appropriate it.

My father managed the building, I never had anything to do with this building, but they wanted to get all the shareholders to strip everybody of their corporate -- of
their shares.

All I had was a remainder interest, I never managed the building, I never did a thing in New York and they couldn't really reach me in Florida, and what the judge did then, he said, and we filed motions, and it's unfortunate, if it was today I would have never appeared in a New York court, I would have stayed away, and that was a mistake, you know, you read the books and they file a motion to dismiss, no jurisdiction, you know I'm a Florida resident, and it doesn't matter.

So when the judge couldn't find jurisdiction over me, then he said that we withdrew the objection, and even Plaintiff's lawyer in sworn testimony admitted that that wasn't the case, but I couldn't bring it up, the judge sanctioned me and imposed all kinds of fines on me and literally banished me so I couldn't even appear in the New York court because I was like a criminal.

It's turned into somebody that I was a wrongdoer.
And my father died, you know, in 1992, 
then they entered this judgment by default 
because I couldn't appear in the court, so 
they enter a $4 million judgment.

SENATOR SAMPSON: Can you wrap it up 
in two minutes?

MS. HERSKOWITZ: On all kind of phony 
claims, now the building was sold in the 
bankruptcy court and that's where the money, 
that $700,000 came from.

Now, the other thing is that when I 
goes to the Appellate Court, then on both of 
these cases I'm going to summarize what I 
have here, that what happened is that they 
said it's a re-arguement.

Something that was never heard and I 
never had -- I couldn't make an appeal, I 
never had an appeal, I was never heard.

SENATOR SAMPSON: You had an attorney 
representing you all the time on this?

MS. HERSKOWITZ: At times we had an 
attorney. I have a law degree, my son is a 
lawyer in Florida, my daughter-in-law is a 
lawyer.
It doesn't matter, it doesn't matter if you are a lawyer or not a lawyer, the judges, the judge absolutely was not interested in any of the facts, any of the law.

SENATOR SAMPSON: So your complaint with respect to negative complaint to the of judicial misconduct was what?

What was the judge or the judge's doing that warranted the complaint?

MS. HERSKOWITZ: All these misdeeds the judge did, never gave us a hearing, I come all the way from Florida for a hearing and the judge tells me I'm sorry to say you have ten minutes.

I said I came from Florida for this, I said I have an evidentiary -- present the evidence and testimony and whatnot, and all they give you in these courts is -- that's another thing, all they give you is an oral argument, they don't give -- there is no, it's a lawyer and the lawyers can say whatever they want, they can make up whatever they want and you can't disprove
it, it's oral arguments, there is no such thing as a trial or to present evidence.

I said judge, I have the evidence here, I want to present it, I want you to mark it in.

I have the satisfaction of the judgment, there is no more $4 million judgment.

No, she wouldn't allow me.

SENATOR SAMPSON: I'm going to tell you what I'm going to do, since we have Mr. Tabeckian back there, who is the counsel for commission on judicial misconduct, I will make sure -- Mr. Tabeckian, why don't you say hello to everybody.

MR. TABECKIAN: Hello.

SENATOR SAMPSON: What I will do is I am going to speak to him specifically about your matter and see --

MS. HERSKOWITZ: I have gone to the trouble of gathering up all these complaints.

SENATOR SAMPSON: I see, extensively.

MS. HERSKOWITZ: You have to see
everything, dismissed, can't find anything wrong and I just find this very, very frustrating.

I would like to close it with one thing.

SENATOR SAMPSON: Go ahead.

MS. HERSKOWITZ: We are Holocaust survivors, everything that we had in Europe, you know, you're in a Holocaust, taken, you can't hold property, you are Jewish, you can't hold properties, ghetto and all that.

Then comes the communist, what happened is what the interesting part of where the money came from really to buy that building, my father during the war time took -- you can see how valuable gold is now that money is losing value.

He took some Krugerrands or Napoleans, they had Napoleans in that day, which were gold coins, dug it under the ground.

After the liberation he found it, it was incredible, you know he didn't put the money in the Swiss bank, he found it, he started a factory, he was very innovative my
dad, very good businessman, started -- he had a big weaving mill, factory, sold fabrics all over, but he didn't trust the communists so he was sending money to America.

Then came the communists, they took away the factory, but luckily we could come into America.

Then he also bought a weaving mill in Patterson, New Jersey, made money, bought the building, now what happens is now whatever we had here the American judges took from us, and I find that very, very hurtful.

That you can't keep money in America.

In Europe you knew that you were in danger, so you kept on putting the money aside.

And I think that's what's going to happen in America, too, you know people are shuffling their money out of it, I do have the story on judicialaccountability.org, people are reading it.

You don't see people flocking here to invest money, we have condominiums galore,
you know, being for sale, and I think it's
got to be taken into consideration that this
judiciary is ruining our business in
America.

It's not just the collapse of the
financial system, it's collapse of the
judicial system that's causing that, too.

SENATOR SAMPSON: Thank you very
much. Any questions.

Thank you very much, and I will speak
to Mr. Tabeckian with respect to your --

MS. HERSKOWITZ: Wait a second, I
have something else, if I may, excuse me, I
already wrote to your office with regard to
this reargument, I can give you this letter
again, that this thing that an appeal that
you don't have an appeal because or a
reargument and you never were heard, I mean
that's an excuse, that whole law has to come
out because you don't have that in the
Federal Rules.

In the Federal Rules if you make -- I
have a couple of copies of this, in the
Federal Rules if you make -- in the Federal
Rules if you make a motion after a final judgment that stays, that stays the judgment, please take that, please, that law has to be changed, because that's how twice they denied me an appeal.

That stays the appeal until the motion is decided, whether you win or lose you have an appeal.

In this archaic judicial New York system they take away the right to appeal with this nonsense that it's a reargument.

SENATOR SAMPSON: I will definitely follow-up.

Thank you very much.

MS. HERSKOWITZ: I spoke to Mr. Spotts and he said he would follow it up.

SENATOR SAMPSON: Thank you very much, and I will follow this up.

MS. HERSKOWITZ: Who is going to contact me?

SENATOR SAMPSON: I will make sure Mr. Spotts contacts you.

MS. HERSKOWITZ: You also said somebody from the commission.
SENATOR SAMPSON: Mr. Tabeckian. Mr. Tabeckian, we have a young lady from Florida, maybe you can spend two minutes with her. I would appreciate it.

Thank you very much. Mr. Tabeckian is right back there.

The next witness is Peter Gonzales of Troy, New York. Peter.

Peter didn't check in, we are going to -- Peter is not here, we are going with Andrea Wilkinson of Rensselaer, New York.

Andrea, are you around? Andrea are you here?

Andrea, come on up. Good morning, Andrea.

MS. WILKINSON: Good morning, Senator Sampson and your staff and everyone. We met again, I was in Albany before you left last time.

SENATOR SAMPSON: I apologize.

MS. WILKINSON: You promised me you would come back, but I know what happened in the legislature.

So, all right, I am going to be quick
and I am reading, so bear with me, I'm a little nervous.

My name is Andrea Wilkinson, I'm a small minority female developer in the capitol district region area.

SENATOR SAMPSON: What do you develop?

MS. WILKINSON: We develop low housing, we go into the community and what we do is revitalize abandoned boarded up houses to make them become quality housing for low to moderate income people.

And, as you know, in Albany there is a tremendous amount of dilapidated buildings within the capitol district region area.

I come forth to you today because I'm a Plaintiff of a civil suit that was pending in front of Judge Lehner, I don't know if he is still presiding, my understanding was he was at the point where he was going to retire spring of 2009.

I had a civil suit pending for four and a half years in front of Judge Lehner and after four and a half years of seeking
judgment or seeking, you know, due process within the judiciary system, Judge Lerner on the eve of my trial date was March 11th, on March 10th at 4:30 p.m. elected to dismiss, not one or two or three charges, but all nine charges of my lawsuit that was pending in front of him.

The charges ranged from discrimination, breach of contract, violation of federal lending laws, housing laws, administrative codes, et cetera, I gave you my documents.

The lawsuit was pending against Community Preservation Corp, which is a not for profit quasi for profit organization.

SENATOR SAMPSON: CPC?

MS. WILKINSON: CPC, yes. For Judge Lerner to have blindfolders on so he could not see any validity to any of my charges really baffled me.

Now my co-partner in this lawsuit is the contractor who helped me develop nine individual townhouses in downtown Albany.

As the Plaintiff I can't express my concern, I feel like the unethical bias and
tainted decision rendered by Judge Lerner
coupled with his inappropriate and unethical
behavior leaves me baffled.

I want to let you know that Judge
Lerner during the process of the trial when
we would have hearings, he seemed to always
have been favored towards CPC, and I didn't
quite understand why he would make comments
like oh, CPC has done a lot for the State of
New York, Community Preservation has done a
lot in the City of New York, and that he had
also indicated he was once a legislator that
he had done some work in the legislation in
the State of New York.

Well, despite his appreciative attitude
towards Community Preservation Corp.,
coupled with his prior political agenda that
he had in the Albany legislation, I still
felt like, you know, I prayed that he would
be fair, that he would be unbiased and that
he would do what he is supposed to do, which
is to look at the color of the law in the
United States Constitution.

Well on March 10th, you know, the eve
of the trial he goes and dismisses the case.

I started doing research on Judge Lerner and I find that, you know, I was en route to New York too that eve on the Thruway, pouring down rain, I ended up like I had to pull over once I got the call from my attorney.

I had already been so mistreated by CPC as being an African American female developer, which is rare, I had to deal with a comment my -- when I went to place my loan application into the Community Preservation Corp. to the loan officer, he looked at my financial statement and he looked at my resume and you know what he said to me? I was an exception to my race.

Like he had never met a black woman before who has a certificate of advanced study in education administration from SUNY Albany with a 3.86 GPA or that he had never met a black woman who had like maybe at that time I had -- I had about maybe $350,000 net income, like just in the stock market, so he said to me I was an exception to my race and
then other comments went on like oh, you
should be like Charles Tewey or Fagenbaum.
I was constantly compared to white male
developers within the capitol district
region area.
Charles Tewey is a millionaire, so is
Fagenbaum and all the others that he
compared me to, there aren't very many women
in development and there aren't many people
developing minority dilapidated communities,
and as a minority female developer, we have
to empower the people who live within their
communities to be able to go out and get
money to revitalize their community.
We can't just wait for the white great
hope to come along and want to invest in our
communities.
So in that aspect I feel like Community
Preservation Corp. should be lending more
monies to women and minorities.
Under oath and Andy Thompson, whose dad
is Lou Thompson who was Governor's right
hand man for housing and Governor Pataki's
best friend, I just feel like all those
elements played into Judge Lerner's
decision.

But the other factor that played into
Judge Lehner's decision is I did research at
the Congressional library in Albany and I
found out the following facts about Judge
Lerner, which he never revealed, had he I
would have asked him to recuse himself.

Judge Lehner was an Assemblyman for the
Fort Washington District in Manhattan during
1973 through about 1980. The entire time
that he was active in the Assembly, he was
assigned to the Housing Committee.

Judge Lerner was the Chairman of the
Housing Committee for over 8 years and he
introduced the first Neighborhood
Preservation Bill in the assembly that
became a law.

As he gets ready to retire from being a
judge this spring, he is still very much
entrenched in the housing community and the
politics that lead with housing, community
development and so after I did the research
on him I realized that, you know what, for
his decisions that he rendered four and a half years, eve of a trial date, to dismiss not one, two or three, something happened.

Either Faber was called in or his palm was greased or he just didn't want to deal with the issues of discrimination.

All along he said he never saw the discrimination, but he did see breach of contract possibly --

SENATOR SAMPSON: Let me ask you a question.

So you have -- you're basing your question of maybe judicial misconduct based upon a decision that he did not render in your favor; or --

MS. WILKINSON: The fact he dismissed not one, two or three but all nine charges?

SENATOR SAMPSON: I understand that, I'm just telling you from my own personal experiences I have seen judges on cases dismiss cases on the eve of trial, motions for summary judgment has been granted, I mean if the law is not in your favor, the law is not in your favor.
MS. WILKINSON: That's just it, the law, according to my law firm that I used, which is Leeds, Morelli & Brown, they have a company called DOW, which is Discrimination on Wall Street, they specialize in discrimination.

Not one or two or three, but nine charges, breach of fiduciary responsibility, I mean the charges go on and on and on.

SENATOR SAMPSON: I can understand that.

The next question is after he rendered that decision have you since appealed that decision?

MS. WILKINSON: We have appealed the decision and in addition to that we have written Judge Carey, Joan Carey, who has responded like oh, I have no control over the decisions that are rendered by, you know, Judge Lerner, you need to seek due process on the judiciary on the appellant level.

But I want to say as an African American female, and they wonder why
minorities or women don't have faith in the judiciary system, and you wonder why we sometimes when you look at black justice, white justice and black robes, he didn't see the discrimination part, yet still he didn't see the breach of contract, he did not see anything on my behalf as a minority female developer, okay?

SENATOR SAMPSON: No, no, no, I want to correct something, a judge is not supposed to look at you as a minority developer, a judge is supposed to look at you as a litigant, he is not supposed to decipher whether you are white, black, green or yellow.

MS. WILKINSON: Guess what, he did.

SENATOR SAMPSON: Let me continue, he's supposed to look at the facts of the situation, look at the law and come up with a decision.

If you have a problem with his decision, that's why we then go appeal it, because there have been plenty of cases where I thought I was correct on the law,
but the judge ruled against me but such then I appealed.

A perfect example is Governor Patterson on the issue of the appointment of Lieutenant Governor, he lost at the trial level, he lost at the Supreme Court level, he lost at the Appellate Division level, but he won at the Court of Appeals level.

So I just want you to understand that, when you are saying that, you don't want the judge to give anyone preference, you don't want the judge to give anyone preference, you want the judge to look at the facts and look at the law and make a determination.

MS. WILKINSON: And if Judge Lehner had done that he would not have been dismissing all nine charges.

SENATOR SAMPSON: And you will be -- your opinion will be rectified if you won at the Appellate Division level.

MS. WILKINSON: Well, you know, how do you have faith in the judiciary system when you look and see there is favoritism, how do you have faith in the judiciary
SENATOR SAMPSON: That's why --

MS. WILKINSON: When you have judges who are like just blindfolders on, just really want to see what they want to see, or as a matter for me, I'm a small minority female developer, I'm up against CPC, Lou Thompson, Governor Pataki's right hand man, his best friend, how am I to, you know, where do I get funds to go to the appellant level to the Supreme Court?

It should be that we as citizen taxpayer people we should be able to come to our judiciary system and get a due process right on the first circuit, not that we have to go all the way up to the Supreme Court to win.

And I called the NAACP legal defense fund and you know what they told me? All major civil suits, discrimination, sex, gender usually have to go to the level of appellant; why?

We have already been devastated as women or minorities and then while we have
to dig up funds to get on the first circuit, then find money to get to the second and third and fourth circuit.

SENATOR SAMPSON: You know what, we agree with you, but that's why mistakes are made; that's why you go to the Appellate Division and you have the Supreme Court in some states and you have the Court of Appeals and best case scenario you have the United States Supreme Court.

It happens, we are not perfect, people interpret the laws differently, at that point in time, but you just don't give up on the system.

That's why we have hearings like this, because what we are trying to do is make sure the faith, the trust and the confidence.

MS. WILKINSON: The system is broken.

SENATOR SAMPSON: We are doing our best to try to fix it.

MS. WILKINSON: It is broken.

SENATOR PERKINS: Two quick questions, I appreciate what the Chairman is
trying to say, but now this judge, how do you spell his name?

MS. WILKINSON: Lehner is L-e-h-n-e-r.

SENATOR PERKINS: That's Lehner.

MS. WILKINSON: Lehner. They say Lehner.

SENATOR PERKINS: I may be wrong, I think I know the judge, that's why I asked.

MS. WILKINSON: He's old, he exhibited -- not that I'm age discrimination -- but he exhibited no patience, no tolerance, he had no tolerance for me as a Plaintiff, he just really.

SENATOR PERKINS: I just asked you the question about his name.

MS. WILKINSON: Let me tell you what else he did --

SENATOR SAMPSON: But you have to listen.

SENATOR PERKINS: Listen to me, I'm asking the questions. Now you have to focus on me and my questions.

If you go beyond that, I might ask you
to hold up because it might not -- because I want to get clear what you're trying to accomplish, which I think is important, which is to make sure that when you present yourself before a judge you get fair treatment.

MS. WILKINSON: Right.

SENATOR PERKINS: It's clear from your experience, at least, that that's not happening, you don't think that's happening.

MS. WILKINSON: And I wonder what's going to happen on the appellate level.

SENATOR PERKINS: Let me finish. So let me just be clear that you understand why we are here, because we suspect that some of the concerns that you raise, not necessarily in this instance, but we hear these problems and we therefore recognize that there is some repairing that needs to be done in the process.

Such that someone who feels and may be justifiable, have been mistreated has a way to be treated properly.

So that's what we are really trying to
be clear about, that there is -- that we obviously are having hearings to sort of understand where the system is falling short and where we can fix it, so I'm going to ask you a question from that point of view.

MS. WILKINSON: Okay.

SENATOR PERKINS: Because now the fact that you are a minority contractor is a little bit irrelevant right now.

MS. WILKINSON: Okay.

SENATOR PERKINS: Let's just say racism is the reason why the judge did that and then we have to -- that's one thing.

If you say it's about racism and sexism, there is a fix for that.

If you are saying it's about something else, then we have to figure out what that something else is and figure out what the fix is for that.

One of the things that you said that I'm going to just probe a little bit is this.

You are so disheartened, discouraged that you feel that the system if you go, if
you appeal, you won't even find any help in
the appeal.

Now is that because you can't afford to
do the appeal, or you don't have on the
time?

MS. WILKINSON: No. I'm doing the
appeal, it's also been amended to include
the New York State Comptroller's office,
DiNapoli's office because my mortgage was
originally funded through the State Common
Retirement Fund and even though I reached
out to Mr. DiNapoli's office saying please
don't get in bed with CPC, they have
discriminated against me, DiNapoli's office
elected to do anything, SNMA stepped in,
paid off DiNapoli's office and it's like you
deal with CPC on your own.

My concern was he was a former
Assemblyman for years and they become
judges, and as they go out into the arena,
the law, the judiciary system and they were
Chairperson on these housing committees, it
should not be that they are even to preside
over any cases that they once were the
Chairman of the committee for so many years.

SENATOR PERKINS: Let me just interrupt again, forgive me, I don't mean to, but I just want to get the meat, the juice, the nuggets that you are offering, so the problem you see is a conflict of interest.

MS. WILKINSON: Absolutely.

SENATOR PERKINS: That we need to look at, there is a conflict of interest between when somebody presides as a judge and what their formal career may have been, particularly as a legislator that they might be prejudiced towards the industry.

So what's the second thought?

MS. WILKINSON: The second thought is I reached out to Senator Vigo Lipos, Barnasat, these Senators and Assemblymen, they won't even when you mention Judge Lehner, CPC, Community Preservation, they don't even want to touch it, they don't want to provide the information that's needed and so it's to me like --

SENATOR PERKINS: Lerner or Lehner,
that's a big deal? Are you sure because you mentioned the upper Manhattan area, Washington Heights.

MS. WILKINSON: He was the Assemblyman for Fort Washington for about 8 to 9 years.

SENATOR PERKINS: That sounds like Lehner to me, that's why I'm the pooper scooper.

SENATOR SAMPSON: Is there a Lehner on the Supreme Court?

SENATOR PERKINS: Ed Lehner.

MS. WILKINSON: It's Edward.

SENATOR PERKINS: I know Edward he's a State Supreme Court Judge, who was also --

MS. WILKINSON: It's Lehner.

SENATOR PERKINS: There is a Judge Lerner, I don't think he would want to know that there is a person sitting at that table with so much concern about his integrity, that's why, so you're talking about Lehner, Judge Lehner --

MS. WILKINSON: L-e-h-n-e-r.

SENATOR PERKINS: For the record,
L-e-h-n-e-r.

MS. WILKINSON: For the Washington Assemblyman, my concern is as I speak to you, Senator Sampson or Senator Perkins, you guys may become judges in the future.

SENATOR PERKINS: Not me.

MS. WILKINSON: I'm just saying that, part of the reason the system is broken also is that you have legislators who were -- they are lawyers, a lot of you have a law background, you become judges and then there is that conflict there and I just feel like something needs to be ethically -- there needs to be a Bill or there need to be when you all are sworn in that you promise when you -- if you ever go out and become a judge after sitting on a committee for 8, 9, 10 years because you know as the Chairman of the Committee, Housing Committee that's a lot of money and bills that you are in control of, you know people are going to come and try to take you out to lunch and woo you and take you over, favors will be asked and called in later on if you become a
judge.

And it is just so unethical and in my case this is what has happened to me and something needs to be done, you guys, I almost want to say don't let them become judges if they were that they were or they should not hear cases that they were Chairman of those committees.

SENATOR SAMPSON: Senator Diaz?

SENATOR DIAZ: No.

SENATOR SAMPSON: Ms. Wilkinson, thank you very much for your comments.

MS. WILKINSON: I have one request, I don't know what the power to be for you guys, I have not filed a Complaint, I'm in the process of filing one, I was told to send my paperwork up to Judge Fern Fisher, Fern Fisher and I'm concerned, I mean I don't know if you guys can help govern the process or watch over me as an angel, who do I speak to to see that my appeal is given a true due process?

SENATOR DIAZ: Let me ask you a question, watch over -- you said somebody
will watch over me to you.

MS. WILKINSON: Watch over the case.

SENATOR DIAZ: You are a minority enterprise woman, what is your -- how many buildings, how is your enterprise doing now? Good or bad?

MS. WILKINSON: I'm in the -- I'm currently presently in the Court of Bankruptcy reorganizing and restructuring because I had to -- CPC accelerated my mortgage, placing total payment, SNMA stepped in and paid off the Comptroller's office, forcing me to go into bankruptcy.

So I mean I still have my asset, but I have no faith in the judiciary system, and this is why it's like how do we restore that within taxpayer U.S. Citizens who have Constitutional rights?

It's like how do you begin to fix the broken wheel?

And it's not -- something has to be done, it can't be that you file a complaint and it takes 50 years for that to be processed.
SENATOR SAMPSON: Ms. Wilkinson, we will definitely do that and follow it up.

MS. WILKINSON: You will follow it out?

SENATOR SAMPSON: We will follow it up. You live in the capitol region, you need to reach out to your State Senator.

MS. WILKINSON: It's Malcolm Smith at this moment.

SENATOR SAMPSON: You live in Queens or --

MS. WILKINSON: Both, I live upstate and Queens.

SENATOR SAMPSON: Where do you vote?

MS. WILKINSON: Last voting I voted upstate, I have just recently changed my voting registration to New York City.

SENATOR SAMPSON: What you need to do is contact Senator Smith's office.

MS. WILKINSON: I have done that already.

SENATOR SAMPSON: We will follow up with you, Lisa, could you make sure you follow up with Ms. Wilkinson.
point in time Mr. Victor Kovner who was second to speak, he is here now and I will take him.

Mr. Chairman,

distinguished members of the Senate, thank you for giving me the opportunity to present testimony.

Before I do that, let me say I want to thank the Senate for its leadership and its progress on so many issues, the passing of the Bill for the new family courts, bravo.

But I am here today to say on behalf of the Committee for Modern Courts I want to thank you for providing us with the opportunity to give this testimony.

As you know Modern Courts is an independent nonpartisan state-wide court reform organization, committed to improving the court system for all New Yorkers.

Modern Courts supports a judiciary that is -- that provides for the fair administration of justice, equal access to
the courts that is independent, highly qualified and divorced.

By research, public outreach, public education and lobbying efforts we seek to advance these goals.

And I also -- my comments are going to be focused on the committee on the judicial conduct which, for the record, you should know I served as a member of that commission from 1975 through 1989, a long, long time ago and towards the end of my service I was Chair of that commission and so I'm quite familiar with the work of the commission.

Now, over 30 years ago modern courts supported the legislative initiative establishing a temporary commission on judicial conduct, it was critical, there was no independent review of judicial conduct on the Bench.

There were no attorneys looking at allegations of misconduct, there was no commission, the judicial disciplinary system was simply some judges with the authority to discipline other judges.
We proposed a permanent commission on judicial conduct, and together with the League of Women Voters we worked hard to get a constitutional amendment on the ballot to establish it, and in 1976 the voters of the State of New York in a referendum approved that amendment and the commission came into existence in 1978.

It was one of the first such commissions in the country, there are now 49 commissions like the New York commission around the country, and the New York commission is extremely vigorous, it is, as I will indicate, it set a lot of the law of judicial conduct around the committee and its work is followed by other commissions and it's really the only forum responsible for enforcing violations of ethical standards of judges of the State of New York, and I want to emphasize that, that's violations of ethical standards.

Errors of law do not come before the commission, are not appropriate before the commission, those issues as we have heard
from some of the witnesses this morning, are really matters that as the Chairman has pointed out should be and are regularly reviewed by our Appellate Courts.

Now, we have a lot of judges in this state and it's a very large judicial system, so the workload is quite large.

There were 4.5 million cases filed in our courts throughout the state and our courts include Town and Village Courts, City Courts, District Courts, Surrogate Court's, the Court of Claims and the Supreme Court.

There are more than 3,000 judges in New York. The Commission on Judicial Conduct receives over 1,600 complaints each year based on over the past -- that's the average over the past five years, and in '08 it received 1,923 and the commission's ability to assure complete investigation and appropriate action is one of the most important parts of the judicial system of New York.

Modern Courts strongly supports the work on judicial misconduct according to the
American Jurisprudence Society, New York
State has consistently publicly disciplined
more judges than any other state.

This reflects a willingness of the
commission to effectively and efficiently
meet its constitutional mandate.

The commission works with truly under
difficult resource constraints, a few years
ago we believed they didn't have sufficient
staff and we made pleas to the legislature
and you and your colleagues and others
happily addressed that issue, and the staff
and resources have been expanded so that
they can effectively address this huge
volume of complaints.

Now, one question that is asked is the
confidentiality of proceedings.

The judiciary law requires that the
commission investigation and formal hearings
remain confidential.

Commission activity is only made public
at the end of the disciplinary process with
a determination of public admonition, public
censure or removal is made and filed with
the Chief Judge of the State.

Or when the accused judge requests that the disciplinary hearing be public.

But we think that there should be confidentiality during the investigatory phase of the commission work and I think that to open up the process may address some of the concerns that you have heard this morning, which are legitimate concerns that ought to be heard and aired because unfounded claims can damage the reputation of individual judges, but at the same time the public is entitled to see the process work during the investigatory phase.

So we agree with and the commission has testified on that before this committee, and we think confidentiality should cease after a commission finds a reasonable cause to bring formal disciplinary proceedings against the judge and decides to hold a formal hearing.

I think at that point the public should be able to watch and find out what's going on.
The need for openness and transparency at the hearing stage will provide the public with greater opportunity to understand and witness the process of disciplinary hearings.

Public confidence in the process is essential to the success of the system, it will provide a judge with an opportunity to be heard in public, thus removing any rumor or innuendo that might remain after a private hearing and might linger after the commission exonerates a judge.

35 states now provide for public hearings once the investigation is complete and the charge is made, there is no reason to keep this part of the process behind closed doors, that change would require an amendment to the judiciary law.

In short, we support the work of the commission on judicial conduct and we thank you for the opportunity to provide this testimony.

SENATOR SAMPSON: Thank you very much Mr. Kovner.
Before we pose any questions to you, we have been joined by my co-chair, George Maziarz.

Senator Maziarz. So basically, Mr. Kovner, you are taking about you feel that if this process was open, people would understand more about, one, about not only the construction, but the process that takes place, instead of making all these speculative allegations, of chicanery that occurs behind closed doors?

MR. KOVNER: Precisely. Once the commission has reached the point where they are going to file a formal charge against a judge, there is no reason why that should not be held publicly and that people, the public can hear the arguments for the commission prosecuting the judge and the judge in defense, and take into consideration the outcome, rather than simply see the ultimate result, and we make that recommendation and I think it would address some, but by no means all, but some of the concerns you have heard this morning.
SENATOR SAMPSON: Transparency and accountability?

MR. KOVNER: Yes.

SENATOR SAMPSON: Thank you very much.

Senator Maziarz?

SENATOR MAZIARZ: No.

SENATOR SAMPSON: No questions. We are not taking any questions from the audience.

MR. KOVNER: Thank you, Senator.

SENATOR SAMPSON: Thank you very much, Mr. Kovner.

At this point in time the next witness is Maria Gkanios.

You have something for me?

MS. GKANIOS: Yes, I do. Senator Sampson, I have -- this is going to be the actual testimony, but I am going to brief through it, because that would take too long.

SENATOR SAMPSON: Yeah, we like that.

MS. GKANIOS: I hope you like this, because this is 21 years in this system.
First of all, thank you.

SENATOR SAMPSON: Can you do all this in ten minutes?

MS. GKANIOS: I'm going to try.

Senator Sampson, thank you, Senator Maziarz, thank you for holding the hearings.

And I also have to include I know Governor Patterson, if it was not for Governor Patterson in 1992 I do not know what would have happened to my children. Probably foster care.

What started out as a simple divorce --

SENATOR SAMPSON: The Governor needs stories like that.

MS. GKANIOS: You know what, I intend to go meet with Governor Patterson. He fell in love with my daughter and he will be proud of what she's become today.

And he has to know.

SENATOR MAZIARZ: Be careful about saying that.

MS. GKANIOS: You know, as an 8 year old child, I mean I can't tell you.

Any way, what started out as a simple
divorce turned into a 21 year nightmare with
over 30 judges on one simple case.

Throughout my unwanted 21 years
experience in the courts I was constantly
being terrorized under the threat of losing
our home, my children, being denied child
support and our basic every day needs were
denied.

I was constantly being denied by the
Department of Social Services and other
agencies.

The grievance committee letters
attached to this complaint is some of the
grievance committee letters, I got no help.

Unbeknownst to me that everything was
being divested through legal maneuvering of
lawyers and assisted benignly or
intentionally by the judges.

At one point after going into Family
Court to collect child support arrears, my
petition was denied.

I was told I was in the wrong court,
see the court orders and the transcripts
attached to this testimony, and that I was
wasting the court's time.

My husband's attorney as well as the court's decision tried to sanction me $10,000 for trying to collect child support in the Family Court. To date over $300,000 is owed.

My children have suffered and sacrificed because of a divorce that their father had planned for years.

With the help of lawyers and all the judges involved, to divest our funds and assets of everything totaling over $5 million.

They plotted the perfect crime, the divorce right out of the movie Gaslight, at one point my divorce was in the newspapers as the War of the Roses by my husband's attorney Terrence Dwyer.

Our assets were worth more than our debt, all bills totalling $465,000, including our home.

Throughout his plot he attempted to frame me as though I was the one stealing from him, attempted to drive me crazy and
put me in an institution.

His plot then went to burn one of the restaurants down in Eastchester so that it would look like I was so crazed over money that I would burn it down and collect the insurance.

That's when I knew I better start protecting myself, I walked around with a tape recorder for two years.

On August 17th of 1990 I recorded, I tape recorded an argument where I was fighting with him that he was so crazed that there was no reason to do so.

This tape was turned over to the D.A.'s office years ago as evidence and to Judge Andrew O'Rourke in June of 2009.

On another night his chef attempted to set the restaurant kitchen on fire, the flames were shooting up from the stove, he turned the burners on and walked out.

He was setting up my daughter, Rosemary, and my son, had they not walked out the back door instead of the front door as they always did the place would have
burned down, and the baker was in the basement would have been killed because there was no way out.

I went to seek help from my attorney, he did nothing and when I returned to the restaurant I found the fire department and the police department.

They were looking at me as if I was crazy.

So who and what did my lawyer say? By this time everyone thought I was going to burn the store down.

The more I sought help from the police department and the courts no one helped.

My husband had numerous affairs that were just out of a future story that happened with Chief Judge Sol Wachtler, sordid affair, they were just as wild.

What I did not know for a couple of months was the crime that my husband had been committing, he was molesting my daughter for years and when he came out no one would believe because of all the insane things for months prior to that would make
something -- would make something like that such.

I am proud of my daughter, Senators, she tape recorded a conversation with him and he talked his way right into the State pen.

Everything did not stop there, though. What we had to endure every single day there was always something from breaking and entering the house or my mom's home when she was not there, to my children being followed, the day before a pretrial on September 4, 1991 my daughter's car blew up on the Taconic State Parkway with her in it. Again, no help.

Throughout this whole nightmare my husband and his thugs made sure they always gave him the perfect alibi.

I received numerous phone calls that I better drop the charges. Terror tactics and no one would help.

On November 8th at 6:00 I got a phone call at the restaurant telling me that the boiler in my home backfired, that my home is
filled with carbon monoxide, I knew he had
his friends who was in the boiler business
tamper with it, but that's the only thing I
could never prove.

On the 14th the first restaurant was
lost through the Eastchester Town Court
before Judge Rob Hill Gray, he allowed my
personal property to be turned over to
landlords, valued at over $1 million,
without any due process in law and when I
came to understand the law, he exceeded his
jurisdiction to do so, town court was
$25,000.

On January 8th of '91 my daughter
reported to the CPS the child sexual abuse,
when no one would believe her or me, as I
said before, she recorded, she had that
recorder in her pocket and had a 45 minute
collection with him as to why he did it.

By the way, that tape was authenticated
by the feds at a later trial in Westchester
County.

We were told to bring in the original
tape to the Sheriff's Department and we
agreed.

On the 31st right after they had the original I thought CPS and the Sheriff's Department called and stated don't worry if we do not pick him up and arrest him, this was questionable, what we were not being informed of if the original tape disappeared they could not prosecutor.

On 2/4/91 my daughter and I went to the Putnam County D.A.'s office that morning, that night my husband was picked up at the restaurant in Mount Vernon and finally arrested.

March 31st, the day before the second restaurant was lost in Mount Vernon, my husband's thugs had his loan shark and the boys come in and threaten me that unless I turned the business over to my husband, the boys would be up to take care of me.

This tape also was turned over to the D.A.'s office years ago as evidence and Judge O'Rourke in June of '08.

My daughter and I went to the D.A., we were told that it might not be worth
pursuing further.

And that Putnam might want to make a deal for lesser charges, combined with Westchester, so no further charges are brought. Our decision was no deal.

I sent a letter to Judge Ingrassia questioning how does Westchester County not pursue what happened to my daughter?

The very next day we received a call from Putnam that Westchester was going to proceed.

On the 17th of May, Rosemary, my daughter's car alarm goes off, dead rat under the windshield, this was about three hours after she received a call that Westchester was going to the Grand Jury on May 23rd.

We were then informed that the Putnam D.A. that the motion before Bretts was to drop the charges, it's up to the judge to throw out a Grand Jury indictment, D.A. said it's up to them to pursue further, how do you throw out a Grand Jury indictment?

Throughout all of this I kept sending a
letter to Judge Dickenson asking him not to postpone conferences for child support, on 4/15 informing him of the child abuse, the delays, cancellation would be detrimental to my family.

Judge Dickenson's law secretary, Stephen Roberts, claimed I would be held in contempt if I were to write any more letters to the judge.

SENATOR SAMPSON: Ms. Gkanios, you've got two minutes left, so if you can cut it down.

MS. GKANIOS: I'm trying, this is 21 years.

SENATOR SAMPSON: What I want you to do is you are here, I don't need you to read from it, I want you to just be succinct.

What issues arose out of this with respect to the judiciary system, or was it the attorneys?

MS. GKANIOS: No, this was the judges and that's why --

SENATOR SAMPSON: When you say it was the judges, what do you mean by that?
MS. GKANIOS:  The asset, one of the assets that were lost, in February of '91 Mount Vernon City Judge John DiBlasi held an illegal eviction by ousting me from my second restaurant.

On March 12th, by the Mount Vernon City Marshal Henry Flagg, when Niki's was taken on March 12th I sued the -- I sued and the judge was Westchester Supreme Court Judge Nastasi, Judge Nastasi dismissed the case in August of '91 and told me I was in the wrong court.

Two years later at the Mount Vernon -- the Mount Vernon City Marshal Henry Flagg signed an Affidavit that he never served me with the eviction papers.

After appealing the Town Court's decision and won and overturned on appeal, June 24th of '94, I resued, went through discovery and thousands of dollars worth only for Judge Nastassi to say I should have sued in 1991.

This is the same judge, did Your Honor not know what he was doing when he was
sitting on the bench?

SENATOR SAMPSON: So --

MS. GKANIOS: I sued --

SENATOR SAMPSON: So basically your issue is -- did you file complaints with respect to the Commission of Judicial Conduct?

MS. GKANIOS: Absolutely, that's what I submitted on June 8th in Albany, the complaints to the Judiciary Committee.

SENATOR SAMPSON: And what --

MS. GKANIOS: That they committed no wrongdoing. I never heard of such a thing.

SENATOR SAMPSON: You submitted them and they indicated there was no wrongdoing?

MS. GKANIOS: Right.

SENATOR SAMPSON: How long ago was this?

MS. GKANIOS: It had to be in '94, '95, I submitted multiple complaints because it just didn't stop there.

And that's why what -- right now, presently it's before Judge O'Rourke and, Senator Sampson, I have to tell you this has
to be the craziest thing, and one of the things is with O'Rourke, my husband has a second Social Security Number, why didn't O'Rourke question it?

My husband took -- I need to read this last part, we probably could go into a little time over into the Dominic Lieto case because Catherine Wilson and I are going to explain it and this is just as important.

SENATOR SAMPSON: What I'm trying to get to --

MS. GKANIOS: This is 21 years and over 30 judges.

SENATOR SAMPSON: I understand that, but we are getting -- we need specifics to get to the point where you allege that there may have been judicial misconduct, that's what we are trying to do and that's why we are asking you questions and trying to extract it from you, instead of you reading the statement.

MS. GKANIOS: You know, because I was hit -- the statement is longer than what it is and I just scratched out and I was making
it shorter.

You actually have the rules and everything that are there.

There were so many complaints that went into the Grievance Committee, again my matrimonial, 30 judges, Judge Hickman stood there --

SENATOR SAMPSON: Are you divorced yet?

MS. GKANIOS: No, I am not. I am really not, and I've got to tell you the newest thing, I just got it four days ago, and again I want no more courts, I want no more appeals, I want to say my last statement in the end and save it, but I have to tell you, this man operated under a second Social Security Number, why didn't the judges do anything? This is when it was brought to their attention recently.

All the complaints to the D.A.'s office, judges, everything, nobody did nothing.

A wonderful officer from Manhattan called me last April 11th asking me if I
knew where my husband was, I said no.

I said but I heard he was in Florida, but I have his second Social Security Number, would that help?

Well, I'll tell you, within two hours they had him in custody. He fled New York State illegally, failed to report under Meagan's Law, was hiding in the State of Florida living in Pompano Beach in a multimillion dollar home, they got him on the Adam Walsh law.

I flew down there, got him back up here to hold him in willful contempt, which is the motion pending and has been pending for over a year.

Now the thing with this case is I have had assets taken, I have had a co-op, I have had my home was foreclosed on, I still live in the marital home but that my children own the marital home, they bought it at foreclosure by money that a cousin loaned me in California which can all be documented.

Well, this crazy judge, mind you my husband, I can't say anything other than him
being crazy, because he said on the bench a year ago and was trying to figure out who was at fault, I looked at him and I said excuse me? He's a convicted pedophile. You have to decide who's at fault?

I mean completely shocked. I gave him these two tapes, the thugs and the arson, I have over 200 tapes that were turned over to the District Attorney's office.

Senator Sampson, this is not just a regular case.

Again, in answer I had -- his former attorney, it was like let's play catch.

You have to understand, again, I know again --

SENATOR SAMPSON: What we are saying is right now the case is before Judge O'Rourke.

MS. GKANIOS: Listen, all I know, I'm going to do whatever it takes that's going to expose it, I know one thing, this man should not be sitting on a bench.

He has --

SENATOR SAMPSON: Judge O'Rourke.
MS. GKANIOS: Judge Andrew O'Rourke.

SENATOR SAMPSON: Where is he sitting at?

MS. GKANIOS: Putnam County Supreme Court, he is the worst, and if you give me a minute, I will tell you his new things and please because this is --

SENATOR SAMPSON: I will give you one minute to tell me your news things, then I need you to go to the Dominic Lieto case.

MS. GKANIOS: You know why on the procedure thing on the Dominic thing because of the foreclosure.

SENATOR SAMPSON: I understand that, but I've got so many witnesses I have to end this thing at 2:00, I want to get everybody. So I'll give you one minute to explain everything.

Ms. Wilson, you can't take too much time, three minutes, let's go.

MS. GKANIOS: That's all it's going to take us on it.

SENATOR SAMPSON: One minute.

MS. GKANIOS: Why was charges not
filed against him, Judge O'Rourke at one point knowing he's a convicted pedophile having to decide fault, he wants to give -- this is the craziest thing -- he wants me to be responsible for the foreclosure of my house, deduct the profits and give him half of my house.

A house that I don't even own, that's the first, same thing with the co-op.

Wait a minute, the man owes me $300,000 over $300,000, I got $20,000 in child support from bail money that the D.A., the judges hid from me.

And now Friday --

SENATOR SAMPSON: Have you filed complaints?

MS. GKANIOS: Yeah I did, Judge Nicolai.

SENATOR SAMPSON: I'm talking about file complaints against Judge O'Rourke.

MS. GKANIOS: Not yet, that was in the newspaper, Catherine Wilson and them in Westchester Guardian put the whole article in the newspaper.
I mean so that is the only one that I
didn't file complaints on.
I can tell you that before, I'm going
to allow him and I say allow him to give,
that I'm going to be responsible for a co-op
that was sold, or give him, say, half of the
profit when before I give him half the
profit he's going to pay my mom back $46,000
her estate that paid for my home.
And the $50,000 that we paid over the
course of 20 years just to maintain it.
SENATOR SAMPSON: What we will do --
MS. GKANIOS: This man needs to be --
it's the most frightening thing, it really
is.
SENATOR SAMPSON: What we are going
to do is follow-up with your case, my
counsel, Lisa Lashley, she says we will
definitely follow-up with that, especially
now that it's before Judge O'Rourke and see
what's going on, see what's happening.
MS. GKANIOS: Senator Sampson, I can
just tell you that --
SENATOR SAMPSON: MS. Wilson, why
don't you come on up.

    MS. GKANIOS: It's not just a
matrimonial, it's about rules that were
broken.

    If I have to follow the rules, if I
have to comply with the rules, and again
when you read this, you will see, I hit them
with the rules, I want you to follow the
rules.

    You can -- and I just want to -- and 30
seconds will take me to read my conclusion,
to you Senator Sampson and this whole
committee.

    And to our Governor, David Paterson,
help and help now, 21 years is long enough
my family had to endure, the letters you
wrote for me years ago and helped protect my
children and me, I can tell you the D.A.
both offices, both Putnam and Westchester
County along with the Administrative Judge
Angela Ingrassia, Hickman and all the
cronies were afraid of you have.

    Well, help is needed now again, to the
Governor, the Governor you know my children
and I, you have no idea as to what's been going on since I last saw you on the Capitol steps. I know you were very busy I would like a meeting with you, not your aids, these were and are criminal acts, criminal, criminal acts, not civil, no more courts, no more appeals, only handcuffs on these criminals.

There will be only one way to deal with them, as well as it is in your power, Senators, to have these criminal judges impeached immediately and immediate investigation causing no more damage.

SENATOR SAMPSON: We will definitely do that.

Thank you very much. Ms. Wilson, three minutes.

MS. WILSON: Absolutely, Senators.

Thank you for your time, Senator Maziarz, I'm Irish, I can only pronounce it if it has an O' or a Mac in front of it.

Thank you for joining us, this issue has to deal with foreclosures which unfortunately in the current economy are
occurring at an ever greater rate.

In Westchester County alone this year we have now reached over the 8,000 mark of homes that are in jeopardy at this.

The issue also has to do with what I believe to be deliberate venue shopping on the case of the mortgage companies and changing jurisdiction and also the lack of help for Pro Se litigants.

The individual in question was an elderly gentleman called Dominic Lieto who came home recently a few months ago to his home to find his entire life savings in dumpsters in his front yard, and Senator Perkins and Senator George and Senator Sampson, Mr. Lieto came home to find photographs of his dead son in a dumpster on the front lawn, on his front lawn.

What had happened, how he got himself to this point was his son committed suicide in his home and had a subsequent divorce. Mr. Lieto lost his job then became disabled, he is now 62 years of age, he's elderly.

So with all of these complications and
no income coming in, it is not inconceivable that this gentleman lost his job.

He had other children, fell behind in his child support, he needed cash.

He then went to the mortgage company at Emigrant Savings Bank to get a loan.

Unfortunately this is an issue for the finance committee, there is nothing in the law at present to advocate for financial advice when you are getting a loan, because if somebody who knew anything about finances at the time had listened to him they would have said to him you are in a better position to sell the home, which is 100 percent equity, cash it out, sell down and then use the proceeds to pay off your debts.

Instead, the greedy individuals at Emigrant Bank seeing only their commission dollars, sold the man with no income at 62 years of age a mortgage.

Needless to say he defaulted on the mortgage.

What happened next is what I believe to be deliberate venue shopping.
When Emigrant Bank showed up at the auction they had a division of the bank buy the mortgage back and then rent the property to Mr. Lieto.

So they now removed the action out of Supreme Court so that when Mr. Lieto subsequently defaulted on his rent payments, it now became an eviction issue for Town Courts.

If we think the Supreme Courts, the Family Courts and the City Courts are bad, you ain't seen nothing until you've been to the Town Courts, they are sadly a dog and pony show.

I went to the Town Court, it happened to be the Town Court of Somers.

SENATOR SAMPSON: You have one minute.

MS. WILSON: And the information is not kept properly, there is no records retention, there is no training of the individuals, they do not know how to take care of the disabled and people in these situations.
What is most tragic, however, is there is no help for someone like Mr. Lieto who has to go it alone.

Nowhere in our court system, Senators, is there help for the Pro Se.

You call the Pro Se numbers they don't work, if you look on the State of California's website you can find every form with details and examples, just like the IRS.

There is no reason other than the lobbying efforts of the Bar Association in New York to stop us from obtaining the same information.

There are, however, fortunately some groups that do help Pro Se litigants, and one of them a representative is here with us, Dr. Kim Lurie who heads up a 4,000 strong member Coalition for Family Justice that is right here in Long Island and New York City.

But we have to provide our own funds to do what the court system in the State of New York should be doing.
People like Mr. Lieto need help every step of the way, it is unconscionable for an elderly disabled gentleman to come home, find his belongings in the front lawn and pictures of his dead son torn to shreds.

SENATOR SAMPSON: We can do something about that.

MS. GKRANIOS: Yeah, because I need to add to that my mom's furnishings were in this house.

This stuff was supposed to be put in storage, instead the Sheriff's Office he told me sue me.

Catherine Wilson was threatened, attorney Ruth Pollack was threatened. This is their attitude, sue me.

Tomorrow this case goes back before Judge DeBello, there is a motion before him to vacate the judgment of foreclosure and sale.

There was no notices, no affidavits, Catherine Wilson will tell you and I will tell you in an average foreclosure there has got to be a dozen Affidavits of Service.
In Dominic's case it was only one, I kept my -- my house was in foreclosure for 10 years, over 225 motions I personally filed.

So I ripped this case apart along with Catherine Wilson, she did the financial end of it, I did the other part of it, because nobody is going to tell me a foreclosure inside out.

So this --

SENATOR SAMPSON: So you have foreclosures -- that woman kept a foreclosure open for 10 years.

MS. GKANIOS: You didn't let me finish, 10 years, do you know a lawyer came up to me and said to me how do I know that this was done right?

He says could you pay me $25,000 to read it?

Listen, if you want to know how I did it, you go to the courthouse and dig up the thing and you read my papers.

SENATOR SAMPSON: Thank you very much.
Thank you very much.

MS. GKANIOS: Senators, thank you.

SENATOR SAMPSON: Regina Felton. Is she around?

MS. FELTON: Yes, I am here, right.

SENATOR SAMPSON: Ms. Felton, you have ten minutes. The clock is running.

Mr. Higbee, are you ready?

MR. HIGBEE: Yes.

SENATOR SAMPSON: Okay.

MS. FELTON: Thank you, Senator Sampson.

My name is Regina Felton, I have been practicing in Brooklyn, New York in the Bedford-Stuyvesant area since 1990.

Prior to that I was -- I worked in the Manhattan D.A.'s office, I was senior counsel to the American Stock Exchange, Senior Special Counsel to the New York Stock Exchange, Assistant General Counsel to a securities firm on Wall Street and also head of market surveillance for that particular firm.

When I left and went to
Bedford-Stuyvesant I did so with the express
desire to bring a kind of service to
indigent people who lived in the area and
who were underrepresented, since I had honed
my skills.

So you can imagine when I encountered a
judge whose name is Arthur M. Schack who
sits in Kings County and who I had three
cases before and wound up as a solo
practitioner in Bedford-Stuyvesant on the
front page of the Law Journal on three
successive occasions.

And I point out to you that in the July
8th, 2008 Law Journal, lawyer ordered to pay
fees after pursuing frivolous suit.

In the August 12, 2008 New York Law
Journal, jail fines given to solo who
withheld downpayment.

In the August 14th section of The New
York Times, court sanctions attorney $10,000
over $40,000 in costs for failing to return
downpayment.

SENATOR SAMPSON: So the million
dollar question is did that occur?
What the judge is indicating that you did, did you withhold the downpayments, or what did you do to warrant, I guess, the actions that the judge took?

MS. FELTON: To give you the short answer, and I wrote a letter to the Law Journal, Judge Schack actually was under a restraining notice not to adjudicate the particular case.

I have had three cases before him and my first encounter with him was in 2003 and while I thought it was somewhat strange having practiced, I guess, at that time more than 20 years, I just believed that -- well, if this was a foreclosure, my three clients were over the age of 80, two of them were closer to 90.

The houses all were located in Bedford-Stuyvesant, with one exception in Clinton hill, and the seniors were under educated and also indigent, that's two.

One of them I represented pro bono and incurred the ire of the judge when I resisted a foreclosure, that's how I got on
his radar.

I went to the Appellate Division when for this foreclosure he had issued something called a Writ of Assistance which is inappropriate for a person who is still in title, if there had been a foreclosure and a Writ of Assistance had been issued to remove that person so that the new owner could take possession, the Writ of Assistance would have been appropriate.

But there were some other anomalies as well and those anomalies were that the same person was appointed by this judge as both the referee and the receiver.

I objected --

SENATOR SAMPSON: When you say the same person appointed.

MS. FELTON: The judge appointed an individual, both as the receiver and as the referee.

SENATOR SAMPSON: Is that odd?

MS. FELTON: That's a conflict of interest.

And so when I asked him -- well, when I
pointed this out --

SENATOR SAMPSON: As the referee and

the --

MS. FELTON: Receiver, the receiver

is the person who collects the rent.

SENATOR SAMPSON: And the referee is

the one who sells the property.

MS. FELTON: Exactly. In effect what

he had done is he had given title to this

property to this one individual and had

given him the right to collect the rents and

then had directed that my client, who was

still in title and the foreclosure, a

judgment of foreclosure had not been issued,

and he had directed that she pay rent.

Now, she's in title, she's the owner of

the property and so I was doing this pro

bono and had an obligation to run back and

forth to the Appellate Division.

SENATOR SAMPSON: This is the

O'Therry case.

MS. FELTON: This is the 2003 and

this is how I first became acquainted with

Judge Arthur M. Schack.
He wrote some pretty bizarre opinions in that particular case, but in any event I was going back and forth with the Appellate Division and I was successful.

At some point when I couldn't handle it any more because I was doing it -- pro bono legal services took over.

My next case with Judge Schack had to do with a senior citizen who was close to 90 years old and whose deed had twice been forged.

The first time the deed was forged another attorney handled the case and got a -- and had gotten a judgment cancelling title in the company who had forged the deed.

The company was directed to -- all equitable interests that that company had, the company was United Equities, was cancelled.

The company nevertheless transferred title again under a second forged deed.

They removed -- the person, the person who then had title, forged title, removed
all of my client's personal possessions from the house, changed the locks and brought eviction actions against him.

Now, this company was served by the Secretary of State.

The judge wrote the decision saying that I had served the wrong company, notwithstanding the fact that the company had been served by the Secretary of State and my client, the senior citizen who again was elderly, the only asset he owned was this house, and he was mortified by the fact that he had been removed from the property and the police had been called to remove him as a trespasser.

And I, because I'm in the Bedford-Stuyvesant community, attempted to represent him.

Now the issue here is, as far as I am concerned, is an obligation that I feel that we have, if we can, to represent the elderly and the indigent, and it was based on the decisions written by Judge Schack, he was removing my right to represent the senior
Now, the issues that I brought to the Commission on Judicial Conduct were as follows; first I indicated that this judge had an underground of writing decisions that were never filed and therefore not appealable.

Now what I do I mean by that? Where a judge issues an order, the order obviously must be followed. However if the judge does not file the order, then you cannot appeal. You cannot file a Notice of Appeal, you cannot go to the Appellate Division. If he's retaining that file in his chambers, then you are either forced to do exactly what the judge says, or you can write to the Commission on Judicial Conduct, which I did.

Now I listened very carefully to when Robert Tabeckian spoke on June 8th, 2009, and he articulated the fact that the commission's objective was not only to investigate complaints, but also to make sure that the commission maintains an independent judiciary.
I don't see how it is that the commission can take on two competing tasks, because it is a conflict of interest. The commission then becomes or aligns itself with the judges and gives up its duty to the public to investigate and keep the courts unbiased.

SENATOR SAMPSON: Some judges would disagree with that.

MS. FELTON: So A, in writing to the Commission on Judicial Conduct where I explained my history with this judge, B, with respect to this one senior, that the judge completely misstated the facts, now you're an attorney, Senator Sampson, and we do know that the judge has a prerogative to interpret the facts, but he has no judicial prerogative to create new facts in order to get a certain result.

In the cases that I had before --

SENATOR SAMPSON: That's called judicial activism.

MS. FELTON: Well, all right. In the cases that I had before Justice Schack, he
actually created new facts, he created a
fact pattern that I was able to disprove,
and notwithstanding, I wind up on the front
page of the paper without the opportunity to
respond and without the opportunity to
continue representing clients in that
community without having them look askance
at me because my pristine reputation had
been sullied.

Secondly, I had a second case with --
the third case with Judge Schack, again he
exercised his judicial prerogative to create
and misstate the facts, and at the time he
adjudicated a case where my client suffered
-- his family had brought a petition
questioning his mental health and the judge
sitting in the mental health part issued a
restraining notice.

That restraining notice forbade any
adjudication of that case.

Notwithstanding the fact that this was
called to his attention, Justice Schack
adjudicated the case.

This was a case again involving
lucrative property of a person who was
almost 90 years old, and now a person who's
mental capacity was being challenged by the
family and where there was a restraining
notice in effect directing that nothing
happen until the mental status of my client
was determined.

I again found myself on the front page
of the paper with more than $40,000 in costs
and fees ascribed to me, notwithstanding the
fact that there was a restraining notice.

The court issued orders in this case as
well, and in this particular case a motion
was made where the Plaintiff's attorney and
my client and I were both named as
Defendants, I was named because I was the
escrow agent holding the downpayment in my
escrow account, and my client, obviously,
also was named.

The attorney who represented Plaintiff
wanted to amend the complaint.

Somehow I was not served,
notwithstanding even though I did not
appear, a default judgment could have been
entered, though Justice Schack issued an order which never was filed in which he directed that the Sheriff pick me up and take whatever action was necessary in order to bring me to the court.

Now, in addition when I learned of the order I attempted to file a Notice of Appeal, the order had never been filed.

SENATOR SAMPSON: That's right, you can't file a Notice of Appeal if the order hasn't been filed.

MS. FELTON: That's right, I attempted to bring a Writ of Mandamus directing the judge to file the order so that I could appeal and get a stay.

Well, what happened is I went to the court, I notified the State Attorney General's office, the assistant State Attorney General appeared, the Appellate Division on the spot filed the Notice of Appeal, which is highly unusual, you do not file in the Appellate Division, you don't file the Notice of Appeal in the Appellate Division, but rather you file it in the
State Supreme Court, the Appellate Division filed the Notice of Appeal to two orders on the spot, revised my order by hand, which is also something highly unusual, where the Court Clerk is revising an attorney's papers, and I was told that I didn't get the stay but I should appear in the Judge's part for a hearing.

Now, the judge had his law secretary call me on approximately -- well, actually four occasions, and I was so concerned about the nature of the conversation that I was having with the Judge's principal law secretary, I placed the phone on the speaker, turned on my dictaphone and tape recorded each of the four conversations which I then settled on notice with the Court Clerk so that he could revise the transcript and I sent a copy to my adversary, no one objected to the content or the accuracy of the conversations.

The law clerk scheduled a conference in each of those four conversations.

When I appeared and without notice I
was subjected to a contempt hearing.

Now mind you there was a restraining notice in this case, so the judge is continuing to adjudicate the case notwithstanding the restraining notice.

I show up unprepared for a contempt hearing without notice under the New York State judiciary law that is supposed to say warning, you could go to jail and all of that.

SENATOR SAMPSON: Correct.

MS. FELTON: And he finds me in contempt, directs me to pay the money from my escrow account and a certain sum of money as a penalty for not having turned the money over earlier, notwithstanding the restraining notice.

When I appeared in court, I had a certified check from my escrow account, but I did not have the check that he had ascribed as a penalty.

SENATOR SAMPSON: How much was that?

MS. FELTON: $6,678. I indicated to the judge that I had filed an appeal, the
Appellate Division had taken in the Notices of Appeal.

I perfected the appeal, I advised the judge that I had perfected the appeal and he said that I had an hour within which to turn over this $6,700 and would I do that?

When I said no, that I would not, he placed me in handcuffs, I have the transcript, and I was taken to the court officer's lounge, I guess that's what it was, where I was handcuffed to a chair, a Sheriff came and picked me up, I spent 11 days on Riker's Island.

THE AUDIENCE: Remove that judge, please.

MS. FELTON: I spent 11 days on Riker's Island, a friend of mine learned of my incarceration and went to the judge to negotiate my release.

The judge indicated that my friend, a retired police officer, had to go to Riker's Island and get the $30,000 check that I had in court on the day of my arrest and take that check with his check to the home of my
adversary's lawyer before he would issue an order to release me.

So some 300 miles driving to Riker's, driving out to Long Island to this attorney's house, going back out to Riker's, from 9:00 that morning I was released at 10:00 that evening.

I didn't know that the judge had, after I had been removed from the courtroom, had found that I was in contempt and had also given me another fine of $500 -- sorry $500.

In addition to that about three months after I had been released the judge issued an Order to Show Cause sua sponte where he determined that I should pay a sanction of $10,000 for having violated his order in the first place, notwithstanding the fact that when he issued the order there was a restraining notice.

The Order to Show Cause is supposed to be served in a certain kind of way with the warnings and personal service, it was not.

The order also indicated and the order happened to have been published in the New
York Law Journal, something I have never seen in all of my years of practice.

And so again I wind up in the New York Law Journal.

I was told -- or the order, the Order to Show Cause indicated that I either appear under threat of arrest or make the $10,000 payment under the threat of arrest.

SENATOR SAMPSON: So what happened?

MS. FELTON: I went to court, I submitted papers, I tendered a cashiers check for $10,000 to the Lawyers Fund for Client Protection.

Now, the Grievance Committee examined my escrow account, there was nothing wrong with it.

The only entries, the only entries in the account were those of that accrued interest.

I haven't been found to have engaged in any kind of wrongdoing whatsoever.

This judge, for whatever reason, has targeted me.

Now, I understand that judges are
supposed to be given some kind of leeway in
terms of the way that they run their court.

But there is no question A, that this
design up in his decisions, and B, that I
have been singled out for whatever reason,
and C, that the Commission on Judicial
Conduct has done absolutely nothing.

Now I have not written to the
Commission on Judicial Conduct one time, but
I believe more than half a dozen times.

What bothers me is not only the fact
that the order of arrest and the payment of
the fines and the issuance of the Orders to
Show Cause do not appear as entries in the
unified court system and it's supposed to,
but this judge seems to have deliberately
tried to prevent me from representing
indigent seniors in my community when I have
chosen to do so to protect the only asset
that they had, which was the house in which
they lived.

Now the --

SENATOR SAMFSON: The question is,
because we have to end in a minute because
time has extended, you wrote to the judicial conduct committee?

MS. FELTON: Many times.

SENATOR SAMPSON: Specifically about the incident that occurred, correct?

MS. FELTON: Yes.

SENATOR SAMPSON: Have you gotten any response?

MS. FELTON: Oh, yes, I did.

SENATOR SAMPSON: What has the response been?

MS. FELTON: There was no indication of wrongdoing.

SENATOR SAMPSON: Senator Perkins.

SENATOR PERKINS: You said you sent letters to the commission, can we get copies of those?

MS. FELTON: I gave you a package with reference to one of those letters, and I understand from Mr. Spotts that he scanned it into your -- I guess your computer, I have additional hard copies here, if you would like to have one.

This is only one of the cases and this
was the most egregious, because I wound up
in Riker's Island.

But I have all of the -- I have all of
the complaints which I have written, I have
all of their responses in which they said
that there was no wrongdoing.

SENATOR PERKINS: Did they indicate
the basis upon which they came to their
conclusion?

MS. FELTON: Well, I wrote, in fact I
was so dumbfounded by the fact that there
was no investigation that I knew of, because
no one called me back, I actually called the
author of the letter and asked her what was
the basis for closing the case, and I was
told they had -- that I had to do it in
writing, I then wrote and then I was told
that it was confidential and I wasn't
entitled to know.

SENATOR SAMPSON: So, Ms. Felton, one
thing you can rest assured I will talk --
Senator Maziarz, do you have any questions?

SENATOR MAZIARZ: No.

SENATOR SAMPSON: One thing, you can
rest assured that I will follow-up with
respect to this and I guess have a
conversation with the Commission on Judicial
Conduct, especially when something of this
magnitude seems to be very important that
you can't just receive a letter, and I can
understand it being confidential, because
it's true, certain issues and procedures are
confidential.

But I will -- this is why we are having
hearings like this.

MS. FELTON: Well, thank you very
much, I appreciate that, but I also would
like you to weigh the fact that my
reputation has been tarnished to a degree
that I don't ever think that I can recover
it.

I have never heard of a solo
practitioner, my office is on the corner of
Fulton and Marcy in the heart of
Bedford-Stuyvesant.

When is it that a solo practitioner
winds up repeatedly on the front page of the
New York Law Journal in such disparaging
I have never heard of it. And the attorney Mark Dwyer, the one who went to Canada and forged all those papers, he got less press than I did.

SENATOR SAMPSON: Thank you very much, Ms. Felton, thank you. Mr. Higbee.

MR. HIGBEE: Yes.

SENATOR SAMPSON: Mr. Higbee, ten minutes.

MR. HIGBEE: Senator Sampson, thank you for holding these hearings. My name is Douglas Higbee, I have been embroiled in a matrimonial and then some since 1944.

I am going to fast forward up to where my wife's sister, an attorney here practicing in New York and Connecticut using her power beyond that was employed by the Office of Attorney General right up the street.

And at which time thought that she didn't -- and being part of a fraud sexual abuse allegation of me in January 1997, subsequently leading to my arrest, March 20
of 1997, because I was broke yet again, having had 8 matrimonial attorneys throughout the entire matter, and I just -- nothing of this took place, nothing ever happened, I was told you have to have counsel, I said assign me counsel.

Court assigns Joe Abananto, Joe comes to court meets my sister-in-law in the City, this is in Mamaroneck in the Village Court and confronts him, he drops me.

There is nothing in the record from the Village Court of ever being on there, subsequently Legal Aid gets assigned, and we just sit on it until it's dismissed in May of 1998.

In the meantime, I also learn that trying to find out my sister-in-law was also -- she was dismissed from the Attorney's General Office for having sex with an inmate in jail; it's documented.

SENATOR SAMPSON: Sister-in-law?

MR. HIGBEE: Joan Marshal Cressup practicing law in the State of New York of here and in Connecticut was dismissed from
the Attorney General's Office in July 18, I believe, 1997 for having "sex with an inmate in jail."

This I know only because after this was dismissed my life got a little bit of a break, I don't know if she was suspended or not, but is still practicing law, and when I finally came back to New York and started this matter again, I got a copy of my file from the attorney, Lynette Spalding, Legal Aid Society in Westchester to find out what went on there, to me it was dismissed.

I've got 16 boxes of files, that make up the majority of the five by five storage facility I own that houses everything I own left in the world.

Nevertheless her notes indicated, and it was her notes, that said I know a little bit about JC and having sex with an inmate in jail. When I found this out and yet this in the notes the Attorney General's Office was up in Westchester November of '97 --

2007, and I only got the file in '06 or '07, I met with an investigator with the Attorney
General's Office, came to New York and he
gave me the head up that was the fact, that
was the case I FOIA'd her file, denied, I
appealed the denial, denied, I'm supposed to
be able to sue and get this.

So she's gone for a few years
practicing I don't know doing what, and then
comes back into law and gets me between the
eyes by making a one and a half million suit
against my employer, Morgan Stanley.

I used to be a broker with Morgan
Stanley in Greenwich, Connecticut, I didn't
come from any money, I'm a guy, I wasn't
expected to go to college, I went to a state
school, came out, got a job at IBM fixing
typewriters, got kicked over to marketing,
did 7 years, they dropped the training
program on me at age 30, I went into
finance, the money was there, I got picked
up by what's known by Morgan Stanley in
Greenwich.

They destroyed my life, I haven't seen
my children in two years because this
fraudulent sexual abuse allegation which I
never saw even the allegation by Detective Bart DeNardo until I got the file from the attorney alleging that I let my -- I'm not even going to say it, it never took place, not only that, it's dismissed, so I still can't say, I still do not understand what's going on.

To draw this back to not get off track, I have written the DDC repeatedly for them to investigate Ms. Joan Cressup's behavior practicing law and they proceeded to get in this because I put a complaint in '97 that it took them damn near a year to pull the files from storage, and the paper trail exists, I gave you a handout that I talked to Tim Spotts today, it's 53 pages it's on the CD that I originally copied, if you read it, great, if you haven't, please do.

I still think that my life is cloaked in this, I'm a sex abuse offender of my daughter --

**SENATOR SAMPSON:** But it's been dismissed against you.

**MR. HIGBEE:** Yes, supposedly it's
been dismissed, however with that -- it's
only because I brought this back, I moved
back to New York in '06, because I found
out, it gets really deep, I'm in small
claims trying to get a security deposit back
from a landlord in Connecticut who -- and my
sister-in-law was you walking down the hall
in Danbury, Connecticut and has me served
with my divorce that I find out took place
in July '03 and I'm learning about it in
'06, took nine years to get to that point,
surprise.

Also this judgment of divorce has a
warrant for my arrest. Why? Because I
didn't show up, nor was I served notice to
be at my judgment of divorce, so I
voluntarily show up for this bench warrant
before Fred Shapiro, he's no longer the
judge, Donovan is, I'm incarcerated, thrown
in jail for two months before they even get
around to the hearing to find out I'm here,
I spend another two months there, I get out,
June 29, 2006 and within three weeks Joan
Marshal Cressup, who now because of the
divorce, don't think she wasn't writing the
papers before, Marilyn Faust wasn't, it was
my money, in the past despite my complaints
has never been able to provide a retainer
agreement.

So she, Joan Cressup gets on July I
think it's dated on the docket July 21 of
'06 a judgment that Donovan signs off on of
$378,000 that I owe, so they just stole
$60,000 out of my pension last month and
that I have a real quandary because Marilyn
Faust knows Joan has been writing all the
papers and doing everything, once Marilyn
Faust found out she's got a judgment against
me for $378,000 it's going to be a payday,
Faust wants to get paid, Faust takes my wife
to court for $135,000 in which case my wife
beats her and her counsel in federal court
on jurisdictional grounds and it's
dismissed.

What's the latest of it? I don't know,
but it's a comedy of freaking errors and if
you don't think this attorney has done it --
but back to the CDC, the Commission for
Judicial conduct, if I wasn't homeless I could probably heat my home on the paperwork alone going to the CDC and Gary Casello, what a joke, I've been through it, it doesn't work.

Why is Gary Casello the Westchester Bar Association drinking alcohol with all his cronies and playing golf, and I'm a witness to it firsthand if you want to subpoena me.

The paperwork, I can keep you inundated with paperwork, we need a different channel, a different forum.

I'm not here to complain about my personal situation, we wouldn't be here if there isn't something there.

Take the new law students coming out of law school that don't have jobs to go to, give them $50,000 and form some new commission where you plant these people in the committees and the CDC and the DDC on a six month internship to oversee what's going on and report back at a minimal expense to the State, have them report back to you people who have the authority based on them,
if they don't get it straight, it's their ass or career up front.

That idea was put on your website on the issues and legislators that everybody can go to if you've got an idea.

I'm going to close and concede what remaining time I have to Dr. Kim Laurie.

Questions?

SENATOR SAMPSON: Are you done?

MR. HIGBEE: I am done, yes, sir.

Thank you.

SENATOR SAMPSON: The next witness is Kathryn Malarkey. Ms. Malarkey.

MS. MALARKEY: Yes, I wasn't advised I was going to be testifying so I'm not really prepared, but I have a short statement I want to read to the committee, and thank you very much for hearing us.

I was involved in the employment case in which an injunction against further retaliation had been issued.

My attorneys lied to me and lied to a federal Magistrate. Their lies are recorded in an official court audio tape of the
hearing that I was not allowed to attend
because my attorneys told me this was a
private hearing with the judge and I should
not be there.

I didn’t know that they didn’t want me
to be there because they intended to lie.

I did not know about these lies until
years after I was forced into a settlement.

My lawyers' lies caused the Magistrate
to fine me $500 and he threatened to dismiss
my case.

I presented irrefutable documentation
to the Departmental Disciplinary Committee.

The attorneys did not bother to refute
the evidence that I gave, because I believe
they could not refute it.

I was repeatedly told it was a waste of
time to complain to the DDC. I believe
there would be many more complaints if
people had faith in the DDC.

The pain and suffering of long drawn
out process inflicts pain and suffering and
ruins lives. I think you have heard this
morning just how much pain this group has.
It would have cost hundreds of thousands of dollars for me to present my case to the DDC.

Except for a wonderful attorney who has given all this time to represent me pro bono, the DDC has dismissed my case without any explanation.

I have never been able to respond to any questions that they might have, I surely can respond to all their questions.

It should not take years to get justice.

The DDC should be open, fair minded, helpful to those who have suffered at the hands of incompetent attorneys.

The DDC should change its name to the Attorneys Protection Association.

There is so much suffering in the search for justice, there must be a better way, and Senator Sampson, we are so grateful to you and to the others who have listened to us, you have been wonderful.

I just hoped that you hear how much need there is for real serious reform and I
will back this all up with some papers to you later.

Thank you, thank you.

SENATOR SAMPSON: Thank you very much, Mrs. Malarkey.

The next witness is Nora Renzuli. Ms. Renzuli.

MS. RENZULI: Thank you. Senator Sampson and Senator Maziarz, my name is Nora Renzuli, I'm an attorney, I was admitted to the practice of law in New York State and in New Jersey in 1987.

I have been practicing law in the State of New York and have been employed by the Office of Court Administration since 1990.

SENATOR SAMPSON: Are you still employed with them?

MS. RENZULI: Yes, I am. I have presented my material to the committee, and it does lay out my case and my position that a judge in Family Court without legitimate authority or jurisdiction took my children and handed them over to my former husband who is living out of state in Pennsylvania
who was represented by a Brooklyn and Queens
clubhouse attorney who managed to wrap the
judge around his little finger.

My children were sent out of state
before I was allowed to put on a word of my
case.

That was in 1999. The children had
been with me since their father left in
1990, I had been the custodial parent for
nine years, I had finally gotten a child
support order and it was affirmed on appeal
in 1998.

My former husband then went to the
Family Court and subverted the whole due
process and dual tier system for Family
Court decision making by pulling the rug out
from under a fully litigated divorce and
custody, visitation, child support decision
making by Supreme Court orders.

The focus I would like the committee to
look at most is something that hasn't really
been touched on here, and that is parent
child relationships, that's why I'm here,
that's front and center of everything I have
done ever since my children were born.

And to have lost them nine years ago to a deadbeat dad who was able to hoodwink the whole system and get a judge to act without subject matter jurisdiction and take them away before I was heard, one word, despite being represented by a former Family Court judge, retired, who obviously had lost his clout, Family Court Judge's name is Terrence Miguel Rath in Staten Island Family Court.

I brought a Writ of Prohibition, the Family Court judge was represented by Attorney General Elliott Spitzer.

Elion Gonzales was protected by Attorney General Janet Reno.

David Goldman's son who is in Brazil now is being protected by the efforts of Senator -- by Secretary of State Hillary Clinton.

Does anyone in this room think that former Attorney General Elliott Spitzer lifted a finger to help protect my children?

He did not. Even though his own investigator in the public integrity unit
told me there was, "obvious misconduct and malfeasance."

There was a publicly paid law guardian who consorted with the attorney for my former husband who created the scam that I had never been given actual custody and therefore I did not need to be heard before the children were moved.

In these kinds of cases often possession does end up being 9/10 of the law, especially when kids are sent to another jurisdiction in another state, or they are abducted and sent to another country.

I have been trying since that happened to get some kind of remedy, and I have done everything conceivable, possible, legal, to make that happen.

On September 11, 2007 the Court of Appeals of New York State dismissed my Writ of Prohibition by saying it had mooted out because the children were now over 18.

That is no solution to these kinds of problems.
The state of New York is suffering from avoidance disorder and if it were a person it would be diagnosed with access to avoidance personality disorder.

We need to deal with these problems, we need to name them, claim them and nip them in the bud before children are irreparably damaged.

The Attorney General of the State of New York has a role to play, when there is no jurisdiction and a judge doesn't have the power, he loses immunity.

The Attorney General's Office needs to assess these cases, vet them and when they are asked to represent some kind of dishonesty, dirty dealings, they should say to OCA no way, I'm not going to represent this dirty judge, this dishonest judge, this dishonest process, but no, they go right in and do it and it goes all the way to the Court of Appeals, wasting our taxpayer's dollars and the credibility and the legitimacy of the office of Attorney General, the chief law enforcement officer
of the state.

What is that AG doing representing
these kind of judges?

Unbelievable, and I finally get to the
Court of Appeals and then they wash their
hands, as if it only had to do with the ages
of the children.

It had to do with a complete perversion
of justice.

Two senators on your committee from
Staten Island have tried to help me, they
have reached out to the District Attorney of
Richmond County, they asked that an
investigation each be conducted into the law
guardian's behavior.

The D.A. of Richmond County wouldn't
even investigate, and that was after a call
from the Democratic leader of Richmond
County, after letters from Senator Lanza,
Senator Savino and Assemblyman Titone,
didn't make a hill of beans difference with
this D.A.

I think that OCA needs to get a handle
on these kinds of problems early on and deal
with them before all the damage is done.

It's not just damage to me as a litigant, as a citizen, as an attorney, as an officer of the court, but it's damage to our whole process.

SENATOR SAMPSON: Okay.

MS. RENZULI: I really appreciate what you're doing, Senator, and I hope that the orders, taking custody from me, illegitimately giving it to my ex, taking child support out of my pay for the last nine years, over $100,000, out of my court salary, they will devour their own, this court system is out of control.

I want those orders voided. Thank you.

SENATOR SAMPSON: Thank you very much.

Next witness is Stephanie Klein, Stephanie.

If we can just take a five minute break, is that all right?

(Discussion off the record.)

SENATOR SAMPSON: We will start right now, I had to make sure no more coups were
going on.

I've got five witnesses left after Ms. Klein. No more additions, Lisa, no more additions.


MS. KLEIN: Well, hi, good afternoon.

Thank you for allowing me to speak at this very important hearing today.

I would like to preface my statement by stating that I have been in matrimonial Supreme Nassau County with justice Anthony Falanga for six years now and counting and I also would like to also mention take noticed there are many others who are also in front of Justice Falanga, same courtroom as I have been in for the past six years.

We settled our divorce three years ago and I still am trying to obtain the money settlement in our settlement agreement.

Having said that, bear with me, this is my first time I'm doing this and I'm really nervous.

SENATOR SAMPSON: Take your time.

You've still only got nine minutes now.
MS. KLEIN: That's what I wanted to say, too, I chopped my pages down, I only have two and a quarter, so I won't take up too much. I'll do my best.

I would also just like to say that as soon as Judge Falanga heard my statement to contest the divorce I was immediately labeled in his mind as a trouble maker, even though I was just exercising my legal right to contest the divorce that I felt was unwarranted and unnecessary.

But after that he made it his business to make my life absolutely miserable each and every time I had to appear in front of him in his courtroom.

I was made to stand and be humiliated in front of the entire courtroom, degraded, he called me names, I was told I lived in sin because I married someone out of my faith so he told me I lived in sin for 10 years before we remarried in another ceremony in the church, just to give you an idea of some things that Judge Falanga is capable of.
But in any case, if I could leave you here today with two very important words, and I'm glad to have -- to being followed by the person, the woman who spoke before me, two important words, children and mothers.

But I would be remiss to leave you here today without finishing the rest of those very important words, children, mothers, domestic abuse, domestic violence and our broken down excuse for a fair and just judicial system.

It's broken and no one is fixing it and that is a direct quote told to me within the system itself when Judge Falanga changed my Order of Protection for myself and my children and altered it from the Criminal Court taking my children off of the Order of Protection that was issued after he had assaulted me and was arrested and spent the night in jail, and Judge Falanga crossed out my children's names and allowed my ex-husband to reinstate his visitation rights.

Also and most crucially important, the
drastic and horrifically damaging effects
and fall out, if you will, from the great
collapse, corruption and breakdown and
failure of our judicial system as it stands
today, is especially important.

But my most important and privileged
purpose and even mission for being here
today is to urge all of you to specifically
examine the numerous departments of what are
supposed to be our just and fair judicial
system in Nassau County, New York.

All of the following departments of our
government here in New York are drastically
broken down and need urgent examination and
swift cleanup, to say the least.

We must put back into place our fair
and just legal system as was intended by our
forefathers to be.

Some of the courts are Supreme Court
matrimonial, Criminal Court, supervising
judges, arbitration committees, the
Grievance Committees, the Appellate Courts,
judicial commissions, committees on judges
and judicial conduct, commissions handling
all complaints against judges, attorneys and law guardians.

We know today that according to the 2009 report of the Commission on Judicial Conduct, that out of almost 2,000 complaints filed in 2008, only 262 were investigated and of those, 173 were deemed dismissed.

Now if my math is correct that means and leaves only 89.

89 out of almost 2000 complaints for the entire year for 2008, only 89 people were even examined and possibly taken seriously, we don't even know that.

We do not know whether these 89 results were favorable to the complainant or not, and these figures do not even include all the other complaints not entered by the public for fear of retaliation by the judges, attorneys and the courts.

I am even worried that I am sitting here today naming names and saying what I'm saying.

People are afraid to step up and exercise what is their legal right to defend
themselves because they see others who have
done so and been sanctioned or punished in
some way or another by the judges and the
courts for doing so.

It is criminal what is going on in our
courts today and the innocent are being
unfairly judged and punished while the true
guilty parties walk away.

Imagine what that total figure would
have been if more people had the courage to
step forward but cannot and do not out of
fear for the retaliation by the judges and
who label these people instead as trouble
makers and punish them as such, as was done
to me by Judge Falanga.

We all know there is a major corruption
going on in our entire government, we all
see it on TV every day, we see it from
officers of the court, attorneys, judges,
supervising judges, even Governor's and
right up to the President of the United
States.

Perjury and adultery have become
commonplace.
These are both against the law, yet last time I looked nobody is being prosecuted for these terribly hurtful and damaging crimes, especially to the children of our world; the true victims in all of these goings on.

Families are being broken up every day and unnecessarily so and the children are being hurt in so many ways.

The court should be sending families, and this is really important, the courts should be sending families to counseling before handing out divorces like candy, and for no good reasons.

What has happened to the family as we know it in America today?

Divorce is now in epidemic proportions. Almost everyone we meet are now either divorced or know someone who is divorced.

Women, children, families are torn apart, homes are lost, people are struggling just to make ends meet.

In some cases children are brain washed against a parent, thus creating a
horrifically painful and most depressing and most cruel estrangement both on the part of the children putting them in the middle and also on the other parent.

And custody is sought to get out of paying child support, as well as taking the home along with them.

The other parent moves out and life as the family knew it will never be the same again.

And the courts let it all go by. It is an outrage what is going on in matrimonial Supreme Court in Nassau County New York, so the innocent parties in this epidemic of divorces --

SENATOR SAMPSON: Thank you.

MS. KLEIN: How do I know? Because it has personally happened to me and my two children, and as I sit here today, I risk myself being sanctioned by Judge Falanga somehow, he will find a way, but what I am saying here is only the truth and it must be told.

I have been living this terrible
experience in matrimonial court in Nassau County for six years now and counting, I am still unable to collect the money which was agreed upon several years ago.

SENATOR SAMPSON: When you say that, Mrs. Klein, are you saying that the judge is stifling you from collecting your money? What is preventing you from that?

MS. KLEIN: Well, my attorney has informed me that she has released herself from my case and she's decided that she's done.

SENATOR SAMPSON: So basically you have no attorney at this point in time?

MS. KLEIN: Then when I try to contact they tell me to try to reach out to Judge Falanga, which I did, and they sent it back saying no, you still have an attorney and I was getting to that part, I was going to mention that.

SENATOR SAMPSON: Because your time is up, okay?

MS. KLEIN: I'm almost done. Let me just get back to my spot, yes, it happened
personally to me and my children.

And as I sit here today, I am saying
that I fear being sanctioned by Judge
Falanga, I really don't know what to do, I
am in the middle.

I've been living this experience as I
sit for six years now and counting.

I am still unable to collect the money
which we agreed upon, I am told I may not --
I may not reach out to the judge for
assistance, as I still have an attorney on
record, although this attorney has released
herself from the case, as I have just said.

I am still in the middle and do not
know when it will end or what to do.

I am ill, I want to get my affairs in
order, and I cannot find anyone to help me
get this money settlement, the QRDO
transferred over to me as was court ordered
and get my children back.

I speak from fact, but of course from
many other emotions as one can well imagine
in a situation such as I am now living and
did not do one thing to deserve any of it.
I was and always would be a very caring wife and mother. I loved being a stay at home mother and did it for 18 years and treasured each moment.

The worst thing that can happen to a mother is to lose her child.

I have two holes in my heart where my daughters used to be.

I have been alienated from my own children, and the pain is so very difficult to endure and the court did nothing it help. The side with the money always wins.

What I need is an attorney who will help me to obtain my money settlement as ordered in the QRDO and have been waiting now for years and also assistance with getting my children back and unbrainwashed, if you will.

What has happened to our morals and vows and promises we make in marriage and families?

There should be mandatory counseling before any type of permanent and emotionally damaging and scarring decisions and
judgments of divorce are handed out.

We have law guardians who may know the legal rights of children, but they are in no way trained in psychology or psychiatry or even social work and yet they are allowed to make very crucial and potentially damaging decisions for these children, both mentally, emotionally and financially.

SENATOR SAMPSON: Ms. Klein.

MS. KLEIN: I am almost done. The lives of children are put in the hands of law guardians who know nothing of what children need and in most cases these law guardians don't even have children of their own on which to base their potentially emotionally damaging decisions upon.

I leave you here today, in closing, with all of these words and hope that you will help me and others who are lost and abused in this terribly painful and damaging and corruptive courts, in the matrimonial court of the Supreme Court of Nassau County, I even risk, as I said, being sanctioned or further punished, but it is a chance I must
take to try to get back to justice in the
supposed halls of justice.

I have tried the grievance committees,
I have tried the arbitration committees, I
have tried writing to everybody all over the
place, and none of it helps.

It just does not make sense that the
guilty party here lie, cheated, committed
adultery and perjury and yet continues in
these behaviors and myself and my now two
estranged daughters are the ones being
punished.

It seems the old saying still holds
true, it's not what you know, it's who you
know, I hope someone will step up today for
me and my two daughters and help me get this
case straightened out as it should be.

I thank you for your time and in
advance of any future assistance, all of my
information is listed below on the papers
that I handed in.

I am Stephanie Klein, and I that you
for all for listening.

SENATOR SAMPSON: Thank you, Ms.
Ms. Klein, what we will do I'll have one of my staff people, Lisa Lashley make sure, because I just want everybody to get clear, you know, we are not looking to basically have an input in the outcome of these individual cases, because that's not our job here, our job is to look at the Commission on Judicial Conduct and also the disciplinary committees to make sure that any discrepancies or issues or any reforms that need to be made or recommendations to reform the present system as such, to give a little bit more faith, trust and confidence of the people who are using this judicial system.

So that's what we are looking for, that's exactly what we are looking for.

The outcome in individual cases, we cannot have any input with respect to that.

But I will have somebody look at your case closely, Ms. Klein, all right?

MS. KLEIN: Thank you, I really appreciate that.
SENATOR SAMPSON: Thank you.

MS. KLEIN: Just to say, I didn't complain yet to the judicial commission to Judge Falanga because he's not done with me yet, and I'm afraid of what he could do to me before we are done.

SENATOR SAMPSON: But I think it's good you come because sometimes judges, you know, that's why you have the Commission of Judicial Conduct, you make these complaints if you feel the judges is just stepping out of his bounds of the parameters he is supposed to be operating in.

MS. KLEIN: I feel almost a little safer because now I'm on record of saying how I've been treated by him, and whatever his future things are to do to me, will be now noted because I have said, sat here and given my statement of what has been done by this man to me until today.

So I thank you for your help after.

SENATOR SAMPSON: Thank you, Ms. Klein.

The next witness is Ike Aruti of
MR. ARUTI: I have prepared the copies that were requested so you might read a little.

Thank you very much, Senator Sampson, for the opportunity to give my testimony today.

My name is Ike Aruti, and I am a patent attorney.

I was an engineer for many years before going to law school and I was very successful as an engineer because I always had a special talent for diagnosing malfunctions.

I did not leave this talent behind when I became an attorney.

Beginning in May of 2007 I was the victim of false charges of domestic violence, and in June of 2007 my son was taken away from me by the NYPD in the middle of the night.

Since then I have lost my job, I have lost my reputation, and I have lost my family.
And to depart from the text of my transcript here, I respectfully disagree, Senator, with your concern for the reputations of judges.

Why is a judge's reputation any more important than mine?

SENATOR SAMPSON: I said that? I don't think I said that. I said -- what what did I say?

MR. ARUTI: When you were saying that the CJC procedures cannot be made public and must be kept confidential unless something is being done.

I think that transparency is the only way, and to steal a phrase from you, Senator, it needs the benefit of disinfecting daylight.

It should all be public, and it should be a citizen's committee of people who are not affiliated with the court.

However, I became aware of the Queens County Family Court and a perverse symbiosis of malfunctioning government agencies that had been spiraling out of control, and I
have learned that this is commonly referred
to as the domestic violence industry, and
the court plays the leading role in this.

The Commission for Judicial Conduct is
the only control over the court.

The abuse and misconduct that I
suffered at the hands of the New York City
Administration for Children's Services and
New York State Office of Children and Family
offices were truly horrifying.

But I feel that what I observed and
experienced in court was truly a disgrace to
the Bench and the Bar.

The system is desperately in need of
what Senator Sampson refers to as
disinfecting daylight.

In the Queens County Family Court the
public is routinely excluded from what are
public proceedings where they would see
assigned counsel, counsel being assigned by
the judges that they will be appearing
before.

This is a glaring appearance of
impropriety which is prohibited by the model
1 rules, and it's a conflict of interest in
2 that counsel may not wish to bite the hand
3 that feeds them and compromise -- and this
4 compromises their client's representation.
5
6 To depart again from the text of my
7 transcript, I was on an 18B panel in the
8 Nassau County District Court and when I was
9 appointed by the arraignment judge, he was
10 not the judge that I was appearing before,
11 and if it occurred at a later stage in the
12 proceeding, a call was made to the assigned
13 counsel office and the judge did not
14 participate in the selection of counsel.
15
16 On December 17th I attempted to enter a
17 courtroom for a public proceeding where
18 opposing counsel were present.
19
20 I was arrested, physically and verbally
21 abused by the court officers, humiliated in
22 front of all of the people in the waiting
23 room, and the court officers where no name
24 tags and refuse to identify themselves.
25
26 In the Queens County Family Court it
27 took almost two years before I had my first
28 opportunity to be heard, as is required by
due process.

My wife was given assigned counsel under the same conditions for which I was refused and that was homeownership.

When Judge Friedman eventually assigned counsel to me, a Mr. Anthony Johnson, she told him not to do anything.

My orders to show cause were routinely ignored. They are still pending from 2007.

Despite the fact that all of the charges against me were now dismissed, my parental rights remain in a state of de facto termination.

I have no contact with my children whatsoever, and there is nothing in any record negative about me.

SENATOR SAMPSON: So, why do you have no contact, your rights were terminated?

MR. ARUTI: Yes, de facto my rights were terminated. I do not know where my children go to school, I do not know where they live.

SENATOR SAMPSON: Are you still in Family Court proceedings?
MR. ARUTI: I am still in Family Court proceedings.

SENATOR SAMPSON: I am just saying you are still in Family Court proceedings and you have no idea where your children go to school at?

MR. ARUTI: No.

SENATOR SAMPSON: You don't have any contact with them?

MR. ARUTI: No.

SENATOR SAMPSON: And you have raised this to the Queens Family Court?

MR. ARUTI: Yes, I have, I raised it in fact just this week, it was about three weeks ago.

In fact tomorrow will make three weeks that all of the family offense charges and all of the violence charges and all of those things were thrown out completely.

The Order of Protection should never have been issued.

No good cause was ever shown, it wasn't recited in the order as it was required, and again, to depart from the text of my
transcript, the only thing easier than
getting an Order of Protection from the
court these days is the abuse of one.

SENATOR SAMPSON: No, I understand
that, but let's get back to really the gist
of everything.

So how has the court or the judiciary
or the courts or the attorneys impeded your
progress in allowing you to see your
children or what obstacles or what
misconduct has been exhibited?

MR. ARUTI: The other counsel has
engaged in a lot of dilatory practice, and
they have outright lied in court.

I had to beg the judge to pull a
transcript, I've been through about 9 judges
already there, I understand it's only two
judges left in the building that I haven't
been before, I hesitate to make further
complaints against Judge Pam Jackman Brown
because, quite frankly, she's the best judge
I've had there.

Maybe it's because she's new.

SENATOR SAMPSON: Just for
disclaimer, she's my cousin, just to --

MR. ARUTI: I have not received

better treatment in the court than I have by

her.

It still doesn't mean that I think it

was fundamentally fair, or it resulted in

substantial justice.

Apart from the procedural due process

requirements, which are notice and an

opportunity to be heard.

SENATOR SAMPSON: Have you filed any

complaints, if any?

MR. ARUTI: I have filed numerous

complaints.

SENATOR SAMPSON: I don't want you to

be -- as a lawyer, we don't want to be

subject to the document, the written

document, I want to hear from you, you know.

MR. ARUTI: They were oh, well, in my

particular case.

SENATOR SAMPSON: I can read the

document.

MR. ARUTI: It was a sneak attack

from Mexico. I guess I may have gotten
married for the wrong reasons, the woman
treated me like a king for 12 years, when my
parents died I didn’t want to be alone, I
married her, we had children, she came to
New York and could not function.

She destroyed my practice because she
had no domestic skills, she had no
linguistic skills, she became a recluse in
the home.

She couldn’t answer the phone, answer
the door, I had to hire an intern and teach
him how to draft patent applications to get
my work done, and it very soon became really
the point of diminishing returns.

SENATOR SAMPSON:   So --

MR. ARUTI:   So I got an opportunity
to purchase an automobile race facility in
Mexico, I have had a very long history of
amateur road racing championships.

SENATOR SAMPSON:   But --

MR. ARUTI:   In any event, we have
been living in Mexico since September of
2000 and with regard to the purchase of the
sale there were some stumbling blocks that
delayed it, and I was unhappy with the education my children were getting, so I grabbed my son, who was the older of the two, and I brought him to New York for the third grade and for the fifth grade, solely for the purpose of coming to school.

SENATOR SAMPSON: Okay.

MR. ARUTI: He was in the gifted and talented class.

SENATOR SAMPSON: What we are trying to pinpoint is --

MR. ARUTI: I asked -- I have begged for visitation with my children at every single appearance.

The judge has agreed with me that there is nothing in the record, there was nothing at the family offense violation trial to substantiate any loss, and this is another thing, I think that part of the problem is also the statutory framework of the Family Court act where Judge Friedman sarcastically answered me that she remembered due process from law school, and I said that I cited Matthews versus Eldridge that due process is
a flexible concept that has to be tailored to every situation.

In any event she told me that Article 6 of the Family Court Act doesn't provide for hearings.

I argued that Amendment 5 of the Constitution does.

SENATOR SAMPSON: I'll give you one more minute.

MR. ARUTI: I would like to go through this because I know you were asking for suggestions and constructive criticisms, and I have many of those.

SENATOR SAMPSON: In one minute articulate them. You don't have to read them, just articulate them.

MR. ARUTI: Well, in any event this was taken as a case of emergency jurisdiction and now that we have disproved the existence of the emergency, somehow this jurisdiction continues.

Despite the fact that the ACS workers have committed wire fraud by communicating with my wife in Mexico using my long
They have induced her to violate the Immigration and Naturalization Act Section 274 which are both RICO predicate offenses.

SENATOR SAMPSON: I've got you, but give me the recommendations because we have got to close it down, I've got to go to the next one.

MR. ARUTI: My recommendations, transparency, there is no reason that a judge should make any statement to any party that is not on the record.

There is limited immunity for judges, however when the real world factors are considered, they are totally immune.

They are a stronger body than the blue wall of silence.

Furthermore, part of access to justice, and you said yourself, well that's why we have so many levels of Appellate Courts, look at how onerous the appellate procedure is and I think that we are remiss in our obligations to embrace very mature technology.
If I want a transcript of the record, I have to pay somebody who knows how much a page and wait how many months and it's hundreds of dollars, and I don't know what it says, you can't review the facts that were established in the lower court, why? Because all you have is the transcript.

SENATOR SAMPSON: Got you.

MR. ARUTI: Audio visual recordings are very mature, Senator.

There is no reason that you shouldn't be able to walk out of the courthouse and on your way out pay $1 for a DVD that contains the entire proceeding.

SENATOR SAMPSON: Mr. Aruti, since time is up, I will --

MR. ARUTI: One more point, Mr. Senator, I respectfully submit to you that parental rights are among the most fundamental rights that we have and, in fact, equally as fundamental as our right to freedom. If not more so.

I personally would have rather spent this two years in jail and come out to a
loving family than to have lost my children and had them alienated in the process.

SENATOR SAMPSON: Thank you.

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

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

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

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

SENATOR SAMPSON: We will work on it.

MR. ARUTI: Our children are our future.

SENATOR SAMPSON: Terrence Finnan.

MR. FINNAN: Here is a copy you might look at it. I have a large number of issues with the court system and the complaints
against lawyers, I'm not going to do it, I'm going to stick it, I have made five complaints to the Commission on Judicial Conduct.

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

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

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

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

SENATOR SAMPSON: He's right behind you.

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

I make you aware of my disability and demand that Mr. Tabeckian not allow this
corrupt Judge Ryan to abuse me because of limitations of my disability.

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

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

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

I brought this up by motion, the judge says gee, you know, I got notice. He sent I found out that the judge sent a fax to my home then and -- because I don't even have a fax machine, and I am in cardiac intensive care.
This isn't funny, because I don't want my life destroyed.

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

Judge --

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

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

SENATOR SAMPSON: He's acting Surrogates Court?

MR. FINNAN: Supreme Court Judge.

SENATOR SAMPSON: Exact acting Supreme Court Judge.

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

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

MR. FINNAN: The court appoints acting Supreme Court Judges to act as
Supreme Court Judges because we don't have enough.

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

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

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

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

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

SENATOR SAMPSON: This case is still pending, correct?

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

SENATOR SAMPSON: Are you represented by an attorney?

MR. FINNAN: I was represented by an
attorney, the reasons I'm not represented by
an attorney, I didn't want to get into at
this point, but basically it is related to
the judge, several attorneys were informed
by the judge that I had to lose the case.

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

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

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

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

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

MS. WEISSHAUS: Thank you, Senator
Sampson.

I didn't prepare a speech for myself
because they told me yesterday I'm not
scheduled to speak, so I'll speak from my
heart a little bit.

I am a Holocaust survivor and a victim
of the Holocaust, I was 14 years old when
everything changed and my whole family, I am
the only survivor from my family, but I
didn't think that I am going to be a victim
in the United States, too.

It's unbelievable what I'm going
through for the last 20 years.

They drag me into a rabbinical court
decision because my fault was I didn't want
to get welfare when I was short the money,
and I had a house and I helped out, I always
worked even I had six children, and I am a
-- I was short, I couldn't pay my mortgages,
so they told me I should go to the welfare.

I told them I didn't come to the United
States to come for welfare.

They told me well, all the black people
are doing it, everybody is doing it, I says
I'm not listening to the other people what
they are doing it.
And I sold the top half of my house, legally, everything without any dividends, but I got the wrong people there who are a bunch of crooks and they are all connected with the rabbis.

How can this be in the United States where there is a Constitution, how to make a loan the that they update they have come out with wrong decisions, they wanted even to arrest me.

I went to the judge and I produced my tax return and I told them I don't have the money that they want I should pay them up and including $65,000 cash. And that's happening in the United States.

All of a sudden I became very famous, I became the one who filed a lawsuit against the Swiss banks.

They are stealing money there in the millions and that's why they made me a victim, they took everything that I worked in the United States.

I'm here -- 59 years ago I came here and they took everything illegally, there is
no due process, they make a mockery of the whole system of the court system and I'm sorry, I just had an accident I had -- my neck is hurting me, but I want to bring out they claim I signed an arbitration contract, they put in a false arbitration contract, the rabbis are doing all these things, they supposedly have nonprofit organization, they don't exist.

And I went to -- in the court and I have everything documented to prove it, I'm not making up the story.

Then I saw I can do nothing in the state courts, I went to the federal courts and it's the same thing, I would like one thing, Senator Sampson, he was involved with my Defendants 14 years ago, he should ask them they should bring the arbitration contract.

A complete false and so many false documents, I just don't believe it happened, I can't do it.

SENATOR SAMPSON: I just want to keep you concentrated on where do you think the
misconduct or if any existed with respect to you, Ms. Weisshaus?

MS. WEISSHAUS: I am telling you why, because they don't like I speak up against them.

And I mean not only that they did to me personally and with my properties, each of my children has different problems with the rabbis.

They just want -- I lost two sons, one of them was killed by them and I mean there is a bunch of orthodox hoodlums, young people, they don't work, they make all kind of claims, and they live out of my work.

And they think -- they just think they can do this in this country because nobody wants to stop them.

They have their connections, the rabbis have some judges who are ruling in their favor, even it's against the Constitution, but why should they care about the Constitution if they don't care for the Ten Commandments.

Some of the rabbis have large deposits
in Switzerland, and I was the one who filed
the lawsuit and they made me the victim and
now they still, I know what happened in
Switzerland, I was there three times, and I
had all the documentation there and I worked
for the whole case.

And I still became a victim because
they don't want to have the truth out here.

So that's why I came here, I would like
just to try to get an arbitration contract,
it was translated by my partner, her
son-in-law's uncle, a false translation,
everything and I'm suffering and they took
away everything I had. Due process that
doesn't exist here.

I was a peasant when I came here, a
factory, when I had a business, 25 years,
making braiding there, and they remodeled
and they took away -- the factory wasn't
even in the question, only the building,
they took the building, now somebody instead
is modeling it, they put in $8 million, the
other one my partners took out a fraudulent
mortgage for close to $5 million, without
title insurance so I couldn't claim from the title insurance company, they told me we didn't do it, there is a lawyer by the name of Roy Cohen, whatever his name, he is doing it, I find him in many cases, they have their corrupt lawyers and they have their corrupt judges and the one of the lawyers who is falsifying the signatures of the lawyers, of the judges, he has stamps from the courts, even from the Second Circuit, he rules with the false stamps and I have to abide by them, what can I do? If you go there, they just shut you up.

So that's why I want a little bit, if you are going to open up a little bit, the whole system is going to change.

SENATOR SAMPSON: Ms. Weisshaus, thank you very much.

I think your issue has always been the transparency and the accountability with respect to the judges and the attorneys.

MS. WEISSHAUS: Why did it take 12 years? They didn't do anything, I have many complaints with the DDC, they just don't
care, not only not care, they always told me

  oh, they investigated and I have no claim.

  SENATOR SAMPSON: I've got you, Ms.
  Weisshaus.

  So I see your suggestions and that's
  something we are going to look very closely
  into what you're talking about, the
  disclosure and form and everything else.

  MS. WEISSHAUS: The truth, the whole
  thing the scam will come out, they cannot do
  nonprofit organizations, collect money and
  when the money goes into their pockets, and
  one of the rabbis, I just went to the
  Supreme Court and they checked me and there
  is no such an organization.

  SENATOR SAMPSON: Right, correct.

All right, Ms. Weisshaus.

  MS. WEISSHAUS: Thank you.

  SENATOR SAMPSON: Thank you very
  much.

  MS. WEISSHAUS: Thank you, and I hope
  you will help me and a lot of people.

  SENATOR SAMPSON: Thank you, Ms.
  Weisshaus.
Eliot Bernstein. At this point in time, Mr. Bernstein. Hello Mr. Bernstein.

MR. BERNSTEIN: Yes, sir.

SENATOR SAMPSON: The last witness after that is Susan McCormack.

Mr. Bernstein.

MR. BERNSTEIN: Good afternoon, and thank you for allowing me time to tell my story today.

Before we start I did notice that Allen Friedberg was here from the disciplinary committee, I filed some complaints against him several months ago.

SENATOR SAMPSON: Mr. Friedberg, you are still here or you left?

MR. FRIEDBERG: Yes, I am here. Glad to meet you Senator.

MR. BERNSTEIN: I would like to see where the missing complaints against him and Mr. Reardon are, they were filled several months ago, there were procedures to this and they are not following those, so if you could maybe find out where the complaints are at this time that would be great.
SENATOR SAMPSON: You will take care of that for me?

MR. FRIEDBERG: I didn't catch his first name.

MR. BERNSTEIN: Elliot Bernstein. My story involves widespread corruption in the New York courts and New York investigatory bodies that have utterly failed in their civic duties to protect my rights and, in fact, have become the actual nemesis that blocks my rights.

My name is Elliott Bernstein, I reside in Boca Raton, Florida and I flew here to New York for the first hearings on June 8th and was prepared to testify when the coup occurred.

I have traveled here under medical treatment programs to tell you about the saga of my company as I view it and what has earned the moniker patent-gate and its relation to the Whistle Blower case of Christine Anderson involving the New York courts and the disciplinary.

I remind all of you of the conflict of
interest disclosure forms I sent to this body and request that any and all conflicts be appropriately disclosed during the hearings or immediately hereafter.

I am a husband and a father of three beautiful children, boys, and I'm also an inventor of the iView technologies which involve video and image compression commonly referred to as mathematical scaling formulas, which are used on virtually all digital imaging and video devices.

For example the Hubbel space telescope, my personal favorite, providing views into the universe and time like never seen before using a technology that allows you to zoom on images without pixilation as it was commonly referred to prior to my solving for that.

The technologies are used by every internet service provider in the world that hosts a video, every computer that's playing a video, all digital television service providers use it.

A mass of defense applications such as
space and flight simulators use the technologies, medical imaging devices use the technologies, mapping programs, such as Google Earth, Google Maps, Google Street View all use my technologies; of course I'm not getting paid for any of this, by the way, and the reason for that is because I hired patent lawyers, and we will get into that.

My technologies are now the subject of a trillion dollar, yes, trillion dollar lawsuit in federal court here in New York State as a result of theft, fraud and other wrongful actions against my companies and myself including death threats and an attempted murder.

Yes, an attempted murder against my family by way of a car bombing of our family minivan in Boynton Beach, Florida, as my -- not Iraq, mind you -- as my wife Candace and I were preparing to file papers against these same folks.

Thus please note the seriousness of my claims here, as attempted murder is a very
serious charge.

Full pictorial evidence of the car bombing which was so strong it took out three cars next to it can be found at www.iviewtv.com.

It should be noted that the crimes to steal my intellectual properties were committed by my trusted lawyers and accountants, whom were retained to protect my inventions and instead fraudulently filed my inventions in other’s names, including the patent attorney's own name.

One patent attorney putting 90 plus patents into his own name here in Yonkers, while retained by my company. During the time he was retained by my company.

Yes, a patent attorney patenting his client's inventions in his own name would appear became more inventive than Edison after meeting me.

You may think after hearing about a car bombing that safety is my number one concern, but it's not, bringing down the corruption that is infested --
SENATOR SAMPSON: Mr. Galishaw, we are here, we don't need the cameras.

I know you are videotaping everything, but I don't think you need to have that camera on those two gentleman, so.

MR. GALLISON: I am making a documentary.

SENATOR SAMPSON: I know you are making a documentary, but this is a hearing, although it's open to the public, but we want to continue with these hearings, all right, Mr. Galishaw?

MR. GALLISON: Gallison. I do think it's my right.

SENATOR SAMPSON: I know that, but I have allowed you to do that for many, many times.

MR. GALLISON: It's my right and you have to allow me to do that.

SENATOR SAMPSON: I can understand that.

MR. GALLISON: Exercising my rights.

SENATOR SAMPSON: I understand. I don't want it to become a nuisance to the
people.

MR. GALLISON: They don't feel it, it's not a camera that shoots beams or anything, it just takes a picture and I am not capturing their souls.

THE AUDIENCE: If you would allow the man to continue documenting this hearing, he's not distracting anything he's quite --

SENATOR SAMPSON: Let me make it clear, there is no problem documenting because we are having it documented, but if you are documenting this hearing, yes, but if you are singling out individuals, I have a problem with you.

Okay? So that's my problem. So if you want me to.

MR. GALLISON: I am filming lots of people, Senator.

SENATOR SAMPSON: If you want me to continue having hearings and keep this matter open to the public, I will, but I won't settle for --

MR. GALLISON: Sir, with all respect, if I film these two gentlemen you will stop
having hearings, if I don't film the
gentlemen you will continue having hearings?

SENATOR SAMPSON: Yes.

MR. GALLISON: Does anybody else find
that strange and perhaps illegal?

I am allowing this, he should allow me
my right.

MR. BERNSTEIN: I have a limited time
here.

MR. GALLISON: I have enough of them,
anyway.

SENATOR SAMPSON: Thank you. Go
ahead Mr. Bernstein.

MR. BERNSTEIN: Again, I was saying
you think a car bombing is the important
thing to me in protecting my children, but
it's not, what's really important is
bringing down this disgusting corruption in
the courts by lawyers, by judges and it's
out of control at this point.

So my first priority is to pave the way
for my children so that they don't have to
pick up the battle and fight these, and I
had a few words that just came to my head,
I'm glad I didn't say, but if we don't stop them it's going to be our kids stopping them.

THE AUDIENCE: It's going to get worse.

MR. BERNSTEIN: That's right, so let me continue on.

It should be noted here that information has surfaced from another Florida businessman, one of Florida's wealthiest individuals, a 70 year old, 70 plus year old Monty Friedkin that these very same criminals disguised as lawyers from Proskauer and Foley Lardner had, in fact, pulled a similar attempted heist of his intellectual properties immediately prior to preying upon me and my companies, exhibiting an alleged criminal enterprise cloaked as law firms and lawyers stealing inventions from inventors.

This was the basis for my filing a RICO action against the entities comprising the criminal enterprise, as it was learned that several law firms and lawyers involved in
the Friedkin attempted theft and my own were working together.

Later it was learned that these powerfully connected law firms and lawyers had penetrated deep within the United States Patent Office and other government agencies and that part of the criminal enterprise operates to block due process of any victims that may challenge them infiltrating courts or investigatory agencies to block complaints against them, similar to what the Whistle Blower Christine Anderson has previously testified about regarding obstruction of justice for favored lawyers within the department, destruction of documents, threats, coercion, et cetera.

In fact, Anderson, my hero, in her original complaints mentions the Iviewit companies in her original lawsuit filing as one of the reasons leading to physical abuse and other crimes against her.

In fact, my federal trillion dollar lawsuit was marked legally related by federal -- federal whistle blower case
Anderson who worked as the principal attorney at the Departmental Disciplinary Committee, as you should be aware the Anderson whistle blower case has been slated for a public trial currently slated for October 13th.

Multiple attorneys regulated by the courts of New York and specifically the New York First Department have been involved in the Iviewit matters for nearly 10 years.

Going back to 1998 when my technologies were first being tested, used and in the process of securing patents and related intellectual property rights to protect them, the technologies were tested and used at Real 3D labs located on Lockheed Martin property in Orlando, Florida, Real 3D at the time was owned by Lockheed, the Intel Corporation and Silicon Graphics, it should be noted here that Lockheed is the largest purveyor of digital imaging and video technologies on the planet earth.

Leading engineers in Real 3D who tested and used my technologies deemed them
priceless, while other experts in the industry called them the Holy Grail of the internet, including favorable comments from Hassan Mia, an industry recognized expert at the CAA Intel Multimedia Labs, which took the internet from a text based medium to one with rich multimedia where previously -- which previously was only banner adds and very small grainy images.

Video really didn't exist in any usable form for internet applications, due to the bandwidth limitations.

The inventions were backbone in nature by providing the mathematical formula that permitted scaling and compression of video and solving for pixel distortion, and also simultaneously reduced bandwidth usages by 75 percent.

Now, please just think for a moment that 10 years ago the technologies created a 75 percent increase in available bandwidth for transmission across the internet and television, which allowed the video to be streamed or downloaded at full stream full
frame rate capabilities commonly found today
on every website and due to the ability to
transmit using the technologies at much
lower bandwidths, the technologies opened the
door for markets entirely new such as
internet video, cell phone videos and video
conferences systems through the internet
prior thought impossible.

As for the effect the technology has
had on television, for example, the
bandwidth savings from scaling video from
the prior interlacing methods used since the
invention of television, essentially
permitted 75 percent more channels for
content distribution on television, and I'm
sure all of you can remember about 10 years
ago your channel bandwidth went up and your
cable channels increased dramatically.

That was due to the inventions.
Therefore you have more Yankee games, more
DVD channels.

SENATOR SAMPSON: So you are the man
responsible for all of that?

MR. BERNSTEIN: I am. I am the man
responsible, but not getting paid yet, but that -- we are working on that here.

Let me skip, I know you guys are in a time frame, the technology is used on everything, we already went through all of that. Enter Proskauer Rose, the law firm.

SENATOR SAMPSON: Used to work for them, disclaimer. I used to work for them.

MR. BERNSTEIN: Yes, I understand, and I appreciate your up front honesty and disclosure with that by the way, that's a sign that's missing in the legal profession today.

The conflicts of interest that are rampant in my case will blow you away here.

This is some stuff, we find the head of the New York State Bar at one point, former, Stephen Crane, handling complaints against himself at the first department DDC while he's an officer in the DDC.

With Tom Cahill covering it up and thank God for another hero in this world, well Catherine O'Hagan Wolfe, she exposed it.
She told me when she caught them lying
and playing these games to go file a
complaint with the First Department. I'll
get that out in a moment.

Let me get back to Proskauer, quickly
on the scene in Boca at the invention time
was Proskauer Rose to patent the
technologies.

Now, they didn't have a patent division
at the time, but they didn't tell me that.

They told me they were going back to
New York to check with their, you know, New
York offices if they could secure patents
for me.

What they did, for example, it was
represented to the Iviewit company initially
that attorney Kenneth Rubinstein was a
Proskauer partner.

To the contrary, reports showed
Rubinstein was at the law firm Meltzer Lippe
on Long Island at the time, one of the many
named Defendants in my trillion dollar RICO
antitrust suit.

SENATOR SAMPSON: What's the status
of that RICO case?

MR. BERNSTEIN: It's at the Second
Circuit.

SENATOR SAMPSON: So just -- Mr.
Nieves, this is light we don't want to be in
darkness.

So what I want to find out, just
getting what you said is the misconduct that
was initiated by your attorneys, and since
that period of time you have made complaints
to the disciplinary committee with respect
to these attorneys?

MR. BERNSTEIN: Oh, absolutely.

SENATOR SAMPSON: What has happened?

MR. BERNSTEIN: Depends on what
you're talking about, at the Federal Patent
Bar they are under investigation.

In the New York courts they got letters
of recommendation.

I don't know if that explains the
difference of what's going on here, but
under the same information that was
presented to Harian Moats, who is the
director of the Office of Enrollment and
Discipline, which oversees Patent Bar attorneys, when he looked at the damning information such as patents in wrong people's names and the lawyers hang out intellectual property dockets to Wachovia Bank and a host of other investors, that were patently false and didn't match up with the documents on file at the patent office, in fact on some patents that they had listed as my patents I can't even get access to the information right now on those patents because they weren't filed in my name, I'm not the owner, I'm not the inventor and I'm not the assignee.

So Mr. Moats has directed me to take up action with Diane Feinstein, which I have, and to get those patents released to me so we can change the inventors, but because of privacy laws I'm blocked right now, so we need an Act of Congress to change that, and hopefully you can help me get that, Diane Feinstein has been working on it and has contacted several of the federal authorities.
Federal authorities, the FBI, well the case investigator appears missing at this time with my files, according to the FBI, I'm only allowed to talk to the OPR of the NBI, Glenn Fein has referred me, are you familiar with Mr. Fein? The Inspector General of the Department of Justice.

SENATOR SAMPSON: Yes.

MR. BERNSTEIN: So other agencies are -- other than he's missing, which seems a little hokey to me, I don't think he actually is missing with car bombing filings, and it was my understanding that he was going to Washington to work with Mr. Moats, who confirmed that the FBI was joining him on an investigation of lawyers who are committing fraud upon the United States patent office.

That's a heavy crime, it's not just fraud against Eliot Bernstein and his family and shareholders, it's a crime against the United States by these lawyers.

And penetrating the Patent Office is the end of free commerce in America if they
are successful at it.

In fact, the attorney that we were talking about from Proskauer, Kenneth Rubinstein, has created a patent pool, an anti-competitive monopolistic patent pool which has stolen my technologies commonly referred to as MPEG.

Mr. Rubinstein, while acting as my counsel, first he was mis- -- let me get back to my statement, because it will help right here.

It turns out Kenneth Rubinstein was an attorney admitted and regulated by the New York First Department, he was simultaneously involved with MPEG's patent pool that he was acting as in-house counsel for and was one of the founders of, while advising Iviewit companies on their intellectual properties as retained patent counsel which posed a competitive threat to his pools.

My technologies, in fact, it might have extinguished the MPEGLA technologies, and so Rubenstein, Proskauer and Meltzer failed to put up any Chinese wall to protect me and
instead did the exact opposite and allowed MPEG to use my IP for their benefit while using anti-competitive monopolistic practices to eliminate the inventors, like myself.

No wonder the Justice Department has historically broken up patent pooling schemes using antitrust regulations, as this form of pooling works to deny ma and pa inventors of their rights and in the past there have even been allegations that pooling schemes actually are in the business of murdering inventors, to steal their inventions or other such heinous crimes.

Rubinstein, though, was initially misrepresented as a Proskauer partner, once we discovered through investors I believe from Goldman Sachs that he was with Meltzer instead, Proskauer quickly purchased or acquired Rubinstein and the entire Meltzer department except Rayjoa, the guy who put the 90 patents in his name and when they acquired Rubinstein, they acquired control of the MPEG patent pool.
So now my lawyers are controlling a patent pool that is stealing my technology and they are profiting from it.

SENATOR SAMPSON: Just to wrap it up,

Mr. Bernstein --

MR. BERNSTEIN: This year?

SENATOR SAMPSON: No, right now. The impending litigation, you have made complaints, rest assured you don't think the complaints have been thoroughly followed through.

MR. BERNSTEIN: No, I think Christine Anderson is right, threw them in the garbage, threatened her, then beat her up to shut up about it.

That's what I really think, but if you want to get into how this relates to the Bernard Madoff scandal, the Mark Dreier scandal and all of these massive financial scandals you should let me continue, because it also -- what these guys at the First Department are doing by -- I'm now suing the First Department, you know, 4,700 lawyers, a few judges a few Supreme Courts, a whole lot
of people involved in it, but what these clowns back here are doing to you is they are putting this state at a $1 trillion plus liability, and I don't think any of them are properly reporting the liabilities to state auditors and regulators and you are going to have a Madoff times 10,000 occur as liability to the State of New York, all because these guys are failing their duties.

I mean the bar should be a drinking establishment, that's fine. You wanted a suggestion, I'm going to make a suggestion.

I don't know what in God's name these lawyers and you are a lawyer so I think you will understand what I'm about to say, blow up the Bar Association in the literal sense.

Destroy it and then make every single violation of an attorney ethic or a judicial canon, or whatever you want to call these, violations of law, then send in some investigator who hates lawyers to investigate the lawyers.

And then prosecute them to the fullest
extent of the law, because I don't know who
these people think they are, but they are --
I pay their salaries and in situations like
this I would fire them.

They all should be fired and imprisoned
for the nonsense they have been pulling.

I will let you go, I'll submit the
rest.

SENATOR SAMPSON: Thank you very
much, Mr. Bernstein. All right. Ladies and
gentlemen, ladies and gentlemen, let's have
some sense of decorum in here, please,
please, please.

Please. Last person, Susan McCormick,
Ms. McCormick, you are the last person for
the day.

Thank you very much. Squeezed you in,
you have five minutes thank you very much
Ms. McCormick.

MS. MCCORMICK: Thank you Senator.

I have my assistant with me, Patrick
Handley, he's done a lot of research on this
case, I will try to make it very brief.

This is a tragedy that has involved my
late husband's estate who died 21 years ago.

It was a sizable estate. My husband's wishes in his will were simply not carried out for many reasons, but briefly I will try to give you my grievances and a couple of major points in a short time.

I trusted Bankers Trust Company and the law firm of White & Case since they wined and dined my husband and myself many times and filed into our home to discuss the will.

You can imagine how I trusted them. I am a widow, main beneficiary, Executrix and I might add a concert pianist, Steinway artist, trying to build a career.

I emphasize pianist because it was a large part of my life.

After performing in Atlanta, Georgia one year after my husband's death, I was invited by -- by Eberhardt Shabnaski to perform on a tour in Georgia, Russia representing the United States, and a film was made of this tour.

I accepted and that's when Bankers Trust Company and White & Case schemed
behind closed doors since I wasn't present.

A year later I was invited again to make a world tour performing for heads of countries in Europe and North Africa with former President Jimmy Carter and his wife, Roslyn, as a representative for the United States.

I then had to regretfully turn it down because I saw what schemes were going on in the estate.

In 1996 we went to a friend of my husband's, Ralph Martinelli, who publishes newspapers in Westchester County, he spoke to Surrogate Judge Albert Emanueli about the my McCormick estate who reviewed the file and told the publisher two major points were wrong, at that time the file was one inch thick, now it's hundreds of boxes.

The first point that I want to make was that White & Case the purported estate attorney after the permanent Letters Testamentary were issued filed a petition for repayment of a loan owed to Bankers Trust Company by my husband.
Judge Emanueli said once White & Case said that they represented Bankers Trust, not the estate, could not represent the estate.

White & Case never revealed this fact to me as a legal Executrix.

In May 1995 the illegal Executor, Bankers Trust Company, engineered the payment of $250,000 to their law firm, White & Case, as legal fees, to which I objected.

Now the second point the judge would not reveal to Mr. Martinelli who said if you would not reveal the second point he would oppose him when he ran for re-election in his papers.

Judge Emanueli offered Mr. Martinelli legal adds which Mr. Martinelli flatly refused. Emanueli lost the election.

Now the second point, if you remember in all our courts, it's in God we Trust.

Where do we see that? Yes, in the courtrooms. I believe God was with me and is with me, when we accidentally in early 2004, came across the original of the

For my husband's estate, they listed Bankers Trust Company of New York as the corporate fiduciary.

New York State banking records reveal that there was no Bankers Trust Company of New York in existence until more than 10 years later on September 7, 1999.

This is the second point that Judge Emanueli would not review.

The court records have been changed, but they cannot change the permanent Letters Testamentary.

Bankers Trust Company, Deutsche Bank has no legal standing but with the help of their attorneys they continue like a rogue drunken elephant to violate me.

When judge Anthony Scarpino of Westchester Surrogates Court became surrogate in 2001, we discovered he had worked for Bankers Trust Company in the past.

But even though we had requested that
he disqualify or recuse himself, he would
not until more than two years later.

Due to the fact that I had a front page
news article regarding this matter in one of
our major newspapers in New York.

After Judge Scarpino's recusal, my case
was transferred to Dutchess County, papers
were filed to deal with Bankers Trust
Company, Deutsche Bank and they have been
sitting for five years with no action by the
court.

The bank is currently represented by
the law firm of Pillsbury Winthrop.

I have openly picketed and I have
protested about what was going on to educate
people about our whole corrupt judicial
system and the dirty players.

The third point, on June 4, 1999,
Deutsche Bank purchased Bankers Trust
Company.

On July 26, 1999 it was sentenced,
convicted of three felonies in the Southern
District of New York.

As you know, a felon cannot serve as a
and their attorneys repeatedly desperately petitioned to obtain a certificate of relief from disabilities simultaneously with the conviction, however the Parole Board issued one more than four months later in December 1999.

So, you see they had no certificate of relief for over four months.

I sent a representative to Germany twice to attend the Deutsche Bank shareholding meeting and offered a shareholders proposal, he was closely monitored and in spite of my good faith no results were forthcoming.

Recent media reports revealed that Deutsche Bank spied on activist stockholders and others.

Remember through all these years to the present day I received no money from the residual estate part B, and did not get my full legacy which my husband stated I was to

| 1 | fiduciary. |
| 2 | SENATOR SAMPSON: That's right. |
| 3 | MS. MCCORMICK: We now know the bank |
| 4 | and their attorneys repeatedly desperately |
| 5 | petitioned to obtain a certificate of relief |
| 6 | from disabilities simultaneously with the |
| 7 | conviction, however the Parole Board issued |
| 8 | one more than four months later in December 1999. |
| 9 | So, you see they had no certificate of |
| 10 | relief for over four months. |
| 11 | I sent a representative to Germany |
| 12 | twice to attend the Deutsche Bank |
| 13 | shareholding meeting and offered a |
| 14 | shareholders proposal, he was closely |
| 15 | monitored and in spite of my good faith no |
| 16 | results were forthcoming. |
| 17 | Recent media reports revealed that |
| 18 | Deutsche Bank spied on activist stockholders |
| 19 | and others. |
| 20 | Remember through all these years to the |
| 21 | present day I received no money from the |
| 22 | residual estate part B, and did not get my |
| 23 | full legacy which my husband stated I was to |
receive immediately after his death.

SENATOR SAMPSON: So, Ms. McCormick, basically have you been able to obtain anything from the estate, or nothing at all?

MS. MCCORMICK: No, it was in two parts, one was an outright gift from my husband, my house, and our paintings. That was given to me.

After three years I finally asked them, I said I didn't get the deeds to my house.

And then there was a part B.

SENATOR SAMPSON: This is in Westchester County?

MS. MCCORMICK: Yes, Emanuelli and Scarpino.

Then the other parts of it, the residual estate consisted of stocks and bonds, buildings my husband owned, it was a sizable estate, I got nothing from that.

SENATOR SAMPSON: Is the estate still active, or what you are saying is all these assets in the estate have been pilfered?

MS. MCCORMICK: It's still active.

SENATOR SAMPSON: So those assets are
still within the estate?

MS. McCORMICK: They have been
depleted, yes.

SENATOR SAMPSON: When you say
depleted, depleted by whom?

MS. McCORMICK: I guess the bank, I can
go on here, I have had four sets of
attorneys who never discovered the Letters
Testamentary, possibly because they did not
want to embarrass any judge, the bank or
fellow attorneys.

SENATOR SAMPSON: No, I understand
that, but I don't -- I just want you to
explain to me, I can read your statement,
but I want you to --

MS. McCORMICK: If we get into that
then you can speak two weeks about this
thing, all the dirty things they did, how
they get rid of buildings.

SENATOR SAMPSON: What I want to know
is when you found all this out, where did
you go to complain or make complaints so the
investigations can be done?

MS. McCORMICK: I filed two complaints
with the first department disciplinary committee that went nowhere, and I will be filing a third one shortly and we will see.

SENATOR SAMPSON: When you say didn't go anywhere, you got back a notice saying?

MS. MCCORMICK: Never heard.

SENATOR SAMPSON: Never heard or did you get anything back in writing saying that they investigated and they discovered nothing?

MS. MCCORMICK: You answer that.

MR. HANDLEY: Senator, the first complaint was filed in 1998 or 1999 and basically they said we got a post card then we got a letter approximately six months later indicating that there was nothing they were investigating.

The second complaint, well documented, was filed in 2005 and we received nothing and it fell into a black hole.

SENATOR SAMPSON: Was there any accounting of the assets and how they were depleted and who were they depleted by?

MS. MCCORMICK: There was an accounting
finally in 1996, seven years later when I started picketing, protesting.

    SENATOR SAMPSON: When you started out what was the --

    MS. MCCORMICK: I didn't sign the accounting, it was bogus.

    SENATOR SAMPSON: Initially what did you think the estate was worth and when you got that bogus accounting where was it at that time?

    MS. MCCORMICK: Initially one of the attorneys told the children that it was $43 million.

    SENATOR SAMPSON: Right.

    MS. MCCORMICK: Then it went down gradually and they wrote it in at the IRS for $17 million.

    SENATOR SAMPSON: Oh.

    MS. MCCORMICK: And currently it's about $1 million or half a million, I don't know.

    SENATOR SAMPSON: Currently?

    MS. MCCORMICK: They have some money there, but they don't ever -- they haven't
done anything for five years.

SENATOR SAMPSON: When you say haven't done who do you mean?

MS. McCORMICK: Since it was transferred to Dutchess County, my lawyer had put in a motion, I guess, and it was never answered.

SENATOR SAMPSON: So the complaints you have filed with the First Department the disciplinary in the first department, I know the first one you indicated there was no action, were there subsequent complaints filed?

MR. HANDLEY: Yes, Senator, there was a second complaint filed, as I said in 2005.

SENATOR SAMPSON: What happened to that complaint?

MR. HANDLEY: We never got any indication.

SENATOR SAMPSON: When you say no indication, did you get any correspondence back from them?

MR. HANDLEY: Negative, sir.

SENATOR SAMPSON: You got no
correspondence?

MR. HANDLEY: Negative.

SENATOR SAMPSON: None whatsoever?

MR. HANDLEY: When we tried to find out by telephone they declined any acknowledgment at all.

SENATOR SAMPSON: Do you know who you spoke to or in communication with?

MR. HANDLEY: We have to go back and look at the records.

SENATOR SAMPSON: I need you to go back, I need you to get me that information so I can go directly to the First Department.

THE AUDIENCE: It's the 9th Judicial District.

MR. HANDLEY: First Department we filed with the First Department.

SENATOR SAMPSON: They filed with the First Department.

MR. HANDLEY: Because the First Department was where the attorneys were and then in addition to that that's part of what--
SENATOR SAMPSON: What I need to do is, if you can get me that information.

MR. HANDLEY: Mrs. McCormick additionally filed a federal lawsuit that became related to Christine Anderson's Whistle Blower's suit in the Southern District of New York, and it's not that we are -- we believe that the documents, the complaint was basically shredded and we don't want to be in a position of presenting a copy of it, they should be in a position to present a copy of their records.

What I'm saying, just to make it simple, in other words we have a copy of what we filed, but they should be the ones, the disciplinary committee, the First Department should be the ones to produce that, those records.

The onus shouldn't be on us.

SENATOR SAMPSON: I'm not saying it should, but in this instance I need that information, so because it's very important as Senator Perkins was saying earlier, you are making allegations, give me what you...
have so then this is what I do the hearings for, so I can follow-up with those agencies or those departments to find out.

MR. HANDLEY: Mrs. McCormick is currently suing them in federal court, that's part of the related case to Christine

SENATOR SAMPSON: Whatever information you can provide me, Ms. McCormick, I would like it so I can follow-up.

MS. MCCORMICK: Do you want me just to finish my lines here?

SENATOR SAMPSON: There is no need for you to finish your lines, but I want you to get into the gist of it and what would you like this committee to do or what would you like to come out of this?

MS. MCCORMICK: Well, I think that I should be made whole, I have gone through hell, they have ruined my music world, my art world, they have ruined my whole life, they can't give me 20 years of my life back, can they? And they can't give me my career
back. So I have gone through hell and I have
picketed and protested because I want people
to know -- I hope another widow doesn't go
through the hell that I'm going through and
what I've gone through and how they try to
sanction you and do everything they can
against you, take your houses, they
threatened me, they would take all my
possessions, whatever house, my house, I
have a co-op in Florida that my husband left
me, that was flooded, they did things to me,
when you say they have spies, I don't know
what they are doing to me, but it's a
question.

SENATOR SAMPSON: So, Ms. McCormick,
if you can get me that information as
quickly as possible.

MS. MCCORMICK: I will be either
writing a book or I'll perhaps it could be a
movie, I'm going to do something about
making this public.

SENATOR SAMPSON: No, no, and I think
that's what the hearings have been to try to
make these issues public, but I need the
information that you have, it will be great
so I can follow-up in my own regard, because
you are not the only one, I heard a lot,
quite a few things about accounting and
other things in the Surrogates Court, so I
would love to follow-up with that, okay Ms.
McCormick?

MS. MCCORMICK: Thank you very much.

SENATOR SAMPSON: I just want to I
see hands raised, I know why are we raising
hands?

THE AUDIENCE: Because we had a list
for everybody and I am at the end of the
list.

Last time you said you would talk to me
afterward, then when I spoke to Tim he told
me I was on the list and then for some
reason I wasn't on the list.

MS. LASHLEY: That's not true. I
have spoken to Tim at length and the list of
the name of individuals we had X amount of
slots that were available, we gave priority
to the individuals that were -- I don't know
where you were on the list.

SENATOR SAMPSON: Hold on, hold on.

I have -- it's 3:20, I've got to end

this hearing okay.

THE AUDIENCE: Is there another

hearing, Senator?

SENATOR SAMPSON: This is not the

last hearing, there will be other hearings.

This is just a hearing for today, there

will be an additional hearing.

THE AUDIENCE: Can we have further

notice when the hearings --

SENATOR SAMPSON: You will have

further notice. Mr. Spotts will notify

everybody.

We are looking to have a hearing

hopefully somebody next month to finish up

everything, this is not the last hearing,

the next one will be the last one here in

New York since we got a tremendous crowd.

THE AUDIENCE: Senator, this morning

you mentioned formation of a task force.

SENATOR SAMPSON: By the time you

come back the next time we will have that
task force.

THE AUDIENCE: How do we get the information?

SENATOR SAMPSON: It's on the websites, we send out public notices, so those who want to testify at the next hearing just, Sakeeya, if you can get a list of those individuals, she'll put the list down and we will make sure the next hearing will hopefully be here at the end of next month.

THE AUDIENCE: Senator Sampson, did you say you saying the task force will be up and running by the time --

SENATOR SAMPSON: By the time we get here next month we will have the parameters of the task force.

Sakeeya will take the information for the next hearing, we are going -- listen to me, we are going to get the information if you have any testimony written testimony, whatever it is, if you just set is it right here, Lisa will make sure she gets it.

THE AUDIENCE: Could I just put it on
record of tomorrow's news of a decision
that's already been made weeks ago?

SENATOR SAMPSON: We understand.

THE AUDIENCE: That hasn't even been
heard yet.

SENATOR SAMPSON: Everybody, this is
a very tough crowd just leave the
documentation, I will follow in the next
hearing; thank you.

(Time noted 3:22)
NEW YORK STATE SENATE
STANDING COMMITTEE ON JUDICIARY

PUBLIC HEARING IN THE MATTER OF

AN EXAMINATION OF THE JUDICIAL DISCIPLINARY PROCESS

Senate Hearing Room
250 Broadway
19th Floor
New York, N.Y.

September 24, 2009
Thursday
10 a.m.

BEFORE: Senator John Sampson
Chair
Judiciary Committee

Senator Bill Perkins
Chair
Corporations, Authorities & Commissions

Senator George D. Maziarz

Senator Eric Adams

Senator Ruben Diaz

OTHER STAFF MEMBERS:

Shelly Mayer
Majority Counsel

Lisa Lashley
Counsel
<table>
<thead>
<tr>
<th></th>
<th>INDEX OF SPEAKERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>RICHARD KUSE</td>
</tr>
<tr>
<td>3</td>
<td>CATHERINE WILSON</td>
</tr>
<tr>
<td>4</td>
<td>VICTOR KOVNER</td>
</tr>
<tr>
<td>5</td>
<td>DOUGLAS HIGBEE</td>
</tr>
<tr>
<td>6</td>
<td>JUDITH HERSKOWITZ</td>
</tr>
<tr>
<td>7</td>
<td>ANDREA WILKINSON</td>
</tr>
<tr>
<td>8</td>
<td>MARIA GKANIOS</td>
</tr>
<tr>
<td>9</td>
<td>REGINA FELTON</td>
</tr>
<tr>
<td>10</td>
<td>KATHRYN MALARKEY</td>
</tr>
<tr>
<td>11</td>
<td>NORA RENZULI</td>
</tr>
<tr>
<td>12</td>
<td>STEPHANIE KLEIN</td>
</tr>
<tr>
<td>13</td>
<td>IKE ARUTI</td>
</tr>
<tr>
<td>14</td>
<td>TERRENCE FINNAN</td>
</tr>
<tr>
<td>15</td>
<td>GICELLA WEISSHAUS</td>
</tr>
<tr>
<td>16</td>
<td>ELIOT BERNSTEIN</td>
</tr>
<tr>
<td>17</td>
<td>SUSAN MCCORMICK</td>
</tr>
<tr>
<td>18</td>
<td>PATRICK HANDLEY</td>
</tr>
</tbody>
</table>
PROCEEDINGS

SENATOR SAMPSON: I want to say good morning to everyone, and I apologize for being late. There is traffic in New York City, blame it on the President and all the other heads of State coming in.

THE AUDIENCE: You can be late any time.

SENATOR SAMPSON: No, I can't be. My colleague would always say the Senate Democrats we are instilling discipline and in order to be an effective legislature we need to be disciplined, and that not only requires us to be on time, but most of all to pass legislation that is reflective of the issues and the core values of the People of the State of New York.

I want to thank you all for coming here this morning. I see my counsel, Shelly Mayer back there, Shelly, Shelly Mayer, that's majority counsel, I see Lisa Lashley she was somewhere out there, Lisa is my counsel and all my other staff people are here.

But first of all I want to thank you,
and this meeting is the second in a series of oversight hearings for New York's system of investigating and adjudicating complaints against lawyers and judges.

The Judiciary Committee's first hearing on this subject was held in June and we heard from a number of witnesses, but unfortunately we were not able to get to all of those witnesses who wished to be heard.

That was the day we had the coup, but rest assured we are all coupd out, so don't worry about a coup today. We are not in session so you don't have to worry about a coup.

At the previous hearing we heard from the commission on judicial conduct, the Fourth Appellate Division lawyer grievance committees and various judges, attorneys and citizens touched by this important issue.

Representatives from the commission and the grievance committee are here with us today in case questions arise, they will not be testifying directly since they already participated in the June 8th hearing.
We are here today to continue this inquiry in New York City, recognizing that this issue is one of statewide importance to the practice of law and the integrity of our judicial system, particularly here in this global capitol of law, commerce and finance.

It is vital to New York City's economy and continual leadership in these fields that the organized Bars, clients ranging in size from leading corporations to small businesses and individual families and the public have the utmost confidence that we hold lawyers, we hold judges to the highest standard of competency and integrity.

Because at the end of the day -- thank you very much.

Because this commission on judicial conduct and attorney grievances are our quality control system it is fitting that we continue these oversight hearings to ensure that the system works as it should.

And to give the public, to give the public a meaningful voice in guaranteeing the fairness, equality and diligence of the
disciplinary process.

At this point in time I would like my colleague, Senator Adams, to say a few words before we kick this hearing off.

Senator Adams.

SENATOR ADAMS: Thank you, Chair Sampson.

I think this is important because countless number of men and women who come before our criminal justice process, as a retired Captain in the New York City Police Department, I am clear on how intimidating the system can be to the every day public, and these hearings will allow us to come up with an effective legislation to make sure that when an individual enters the courtroom he receives the necessary justice and jurisprudence to make sure their cases are heard.

I think now it's time to hear from the public on what we need to do, and I would like to turn it back over to the Chairman Sampson to start the hearings.

SENATOR SAMPSON: Thank you very much
and good morning, and I think the first
person Richard Kuse of New City, New City,
are you here?
The process is you have ten minutes.
MR. KUSE: Ten minutes like the last
time, or a California ten minutes?
SENATOR SAMPSON: No, it's going to
be a New York City 10 minutes, not an Albany
ten minutes, New York City ten minutes.
So the clock is running.
MR. KUSE: Thank you very much,
Senator Sampson, I appreciate your integrity
and Mr. Adams' integrity.
I would like to start off by quoting
Mrs. Carvel who at the June 8th hearings who
said that the Surrogates Court System of the
State of New York was a criminal enterprise,
or she said it was a criminal empire, either
one would be correct.
I believe that she had obviously lost
$100 million dollars or $150 million when
somebody looted her estate.
I believe additionally hundreds of
millions of dollars, if not more, are being
drained from the economy of the State of New
York and from the People of the State of New
York and I detect an emphasis on taking the
homes and property of black families in the
State of New York on top of it.

I would like to also invoke Catherine
Wilson, the investigative reporter, super
accountant par excellence from the
Westchester Guardian, and I would like to
invoke the New York State Whistle Blower's
Law on what we can reveal would save the
State of New York probably hundreds of
millions of dollars in stolen assets, or
routed assets from the honest and legitimate
families of the State of New York.

Presently at this time, at this moment,
part of a group of forgers are living in a
home paid for from money looted from my
agent uncle's bank accounts before his
death.

In addition, my aunt Genevive Corrigan,
who is still alive at 99 years old, bless
her little heart, had her trust fund looted
which was contained within my uncle's Will,
a Will that was proven to be a forgery.

And an uncontested forgery at that.

And she would like her trust fund returned before she dies, she's 99 years old at this moment.

SENATOR SAMPSON: Who looted the trust fund?

MR. KUSE: I don't want to say at this point. It's apparent in my paperwork that I have given to you.

SENATOR SAMPSON: Okay.

MR. KUSE: My uncle died in December of 1999. When we finally got a copy of my uncle's Will it was noted that my -- it was not the Will that my mother remembered.

My mother is the sister of Charles Maxwell. When we looked at the Will, we saw that my uncle had made a glaring error to the Will, he made his dead mother an Executor to his will.

She died 30 years before, he paid for the funeral, he was at the funeral, okay? He did not make a mistake in the Will.

Our family knew my uncle was a very
exacting man who would have never made such
a glaring error, we could not understand why
the Surrogates Court Judge insisted over our
protest that he knew our uncle better than
we did, and insisted that the glaring error
was a common error of my uncle.

Really? I don't think so. We could
not understand why the judge and the lawyers
were in such a rush to fast track my uncle's
Will through his court.

We could also not understand why the
d judge kept allowing the opposing law firm to
resist and break years of the judge's own
court orders to provide an estate
accounting. To this day we don't have an
estate accounting.

Mrs. Catherine Wilson, a forensic
accountant of superior grade, who worked for
the Rockefeller family, said you couldn't
make heads or tails of what they gave us.

During this time, during the time of a
deposition the opposing lawyers gleefully
pronounced that they had created my uncle's
Will, with the glaring error in the Will and
the rush to push it through the court, the
refusal to comply with court orders by the
attorneys to account for the estate assets,
a national forgery expert was hired by
myself.

To our shock the will turned out to be
a stone cold forgery.

Now it becomes apparent the reason
behind the glaring name mix up in the Will;
Will listing a long dead relative as an
executive.

I don't know, do you think a dead
relative in your family could manage your
estate?

I don't think anybody could believe
that.

But they managed to believe that in
Nassau County.

The forgery also revealed the motive or
the breaking of court orders to account for
the estate assets including my uncle's
expensive two story home in Woodside Queens.
Sold via a forged will.

An uncontested forged will. Because my
uncle's home was located in Queens, we took
the forgery report to the Queens D.A. in
charge of professional conduct.

That D.A. did a Grand Jury
investigation, the investigation included
the law firm that created the Will and
others court officers.

The D.A. told us she believed the
origin of the forgery and the crime started
in Nassau County.

The Queens -- that D.A. told us whoever
did an investigation of the Charles Maxwell
forgery estate death would open up a
Pandora's box of forged Wills, forged deeds,
forged accountings and mostly forged
accountings in New York State.

My lawyer and I thought the D.A. From
Queens was telling us about the Nassau
County. She was not. I have to reiterate
what Mrs. Carvel said.

The Surrogates Courts in the City of
New York are a criminal enterprise.

She was right. The Queens
investigation file was passed to Nassau,
where it disappeared. Three years after my uncle's death and in clear violation of New York estate law we could not get an accounting of the missing assets which were looted from my uncle's bank accounts before he died.

An August morning in 2003 the opposing lawyers are required to finally produce the estate accounting at 10:00 in the morning.

For two hours the opposing lawyers failed to show with the accounting.

In those two hours waiting for the lawyers and the accounting, the Nassau court called me four times telling me to take $40,000 and a gag order to sweep this growing mess out of this court.

I believe that $40,000 was an admission of guilt, and they wanted me to take a gag order.

We came to this court not to be bribed into silence but to find those who forged the Will and where all my uncle's bank accounts went and vanished.

And a particular item which Mrs.
Catherine Wilson and I will be indicating to you might produce hundreds of millions of dollars in missing funds from the State of New York, and that is vanishing returnable security deposits due back to estates but through mishandled accountings, and I am being generous here with that word, those returnable security deposits appear to be vanishing, amongst other things.

At 12:00 noon court was cancelled because the opposing lawyers don't show and now we are out in the hall.

And the outside of the hall is a court of no record, suddenly and miraculously the opposing attorneys show up with an accounting that Mrs. Catherine Wilson says you couldn't make heads or tails of.

We are forced to accept it, the court tells us that we have to take the accounting because the court officer just got a call that the judge insisted we take the accounting.

Well, I just walked out with him, how in the world was that possible, the guy was
30 feet, 30 seconds move out of the court into the hallway, he made no phone calls and received no phone calls. How did he know? It was a set up. The accounting was non-accounting. And at this point I would like to read a little statement about the law. When one conveys a false impression by disclosure of some facts and concealment of others, such as the concealment in effect is false representation that what is disclosed is the whole truth.

We had an accounting that didn't account for anything, okay, false representation.

I would also like to read that this is from Black's Law, an intentional perversion of the truth for the purpose of inducing another into reliance upon it with some valuable thing belonging to him or to surrender some legal right, that's fraud.

We were presented a fraudulent, uncontested fraudulent Will and a fake accounting deliberately concealing material evidence.
Out in the hall in Nassau County --

SENATOR SAMPSON: Try to wrap it in two minutes.

MR. KUSE: We had to do an appeal, we submitted an appeal of the judge's decision against us, after telling us that promised us we would have a trial and an accounting.

And we were not allowed that promise, I had to do an appeal.

We submitted the appeal in 2004 and we were told my phone calls, my paperwork from my attorney, all through 2004, that the Appellate Court had not made a decision.

We called all through 2005 and we were told by the Appellate Court that no decision had been reached.

We called into 2005, mind you this is over and over and I have letters to prove it, that there was no decision reached on my uncle's case.

In the spring of 2006 I called the Appellate Court again and I am told that a decision was reached in 2004.

Basically, gentlemen, somebody is
lying, and I have the paperwork to prove
that we are not.

After that point I had to go to OCA.

I don't even want to tell you what
happened there, but I was followed by an
Asian person on several occasions, because
of a critical piece of information that Mrs.
Catherine Wilson and I believe will reveal
hundreds of millions of dollars being looted
from the accounts of the State of New York
and the decent families of the State of New
York, and that is returnable security
deposits.

I was followed on several occasions and
only the office of court --

SENATOR SAMPSON: What do you mean by
returnable security deposits?

MR. KUSE: When you send a person
into a nursing home -- thank you for that
question -- when you send a person, an
elderly person into a nursing home in the
State of New York you have to come up with
about $30,000 returnable security deposit.

If that person dies or if they move to
another state, the average death rate in a nursing home is about 100 people a year, now if that $30,000 does not come back, that's about $3 million if there is fake accountings that are brought into court.

So now you have 30 times 100, that's about $3 million, now in Rockland County we have a number of nursing homes, let's just say it's 10, now you are looking at $30 million, now multiply that by the number of nursing homes in the State of New York, and if fraudulent accountings are being brought in the courts of the State of New York, they are being turned into laundries for criminals.

Understand? I think you do. This is a serious crime.

SENATOR SAMPSON: The returnable security deposit is what?

MR. KUSE: Should be coming back to the estate.

SENATOR SAMPSON: It is given to the nursing home?

MR. KUSE: Well, that is supposed to
be provided in an accounting when the case
goes to a Surrogates Court.

SENATOR SAMPSON: Who pays the
$30,000, the individual?

MR. KUSE: The person that put the
elderly person in, a lot of times it private
pays, and these are sometimes the victims
here, but somebody is looking for people
that don't have any relatives around that
may own -- well, look at Mr. Garfield
Gillens, a black artist from Brooklyn, he's
still trying to get his place back and all
his paintings were robbed, I could list you
a number of black families, Mrs. Acosta,
Mrs. Murdock I think her name was, the three
women from Queens whose family -- who were
living in their homes, black widows and
their homes were sold out from underneath
them by the Clerk of the Court, who was a
CPA.

This is Jonathan Demick's brother, it
was in the Post.

I'm not making it up. I think I have
extended my time, but I think you got my
point.

SENATOR SAMPSON: Definitely, Mr. Kuse, you have extended your time, but do any of my colleagues have any questions?

We have been joined by my good colleague Reverend Diaz from the Bronx.

MR. KUSE: Pleasure to meet you.

SENATOR DIAZ: Thank you. Let me ask you a question, those $30 million you said, why do you think that the Attorney General doesn't look into that yet?

MR. KUSE: We have brought it to his attention. Why the only person who appears to be doing anything is Mr. Sampson here and Mr. Price, I guess from Harlem, or Perkins from Harlem and Mr. Paterson.

SENATOR DIAZ: You are saying the Attorney General knows all this?

MR. KUSE: He told me to stop writing him letters. That ain't going to happen on my watch.

SENATOR SAMPSON: Mr. Kuse, if you can provide me with some more information, I'm very interested in this returnable
security deposit.

SENATOR DIAZ: Me, too.

MR. KUSE: We would like to invoke the Whistle Blower's Law because we know there is a good chance that hundreds of millions of dollars, if not billions of dollars --

SENATOR SAMPSON: Who is that you are pointing to?

MR. KUSE: That's Ms. Catherine Wilson.

SENATOR SAMPSON: Why don't you have that seat. I just want to ask you some questions about this returnable security deposit.

MR. KUSE: This woman is brilliant.

SENATOR SAMPSON: We are very interested in that.

MS. WILSON: Senators, thank you for your time. My background is several things, I used to be an auditor, I did not work for the Rockefeller's, I actually was a global auditor for Reader's Digest conducting operational audits and reported directly to
their Board of Directors, which included Lynn Chaney and David Rockefeller.

I was also, as I refer to it now, married to the mob for 20 something years, my ex-husband is a law secretary with the New York State Supreme Court, and when he divorced me I then became a victim of the power plays within the system and essentially got, well, shagged, for want of a much better word.

But in terms of the returnable security deposits there is actually much more at stake here, and if I may, I would like to take a moment to explain it.

I actually had an entire presentation and was hoping I could be allotted ten minutes, but I will give you the Reader's Digest condensed version here.

SENATOR SAMPS: You have five minutes.

MS. WILSON: Both in divorce situations and particularly in Surrogates Court we have essentially a license to steal, and it happens for two reasons.
One, because Surrogates Court is the most political of all the political appointments in the system, I know this from being behind the scenes for 20 years.

And as you know from Lopez Torres versus the State of New York, where the United States District Court referred to the New York State judicial appointment system as the most corrupt in the nation, the most corrupt of the corrupt are the Surrogates Courts because they get to make the appointments to the attorneys, the accountants and the guardians who will be overseeing the trusts and the estates.

Now this is critical for two reasons, the trusts are for vulnerable people, we are talking about the disabled, the mentally ill, people who have no one else to advocate for them, and for the estates to make perfect victims; they are dead.

What happens in Surrogates Court, so many times the money disappears long before the estate action takes place.

So in the new law that the Senate
passed, and I thank you for this, the Power of Attorney Law takes some steps to address the issue, but the real issue is on the people who have control over the money while the individual is still alive.

And that includes the agents with the Power of Attorney and the Trustees.

There is supposed to be an accounting that goes on to the courts for the Trustees, but no one enforces that law.

The Surrogates Court in Westchester County in particular is a joke. They do not have full accountings.

Also the accountings that were proposed by the Administrative Judge, Jonathan Lipman, are not what any decent accountant would ever refer to as an accounting, they are essentially laundry lists of numbers.

You start with the numbers of where you begin with the finances at hand and you account for what you have spent in and out and then you give the ending total.

There is no documentation, no backs and fronts of checks, nothing that would support
why this money was spent.

Plus there is nothing to say that the numbers you are starting with in the individual's estate or trusts are the numbers that should have been there.

It is improper accounting to start at the point in time the money is handed over and comes to court and say this is what we are starting with.

I'm involved in a trust at the moment in an estate where the numbers we are looking at are less than $100,000, but the numbers that were there three years prior when the thief got his hands on the Power of Attorney was $1.7 million.

Now, how the state is suffering in all of this is in the question of the returnable security deposits, these are monies that should be going back to the individuals.

If the security deposit was not fully spent in expenses in the nursing home, then the balance is due back to the family and to the estate, I'm sure you would agree.

So those are personal victims, but how
the state is being affected is in the issues of the transfers of assets.

For example, say, Senator Adams, I appoint you Power of Attorney for my funds because I am now suffering from dementia, which as you can understand is a growing concern in the state, as the population ages.

I have $1 million that I have accumulated through hard work over the years.

Senator Adams, you get your hands on my Power of Attorney, you now go to my accounts and you see I have $1 million.

You suddenly realize that I have only one or two family members equally elderly, who will never -- don't know what's happening, my family have no idea I have accumulated this money so you, with Power of Attorney, start writing checks to yourself.

By the time I die and go and my estate is now probated and my elderly siblings stand to inherit, there is only $10,000 left in the estate.
How we can catch these individuals is they all make one mistake, accountants like to say that all criminals have one thing in common, they cheat in their taxes.

If you look in the estate tax returns and the individual annual returns filed by the Powers of Attorney for the individual whose finances they are in care of, whatever withdrawals they made from those funds in excess of $10,000 a year should be declared as taxable gifts.

They are not. And that's how I can nail them every time. Those are taxes that are due to New York State and the Internal Revenue Service.

So we are talking about State tax fraud and federal fraud.

SENATOR SAMPSON: Run that by me again.

MS. WILSON: I figured you would be interested in this.

This is a nice way to get tax revenues where nobody will mind because we are catching the criminals.
You have Power of Attorney over my estate, $1 million, I've got dementia, it takes me a few years to die, but that's okay.

You start writing yourself $25,000 checks out of my bank account during those three years, so by the time I die there is nothing left in my estate for Senator Adams and Senator Diaz to inherit.

But when you file the estate, my relatives show up, Rick, there is only $10,000, he tries to do a discovery, he goes there is no full accounting, so there is even no way at present within the court system to find out how much has been stolen, because if you go to the court and try to do a discovery the court will only allow you to discover the documents that are on hand at the time of the estate.

So that if you were smart enough with the Power of Attorney to transfer it to new accounts, I will never know.

And if you ask in the discovery process for any and all documents that may have been
out there, it is referred to in the court system as a fishing expedition and it is denied.

Accountants refer to that as due diligence and would never be denied.

What we need to do is change some of the legislation. We need to put in place in the discovery process that we can pull credit reports of the individual, either the person for whom the trust is being established and the Trustee, the person, the deceased, et cetera, at the time either the trust was established or the Power of Attorney was issued.

So therefore we can tell at that point in time any and all bank accounts owned by that individual, all assets owned by that individual at that time.

That then becomes the basis for the discovery.

If we then find that during the period of time between the exercise of the Power of Attorney and the death of the deceased that millions of dollars, or even $10,000, has
disappeared from the -- well, actually it would have to be greater than $10,000, I stand corrected, but say even as minimum as $20,000 has been depleted and the returns, tax returns in the discovery process do not show that the person who was the Trustee or the Power of Attorney agent declared those withdrawals as taxable gift income, and they cannot prove the withdrawals were for the use of the Trustee or the individual, now we have tax fraud.

I have a case where $1.7 million was withdrawn over the course of two years for an individual who was covered under a veterans V.A. Hospital insurance, plus his own private medical insurance and he was withdrawing an average of $33,000 a month for a father who was being housed in a VA facility.

Somehow I don't think that $33,000 a month was going to the dad's care, so that's $300,000 average annually per year that was being depleted from these funds that far exceeds the $12,000 allowed annually by the
IRS for gift tax for untaxable gifts.

Therefore that should have been declared as a taxable gift on the tax filings; that's how we can catch these criminals. Thank you. I do have other issues and I would appreciate some time later, if possible.

SENATOR DIAZ: I am interested to get your phone number, my lawyer will be contacting you.

I think -- let me ask you another question. Roughly how much money do you think that the State will save if we solve this problem?

MS. WILSON: Right now if you did the backlog I would off the top of my head, and the top of my head with my financial experience is usually pretty good, I would imagine it runs in the hundreds of millions of dollars.

SENATOR DIAZ: In a year?

MS. WILSON: Easily, because the estate I looked at was $1.7 million that was depleted and only $10,000 a year is allowed,
so if we are looking at almost $1.7 million
in state taxable rates, 5 percent, that's a
lot of money; just one estate.

SENATOR DIAZ: The gentleman just
said before that he had written to the
Attorney General and the Attorney General
asked him not to bother him no more.

That's what you said, right?

MR. KUSE: That's true, yes.

SENATOR DIAZ: No, no, no, was that
what you said?

MR. KUSE: Yes, I got a letter from
one of his people who told me to stop
writing him.

SENATOR DIAZ: Stop writing him.

MR. KUSE: This is an explosive
issue.

SENATOR DIAZ: This is a public
hearing, and you are practically accusing
the Attorney General of the State of New
York of --

MR. KUSE: I was told to stop writing
them letters about this topic.

SENATOR DIAZ: So you are saying the
Attorney General knows about this?

MR. KUSE: I don't know him specifically, but his underlings told me to stop writing the letters.

SENATOR DIAZ: Can I get a copy of that letter?

MR. KUSE: At this time I don't know if I can produce it, we are talking about a history of 10 years.

SENATOR DIAZ: You are in a public hearing now.

MR. KUSE: I understand that.

SENATOR DIAZ: You are testifying that someone at the Attorney General's Office wrote to you.

MR. KUSE: Look at it. I would love if he stepped in immediately.

SENATOR SAMPSON: I think reverend -- I'm sorry, reverend.

SENATOR DIAZ: My concern, this is a public hearing, you just said -- you testified that someone in the Attorney General's Office wrote to you.

MR. KUSE: No, they told me.
SENATOR DIAZ: Now they told you?

MR. KUSE: Yes, it's either in writing or they told me to stop sending them letters.

SENATOR DIAZ: So there is no proof of that?

MR. KUSE: There may or may not be. At this point you are asking me to dig up a piece of history that I don't know if I can put my fingers on.

To the best of my recollection at this time, to the best of my memory at this time.

SENATOR DIAZ: All right.

MS. WILSON: On this issue of I've only recently contacted the State Attorney's General Office.

SENATOR DIAZ: We just want to be fair to everyone, because this is a public hearing, and when you make a statement, the kind of statement you made, people are listening and people get --

MR. KUSE: I'm not going to back down.

SENATOR DIAZ: I got -- I am pleased,
and I said what, now I'm clear there is no proof of that.

MR. KUSE: I would also like to indicate that a lot of this is abuse against elders.

SENATOR DIAZ: I assure you that my lawyer will contact the lady here and that the Attorney General will know.

MR. KUSE: Thank you very much.

MS. WILSON: That's wonderful.

SENATOR SAMPSON: Let's make sure we get your information.

MR. KUSE: I would like to make one more.

SENATOR SAMPSON: Hold on, Senator Adams, we are being joined by Senator Bill Perkins from Harlem.

Senator Perkins.

SENATOR ADAMS: Your name again, please?

MS. WILSON: Catherine Wilson.

SENATOR ADAMS: Can you give me your background?

MS. WILSON: Certainly, I could give
you what I was going to present.

SENATOR ADAMS: A brief background on your accounting background.

MS. WILSON: I used to be an international auditor for Fortune 100 companies, then went into private consulting and worked for various small companies and even a couple of local government agencies.

And I now work for small companies I also do some writing for a local newspaper, and I actually left you ten copies of my articles that are pertinent to these issues at hand.

I also for 20 years was married to a member of the New York State Supreme Court, so was privy to all the back room hearings and goings on and at the time was appalled by it, but only knew a little of it, and then when that individual decided he no longer wanted to be married to somebody as wonderful as me, I became a victim to the power and the corruption in the court.

And ever since then I have been reporting, this is only one of the issues I
have come across, I have reported these
issues to Jonathan Lipman, I have reported
them to Judge Hay, I have reported them
auditor to auditor, to the New York State
auditors, Dennis Donahue, I believe, for the
OCA auditors, who unfortunately seem to
think that they take the direction from OCA.
They do not seem to understand that
you are independent.

I have reported it to Cheryl Spats, and
I have reported it to New York State
Attorney General, I reported it to Frank
Nicoli, I know all the players, I know them
on a first name, they have done nothing.

SENATOR ADAMS: And your educational
background?

MS. WILSON: My educational
background, I am a certified accountant, I
have a Bachelor's of Science in accounting
and I have a double masters in marketing and
finance.

SENATOR ADAMS: I am going to make a
recommendation to the chair to put in place,
because this is extensive, and some of the
information that you are sharing with us in one hearing we are not going to be able to bring it out, and I'm pretty sure there is going to be some duplications in the testimony.

MS. WILSON: I agree.

SENATOR ADAMS: What we will need because I think that the best way to resolve inefficiencies and corruption in government is through -- is to allow the people who are personally touched by the matter to empower us with information, so I'm going to ask the chair if he will put in place a task force that will be comprised of individuals like yourself and those who are victims to assist us in navigating how this problem is being hidden from public view.

But what's important, what's important, and the reason I asked for your background, both professional and education, is not that that is important to me, but when we attempt to go up against exposing corruption in the judicial system, there are those who are going to question who's bringing the
complaints and information, that's why it's imperative what Senator Diaz was saying to you, sir.

Any accusations we make must be well documented.

If you made calls and inquiries to the state auditors, to the Attorney General, anyone else, if you wrote letters that goes for you or anyone else in the audience, if you have those documents to show the paper trail that there has been a refusal to look at this very important issue and I think a task force with someone like yourself and your extensive background, and particularly some of the intimate relations you may have had that know firsthand of some of the problems, I think it would help us push this issue years forward, because we are committed to finding a resolution on this issue.

We are committed to doing that, but we need your help in doing so, and I just want to ask you two things, Mr. Chair, if I am permitted.
If you could just give me some brief answers, you know, I know and I think that some of the statements, we are going to let everyone know, I know this is an emotional issue, but we want to give the respect for the entire list of people who want to testify, and we want to try to be not as wordy as need be.

So that we can be, so we can put the information together.

How widespread do you see this problem as being?

MS. WILSON: Well, from the Surrogates Court perspective I see it as extremely widespread.

Based on my knowledge of the politicalness of the appointments of the Surrogates Court and how it's actually viewed as a candy jar kind of appointment, where whoever gets that position gets to dole out lucrative appointments to the attorneys, the players, the party players.

In divorce court it's somewhat prevalent the issues, some of it is actually
due to the lack of training and I am sad to say in certain cases ignorance on the part of the judges.

That was part of my presentation. I'm trying to and I hear what you're saying, Senator, address this not just as the insider and the victim but also my auditing brain as to what we can do in terms of resolving it.

So there are, indeed, many individuals within the system, in fact there are some present here today.

One of my many accreditations is CPR training.

One of the problems is we do have individuals within the court system who know the problems and are trying to fight it from within, but whenever they speak up a little too loudly they either find themselves ostracized, find their credentials and their career on the line, or they are demoted to the hinter lands.

SENATOR ADAMS: So what we need, what we need is that from you and whoever else is
present, and I'm sure the chair is going to
give you a website, but there are three
things we need, number one, as I stated we
need some form of a task force, number two,
we need some very clear specific
recommendations in a bullet format because
we get a ton of information, if you send us
a dissertation it's not going to be read as
often as need be, if you give us some -- if
you give us the category, problem, solution.

That's where we are at right now,
problem, solution. That would be extremely
helpful.

How much of this do you feel is based
on incompetence or corruption?

MS. WILSON: In the Surrogates Court
sad to say I would say it's mainly based on
corruption, political corruption.

In the other courts, a lot of it is
based on incompetence. One of the
particular issues is people with
disabilities or cognitive, emotional issues,
or whatever, which are a lot of people in
the court system, the courts are just
ill-equipped to deal with this, and the amount of abuse from the attorneys, from opposing counsel, from the judges themselves, there was an issue just this week where a woman with traumatic brain injury was before the Appellate Court, got through explaining to the Appellate Court what her problems were, and right in front of her the lawyer kept badgering her that she kept repeating herself.

Well, first of all that is a symptom of traumatic brain injury, but no one on the appellate bench stepped in to stop the attorney from badgering her in such a fashion.

She should have been protected, and as you know, our returning vets are suffering from TBI, so this should be understood by the court system, so there is a lack of knowledge.

SENATOR ADAMS: Lastly, how effective do you believe the systems are in place to respond and report to those allegations of corruption?
MS. WILSON: Actually very ineffective. The systems that are in place now, as I said the internal auditors within OCA seem to feel that they report to OCA, they are not independent.

The investigators such as Cheryl Spats, and even the Attorney General are limited by law as to what they can respond to.

I think what the system really needs, in fact state-wide, are independent auditors, an audit committee that does not report to anyone in the court system and that can step in at any time and do an audit.

The problem with investigations by the lawyers is you're now governed by legal statutes.

Attorneys have to obey whatever the Senate says. Auditors report to federal standards, so we have more discretion.

If I was an attorney investigating I would have to get a subpoena, I would have to go through a discovery process.

If I'm an auditor and I suspect you of
fraud, I show up.

I don't tell you I'm coming. I walk right in.

So the problem right now is with the way things are run by the time you go to catch the fox, they have already hid all the chickens.

SENATOR ADAMS: Thank you.

SENATOR Sampson: We have been joined by Senator Bill Perkins.

MS. WILSON: Thank you.

SENATOR Perkins: I just want to ask one quick question, particularly with respect to the Surrogates Court.

I didn't get the benefit of her opening remarks, I'm not sure if we are on the right path, but you mentioned that the Surrogates Court and the corruption and the political corruption, did you mention that?

MS. WILSON: The way Surrogates Court is set up largely handles trusts and estates, so you have people who cannot speak for themselves, they are either disabled or they are dead.
So what happens is a lot of times guardians are appointed, Trustees are appointed, accountants are appointed, sadly members of my own profession who get these appointments by nature of the amount of political campaigns that they give to the judges who hold these positions.

Now, technically everybody is supposed to report their contributions to a judge, but for every rule there is a loophole.

My ex-husband used to go into his Judge's Chambers and pull the contribution lists off his desk when he wasn't looking and bring them home and show me everybody's mother-in-law, brother, ex-wife or whatever, they made the contributions through third parties.

And then what happens at the meet and greet is whoever the person who really made the contribution, they show up with the ticket so they can shake the judge's hand, nudge, nudge, wink, wink, you know I'm the one whose really paying for your black bathrobe.
So in turn when the judges get their appointments, they are now seen in Surrogates Court, they return the favor by appointing these individuals to Trustee's of these multimillion dollar trusts for the disabled and/or to guardians or whatever of the deceased.

And I say what the problem is, though, the way, between the corruption of the appointments which guarantees that no full accountings are rarely done, despite the law saying they have to be, between that and the ability of the individuals in the system to understand what to look for, and the limitations of what is allowed in the discovery process, it's a perfect storm for anyone who wants to go in and deplete the assets of a disabled victim.

SENATOR PERKINS: So the Surrogates, you seem to be somewhat familiar with the process of this corruption.

MS. WILSON: 20 years married to the mob.

SENATOR PERKINS: 20 years married to
who?

MS. WILSON: My ex is a New York State Law secretary for the New York State Supreme Court, and his judge is one of the most powerful political judges in Westchester County.

His golfing buddies are George Pataki and Donald Trump.

SENATOR PERKINS: I'm just wondering with that depth of knowledge and appreciation of how the process of corruption takes place.

Have you had an opportunity to share that with the appropriate authorities?

MS. WILSON: I sadly just gave them the laundry list, yes, for the last six years I have reached out to everybody I could think of.

SENATOR PERKINS: Sorry, you don't have to continue.

MS. WILSON: That's fine.

SENATOR PERKINS: So then having done that, now you are talking about the Surrogates throughout the state, or at any
particular area, Westchester only?

MS. WILSON: Well, I initially
started with my claims and accusations and
findings with the divorce courts and then
expanded that, became known and was asked to
start doing some writings for a local
newspaper and now got into Surrogates.

SENATOR PERKINS: I don't want to
take too much time.

Now, again, your surrogate research is
state-wide, Westchester, New York City, give
me some sense of this.

MS. WILSON: It started out as
Westchester, it's now becoming state-wide,
but this is beyond your jurisdiction, it
seems to be national.

But it is definitely state-wide.

SENATOR PERKINS: Have you focused at
all on New York City?

MS. WILSON: I have gotten some New
York City cases, yes, I have had three so
far just in the last couple of months from
Queens, and Nassau County.

SENATOR PERKINS: And you have had an
opportunity to share your information with the D.A.'s office, or anybody of that caliber.

MS. WILSON: I only just recently filed with the New York City Attorney General's to inform them that I want to pursue this with them.

MR. KUSE: The Whistle Blower's Law.

MS. WILSON: I filed under the IRS Whistle Blower's Law for protection, I just sent that into the IRS.

SENATOR PERKINS: Okay, thank you.

MS. WILSON: You are most welcome.

SENATOR SAMPSON: Thank you very much, Senator Perkins, Ms. Wilson, thank you very much.

I guess we wanted to have a further conversation with you with respect to the cases that you are working on, and maybe get more in-depth involved, especially when we create this task force, okay?

MS. WILSON: I am most willing to be as most helpful as I can, and, Senator Adams, if you manage to get that task force
together, I will gladly be a member of it.

SENATOR SAMPSON: Thank you very much.

MR. KUSE: Senator Sampson, I would just like to take another 30 seconds.

Senator Sampson, our elders, these are beloved elders, they are not farm animals to be harvested. There is a line in the Bible that says as you do it unto the least of these, you do it unto me.

Reverend Diaz you know it as well I as I do, my background is the same as yours.

SENATOR SAMPSON: Next speaker is Victor Kovner, we will wait.

Douglas Higbee of Mamaroneck, New York. Douglas, are you here?

MR. HIGBEE: I asked to be put on the back of the list, push me back.

SENATOR SAMPSON: Okay. Judith Herskowitz of Miami Beach, Florida. I know we went over the last one, but I think we are going to stick to the ten minutes, because we want to get the questions in. So try to be as brief as possible.
MS. HERSKOWITZ: It's hard to be brief, you know, when you go through 20 years of torture.

It's hard to be brief when you go through 20 years of torture in the court system.

SENATOR SAMPSON: I'm quite sure you can be brief, just get to the salient points that we need to know.

MS. HERSKOWITZ: The point is that my major thing here is I'm submitting 13 complaints that I made to the New York City commission on judicial conduct with regard to judges of the Supreme Court, New York County.

I am attaching copies of each of these complaints but without the supporting documents.

The complaints are followed by the letters acknowledging receipt of the complaint and by letters of dismissal.

The dismissal letters simply stated is my complaint was dismissed upon careful consideration, the commission concluded that
there was insufficient indication of judicial misconduct to justify additional discipline.

When I requested more specific information I then received a response that pursuant to Section 45 of the judiciary law, the commission records and proceedings are confidential except as to matters in which public discipline is rendered.

Since there never was any public discipline it has never been revealed as the right consideration my complaints were accorded, if any, I was refused any information as to anywhere the commission met, and which members of the commission attended the meeting.

The letters of the commission were marked confidential and that the commission could find no wrong and no proceedings have been instituted by me as complainant, so I don't believe that, you know, the confidential notations really have any legal significance.

The reason I filed so many complaints
is because the grievous acts that are compounded by further apparent misconduct.

It was unbelievable that the commission could ignore the court's disregard for the fact, for the law and the violations of the judicial canons.

I have extensively cited the judicial canons in my complaints, supported with the facts to no avail, that is why there is a dire need for this hearing and for affirmative action to be taken.

My most recent complaints attached as Exhibit 1 to 21 were based upon the activities of Justice Sherry Klein Heitler of the Supreme Court of New York County.

Upon allegations that she persistently has failed to perform her judicial duties and by such the relation has placed her court in complicity with a scheme to misappropriate approximately $700,000 of corporate funds, of which I'm a majority shareholder.

Upon insistence of Plaintiff's counsel the funds were free and clear of all claims
of Pettigers when transfers transferred from the jurisdiction of the New Jersey Bankruptcy Court in August 2000 to the New York court in a case that was terminated long ago.

In other words, this whole -- there was a bankruptcy court proceeding, all the claims of creditors were adjudicated and there really was no reason to transfer that money to the New York court except for these lawyers who were already appeared in the bankruptcy court to take whatever money was left, which really belonged to the shareholders, I'm just trying to explain that.

Then they put in somebody, we come back to this fiduciary business, and they put in this Paul Windels, he was just supposed to be a neutral custodian to hold this money, for determination how much money the shareholders would get.

But I didn't know that it was all prearranged, that all the Plaintiffs' lawyers, who were numerous, they would be
getting the money, and they would clean out
this money to the last penny not leaving one
dime in the corporation, and nothing for me.

And they also made it up that they gave
the appearance that the surplus funds were
the results of liquidation by this Mr.
Windels in a New York court which wasn't
because of liquidation of the property, it
was in the bankruptcy court.

And she allowed, this judge simply just
allowed her judicial office to be misused to
give the distribution a color of legitimacy
through this phony receiver, Mr. Windels,
who acted upon fraudulent claims that he's
the receiver of the assets of north Jersey,
and it couldn't be because the assets were
in the bankruptcy court.

Just legally it could not be. And then
he filed papers retroactively to make
believe that he's the receiver.

He never filed any papers, receivership
papers in the office of the court
administration which is a requirement, and
it was all artificially created proceeding
under Article 12, this whole receivership, to give it a color of legitimacy for them to take the money.

I mean they played this game for years and there never was any such proceeding, it just came out of nowhere.

They retroactively named these attorneys as creditors and then they had retroactive publications going back six years, I just can't -- it was absolutely phony publication because the receiver has to do publications.

And then the judge refused to recognize that they did this with a $4 million judgment which was fully satisfied, the judge refused to recognize the law of joint and several liability that was the law.

And I was denied standing to object and to be heard on my objections, and my papers, whatever papers I filed in opposition, they were stricken, I was denied a hearing on evidence and testimony, so by the stroke of the pen they just took this $700,000, which is all described, I submitted all these
complaints that I made to the judicial commission that was never, ever, entertained.

Now, the Exhibits 22 to 29, the prior are from a prior judge, a Justice Comptons and what they have done here is, you know, we live in Florida, my father was in Florida and they created a phony derivative, stockholders derivative suit.

Now, they did the stockholders derivative suit so a lawyer can get fees and he just kept on litigating and litigating and what was involved here was a 54 unit apartment building on Riverside Drive that my father and my parents purchased in 1958, and they used this derivative suit of something that should have been a Florida probate case to reach the property and appoint receivers and to take it over and to appropriate it.

My father managed the building, I never had anything to do with this building, but they wanted to get all the shareholders to strip everybody of their corporate -- of
their shares.

All I had was a remainder interest, I never managed the building, I never did a thing in New York and they couldn't really reach me in Florida, and what the judge did then, he said, and we filed motions, and it's unfortunate, if it was today I would have never appeared in a New York court, I would have stayed away, and that was a mistake, you know, you read the books and they file a motion to dismiss, no jurisdiction, you know I'm a Florida resident, and it doesn't matter.

So when the judge couldn't find jurisdiction over me, then he said that we withdrew the objection, and even Plaintiff's lawyer in sworn testimony admitted that that wasn't the case, but I couldn't bring it up, the judge sanctioned me and imposed all kinds of fines on me and literally banished me so I couldn't even appear in the New York court because I was like a criminal.

It's turned into somebody that I was a wrongdoer.
And my father died, you know, in 1992, then they entered this judgment by default because I couldn't appear in the court, so they enter a $4 million judgment.

SENATOR SAMPSON: Can you wrap it up in two minutes?

MS. HERSKOWITZ: On all kind of phony claims, now the building was sold in the bankruptcy court and that's where the money, that $700,000 came from.

Now, the other thing is that when I went to the Appellate Court, then on both of these cases I'm going to summarize what I have here, that what happened is that they said it's a re-arguement.

Something that was never heard and I never had -- I couldn't make an appeal, I never had an appeal, I was never heard.

SENATOR SAMPSON: You had an attorney representing you all the time on this?

MS. HERSKOWITZ: At times we had an attorney. I have a law degree, my son is a lawyer in Florida, my daughter-in-law is a lawyer.
It doesn't matter, it doesn't matter if you are a lawyer or not a lawyer, the judges, the judge absolutely was not interested in any of the facts, any of the law.

SENATOR SAMPSON: So your complaint with respect to negative complaint to the of judicial misconduct was what?

What was the judge or the judge's doing that warranted the complaint?

MS. HERSKOWITZ: All these misdeeds the judge did, never gave us a hearing, I come all the way from Florida for a hearing and the judge tells me I'm sorry to say you have ten minutes.

I said I came from Florida for this, I said I have an evidentiary -- present the evidence and testimony and whatnot, and all they give you in these courts is -- that's another thing, all they give you is an oral argument, they don't give -- there is no, it's a lawyer and the lawyers can say whatever they want, they can make up whatever they want and you can't disprove
it, it's oral arguments, there is no such thing as a trial or to present evidence.

I said judge, I have the evidence here, I want to present it, I want you to mark it in.

I have the satisfaction of the judgment, there is no more $4 million judgment.

No, she wouldn't allow me.

SENATOR SAMPSON: I'm going to tell you what I'm going to do, since we have Mr. Tabeckian back there, who is the counsel for commission on judicial misconduct, I will make sure -- Mr. Tabeckian, why don't you say hello to everybody.

MR. TABECKIAN: Hello.

SENATOR SAMPSON: What I will do is I am going to speak to him specifically about your matter and see --

MS. HERSKOWITZ: I have gone to the trouble of gathering up all these complaints.

SENATOR SAMPSON: I see, extensively.

MS. HERSKOWITZ: You have to see
everything, dismissed, can't find anything
wrong and I just find this very, very
frustrating.

I would like to close it with one
thing.

SENATOR SAMPSON: Go ahead.

MS. HERSKOWITZ: We are Holocaust
survivors, everything that we had in Europe,
you know, you're in a Holocaust, taken, you
can't hold property, you are Jewish, you
can't hold properties, ghetto and all that.

Then comes the communist, what happened
is what the interesting part of where the
money came from really to buy that building,
my father during the war time took -- you
can see how valuable gold is now that money
is losing value.

He took some Krugerrands or Napoleans,
they had Napoleans in that day, which were
gold coins, dug it under the ground.

After the liberation he found it, it
was incredible, you know he didn't put the
money in the Swiss bank, he found it, he
started a factory, he was very innovative my
dad, very good businessman, started -- he had a big weaving mill, factory, sold fabrics all over, but he didn't trust the communists so he was sending money to America.

Then came the communists, they took away the factory, but luckily we could come into America.

Then he also bought a weaving mill in Patterson, New Jersey, made money, bought the building, now what happens is now whatever we had here the American judges took from us, and I find that very, very hurtful.

That you can't keep money in America. In Europe you knew that you were in danger, so you kept on putting the money aside.

And I think that's what's going to happen in America, too, you know people are shuffling their money out of it, I do have the story on judicialaccountability.org, people are reading it.

You don't see people flocking here to invest money, we have condominiums galore,
you know, being for sale, and I think it's
got to be taken into consideration that this
judiciary is ruining our business in
America.

It's not just the collapse of the
financial system, it's collapse of the
judicial system that's causing that, too.

SENATOR SAMPSON: Thank you very
much. Any questions.

Thank you very much, and I will speak
to Mr. Tabeckian with respect to your --

MS. HERSKOWITZ: Wait a second, I
have something else, if I may, excuse me, I
already wrote to your office with regard to
this rearguement, I can give you this letter
again, that this thing that an appeal that
you don't have an appeal because or a
rearguement and you never were heard, I mean
that's an excuse, that whole law has to come
out because you don't have that in the
Federal Rules.

In the Federal Rules if you make -- I
have a couple of copies of this, in the
Federal Rules if you make -- in the Federal
Rules if you make a motion after a final judgment that stays, that stays the judgment, please take that, please, that law has to be changed, because that's how twice they denied me an appeal.

That stays the appeal until the motion is decided, whether you win or lose you have an appeal.

In this archaic judicial New York system they take away the right to appeal with this nonsense that it's a reargument.

SENATOR Sampson: I will definitely follow-up.

Thank you very much.

MS. Herskowitz: I spoke to Mr. Spotts and he said he would follow it up.

SENATOR Sampson: Thank you very much, and I will follow this up.

MS. Herskowitz: Who is going to contact me?

SENATOR Sampson: I will make sure Mr. Spotts contacts you.

MS. Herskowitz: You also said somebody from the commission.
SENATOR SAMPSON: Mr. Tabeckian. Mr. Tabeckian, we have a young lady from Florida, maybe you can spend two minutes with her. I would appreciate it.

Thank you very much. Mr. Tabeckian is right back there.

The next witness is Peter Gonzales of Troy, New York. Peter.

Peter didn't check in, we are going to -- Peter is not here, we are going with Andrea Wilkinson of Rensselaer, New York.

Andrea, are you around? Andrea are you here?

Andrea, come on up. Good morning, Andrea.

MS. WILKINSON: Good morning, Senator Sampson and your staff and everyone. We met again, I was in Albany before you left last time.

SENATOR SAMPSON: I apologize.

MS. WILKINSON: You promised me you would come back, but I know what happened in the legislature.

So, all right, I am going to be quick
and I am reading, so bear with me, I'm a little nervous.

My name is Andrea Wilkinson, I'm a small minority female developer in the capitol district region area.

SENATOR SAMPSON: What do you develop?

MS. WILKINSON: We develop low housing, we go into the community and what we do is revitalize abandoned boarded up houses to make them become quality housing for low to moderate income people.

And, as you know, in Albany there is a tremendous amount of dilapidated buildings within the capitol district region area.

I come forth to you today because I'm a Plaintiff of a civil suit that was pending in front of Judge Lehner, I don't know if he is still presiding, my understanding was he was at the point where he was going to retire spring of 2009.

I had a civil suit pending for four and a half years in front of Judge Lehner and after four and a half years of seeking
judgment or seeking, you know, due process within the judiciary system, Judge Lerner on the eve of my trial date was March 11th, on March 10th at 4:30 p.m. elected to dismiss, not one or two or three charges, but all nine charges of my lawsuit that was pending in front of him.

The charges ranged from discrimination, breach of contract, violation of federal lending laws, housing laws, administrative codes, et cetera, I gave you my documents. The lawsuit was pending against Community Preservation Corp, which is a not for profit quasi for profit organization.

SENATOR SAMSON: CPC?

MS. WILKINSON: CPC, yes. For Judge Lerner to have blindfolders on so he could not see any validity to any of my charges really baffled me.

Now my co-partner in this lawsuit is the contractor who helped me develop nine individual townhouses in downtown Albany.

As the Plaintiff I can't express my concern, I feel like the unethical bias and
tainted decision rendered by Judge Lerner
coupled with his inappropriate and unethical
behavior leaves me baffled.

I want to let you know that Judge
Lerner during the process of the trial when
we would have hearings, he seemed to always
have been favored towards CPC, and I didn't
quite understand why he would make comments
like oh, CPC has done a lot for the State of
New York, Community Preservation has done a
lot in the City of New York, and that he had
also indicated he was once a legislator that
he had done some work in the legislation in
the State of New York.

Well, despite his appreciative attitude
towards Community Preservation Corp.,
coupled with his prior political agenda that
he had in the Albany legislation, I still
felt like, you know, I prayed that he would
be fair, that he would be unbiased and that
he would do what he is supposed to do, which
is to look at the color of the law in the
United States Constitution.

Well on March 10th, you know, the eve
of the trial he goes and dismisses the case.

I started doing research on Judge Lerner and I find that, you know, I was en route to New York too that eve on the Thruway, pouring down rain, I ended up like I had to pull over once I got the call from my attorney.

I had already been so mistreated by CPC as being an African American female developer, which is rare, I had to deal with a comment my -- when I went to place my loan application into the Community Preservation Corp. to the loan officer, he looked at my financial statement and he looked at my resume and you know what he said to me? I was an exception to my race.

Like he had never met a black woman before who has a certificate of advanced study in education administration from SUNY Albany with a 3.86 GPA or that he had never met a black woman who had like maybe at that time I had -- I had about maybe $350,000 net income, like just in the stock market, so he said to me I was an exception to my race and
then other comments went on like oh, you
should be like Charles Tewey or Fagenbaum.

I was constantly compared to white male
developers within the capitol district
region area.

Charles Tewey is a millionaire, so is
Fagenbaum and all the others that he
compared me to, there aren't very many women
in development and there aren't many people
developing minority dilapidated communities,
and as a minority female developer, we have
to empower the people who live within their
communities to be able to go out and get
money to revitalize their community.

We can't just wait for the white great
hope to come along and want to invest in our
communities.

So in that aspect I feel like Community
Preservation Corp. should be lending more
monies to women and minorities.

Under oath and Andy Thompson, whose dad
is Lou Thompson who was Governor's right
hand man for housing and Governor Pataki's
best friend, I just feel like all those
elements played into Judge Lerner's decision.

But the other factor that played into Judge Lehner's decision is I did research at the Congressional library in Albany and I found out the following facts about Judge Lerner, which he never revealed, had he I would have asked him to recuse himself.

Judge Lehner was an Assemblyman for the Fort Washington District in Manhattan during 1973 through about 1980. The entire time that he was active in the Assembly, he was assigned to the Housing Committee.

Judge Lerner was the Chairman of the Housing Committee for over 8 years and he introduced the first Neighborhood Preservation Bill in the assembly that became a law.

As he gets ready to retire from being a judge this spring, he is still very much entrenched in the housing community and the politics that lead with housing, community development and so after I did the research on him I realized that, you know what, for
his decisions that he rendered four and a half years, eve of a trial date, to dismiss not one, two or three, something happened.

Either Faber was called in or his palm was greased or he just didn't want to deal with the issues of discrimination.

All along he said he never saw the discrimination, but he did see breach of contract possibly --

SENATOR SAMPSON: Let me ask you a question.

So you have -- you're basing your question of maybe judicial misconduct based upon a decision that he did not render in your favor; or --

MS. WILKINSON: The fact he dismissed not one, two or three but all nine charges?

SENATOR SAMPSON: I understand that, I'm just telling you from my own personal experiences I have seen judges on cases dismiss cases on the eve of trial, motions for summary judgment has been granted, I mean if the law is not in your favor, the law is not in your favor.
MS. WILKINSON: That's just it, the law, according to my law firm that I used, which is Leeds, Morelli & Brown, they have a company called DOW, which is Discrimination on Wall Street, they specialize in discrimination.

Not one or two or three, but nine charges, breach of fiduciary responsibility, I mean the charges go on and on and on.

SENATOR SAMPSON: I can understand that.

The next question is after he rendered that decision have you since appealed that decision?

MS. WILKINSON: We have appealed the decision and in addition to that we have written Judge Carey, Joan Carey, who has responded like oh, I have no control over the decisions that are rendered by, you know, Judge Lerner, you need to seek due process on the judiciary on the appellant level.

But I want to say as an African American female, and they wonder why
minorities or women don't have faith in the judiciary system, and you wonder why we sometimes when you look at black justice, white justice and black robes, he didn't see the discrimination part, yet still he didn't see the breach of contract, he did not see anything on my behalf as a minority female developer, okay?

SENATOR SAMPSON: No, no, no, I want to correct something, a judge is not supposed to look at you as a minority developer, a judge is supposed to look at you as a litigant, he is not supposed to decipher whether you are white, black, green or yellow.

MS. WILKINSON: Guess what, he did.

SENATOR SAMPSON: Let me continue, he's supposed to look at the facts of the situation, look at the law and come up with a decision.

If you have a problem with his decision, that's why we then go appeal it, because there have been plenty of cases where I thought I was correct on the law,
but the judge ruled against me but such then
I appealed.

A perfect example is Governor Patterson
on the issue of the appointment of
Lieutenant Governor, he lost at the trial
level, he lost at the Supreme Court level,
he lost at the Appellate Division level, but
he won at the Court of Appeals level.

So I just want you to understand that,
when you are saying that, you don't want the
judge to give anyone preference, you don't
want the judge to give anyone preference,
you want the judge to look at the facts and
look at the law and make a determination.

MS. WILKINSON: And if Judge Lehner
had done that he would not have been
dismissing all nine charges.

SENATOR SAMPSON: And you will be --
your opinion will be rectified if you won at
the Appellate Division level.

MS. WILKINSON: Well, you know, how
do you have faith in the judiciary system
when you look and see there is favoritism,
how do you have faith in the judiciary
SENATOR SAMPSON: That's why --

MS. WILKINSON: When you have judges who are like just blindfolders on, just really want to see what they want to see, or as a matter for me, I'm a small minority female developer, I'm up against CPC, Lou Thompson, Governor Pataki's right hand man, his best friend, how am I to, you know, where do I get funds to go to the appellant level to the Supreme Court?

It should be that we as citizen taxpayer people we should be able to come to our judiciary system and get a due process right on the first circuit, not that we have to go all the way up to the Supreme Court to win.

And I called the NAACP legal defense fund and you know what they told me?

All major civil suits, discrimination, sex, gender usually have to go to the level of appellant; why?

We have already been devastated as women or minorities and then while we have
to dig up funds to get on the first circuit, then find money to get to the second and third and fourth circuit.

SENATOR SAMPSON: You know what, we agree with you, but that's why mistakes are made that's why you go to the Appellate Division and you have the Supreme Court in some states and you have the Court of Appeals and best case scenario you have the United States Supreme Court.

It happens, we are not perfect, people interpret the laws differently, at that point in time, but you just don't give up on the system.

That's why we have hearings like this, because what we are trying to do is make sure the faith, the trust and the confidence.

MS. WILKINSON: The system is broken.

SENATOR SAMPSON: We are doing our best to try to fix it.

MS. WILKINSON: It is broken.

SENATOR PERKINS: Two quick questions, I appreciate what the Chairman is
trying to say, but now this judge, how do you spell his name?

MS. WILKINSON: Lehner is L-e-h-n-e-r.

SENATOR PERKINS: That's Lehner.

MS. WILKINSON: Lehner. They say Lehner.

SENATOR PERKINS: I may be wrong, I think I know the judge, that's why I asked.

MS. WILKINSON: He's old, he exhibited -- not that I'm age discrimination
-- but he exhibited no patience, no tolerance, he had no tolerance for me as a Plaintiff, he just really.

SENATOR PERKINS: I just asked you the question about his name.

MS. WILKINSON: Let me tell you what else he did --

SENATOR SAMPSON: But you have to listen.

SENATOR PERKINS: Listen to me, I'm asking the questions. Now you have to focus on me and my questions.

If you go beyond that, I might ask you
to hold up because it might not -- because I want to get clear what you're trying to accomplish, which I think is important, which is to make sure that when you present yourself before a judge you get fair treatment.

MS. WILKINSON: Right.

SENATOR PERKINS: It's clear from your experience, at least, that that's not happening, you don't think that's happening.

MS. WILKINSON: And I wonder what's going to happen on the appellate level.

SENATOR PERKINS: Let me finish. So let me just be clear that you understand why we are here, because we suspect that some of the concerns that you raise, not necessarily in this instance, but we hear these problems and we therefore recognize that there is some repairing that needs to be done in the process.

Such that someone who feels and may be justifiable, have been mistreated has a way to be treated properly.

So that's what we are really trying to
be clear about, that there is -- that we obviously are having hearings to sort of understand where the system is falling short and where we can fix it, so I'm going to ask you a question from that point of view.

MS. WILKINSON: Okay.

SENATOR PERKINS: Because now the fact that you are a minority contractor is a little bit irrelevant right now.

MS. WILKINSON: Okay.

SENATOR PERKINS: Let's just say racism is the reason why the judge did that and then we have to -- that's one thing.

If you say it's about racism and sexism, there is a fix for that.

If you are saying it's about something else, then we have to figure out what that something else is and figure out what the fix is for that.

One of the things that you said that I'm going to just probe a little bit is this.

You are so disheartened, discouraged that you feel that the system if you go, if
you appeal, you won't even find any help in
the appeal.

Now is that because you can't afford to
do the appeal, or you don't have on the
time?

MS. WILKINSON: No, I'm doing the
appeal, it's also been amended to include
the New York State Comptroller's office,
DiNapoli's office because my mortgage was
originally funded through the State Common
Retirement Fund and even though I reached
out to Mr. DiNapoli's office saying please
don't get in bed with CPC, they have
discriminated against me, DiNapoli's office
elected to do anything, SNMA stepped in,
paid off DiNapoli's office and it's like you
deal with CPC on your own.

My concern was he was a former
Assemblyman for years and they become
judges, and as they go out into the arena,
the law, the judiciary system and they were
Chairperson on these housing committees, it
should not be that they are even to preside
over any cases that they once were the
Chairman of the committee for so many years.

SENATOR PERKINS: Let me just interrupt again, forgive me, I don't mean to, but I just want to get the meat, the juice, the nuggets that you are offering, so the problem you see is a conflict of interest.

MS. WILKINSON: Absolutely.

SENATOR PERKINS: That we need to look at, there is a conflict of interest between when somebody presides as a judge and what their formal career may have been, particularly as a legislator that they might be prejudiced towards the industry.

So what's the second thought?

MS. WILKINSON: The second thought is I reached out to Senator Vigo Lipos, Barnasat, these Senators and Assemblymen, they won't even when you mention Judge Lehner, CPC, Community Preservation, they don't even want to touch it, they don't want to provide the information that's needed and so it's to me like --

SENATOR PERKINS: Lerner or Lehner,
that's a big deal? Are you sure because you mentioned the upper Manhattan area, Washington Heights.

MS. WILKINSON: He was the Assemblyman for Fort Washington for about 8 to 9 years.

SENATOR PERKINS: That sounds like Lehner to me, that's why I'm the pooper scooper.

SENATOR SAMPSON: Is there a Lehner on the Supreme Court?

SENATOR PERKINS: Ed Lehner.

MS. WILKINSON: It's Edward.

SENATOR PERKINS: I know Edward he's a State Supreme Court Judge, who was also --

MS. WILKINSON: It's Lehner.

SENATOR PERKINS: There is a Judge Lehner, I don't think he would want to know that there is a person sitting at that table with so much concern about his integrity, that's why, so you're talking about Lehner, Judge Lehner --

MS. WILKINSON: L-e-h-n-e-r.

SENATOR PERKINS: For the record,
Assemblyman, my concern is as I speak to you, Senator Sampson or Senator Perkins, you guys may become judges in the future.

SENATOR PERKINS: Not me.

MS. WILKINSON: I'm just saying that, part of the reason the system is broken also is that you have legislators who were -- they are lawyers, a lot of you have a law background, you become judges and then there is that conflict there and I just feel like something needs to be ethically -- there needs to be a Bill or there need to be when you all are sworn in that you promise when you -- if you ever go out and become a judge after sitting on a committee for 8, 9, 10 years because you know as the Chairman of the Committee, Housing Committee that's a lot of money and bills that you are in control of, you know people are going to come and try to take you out to lunch and woo you and take you over, favors will be asked and called in later on if you become a
judge.

And it is just so unethical and in my case this is what has happened to me and something needs to be done, you guys, I almost want to say don't let them become judges if they were that they were or they should not hear cases that they were Chairman of those committees.

SENATOR SAMPSON: Senator Diaz?

SENATOR DIAZ: No.

SENATOR SAMPSON: Ms. Wilkinson, thank you very much for your comments.

MS. WILKINSON: I have one request, I don't know what the power to be for you guys, I have not filed a Complaint, I'm in the process of filing one, I was told to send my paperwork up to Judge Fern Fisher, Fern Fisher and I'm concerned, I mean I don't know if you guys can help govern the process or watch over me as an angel, who do I speak to to see that my appeal is given a true due process?

SENATOR DIAZ: Let me ask you a question, watch over -- you said somebody
will watch over me to you.

SENATOR DIAZ: You are a minority enterprise woman, what is your -- how many buildings, how is your enterprise doing now? Good or bad?

MS. WILKINSON: I'm in the -- I'm currently presently in the Court of Bankruptcy reorganizing and restructuring because I had to -- CPC accelerated my mortgage, placing total payment, SNMA stepped in and paid off the Comptroller's office, forcing me to go into bankruptcy.

So I mean I still have my asset, but I have no faith in the judiciary system, and this is why it's like how do we restore that within taxpayer U.S. Citizens who have Constitutional rights?

It's like how do you begin to fix the broken wheel?

And it's not -- something has to be done, it can't be that you file a complaint and it takes 50 years for that to be processed.
SENATOR SAMPSON: Ms. Wilkinson, we will definitely do that and follow it up.

MS. WILKINSON: You will follow it out?

SENATOR SAMPSON: We will follow it up. You live in the capitol region, you need to reach out to your State Senator.

MS. WILKINSON: It's Malcolm Smith at this moment.

SENATOR SAMPSON: You live in Queens or --

MS. WILKINSON: Both, I live upstate and Queens.

SENATOR SAMPSON: Where do you vote?

MS. WILKINSON: Last voting I voted upstate, I have just recently changed my voting registration to New York City.

SENATOR SAMPSON: What you need to do is contact Senator Smith's office.

MS. WILKINSON: I have done that already.

SENATOR SAMPSON: We will follow up with you, Lisa, could you make sure you follow up with Ms. Wilkinson.
point in time Mr. Victor Kovner who was second to speak, he is here now and I will take him.

MR. KOVNER: Mr. Chairman, distinguished members of the Senate, thank you for giving me the opportunity to present testimony.

Before I do that, let me say I want to thank the Senate for its leadership and its progress on so many issues, the passing of the Bill for the new family courts, bravo.

But I am here today to say on behalf of the Committee for Modern Courts I want to thank you for providing us with the opportunity to give this testimony.

As you know Modern Courts is an independent nonpartisan state-wide court reform organization, committed to improving the court system for all New Yorkers.

Modern Courts supports a judiciary that is -- that provides for the fair administration of justice, equal access to
the courts that is independent, highly qualified and divorced.

By research, public outreach, public education and lobbying efforts we seek to advance these goals.

And I also -- my comments are going to be focused on the committee on the judicial conduct which, for the record, you should know I served as a member of that commission from 1975 through 1989, a long, long time ago and towards the end of my service I was Chair of that commission and so I'm quite familiar with the work of the commission.

Now, over 30 years ago modern courts supported the legislative initiative establishing a temporary commission on judicial conduct, it was critical, there was no independent review of judicial conduct on the Bench.

There were no attorneys looking at allegations of misconduct, there was no commission, the judicial disciplinary system was simply some judges with the authority to discipline other judges.
We proposed a permanent commission on judicial conduct, and together with the League of Women Voters we worked hard to get a constitutional amendment on the ballot to establish it, and in 1976 the voters of the State of New York in a referendum approved that amendment and the commission came into existence in 1978.

It was one of the first such commissions in the country, there are now 49 commissions like the New York commission around the country, and the New York commission is extremely vigorous, it is, as I will indicate, it set a lot of the law of judicial conduct around the committee and its work is followed by other commissions and it's really the only forum responsible for enforcing violations of ethical standards of judges of the State of New York, and I want to emphasize that, that's violations of ethical standards.

Errors of law do not come before the commission, are not appropriate before the commission, those issues as we have heard
from some of the witnesses this morning, are really matters that as the Chairman has pointed out should be and are regularly reviewed by our Appellate Courts.

Now, we have a lot of judges in this state and it's a very large judicial system, so the workload is quite large.

There were 4.5 million cases filed in our courts throughout the state and our courts include Town and Village Courts, City Courts, District Courts, Surrogate Court's, the Court of Claims and the Supreme Court.

There are more than 3,000 judges in New York. The Commission on Judicial Conduct receives over 1,600 complaints each year based on over the past -- that's the average over the past five years, and in '08 it received 1,923 and the commission's ability to assure complete investigation and appropriate action is one of the most important parts of the judicial system of New York.

Modern Courts strongly supports the work on judicial misconduct according to the
American Jurisprudence Society, New York State has consistently publicly disciplined more judges than any other state. This reflects a willingness of the commission to effectively and efficiently meet its constitutional mandate.

The commission works with truly under difficult resource constraints, a few years ago we believed they didn't have sufficient staff and we made pleas to the legislature and you and your colleagues and others happily addressed that issue, and the staff and resources have been expanded so that they can effectively address this huge volume of complaints.

Now, one question that is asked is the confidentiality of proceedings.

The judiciary law requires that the commission investigation and formal hearings remain confidential.

Commission activity is only made public at the end of the disciplinary process with a determination of public admonition, public censure or removal is made and filed with
the Chief Judge of the State.

Or when the accused judge requests that
the disciplinary hearing be public.

But we think that there should be
confidentiality during the investigatory
phase of the commission work and I think
that to open up the process may address some
of the concerns that you have heard this
morning, which are legitimate concerns that
ought to be heard and aired because
unfounded claims can damage the reputation
of individual judges, but at the same time
the public is entitled to see the process
work during the investigatory phase.

So we agree with and the commission has
tested on that before this committee, and
we think confidentiality should cease after
a commission finds a reasonable cause to
bring formal disciplinary proceedings
against the judge and decides to hold a
formal hearing.

I think at that point the public should
be able to watch and find out what's going
on.
The need for openness and transparency at the hearing stage will provide the public with greater opportunity to understand and witness the process of disciplinary hearings.

Public confidence in the process is essential to the success of the system, it will provide a judge with an opportunity to be heard in public, thus removing any rumor or innuendo that might remain after a private hearing and might linger after the commission exonerates a judge.

35 states now provide for public hearings once the investigation is complete and the charge is made, there is no reason to keep this part of the process behind closed doors, that change would require an amendment to the judiciary law.

In short, we support the work of the commission on judicial conduct and we thank you for the opportunity to provide this testimony.

SENATOR SAMPSON: Thank you very much Mr. Kovner.
Before we pose any questions to you, we have been joined by my co-chair, George Maziarz.

Senator Maziarz. So basically, Mr. Kovner, you are taking about you feel that if this process was open, people would understand more about, one, about not only the construction, but the process that takes place, instead of making all these speculative allegations, of chicanery that occurs behind closed doors?

MR. KOVNER: Precisely. Once the commission has reached the point where they are going to file a formal charge against a judge, there is no reason why that should not be held publicly and that people, the public can hear the arguments for the commission prosecuting the judge and the judge in defense, and take into consideration the outcome, rather than simply see the ultimate result, and we make that recommendation and I think it would address some, but by no means all, but some of the concerns you have heard this morning.
SENATOR SAMPSO\N: Transparency and accountability?

MR. KOVNER: Yes.

SENATOR SAMPSO\N: Thank you very much.

Senator Maziarz?

SENATOR MAZIARZ: No.

SENATOR SAMPSO\N: No questions. We are not taking any questions from the audience.

MR. KOVNER: Thank you, Senator.

SENATOR SAMPSO\N: Thank you very much, Mr. Kovner.

At this point in time the next witness is Maria Gkanios.

You have something for me?

MS. GKANIO\S: Yes, I do. Senator Sampson, I have -- this is going to be the actual testimony, but I am going to brief through it, because that would take too long.

SENATOR SAMPSO\N: Yeah, we like that.

MS. GKANIO\S: I hope you like this, because this is 21 years in this system.
First of all, thank you.

SENATOR SAMPSON: Can you do all this in ten minutes?

MS. GKANIOS: I'm going to try.

Senator Sampson, thank you, Senator Maziarz, thank you for holding the hearings.

And I also have to include I know Governor Patterson, if it was not for Governor Patterson in 1992 I do not know what would have happened to my children. Probably foster care.

What started out as a simple divorce --

SENATOR SAMPSON: The Governor needs stories like that.

MS. GKANIOS: You know what, I intend to go meet with Governor Patterson. He fell in love with my daughter and he will be proud of what she's become today.

And he has to know.

SENATOR MAZIAZR: Be careful about saying that.

MS. GKANIOS: You know, as an 8 year old child, I mean I can't tell you.

Any way, what started out as a simple
divorce turned into a 21 year nightmare with over 30 judges on one simple case.

Throughout my unwanted 21 years experience in the courts I was constantly being terrorized under the threat of losing our home, my children, being denied child support and our basic every day needs were denied.

I was constantly being denied by the Department of Social Services and other agencies.

The grievance committee letters attached to this complaint is some of the grievance committee letters, I got no help. Unbeknownst to me that everything was being divested through legal maneuvering of lawyers and assisted benignly or intentionally by the judges.

At one point after going into Family Court to collect child support arrears, my petition was denied.

I was told I was in the wrong court, see the court orders and the transcripts attached to this testimony, and that I was
wasting the court's time.

My husband's attorney as well as the court's decision tried to sanction me $10,000 for trying to collect child support in the Family Court. To date over $300,000 is owed.

My children have suffered and sacrificed because of a divorce that their father had planned for years.

With the help of lawyers and all the judges involved, to divest our funds and assets of everything totaling over $5 million.

They plotted the perfect crime, the divorce right out of the movie Gaslight, at one point my divorce was in the newspapers as the War of the Roses by my husband's attorney Terrence Dwyer.

Our assets were worth more than our debt, all bills totalling $465,000, including our home.

Throughout his plot he attempted to frame me as though I was the one stealing from him, attempted to drive me crazy and
put me in an institution.

His plot then went to burn one of the restaurants down in Eastchester so that it would look like I was so crazed over money that I would burn it down and collect the insurance.

That's when I knew I better start protecting myself, I walked around with a tape recorder for two years.

On August 17th of 1990 I recorded, I tape recorded an argument where I was fighting with him that he was so crazed that there was no reason to do so.

This tape was turned over to the D.A.'s office years ago as evidence and to Judge Andrew O'Rourke in June of 2008.

On another night his chef attempted to set the restaurant kitchen on fire, the flames were shooting up from the stove, he turned the burners on and walked out.

He was setting up my daughter, Rosemary, and my son, had they not walked out the back door instead of the front door as they always did the place would have
burned down, and the baker was in the basement would have been killed because there was no way out.

I went to seek help from my attorney, he did nothing and when I returned to the restaurant I found the fire department and the police department.

They were looking at me as if I was crazy.

So who and what did my lawyer say? By this time everyone thought I was going to burn the store down.

The more I sought help from the police department and the courts no one helped.

My husband had numerous affairs that were just out of a future story that happened with Chief Judge Sol Wachtler, sordid affair, they were just as wild.

What I did not know for a couple of months was the crime that my husband had been committing, he was molesting my daughter for years and when he came out no one would believe because of all the insane things for months prior to that would make
something -- would make something like that such.

I am proud of my daughter, Senators, she tape recorded a conversation with him and he talked his way right into the State pen.

Everything did not stop there, though. What we had to endure every single day there was always something from breaking and entering the house or my mom's home when she was not there, to my children being followed, the day before a pretrial on September 4, 1991 my daughter's car blew up on the Taconic State Parkway with her in it. Again, no help.

Throughout this whole nightmare my husband and his thugs made sure they always gave him the perfect alibi.

I received numerous phone calls that I better drop the charges. Terror tactics and no one would help.

On November 8th at 6:00 I got a phone call at the restaurant telling me that the boiler in my home backfired, that my home is
filled with carbon monoxide, I knew he had
his friends who was in the boiler business
tamper with it, but that's the only thing I
could never prove.

On the 14th the first restaurant was
lost through the Eastchester Town Court
before Judge Rob Hill Gray, he allowed my
personal property to be turned over to
landlords, valued at over $1 million,
without any due process in law and when I
came to understand the law, he exceeded his
jurisdiction to do so, town court was
$25,000.

On January 8th of '91 my daughter
reported to the CPS the child sexual abuse,
when no one would believe her or me, as I
said before, she recorded, she had that
recorder in her pocket and had a 45 minute
conversation with him as to why he did it.

By the way, that tape was authenticated
by the feds at a later trial in Westchester
County.

We were told to bring in the original
tape to the Sheriff's Department and we
agreed.

On the 31st right after they had the original I thought CPS and the Sheriff's Department called and stated don't worry if we do not pick him up and arrest him, this was questionable, what we were not being informed of if the original tape disappeared they could not prosecutor.

On 2/4/91 my daughter and I went to the Putnam County D.A.'s office that morning, that night my husband was picked up at the restaurant in Mount Vernon and finally arrested.

March 31st, the day before the second restaurant was lost in Mount Vernon, my husband's thugs had his loan shark and the boys come in and threaten me that unless I turned the business over to my husband, the boys would be up to take care of me.

This tape also was turned over to the D.A.'s office years ago as evidence and Judge O'Rourke in June of '08.

My daughter and I went to the D.A., we were told that it might not be worth
pursuing further.

And that Putnam might want to make a deal for lesser charges, combined with Westchester, so no further charges are brought. Our decision was no deal.

I sent a letter to Judge Ingrassia questioning how does Westchester County not pursue what happened to my daughter?

The very next day we received a call from Putnam that Westchester was going to proceed.

On the 17th of May, Rosemary, my daughter's car alarm goes off, dead rat under the windshield, this was about three hours after she received a call that Westchester was going to the Grand Jury on May 23rd.

We were then informed that the Putnam D.A. that the motion before Bretts was to drop the charges, it's up to the judge to throw out a Grand Jury indictment, D.A. said it's up to them to pursue further, how do you throw out a Grand Jury indictment?

Throughout all of this I kept sending a
letter to Judge Dickenson asking him not to postpone conferences for child support, on 4/15 informing him of the child abuse, the delays, cancellation would be detrimental to my family.

Judge Dickenson’s law secretary, Stephen Roberts, claimed I would be held in contempt if I were to write any more letters to the judge.

SENATOR SAMPSON: Ms. Gkanios, you’ve got two minutes left, so if you can cut it down.

MS. GKANIOS: I'm trying, this is 21 years.

SENATOR SAMPSON: What I want you to do is you are here, I don't need you to read from it, I want you to just be succinct.

What issues arose out of this with respect to the judiciary system, or was it the attorneys?

MS. GKANIOS: No, this was the judges and that's why --

SENATOR SAMPSON: When you say it was the judges, what do you mean by that?
MS. GKANIOS: The asset, one of the assets that were lost, in February of '91 Mount Vernon City Judge John DiBlasi held an illegal eviction by ousting me from my second restaurant.

On March 12th, by the Mount Vernon City Marshal Henry Flagg, when Niki's was taken on March 12th I sued the -- I sued and the judge was Westchester Supreme Court Judge Nastasi, Judge Nastasi dismissed the case in August of '91 and told me I was in the wrong court.

Two years later at the Mount Vernon -- the Mount Vernon City Marshal Henry Flagg signed an Affidavit that he never served me with the eviction papers.

After appealing the Town Court's decision and won and overturned on appeal, June 24th of '94, I resued, went through discovery and thousands of dollars worth only for Judge Nastassi to say I should have sued in 1991.

This is the same judge, did Your Honor not know what he was doing when he was
sitting on the bench?

SENATOR SAMPSON: So --

MS. GKANIOS: I sued --

SENATOR SAMPSON: So basically your issue is -- did you file complaints with respect to the Commission of Judicial Conduct?

MS. GKANIOS: Absolutely, that's what I submitted on June 8th in Albany, the complaints to the Judiciary Committee.

SENATOR SAMPSON: And what --

MS. GKANIOS: That they committed no wrongdoing. I never heard of such a thing.

SENATOR SAMPSON: You submitted them and they indicated there was no wrongdoing?

MS. GKANIOS: Right.

SENATOR SAMPSON: How long ago was this?

MS. GKANIOS: It had to be in '94, '95, I submitted multiple complaints because it just didn't stop there.

And that's why what -- right now, presently it's before Judge O'Rourke and, Senator Sampson, I have to tell you this has
to be the craziest thing, and one of the
things is with O'Rourke, my husband has a
second Social Security Number, why didn't
O'Rourke question it?

My husband took -- I need to read this
last part, we probably could go into a
little time over into the Dominic Lieto case
because Catherine Wilson and I are going to
explain it and this is just as important.

SENATOR SAMPSON: What I'm trying to
get to --

MS. GKANIOS: This is 21 years and
over 30 judges.

SENATOR SAMPSON: I understand that,
but we are getting -- we need specifics to
get to the point where you allege that there
may have been judicial misconduct, that's
what we are trying to do and that's why we
are asking you questions and trying to
extract it from you, instead of you reading
the statement.

MS. GKANIOS: You know, because I was
hit -- the statement is longer than what it
is and I just scratched out and I was making
it shorter.

You actually have the rules and everything that are there.

There were so many complaints that went into the Grievance Committee, again my matrimonial, 30 judges, Judge Hickman stood there --

SENATOR SAMPSON: Are you divorced yet?

MS. GKANIOS: No, I am not. I am really not, and I've got to tell you the newest thing, I just got it four days ago, and again I want no more courts, I want no more appeals, I want to say my last statement in the end and save it, but I have to tell you, this man operated under a second Social Security Number, why didn't the judges do anything? This is when it was brought to their attention recently.

All the complaints to the D.A.'s office, judges, everything, nobody did nothing.

A wonderful officer from Manhattan called me last April 11th asking me if I
knew where my husband was, I said no.

I said but I heard he was in Florida,
but I have his second Social Security
Number, would that help?

Well, I'll tell you, within two hours
they had him in custody. He fled New York
State illegally, failed to report under
Meagan's Law, was hiding in the State of
Florida living in Pompano Beach in a
multimillion dollar home, they got him on
the Adam Walsh law.

I flew down there, got him back up here
to hold him in willful contempt, which is
the motion pending and has been pending for
over a year.

Now the thing with this case is I have
had assets taken, I have had a co-op, I have
had my home was foreclosed on, I still live
in the marital home but that my children own
the marital home, they bought it at
foreclosure by money that a cousin loaned me
in California which can all be documented.

Well, this crazy judge, mind you my
husband, I can't say anything other than him
being crazy, because he said on the bench a year ago and was trying to figure out who was at fault, I looked at him and I said excuse me? He's a convicted pedophile. You have to decide who's at fault?

I mean completely shocked. I gave him these two tapes, the thugs and the arson, I have over 200 tapes that were turned over to the District Attorney's office.

Senator Sampson, this is not just a regular case.

Again, in answer I had -- his former attorney, it was like let's play catch.

You have to understand, again, I know again --

SENATOR SAMPSON: What we are saying is right now the case is before Judge O'Rourke.

MS. GKANIOS: Listen, all I know, I'm going to do whatever it takes that's going to expose it, I know one thing, this man should not be sitting on a bench.

He has --

SENATOR SAMPSON: Judge O'Rourke.
MS. GKANIOS: Judge Andrew O'Rourke.

SENATOR SAMPSON: Where is he sitting at?

MS. GKANIOS: Putnam County Supreme Court, he is the worst, and if you give me a minute, I will tell you his new things and please because this is --

SENATOR SAMPSON: I will give you one minute to tell me your news things, then I need you to go to the Dominic Lieto case.

MS. GKANIOS: You know why on the procedure thing on the Dominic thing because of the foreclosure.

SENATOR SAMPSON: I understand that, but I've got so many witnesses I have to end this thing at 2:00, I want to get everybody. So I'll give you one minute to explain everything.

Ms. Wilson, you can't take too much time, three minutes, let's go.

MS. GKANIOS: That's all it's going to take us on it.

SENATOR SAMPSON: One minute.

MS. GKANIOS: Why was charges not
filed against him, Judge O'Rourke at one point knowing he's a convicted pedophile having to decide fault, he wants to give -- this is the craziest thing -- he wants me to be responsible for the foreclosure of my house, deduct the profits and give him half of my house.

A house that I don't even own, that's the first, same thing with the co-op.

Wait a minute, the man owes me $300,000 over $300,000, I got $20,000 in child support from bail money that the D.A., the judges hid from me.

And now Friday --

SENATOR SAMPSON: Have you filed complaints?

MS. GKANIOS: Yeah I did, Judge Nicolai.

SENATOR SAMPSON: I'm talking about file complaints against Judge O'Rourke.

MS. GKANIOS: Not yet, that was in the newspaper, Catherine Wilson and them in Westchester Guardian put the whole article in the newspaper.
I mean so that is the only one that I didn't file complaints on.

I can tell you that before, I'm going to allow him and I say allow him to give, that I'm going to be responsible for a co-op that was sold, or give him, say, half of the profit when before I give him half the profit he's going to pay my mom back $46,000 her estate that paid for my home.

And the $50,000 that we paid over the course of 20 years just to maintain it.

SENATOR SAMPSON: What we will do --

MS. GKANIOS: This man needs to be -- it's the most frightening thing, it really is.

SENATOR SAMPSON: What we are going to do is follow-up with your case, my counsel, Lisa Lashley, she says we will definitely follow-up with that, especially now that it's before Judge O'Rourke and see what's going on, see what's happening.

MS. GKANIOS: Senator Sampson, I can just tell you that --

SENATOR SAMPSON: MS. Wilson, why
don't you come on up.

MS. GKANIOS: It's not just a matrimonial, it's about rules that were broken.

If I have to follow the rules, if I have to comply with the rules, and again when you read this, you will see, I hit them with the rules, I want you to follow the rules.

You can -- and I just want to -- and 30 seconds will take me to read my conclusion, to you Senator Sampson and this whole committee.

And to our Governor, David Paterson, help and help now, 21 years is long enough my family had to endure, the letters you wrote for me years ago and helped protect my children and me, I can tell you the D.A. both offices, both Putnam and Westchester County along with the Administrative Judge Angela Ingrassia, Hickman and all the cronies were afraid of you have.

Well, help is needed now again, to the Governor, the Governor you know my children
and I, you have no idea as to what's been
going on since I last saw you on the Capitol
steps. I know you were very busy I would
like a meeting with you, not your aids,
these were and are criminal acts, criminal,
criminal acts, not civil, no more courts, no
more appeals, only handcuffs on these
criminals.

There will be only one way to deal with
them, as well as it is in your power,
Senators, to have these criminal judges
impeached immediately and immediate
investigation causing no more damage.

SENATOR SAMPSON: We will definitely
do that.

Thank you very much. Ms. Wilson, three
minutes.

MS. WILSON: Absolutely, Senators.

Thank you for your time, Senator Maziarz,
I'm Irish, I can only pronounce it if it has
an O' or a Mac in front of it.

Thank you for joining us, this issue
has to deal with foreclosures which
unfortunately in the current economy are
occurring at an ever greater rate.

In Westchester County alone this year we have now reached over the 8,000 mark of homes that are in jeopardy at this.

The issue also has to do with what I believe to be deliberate venue shopping on the case of the mortgage companies and changing jurisdiction and also the lack of help for Pro Se litigants.

The individual in question was an elderly gentleman called Dominic Lieto who came home recently a few months ago to his home to find his entire life savings in dumpsters in his front yard, and Senator Perkins and Senator George and Senator Sampson, Mr. Lieto came home to find photographs of his dead son in a dumpster on the front lawn, on his front lawn.

What had happened, how he got himself to this point was his son committed suicide in his home and had a subsequent divorce. Mr. Lieto lost his job then became disabled, he is now 62 years of age, he's elderly.

So with all of these complications and
no income coming in, it is not inconceivable that this gentleman lost his job.

He had other children, fell behind in his child support, he needed cash.

He then went to the mortgage company at Emigrant Savings Bank to get a loan.

Unfortunately this is an issue for the finance committee, there is nothing in the law at present to advocate for financial advice when you are getting a loan, because if somebody who knew anything about finances at the time had listened to him they would have said to him you are in a better position to sell the home, which is 100 percent equity, cash it out, sell down and then use the proceeds to pay off your debts.

Instead, the greedy individuals at Emigrant Bank seeing only their commission dollars, sold the man with no income at 62 years of age a mortgage.

Needless to say he defaulted on the mortgage.

What happened next is what I believe to be deliberate venue shopping.
When Emigrant Bank showed up at the auction they had a division of the bank buy the mortgage back and then rent the property to Mr. Lieto.

So they now removed the action out of Supreme Court so that when Mr. Lieto subsequently defaulted on his rent payments, it now became an eviction issue for Town Courts.

If we think the Supreme Courts, the Family Courts and the City Courts are bad, you ain't seen nothing until you've been to the Town Courts, they are sadly a dog and pony show.

I went to the Town Court, it happened to be the Town Court of Somers.

SENATOR SAMPSON: You have one minute.

MS. WILSON: And the information is not kept properly, there is no records retention, there is no training of the individuals, they do not know how to take care of the disabled and people in these situations.
What is most tragic, however, is there is no help for someone like Mr. Lieto who has to go it alone.

Nowhere in our court system, Senators, is there help for the Pro Se.

You call the Pro Se numbers they don't work, if you look on the State of California's website you can find every form with details and examples, just like the IRS.

There is no reason other than the lobbying efforts of the Bar Association in New York to stop us from obtaining the same information.

There are, however, fortunately some groups that do help Pro Se litigants, and one of them a representative is here with us, Dr. Kim Lurie who heads up a 4,000 strong member Coalition for Family Justice that is right here in Long Island and New York City.

But we have to provide our own funds to do what the court system in the State of New York should be doing.
People like Mr. Lieto need help every step of the way, it is unconscionable for an elderly disabled gentleman to come home, find his belongings in the front lawn and pictures of his dead son torn to shreds.

SENATOR SAMPSON: We can do something about that.

MS. GKANIOS: Yeah, because I need to add to that my mom's furnishings were in this house.

This stuff was supposed to be put in storage, instead the Sheriff's Office he told me sue me.

Catherine Wilson was threatened, attorney Ruth Pollack was threatened. This is their attitude, sue me.

Tomorrow this case goes back before Judge DeBello, there is a motion before him to vacate the judgment of foreclosure and sale.

There was no notices, no affidavits, Catherine Wilson will tell you and I will tell you in an average foreclosure there has got to be a dozen Affidavits of Service.
In Dominic's case it was only one, I kept my -- my house was in foreclosure for 10 years, over 225 motions I personally filed.

So I ripped this case apart along with Catherine Wilson, she did the financial end of it, I did the other part of it, because nobody is going to tell me a foreclosure inside out.

So this --

SENATOR SAMPSON: So you have foreclosures -- that woman kept a foreclosure open for 10 years.

MS. GKANIOS: You didn't let me finish, 10 years, do you know a lawyer came up to me and said to me how do I know that this was done right?

He says could you pay me $25,000 to read it?

Listen, if you want to know how I did it, you go to the courthouse and dig up the thing and you read my papers.

SENATOR SAMPSON: Thank you very much.
Thank you very much.

MS. GKANIOS: Senators, thank you.

SENATOR SAMPSON: Regina Felton. Is she around?

MS. FELTON: Yes, I am here, right.

SENATOR SAMPSON: Ms. Felton, you have ten minutes. The clock is running.

Mr. Higbee, are you ready?

MR. HIGBEE: Yes.

SENATOR SAMPSON: Okay.

MS. FELTON: Thank you, Senator Sampson.

My name is Regina Felton, I have been practicing in Brooklyn, New York in the Bedford-Stuyvesant area since 1990.

Prior to that I was -- I worked in the Manhattan D.A.'s office, I was senior counsel to the American Stock Exchange, Senior Special Counsel to the New York Stock Exchange, Assistant General Counsel to a securities firm on Wall Street and also head of market surveillance for that particular firm.

When I left and went to
Bedford-Stuyvesant I did so with the express desire to bring a kind of service to indigent people who lived in the area and who were underrepresented, since I had honed my skills.

So you can imagine when I encountered a judge whose name is Arthur M. Schack who sits in Kings County and who I had three cases before and wound up as a solo practitioner in Bedford-Stuyvesant on the front page of the Law Journal on three successive occasions.

And I point out to you that in the July 8th, 2008 Law Journal, lawyer ordered to pay fees after pursuing frivolous suit.

In the August 12, 2008 New York Law Journal, jail fines given to solo who withheld downpayment.

In the August 14th section of The New York Times, court sanctions attorney $10,000 over $40,000 in costs for failing to return downpayment.

SENATOR SAMPSON: So the million dollar question is did that occur?
What the judge is indicating that you did, did you withhold the downpayments, or what did you do to warrant, I guess, the actions that the judge took?

MS. FELTON: To give you the short answer, and I wrote a letter to the Law Journal, Judge Schack actually was under a restraining notice not to adjudicate the particular case.

I have had three cases before him and my first encounter with him was in 2003 and while I thought it was somewhat strange having practiced, I guess, at that time more than 20 years, I just believed that -- well, if this was a foreclosure, my three clients were over the age of 80, two of them were closer to 90.

The houses all were located in Bedford-Stuyvesant, with one exception in Clinton hill, and the seniors were under educated and also indigent, that's two.

One of them I represented pro bono and incurred the ire of the judge when I resisted a foreclosure, that's how I got on
his radar.

I went to the Appellate Division when for this foreclosure he had issued something called a Writ of Assistance which is inappropriate for a person who is still in title, if there had been a foreclosure and a Writ of Assistance had been issued to remove that person so that the new owner could take possession, the Writ of Assistance would have been appropriate.

But there were some other anomalies as well and those anomalies were that the same person was appointed by this judge as both the referee and the receiver.

I objected --

SENATOR SAMPSON: When you say the same person appointed.

MS. FELTON: The judge appointed an individual, both as the receiver and as the referee.

SENATOR SAMPSON: Is that odd?

MS. FELTON: That's a conflict of interest.

And so when I asked him -- well, when I
pointed this out --

SENATOR SAMPSON: As the referee and
the --

MS. FELTON: Receiver, the receiver
is the person who collects the rent.

SENATOR SAMPSON: And the referee is
the one who sells the property.

MS. FELTON: Exactly. In effect what
he had done is he had given title to this
property to this one individual and had
given him the right to collect the rents and
then had directed that my client, who was
still in title and the foreclosure, a
judgment of foreclosure had not been issued,
and he had directed that she pay rent.

Now, she's in title, she's the owner of
the property and so I was doing this pro
bono and had an obligation to run back and
forth to the Appellate Division.

SENATOR SAMPSON: This is the
O'Therry case.

MS. FELTON: This is the 2003 and
this is how I first became acquainted with
Judge Arthur M. Schack.
He wrote some pretty bizarre opinions in that particular case, but in any event I was going back and forth with the Appellate Division and I was successful.

At some point when I couldn't handle it any more because I was doing it -- pro bono legal services took over.

My next case with Judge Schack had to do with a senior citizen who was close to 90 years old and whose deed had twice been forged.

The first time the deed was forged another attorney handled the case and got a -- and had gotten a judgment cancelling title in the company who had forged the deed.

The company was directed to -- all equitable interests that that company had, the company was United Equities, was cancelled.

The company nevertheless transferred title again under a second forged deed.

They removed -- the person, the person who then had title, forged title, removed
all of my client's personal possessions from the house, changed the locks and brought eviction actions against him.

Now, this company was served by the Secretary of State.

The judge wrote the decision saying that I had served the wrong company, notwithstanding the fact that the company had been served by the Secretary of State and my client, the senior citizen who again was elderly, the only asset he owned was this house, and he was mortified by the fact that he had been removed from the property and the police had been called to remove him as a trespasser.

And I, because I'm in the Bedford-Stuyvesant community, attempted to represent him.

Now the issue here is, as far as I am concerned, is an obligation that I feel that we have, if we can, to represent the elderly and the indigent, and it was based on the decisions written by Judge Schack, he was removing my right to represent the senior
Now, the issues that I brought to the Commission on Judicial Conduct were as follows; first I indicated that this judge had an underground of writing decisions that were never filed and therefore not appealable.

Now what I do I mean by that? Where a judge issues an order, the order obviously must be followed. However if the judge does not file the order, then you cannot appeal. You cannot file a Notice of Appeal, you cannot go to the Appellate Division. If he's retaining that file in his chambers, then you are either forced to do exactly what the judge says, or you can write to the Commission on Judicial Conduct, which I did.

Now I listened very carefully to when Robert Tabeckian spoke on June 8th, 2009, and he articulated the fact that the commission's objective was not only to investigate complaints, but also to make sure that the commission maintains an independent judiciary.
I don't see how it is that the commission can take on two competing tasks, because it is a conflict of interest.

The commission then becomes or aligns itself with the judges and gives up its duty to the public to investigate and keep the courts unbiased.

SENATOR SAMPSON: Some judges would disagree with that.

MS. FELTON: So A, in writing to the Commission on Judicial Conduct where I explained my history with this judge, B, with respect to this one senior, that the judge completely misstated the facts, now you're an attorney, Senator Sampson, and we do know that the judge has a prerogative to interpret the facts, but he has no judicial prerogative to create new facts in order to get a certain result.

In the cases that I had before --

SENATOR SAMPSON: That's called judicial activism.

MS. FELTON: Well, all right. In the cases that I had before Justice Schack, he
actually created new facts, he created a fact pattern that I was able to disprove, and notwithstanding, I wind up on the front page of the paper without the opportunity to respond and without the opportunity to continue representing clients in that community without having them look askance at me because my pristine reputation had been sullied.

Secondly, I had a second case with -- the third case with Judge Schack, again he exercised his judicial prerogative to create and misstate the facts, and at the time he adjudicated a case where my client suffered -- his family had brought a petition questioning his mental health and the judge sitting in the mental health part issued a restraining notice.

That restraining notice forbade any adjudication of that case.

Notwithstanding the fact that this was called to his attention, Justice Schack adjudicated the case.

This was a case again involving
lucrative property of a person who was almost 90 years old, and now a person who's mental capacity was being challenged by the family and where there was a restraining notice in effect directing that nothing happen until the mental status of my client was determined.

I again found myself on the front page of the paper with more than $40,000 in costs and fees ascribed to me, notwithstanding the fact that there was a restraining notice.

The court issued orders in this case as well, and in this particular case a motion was made where the Plaintiff's attorney and my client and I were both named as Defendants, I was named because I was the escrow agent holding the downpayment in my escrow account, and my client, obviously, also was named.

The attorney who represented Plaintiff wanted to amend the complaint.

Somehow I was not served, notwithstanding even though I did not appear, a default judgment could have been
entered, though Justice Schack issued an
order which never was filed in which he
directed that the Sheriff pick me up and
take whatever action was necessary in order
to bring me to the court.

Now, in addition when I learned of the
order I attempted to file a Notice of
Appeal, the order had never been filed.

SENATOR SAMPSON: That's right, you
can't file a Notice of Appeal if the order
hasn't been filed.

MS. FELTON: That's right, I
attempted to bring a Writ of Mandamus
directing the judge to file the order so
that I could appeal and get a stay.

Well, what happened is I went to the
court, I notified the State Attorney
General's office, the assistant State
Attorney General appeared, the Appellate
Division on the spot filed the Notice of
Appeal, which is highly unusual, you do not
file in the Appellate Division, you don't
file the Notice of Appeal in the Appellate
Division, but rather you file it in the
State Supreme Court, the Appellate Division filed the Notice of Appeal to two orders on the spot, revised my order by hand, which is also something highly unusual, where the Court Clerk is revising an attorney's papers, and I was told that I didn't get the stay but I should appear in the Judge's part for a hearing.

Now, the judge had his law secretary call me on approximately -- well, actually four occasions, and I was so concerned about the nature of the conversation that I was having with the Judge's principal law secretary, I placed the phone on the speaker, turned on my dictaphone and tape recorded each of the four conversations which I then settled on notice with the Court Clerk so that he could revise the transcript and I sent a copy to my adversary, no one objected to the content or the accuracy of the conversations.

The law clerk scheduled a conference in each of those four conversations.

When I appeared and without notice I
was subjected to a contempt hearing.

Now mind you there was a restraining notice in this case, so the judge is continuing to adjudicate the case notwithstanding the restraining notice.

I show up unprepared for a contempt hearing without notice under the New York State judiciary law that is supposed to say warning, you could go to jail and all of that.

SENATOR SAMPSON: Correct.

MS. FELTON: And he finds me in contempt, directs me to pay the money from my escrow account and a certain sum of money as a penalty for not having turned the money over earlier, notwithstanding the restraining notice.

When I appeared in court, I had a certified check from my escrow account, but I did not have the check that he had ascribed as a penalty.

SENATOR SAMPSON: How much was that?

MS. FELTON: $6,678. I indicated to the judge that I had filed an appeal, the
Appellate Division had taken in the Notices of Appeal.

I perfected the appeal, I advised the judge that I had perfected the appeal and he said that I had an hour within which to turn over this $6,700 and would I do that?

When I said no, that I would not, he placed me in handcuffs, I have the transcript, and I was taken to the court officer's lounge, I guess that's what it was, where I was handcuffed to a chair, a Sheriff came and picked me up, I spent 11 days on Riker's Island.

THE AUDIENCE: Remove that judge, please.

MS. FELTON: I spent 11 days on Riker's Island, a friend of mine learned of my incarceration and went to the judge to negotiate my release.

The judge indicated that my friend, a retired police officer, had to go to Riker's Island and get the $30,000 check that I had in court on the day of my arrest and take that check with his check to the home of my
adversary's lawyer before he would issue an order to release me.

So some 300 miles driving to Riker's, driving out to Long Island to this attorney's house, going back out to Riker's, from 9:00 that morning I was released at 10:00 that evening.

I didn't know that the judge had, after I had been removed from the courtroom, had found that I was in contempt and had also given me another fine of $500 -- sorry $500.

In addition to that about three months after I had been released the judge issued an Order to Show Cause sua sponte where he determined that I should pay a sanction of $10,000 for having violated his order in the first place, notwithstanding the fact that when he issued the order there was a restraining notice.

The Order to Show Cause is supposed to be served in a certain kind of way with the warnings and personal service, it was not.

The order also indicated and the order happened to have been published in the New
York Law Journal, something I have never seen in all of my years of practice.

And so again I wind up in the New York Law Journal.

I was told -- or the order, the Order to Show Cause indicated that I either appear under threat of arrest or make the $10,000 payment under the threat of arrest.

SENATOR SAMPSON: So what happened?

MS. FELTON: I went to court, I submitted papers, I tendered a cashiers check for $10,000 to the Lawyers Fund for Client Protection.

Now, the Grievance Committee examined my escrow account, there was nothing wrong with it.

The only entries, the only entries in the account were those of that accrued interest.

I haven't been found to have engaged in any kind of wrongdoing whatsoever.

This judge, for whatever reason, has targeted me.

Now, I understand that judges are
supposed to be given some kind of leeway in terms of the way that they run their court.

But there is no question A, that this judge lied in his decisions, and B, that I have been singled out for whatever reason, and C, that the Commission on Judicial Conduct has done absolutely nothing.

Now I have not written to the Commission on Judicial Conduct one time, but I believe more than half a dozen times.

What bothers me is not only the fact that the order of arrest and the payment of the fines and the issuance of the Orders to Show Cause do not appear as entries in the unified court system and it's supposed to, but this judge seems to have deliberately tried to prevent me from representing indigent seniors in my community when I have chosen to do so to protect the only asset that they had, which was the house in which they lived.

Now the --

SENATOR SAMPSON: The question is, because we have to end in a minute because
time has extended, you wrote to the judicial conduct committee?

MS. FELTON: Many times.

SENATOR SAMPSON: Specifically about the incident that occurred, correct?

MS. FELTON: Yes.

SENATOR SAMPSON: Have you gotten any response?

MS. FELTON: Oh, yes, I did.

SENATOR SAMPSON: What has the response been?

MS. FELTON: There was no indication of wrongdoing.

SENATOR SAMPSON: Senator Perkins.

SENATOR PERKINS: You said you sent letters to the commission, can we get copies of those?

MS. FELTON: I gave you a package with reference to one of those letters, and I understand from Mr. Spotts that he scanned it into your -- I guess your computer, I have additional hard copies here, if you would like to have one.

This is only one of the cases and this
was the most egregious, because I wound up in Riker's Island.

But I have all of the -- I have all of the complaints which I have written, I have all of their responses in which they said that there was no wrongdoing.

SENATOR PERKINS: Did they indicate the basis upon which they came to their conclusion?

MS. FELTON: Well, I wrote, in fact I was so dumbfounded by the fact that there was no investigation that I knew of, because no one called me back, I actually called the author of the letter and asked her what was the basis for closing the case, and I was told they had -- that I had to do it in writing, I then wrote and then I was told that it was confidential and I wasn't entitled to know.

SENATOR SAMPSON: So, Ms. Felton, one thing you can rest assured I will talk -- Senator Maziarz, do you have any questions?

SENATOR MAZIARZ: No.

SENATOR SAMPSON: One thing, you can
rest assured that I will follow-up with respect to this and I guess have a conversation with the Commission on Judicial Conduct, especially when something of this magnitude seems to be very important that you can't just receive a letter, and I can understand it being confidential, because it's true, certain issues and procedures are confidential.

But I will -- this is why we are having hearings like this.

MS. FELTON: Well, thank you very much, I appreciate that, but I also would like you to weigh the fact that my reputation has been tarnished to a degree that I don't ever think that I can recover it.

I have never heard of a solo practitioner, my office is on the corner of Fulton and Marcy in the heart of Bedford-Stuyvesant.

When is it that a solo practitioner winds up repeatedly on the front page of the New York Law Journal in such disparaging
terms?

I have never heard of it. And the attorney Mark Dwyer, the one who went to Canada and forged all those papers, he got less press than I did.

SENATOR SAMPSON: Thank you very much, Ms. Felton, thank you. Mr. Higbee.

MR. HIGBEE: Yes.

SENATOR SAMPSON: Mr. Higbee, ten minutes.

MR. HIGBEE: Senator Sampson, thank you for holding these hearings. My name is Douglas Higbee, I have been embroiled in a matrimonial and then some since 1944.

I am going to fast forward up to where my wife's sister, an attorney here practicing in New York and Connecticut using her power beyond that was employed by the Office of Attorney General right up the street.

And at which time thought that she didn't -- and being part of a fraud sexual abuse allegation of me in January 1997, subsequently leading to my arrest, March 20
of 1997, because I was broke yet again, having had 8 matrimonial attorneys throughout the entire matter, and I just -- nothing of this took place, nothing ever happened, I was told you have to have counsel, I said assign me counsel.

Court assigns Joe Abananto, Joe comes to court meets my sister-in-law in the City, this is in Mamaroneck in the Village Court and confronts him, he drops me.

There is nothing in the record from the Village Court of ever being on there, subsequently Legal Aid gets assigned, and we just sit on it until it's dismissed in May of 1998.

In the meantime, I also learn that trying to find out my sister-in-law was also -- she was dismissed from the Attorney's General Office for having sex with an inmate in jail; it's documented.

SENATOR SAMPSON: Sister-in-law?

MR. HIGBEE: Joan Marshal Cressup practicing law in the State of New York of here and in Connecticut was dismissed from
the Attorney General's Office in July 18, I believe, 1997 for having "sex with an inmate in jail."

This I know only because after this was dismissed my life got a little bit of a break, I don't know if she was suspended or not, but is still practicing law, and when I finally came back to New York and started this matter again, I got a copy of my file from the attorney, Lynette Spalding, Legal Aid Society in Westchester to find out what went on there, to me it was dismissed.

I've got 16 boxes of files, that make up the majority of the five by five storage facility I own that houses everything I own left in the world.

Nevertheless her notes indicated, and it was her notes, that said I know a little bit about JC and having sex with an inmate in jail. When I found this out and yet this in the notes the Attorney General's Office was up in Westchester November of '97 -- 2007, and I only got the file in '06 or '07, I met with an investigator with the Attorney
General's Office, came to New York and he gave me the head up that was the fact, that was the case I FOIA'd her file, denied, I appealed the denial, denied, I'm supposed to be able to sue and get this.

So she's gone for a few years practicing I don't know doing what, and then comes back into law and gets me between the eyes by making a one and a half million suit against my employer, Morgan Stanley.

I used to be a broker with Morgan Stanley in Greenwich, Connecticut, I didn't come from any money, I'm a guy, I wasn't expected to go to college, I went to a state school, came out, got a job at IBM fixing typewriters, got kicked over to marketing, did 7 years, they dropped the training program on me at age 30, I went into finance, the money was there, I got picked up by what's known by Morgan Stanley in Greenwich.

They destroyed my life, I haven't seen my children in two years because this fraudulent sexual abuse allegation which I
never saw even the allegation by Detective Bart DeNardo until I got the file from the attorney alleging that I let my -- I'm not even going to say it, it never took place, not only that, it's dismissed, so I still can't say, I still do not understand what's going on.

To draw this back to not get off track, I have written the DDC repeatedly for them to investigate Ms. Joan Cressup's behavior practicing law and they proceeded to get in this because I put a complaint in '97 that it took them damn near a year to pull the files from storage, and the paper trail exists, I gave you a handout that I talked to Tim Spotts today, it's 53 pages it's on the CD that I originally copied, if you read it, great, if you haven't, please do.

I still think that my life is cloaked in this, I'm a sex abuse offender of my daughter --

SENATOR Sampson: But it's been dismissed against you.

MR. HIGBEE: Yes, supposedly it's
been dismissed, however with that -- it's only because I brought this back, I moved back to New York in '06, because I found out, it gets really deep, I'm in small claims trying to get a security deposit back from a landlord in Connecticut who -- and my sister-in-law was you walking down the hall in Danbury, Connecticut and has me served with my divorce that I find out took place in July '03 and I'm learning about it in '06, took nine years to get to that point, surprise.

Also this judgment of divorce has a warrant for my arrest. Why? Because I didn't show up, nor was I served notice to be at my judgment of divorce, so I voluntarily show up for this bench warrant before Fred Shapiro, he's no longer the judge, Donovan is, I'm incarcerated, thrown in jail for two months before they even get around to the hearing to find out I'm here, I spend another two months there, I get out, June 29, 2006 and within three weeks Joan Marshal Cressup, who now because of the
divorce, don't think she wasn't writing the papers before, Marilyn Faust wasn't, it was my money, in the past despite my complaints has never been able to provide a retainer agreement.

So she, Joan Cressup gets on July I think it's dated on the docket July 21 of '06 a judgment that Donovan signs off on of $378,000 that I owe, so they just stole $60,000 out of my pension last month and that I have a real quandary because Marilyn Faust knows Joan has been writing all the papers and doing everything, once Marilyn Faust found out she's got a judgment against me for $378,000 it's going to be a payday, Faust wants to get paid, Faust takes my wife to court for $135,000 in which case my wife beats her and her counsel in federal court on jurisdictional grounds and it's dismissed.

What's the latest of it? I don't know, but it's a comedy of freaking errors and if you don't think this attorney has done it -- but back to the CDC, the Commission for
Judicial conduct, if I wasn't homeless I could probably heat my home on the paperwork alone going to the CDC and Gary Casello, what a joke, I've been through it, it doesn't work.

Why is Gary Casello the Westchester Bar Association drinking alcohol with all his cronies and playing golf, and I'm a witness to it firsthand if you want to subpoena me.

The paperwork, I can keep you inundated with paperwork, we need a different channel, a different forum.

I'm not here to complain about my personal situation, we wouldn't be here if there isn't something there.

Take the new law students coming out of law school that don't have jobs to go to, give them $50,000 and form some new commission where you plant these people in the committees and the CDC and the DDC on a six month internship to oversee what's going on and report back at a minimal expense to the State, have them report back to you people who have the authority based on them,
if they don't get it straight, it's their
ass or career up front.

That idea was put on your website on
the issues and legislators that everybody
can go to if you've got an idea.

I'm going to close and concede what
remaining time I have to Dr. Kim Laurie.

Questions?

SENATOR SAMPSON: Are you done?

MR. HIGBEE: I am done, yes, sir.

Thank you.

SENATOR SAMPSON: The next witness is
Kathryn Malarkey. Ms. Malarkey.

MS. MALARKEY: Yes, I wasn't advised
I was going to be testifying so I'm not
really prepared, but I have a short
statement I want to read to the committee,
and thank you very much for hearing us.

I was involved in the employment case
in which an injunction against further
retaliation had been issued.

My attorneys lied to me and lied to a
federal Magistrate. Their lies are recorded
in an official court audio tape of the
hearing that I was not allowed to attend
because my attorneys told me this was a
private hearing with the judge and I should
not be there.

I didn't know that they didn't want me
to be there because they intended to lie.

I did not know about these lies until
years after I was forced into a settlement.

My lawyers' lies caused the Magistrate
to fine me $500 and he threatened to dismiss
my case.

I presented irrefutable documentation
to the Departmental Disciplinary Committee.

The attorneys did not bother to refute
the evidence that I gave, because I believe
they could not refute it.

I was repeatedly told it was a waste of
time to complain to the DDC. I believe
there would be many more complaints if
people had faith in the DDC.

The pain and suffering of long drawn
out process inflicts pain and suffering and
ruins lives. I think you have heard this
morning just how much pain this group has.
It would have cost hundreds of thousands of dollars for me to present my case to the DDC.

Except for a wonderful attorney who has given all this time to represent me pro bono, the DDC has dismissed my case without any explanation.

I have never been able to respond to any questions that they might have, I surely can respond to all their questions.

It should not take years to get justice.

The DDC should be open, fair minded, helpful to those who have suffered at the hands of incompetent attorneys.

The DDC should change its name to the Attorneys Protection Association.

There is so much suffering in the search for justice, there must be a better way, and Senator Sampson, we are so grateful to you and to the others who have listened to us, you have been wonderful.

I just hoped that you hear how much need there is for real serious reform and I
will back this all up with some papers to
you later.

Thank you, thank you.

SENATOR SAMPSON: Thank you very
much, Mrs. Malarkey.

The next witness is Nora Renzuli. Ms.
Renzuli.

MS. RENZULI: Thank you, Senator
Sampson and Senator Maziarz, my name is Nora
Renzuli, I'm an attorney, I was admitted to
the practice of law in New York State and in
New Jersey in 1987.

I have been practicing law in the State
of New York and have been employed by the
Office of Court Administration since 1990.

SENATOR SAMPSON: Are you still
employed with them?

MS. RENZULI: Yes, I am. I have
presented my material to the committee, and
it does lay out my case and my position that
a judge in Family Court without legitimate
authority or jurisdiction took my children
and handed them over to my former husband
who is living out of state in Pennsylvania
who was represented by a Brooklyn and Queens clubhouse attorney who managed to wrap the judge around his little finger.

My children were sent out of state before I was allowed to put on a word of my case.

That was in 1999. The children had been with me since their father left in 1990, I had been the custodial parent for nine years, I had finally gotten a child support order and it was affirmed on appeal in 1998.

My former husband then went to the Family Court and subverted the whole due process and dual tier system for Family Court decision making by pulling the rug out from under a fully litigated divorce and custody, visitation, child support decision making by Supreme Court orders.

The focus I would like the committee to look at most is something that hasn't really been touched on here, and that is parent-child relationships, that's why I'm here, that's front and center of everything I have
done ever since my children were born.

And to have lost them nine years ago to a deadbeat dad who was able to hoodwink the whole system and get a judge to act without subject matter jurisdiction and take them away before I was heard, one word, despite being represented by a former Family Court judge, retired, who obviously had lost his clout, Family Court Judge's name is Terrence Miguel Rath in Staten Island Family Court.

I brought a Writ of Prohibition, the Family Court judge was represented by Attorney General Elliott Spitzer.

Elion Gonzales was protected by Attorney General Janet Reno.

David Goldman's son who is in Brazil now is being protected by the efforts of Senator -- by Secretary of State Hillary Clinton.

Does anyone in this room think that former Attorney General Elliott Spitzer lifted a finger to help protect my children?

He did not. Even though his own investigator in the public integrity unit
told me there was, "obvious misconduct and malfeasance."

There was a publicly paid law guardian who consorted with the attorney for my former husband who created the scam that I had never been given actual custody and therefore I did not need to be heard before the children were moved.

In these kinds of cases often possession does end up being 9/10 of the law, especially when kids are sent to another jurisdiction in another state, or they are abducted and sent to another country.

I have been trying since that happened to get some kind of remedy, and I have done everything conceivable, possible, legal, to make that happen.

On September 11, 2007 the Court of Appeals of New York State dismissed my Writ of Prohibition by saying it had mooted out because the children were now over 18.

That is no solution to these kinds of problems.
The state of New York is suffering from avoidance disorder and if it were a person it would be diagnosed with access to avoidance personality disorder.

We need to deal with these problems, we need to name them, claim them and nip them in the bud before children are irreparably damaged.

The Attorney General of the State of New York has a role to play, when there is no jurisdiction and a judge doesn't have the power, he loses immunity.

The Attorney General's Office needs to assess these cases, vet them and when they are asked to represent some kind of dishonesty, dirty dealings, they should say to OCA no way, I'm not going to represent this dirty judge, this dishonest judge, this dishonest process, but no, they go right in and do it and it goes all the way to the Court of Appeals, wasting our taxpayer's dollars and the credibility and the legitimacy of the office of Attorney General, the chief law enforcement officer.
of the state.

What is that AG doing representing these kind of judges?

Unbelievable, and I finally get to the Court of Appeals and then they wash their hands, as if it only had to do with the ages of the children.

It had to do with a complete perversion of justice.

Two senators on your committee from Staten Island have tried to help me, they have reached out to the District Attorney of Richmond County, they asked that an investigation each be conducted into the law guardian's behavior.

The D.A. of Richmond County wouldn't even investigate, and that was after a call from the Democratic leader of Richmond County, after letters from Senator Lanza, Senator Savino and Assemblyman Titone, didn't make a hill of beans difference with this D.A.

I think that OCA needs to get a handle on these kinds of problems early on and deal
with them before all the damage is done.

    It's not just damage to me as a
    litigant, as a citizen, as an attorney, as
    an officer of the court, but it's damage to
    our whole process.

SENATOR SAMPSON: Okay.

MS. RENZULI: I really appreciate
what you're doing, Senator, and I hope that
the orders, taking custody from me,
illegitimately giving it to my ex, taking
child support out of my pay for the last
nine years, over $100,000, out of my court
salary, they will devour their own, this
court system is out of control.

    I want those orders voided. Thank you.

SENATOR SAMPSON: Thank you very
much.

Next witness is Stephanie Klein,
Stephanie.

    If we can just take a five minute
    break, is that all right?

(Discussion off the record.)

SENATOR SAMPSON: We will start right
now, I had to make sure no more coups were
going on.

I've got five witnesses left after Ms. Klein. No more additions, Lisa, no more additions.


MS. KLEIN: Well, hi, good afternoon.

Thank you for allowing me to speak at this very important hearing today.

I would like to preface my statement by stating that I have been in matrimonial Supreme Nassau County with justice Anthony Falanga for six years now and counting and I also would like to also mention take noticed there are many others who are also in front of Justice Falanga, same courtroom as I have been in for the past six years.

We settled our divorce three years ago and I still am trying to obtain the money settlement in our settlement agreement.

Having said that, bear with me, this is my first time I'm doing this and I'm really nervous.

SENATOR SAMPSION: Take your time.

You've still only got nine minutes now.
MS. KLEIN: That's what I wanted to say, too, I chopped my pages down, I only have two and a quarter, so I won't take up too much. I'll do my best.

I would also just like to say that as soon as Judge Falanga heard my statement to contest the divorce I was immediately labeled in his mind as a trouble maker, even though I was just exercising my legal right to contest the divorce that I felt was unwarranted and unnecessary.

But after that he made it his business to make my life absolutely miserable each and every time I had to appear in front of him in his courtroom.

I was made to stand and be humiliated in front of the entire courtroom, degraded, he called me names, I was told I lived in sin because I married someone out of my faith so he told me I lived in sin for 10 years before we remarried in another ceremony in the church, just to give you an idea of some things that Judge Falanga is capable of.
But in any case, if I could leave you here today with two very important words, and I'm glad to have -- to being followed by the person, the woman who spoke before me, two important words, children and mothers.

But I would be remiss to leave you here today without finishing the rest of those very important words, children, mothers, domestic abuse, domestic violence and our broken down excuse for a fair and just judicial system.

It's broken and no one is fixing it and that is a direct quote told to me within the system itself when Judge Falanga changed my Order of Protection for myself and my children and altered it from the Criminal Court taking my children off of the Order of Protection that was issued after he had assaulted me and was arrested and spent the night in jail, and Judge Falanga crossed out my children's names and allowed my ex-husband to reinstate his visitation rights.

Also and most crucially important, the
drastic and horrifically damaging effects
and fall out, if you will, from the great
collapse, corruption and breakdown and
failure of our judicial system as it stands
today, is especially important.

But my most important and privileged
purpose and even mission for being here
today is to urge all of you to specifically
examine the numerous departments of what are
supposed to be our just and fair judicial
system in Nassau County, New York.

All of the following departments of our
government here in New York are drastically
broken down and need urgent examination and
swift cleanup, to say the least.

We must put back into place our fair
and just legal system as was intended by our
forefathers to be.

Some of the courts are Supreme Court
matrimonial, Criminal Court, supervising
judges, arbitration committees, the
Grievance Committees, the Appellate Courts,
judicial commissions, committees on judges
and judicial conduct, commissions handling
all complaints against judges, attorneys and law guardians.

We know today that according to the 2009 report of the Commission on Judicial Conduct, that out of almost 2,000 complaints filed in 2008, only 262 were investigated and of those, 173 were deemed dismissed.

Now if my math is correct that means and leaves only 89.

89 out of almost 2000 complaints for the entire year for 2008, only 89 people were even examined and possibly taken seriously, we don't even know that.

We do not know whether these 89 results were favorable to the complainant or not, and these figures do not even include all the other complaints not entered by the public for fear of retaliation by the judges, attorneys and the courts.

I am even worried that I am sitting here today naming names and saying what I'm saying.

People are afraid to step up and exercise what is their legal right to defend
themselves because they see others who have
done so and been sanctioned or punished in
some way or another by the judges and the
courts for doing so.

It is criminal what is going on in our
courts today and the innocent are being
unfairly judged and punished while the true
guilty parties walk away.

Imagine what that total figure would
have been if more people had the courage to
step forward but cannot and do not out of
fear for the retaliation by the judges and
who label these people instead as trouble
makers and punish them as such, as was done
to me by Judge Falanga.

We all know there is a major corruption
going on in our entire government, we all
see it on TV every day, we see it from
officers of the court, attorneys, judges,
supervising judges, even Governor's and
right up to the President of the United
States.

Perjury and adultery have become
commonplace.
These are both against the law, yet last time I looked nobody is being prosecuted for these terribly hurtful and damaging crimes, especially to the children of our world; the true victims in all of these goings on.

Families are being broken up every day and unnecessarily so and the children are being hurt in so many ways.

The court should be sending families, and this is really important, the courts should be sending families to counseling before handing out divorces like candy, and for no good reasons.

What has happened to the family as we know it in America today?

Divorce is now in epidemic proportions.

Almost everyone we meet are now either divorced or know someone who is divorced.

Women, children, families are torn apart, homes are lost, people are struggling just to make ends meet.

In some cases children are brain washed against a parent, thus creating a
horribly painful and most depressing and most cruel estrangement both on the part of the children putting them in the middle and also on the other parent.

And custody is sought to get out of paying child support, as well as taking the home along with them.

The other parent moves out and life as the family knew it will never be the same again.

And the courts let it all go by. It is an outrage what is going on in matrimonial Supreme Court in Nassau County New York, so the innocent parties in this epidemic of divorces --

SENATOR SAMPSON: Thank you.

MS. KLEIN: How do I know? Because it has personally happened to me and my two children, and as I sit here today, I risk myself being sanctioned by Judge Falanga somehow, he will find a way, but what I am saying here is only the truth and it must be told.

I have been living this terrible
experience in matrimonial court in Nassau County for six years now and counting, I am still unable to collect the money which was agreed upon several years ago.

SENATOR SAMPSON: When you say that, Mrs. Klein, are you saying that the judge is stifling you from collecting your money? What is preventing you from that?

MS. KLEIN: Well, my attorney has informed me that she has released herself from my case and she's decided that she's done.

SENATOR SAMPSON: So basically you have no attorney at this point in time?

MS. KLEIN: Then when I try to contact they tell me to try to reach out to Judge Falanga, which I did, and they sent it back saying no, you still have an attorney and I was getting to that part, I was going to mention that.

SENATOR SAMPSON: Because your time is up, okay?

MS. KLEIN: I'm almost done. Let me just get back to my spot, yes, it happened
personally to me and my children.

And as I sit here today, I am saying that I fear being sanctioned by Judge Falanga, I really don't know what to do, I am in the middle.

I've been living this experience as I sit for six years now and counting.

I am still unable to collect the money which we agreed upon, I am told I may not -­ I may not reach out to the judge for assistance, as I still have an attorney on record, although this attorney has released herself from the case, as I have just said.

I am still in the middle and do not know when it will end or what to do.

I am ill, I want to get my affairs in order, and I cannot find anyone to help me get this money settlement, the QRDO transferred over to me as was court ordered and get my children back.

I speak from fact, but of course from many other emotions as one can well imagine in a situation such as I am now living and did not do one thing to deserve any of it.
I was and always would be a very caring wife and mother, I loved being a stay at home mother and did it for 18 years and treasured each moment.

The worst thing that can happen to a mother is to lose her child.

I have two holes in my heart where my daughters used to be.

I have been alienated from my own children, and the pain is so very difficult to endure and the court did nothing it help. The side with the money always wins.

What I need is an attorney who will help me to obtain my money settlement as ordered in the QRDO and have been waiting now for years and also assistance with getting my children back and unbrainwashed, if you will.

What has happened to our morals and vows and promises we make in marriage and families?

There should be mandatory counseling before any type of permanent and emotionally damaging and scarring decisions and
judgments of divorce are handed out.

We have law guardians who may know the legal rights of children, but they are in no way trained in psychology or psychiatry or even social work and yet they are allowed to make very crucial and potentially damaging decisions for these children, both mentally, emotionally and financially.

SENATOR SAMPSON: Ms. Klein.

MS. KLEIN: I am almost done. The lives of children are put in the hands of law guardians who know nothing of what children need and in most cases these law guardians don't even have children of their own on which to base their potentially emotionally damaging decisions upon.

I leave you here today, in closing, with all of these words and hope that you will help me and others who are lost and abused in this terribly painful and damaging and corruptive courts, in the matrimonial court of the Supreme Court of Nassau County, I even risk, as I said, being sanctioned or further punished, but it is a chance I must
take to try to get back to justice in the supposed halls of justice.

I have tried the grievance committees, I have tried the arbitration committees, I have tried writing to everybody all over the place, and none of it helps.

It just does not make sense that the guilty party here lie, cheated, committed adultery and perjury and yet continues in these behaviors and myself and my now two estranged daughters are the ones being punished.

It seems the old saying still holds true, it's not what you know, it's who you know, I hope someone will step up today for me and my two daughters and help me get this case straightened out as it should be.

I thank you for your time and in advance of any future assistance, all of my information is listed below on the papers that I handed in.

I am Stephanie Klein, and I that you for all for listening.

SENATOR SAMPSON: Thank you, Ms.
Ms. Klein, what we will do I'll have one of my staff people, Lisa Lashley make sure, because I just want everybody to get clear, you know, we are not looking to basically have an input in the outcome of these individual cases, because that's not our job here, our job is to look at the Commission on Judicial Conduct and also the disciplinary committees to make sure that any discrepancies or issues or any reforms that need to be made or recommendations to reform the present system as such, to give a little bit more faith, trust and confidence of the people who are using this judicial system.

So that's what we are looking for, that's exactly what we are looking for.

The outcome in individual cases, we cannot have any input with respect to that. But I will have somebody look at your case closely, Ms. Klein, all right?

MS. KLEIN: Thank you, I really appreciate that.
SENATOR SAMPSON: Thank you.

MS. KLEIN: Just to say, I didn't complain yet to the judicial commission to Judge Falanga because he's not done with me yet, and I'm afraid of what he could do to me before we are done.

SENATOR SAMPSON: But I think it's good you come because sometimes judges, you know, that's why you have the Commission of Judicial Conduct, you make these complaints if you feel the judges is just stepping out of his bounds of the parameters he is supposed to be operating in.

MS. KLEIN: I feel almost a little safer because now I'm on record of saying how I've been treated by him, and whatever his future things are to do to me, will be now noted because I have said, sat here and given my statement of what has been done by this man to me until today.

So I thank you for your help after.

SENATOR SAMPSON: Thank you, Ms. Klein.

The next witness is Ike Aruti of
MR. ARUTI: I have prepared the copies that were requested so you might read a little.

Thank you very much, Senator Sampson, for the opportunity to give my testimony today.

My name is Ike Aruti, and I am a patent attorney.

I was an engineer for many years before going to law school and I was very successful as an engineer because I always had a special talent for diagnosing malfunctions.

I did not leave this talent behind when I became an attorney.

Beginning in May of 2007 I was the victim of false charges of domestic violence, and in June of 2007 my son was taken away from me by the NYPD in the middle of the night.

Since then I have lost my job, I have lost my reputation, and I have lost my family.
And to depart from the text of my transcript here, I respectfully disagree, Senator, with your concern for the reputations of judges.

Why is a judge's reputation any more important than mine?

SENATOR SAMPSON: I said that? I don't think I said that. I said -- what did I say?

MR. ARUTI: When you were saying that the CJC procedures cannot be made public and must be kept confidential unless something is being done,

I think that transparency is the only way, and to steal a phrase from you, Senator, it needs the benefit of disinfecting daylight.

It should all be public, and it should be a citizen's committee of people who are not affiliated with the court.

However, I became aware of the Queens County Family Court and a perverse symbiosis of malfunctioning government agencies that had been spiraling out of control, and I
have learned that this is commonly referred to as the domestic violence industry, and the court plays the leading role in this.

The Commission for Judicial Conduct is the only control over the court.

The abuse and misconduct that I suffered at the hands of the New York City Administration for Children's Services and New York State Office of Children and Family offices were truly horrifying.

But I feel that what I observed and experienced in court was truly a disgrace to the Bench and the Bar.

The system is desperately in need of what Senator Sampson refers to as disinfecting daylight.

In the Queens County Family Court the public is routinely excluded from what are public proceedings where they would see assigned counsel, counsel being assigned by the judges that they will be appearing before.

This is a glaring appearance of impropriety which is prohibited by the model
rules, and it's a conflict of interest in
that counsel may not wish to bite the hand
that feeds them and compromise -- and this
compromises their client's representation.

To depart again from the text of my
transcript, I was on an 18B panel in the
Nassau County District Court and when I was
appointed by the arraignment judge, he was
not the judge that I was appearing before,
and if it occurred at a later stage in the
proceeding, a call was made to the assigned
counsel office and the judge did not
participate in the selection of counsel.

On December 17th I attempted to enter a
courtroom for a public proceeding where
opposing counsel were present.

I was arrested, physically and verbally
abused by the court officers, humiliated in
front of all of the people in the waiting
room, and the court officers where no name
tags and refuse to identify themselves.

In the Queens County Family Court it
took almost two years before I had my first
opportunity to be heard, as is required by
due process.

My wife was given assigned counsel under the same conditions for which I was refused and that was homeownership.

When Judge Friedman eventually assigned counsel to me, a Mr. Anthony Johnson, she told him not to do anything.

My orders to show cause were routinely ignored. They are still pending from 2007.

Despite the fact that all of the charges against me were now dismissed, my parental rights remain in a state of de facto termination.

I have no contact with my children whatsoever, and there is nothing in any record negative about me.

SENATOR SAMPSON: So, why do you have no contact, your rights were terminated?

MR. ARUTI: Yes, de facto my rights were terminated. I do not know where my children go to school, I do not know where they live.

SENATOR SAMPSON: Are you still in Family Court proceedings?
MR. ARUTI: I am still in Family Court proceedings.

SENATOR SAMPSON: I am just saying you are still in Family Court proceedings and you have no idea where your children go to school at?

MR. ARUTI: No.

SENATOR SAMPSON: You don't have any contact with them?

MR. ARUTI: No.

SENATOR SAMPSON: And you have raised this to the Queens Family Court?

MR. ARUTI: Yes, I have, I raised it in fact just this week, it was about three weeks ago.

In fact tomorrow will make three weeks that all of the family offense charges and all of the violence charges and all of those things were thrown out completely.

The Order of Protection should never have been issued.

No good cause was ever shown, it wasn't recited in the order as it was required, and again, to depart from the text of my
transcript, the only thing easier than
getting an Order of Protection from the
court these days is the abuse of one.

SENATOR SAMPSON: No, I understand
that, but let's get back to really the gist
of everything.

So how has the court or the judiciary
or the courts or the attorneys impeded your
progress in allowing you to see your
children or what obstacles or what
misconduct has been exhibited?

MR. ARUTI: The other counsel has
engaged in a lot of dilatory practice, and
they have outright lied in court.

I had to beg the judge to pull a
transcript, I've been through about 9 judges
already there, I understand it's only two
judges left in the building that I haven't
been before, I hesitate to make further
complaints against Judge Pam Jackman Brown
because, quite frankly, she's the best judge
I've had there.

Maybe it's because she's new.

SENATOR SAMPSON: Just for
disclaimer, she's my cousin, just to --

MR. ARUTI: I have not received
better treatment in the court than I have by
her.

It still doesn't mean that I think it
was fundamentally fair, or it resulted in
substantial justice.

Apart from the procedural due process
requirements, which are notice and an
opportunity to be heard.

SENATOR SAMPSON: Have you filed any
complaints, if any?

MR. ARUTI: I have filed numerous
complaints.

SENATOR SAMPSON: I don't want you to
be -- as a lawyer, we don't want to be
subject to the document, the written
document, I want to hear from you, you know.

MR. ARUTI: They were oh, well, in my
particular case.

SENATOR SAMPSON: I can read the
document.

MR. ARUTI: It was a sneak attack
from Mexico. I guess I may have gotten
married for the wrong reasons, the woman
treated me like a king for 12 years, when my
parents died I didn't want to be alone, I
married her, we had children, she came to
New York and could not function.

She destroyed my practice because she
had no domestic skills, she had no
linguistic skills, she became a recluse in
the home.

She couldn't answer the phone, answer
the door, I had to hire an intern and teach
him how to draft patent applications to get
my work done, and it very soon became really
the point of diminishing returns.

SENATOR SAMPSON: So --

MR. ARUTI: So I got an opportunity
to purchase an automobile race facility in
Mexico, I have had a very long history of
amateur road racing championships.

SENATOR SAMPSON: But --

MR. ARUTI: In any event, we have
been living in Mexico since September of
2000 and with regard to the purchase of the
sale there were some stumbling blocks that
delayed it, and I was unhappy with the education my children were getting, so I grabbed my son, who was the older of the two, and I brought him to New York for the third grade and for the fifth grade, solely for the purpose of coming to school.

SENATOR SAMPSON: Okay.

MR. ARUTI: He was in the gifted and talented class.

SENATOR SAMPSON: What we are trying to pinpoint is --

MR. ARUTI: I asked -- I have begged for visitation with my children at every single appearance.

The judge has agreed with me that there is nothing in the record, there was nothing at the family offense violation trial to substantiate any loss, and this is another thing, I think that part of the problem is also the statutory framework of the Family Court act where Judge Friedman sarcastically answered me that she remembered due process from law school, and I said that I cited Matthews versus Eldridge that due process is
a flexible concept that has to be tailored
to every situation.

In any event she told me that Article 6
of the Family Court Act doesn't provide for
hearings.

I argued that Amendment 5 of the
Constitution does.

SENATOR SAMPSON: I'll give you one
more minute.

MR. ARUTI: I would like to go
through this because I know you were asking
for suggestions and constructive criticisms,
and I have many of those.

SENATOR SAMPSON: In one minute
articulate them. You don't have to read
them, just articulate them.

MR. ARUTI: Well, in any event this
was taken as a case of emergency
jurisdiction and now that we have disproved
the existence of the emergency, somehow this
jurisdiction continues.

Despite the fact that the ACS workers
have committed wire fraud by communicating
with my wife in Mexico using my long
distance account.

They have induced her to violate the Immigration and Naturalization Act Section 274 which are both RICO predicate offenses.

SENATOR SAMPSON: I've got you, but give me the recommendations because we have got to close it down, I've got to go to the next one.

MR. ARUTI: My recommendations, transparency, there is no reason that a judge should make any statement to any party that is not on the record.

There is limited immunity for judges, however when the real world factors are considered, they are totally immune.

They are a stronger body than the blue wall of silence.

Furthermore, part of access to justice, and you said yourself, well that's why we have so many levels of Appellate Courts, look at how onerous the appellate procedure is and I think that we are remiss in our obligations to embrace very mature technology.
If I want a transcript of the record, I have to pay somebody who knows how much a page and wait how many months and it's hundreds of dollars, and I don't know what it says, you can't review the facts that were established in the lower court, why? Because all you have is the transcript.

SENATOR SAMPSON: Got you.

MR. ARUTI: Audio visual recordings are very mature, Senator.

There is no reason that you shouldn't be able to walk out of the courthouse and on your way out pay $1 for a DVD that contains the entire proceeding.

SENATOR SAMPSON: Mr. Aruti, since time is up, I will --

MR. ARUTI: One more point, Mr. Senator, I respectfully submit to you that parental rights are among the most fundamental rights that we have and, in fact, equally as fundamental as our right to freedom. If not more so.

I personally would have rather spent this two years in jail and come out to a
loving family than to have lost my children
and had them alienated in the process.

SENATOR SAMPSON: Thank you.

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

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

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

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

SENATOR SAMPSON: We will work on it.

MR. ARUTI: Our children are our
future.

SENATOR SAMPSON: Terrence Finnan.

MR. FINNAN: Here is a copy you might
look at it. I have a large number of issues
with the court system and the complaints
against lawyers, I'm not going to do it, I'm going to stick it, I have made five complaints to the Commission on Judicial Conduct.

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

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

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

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

SENATOR SAMPSON: He's right behind you.

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

I make you aware of my disability and demand that Mr. Tabeckian not allow this
corrupt Judge Ryan to abuse me because of limitations of my disability.

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

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

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

I brought this up by motion, the judge says gee, you know, I got notice. He sent I found out that the judge sent a fax to my home then and -- because I don't even have a fax machine, and I am in cardiac intensive care.
This isn't funny, because I don't want my life destroyed.

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

Judge --

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

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

SENATOR SAMPSON: He's acting Surrogates Court?

MR. FINNAN: Supreme Court Judge.

SENATOR SAMPSON: Exact acting Supreme Court Judge.

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

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

MR. FINNAN: The court appoints acting Supreme Court Judges to act as
Supreme Court Judges because we don't have enough.

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

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

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

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

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

SENATOR SAMPSON: This case is still pending, correct?

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

SENATOR SAMPSON: Are you represented by an attorney?

MR. FINNAN: I was represented by an
attorney, the reasons I'm not represented by an attorney, I didn't want to get into at this point, but basically it is related to the judge, several attorneys were informed by the judge that I had to lose the case.

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

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

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

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

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

MS. WEISSHAUS: Thank you, Senator Sampson.

I didn't prepare a speech for myself
because they told me yesterday I'm not scheduled to speak, so I'll speak from my heart a little bit.

I am a Holocaust survivor and a victim of the Holocaust, I was 14 years old when everything changed and my whole family, I am the only survivor from my family, but I didn't think that I am going to be a victim in the United States, too.

It's unbelievable what I'm going through for the last 20 years.

They drag me into a rabbinical court decision because my fault was I didn't want to get welfare when I was short the money, and I had a house and I helped out, I always worked even I had six children, and I am a -- I was short, I couldn't pay my mortgages, so they told me I should go to the welfare.

I told them I didn't come to the United States to come for welfare.

They told me well, all the black people are doing it, everybody is doing it, I says I'm not listening to the other people what they are doing it.
And I sold the top half of my house, legally, everything without any dividends, but I got the wrong people there who are a bunch of crooks and they are all connected with the rabbis.

How can this be in the United States where there is a Constitution, how to make a loan the that they update they have come out with wrong decisions, they wanted even to arrest me.

I went to the judge and I produced my tax return and I told them I don't have the money that they want I should pay them up and including $65,000 cash. And that's happening in the United States.

All of a sudden I became very famous, I became the one who filed a lawsuit against the Swiss banks.

They are stealing money there in the millions and that's why they made me a victim, they took everything that I worked in the United States.

I'm here -- 59 years ago I came here and they took everything illegally, there is
no due process, they make a mockery of the whole system of the court system and I'm sorry, I just had an accident I had -- my neck is hurting me, but I want to bring out they claim I signed an arbitration contract, they put in a false arbitration contract, the rabbis are doing all these things, they supposedly have nonprofit organization, they don't exist.

And I went to -- in the court and I have everything documented to prove it, I'm not making up the story.

Then I saw I can do nothing in the state courts, I went to the federal courts and it's the same thing, I would like one thing, Senator Sampson, he was involved with my Defendants 14 years ago, he should ask them they should bring the arbitration contract.

A complete false and so many false documents, I just don't believe it happened, I can't do it.

SENATOR SAMPSON: I just want to keep you concentrated on where do you think the
misconduct or if any existed with respect to you, Ms. Weisshaus?

MS. WEISSHAUS: I am telling you why, because they don't like I speak up against them.

And I mean not only that they did to me personally and with my properties, each of my children has different problems with the rabbis.

They just want -- I lost two sons, one of them was killed by them and I mean there is a bunch of orthodox hoodlums, young people, they don't work, they make all kind of claims, and they live out of my work.

And they think -- they just think they can do this in this country because nobody wants to stop them.

They have their connections, the rabbis have some judges who are ruling in their favor, even it's against the Constitution, but why should they care about the Constitution if they don't care for the Ten Commandments.

Some of the rabbis have large deposits
in Switzerland, and I was the one who filed
the lawsuit and they made me the victim and
now they still, I know what happened in
Switzerland, I was there three times, and I
had all the documentation there and I worked
for the whole case.

And I still became a victim because
they don't want to have the truth out here.

So that's why I came here, I would like
just to try to get an arbitration contract,
it was translated by my partner, her
son-in-law's uncle, a false translation,
everything and I'm suffering and they took
away everything I had. Due process that
doesn't exist here.

I was a peasant when I came here, a
factory, when I had a business, 25 years,
making braiding there, and they remodeled
and they took away -- the factory wasn't
even in the question, only the building,
they took the building, now somebody instead
is modeling it, they put in $8 million, the
other one my partners took out a fraudulent
mortgage for close to $5 million, without
title insurance so I couldn't claim from the
title insurance company, they told me we
didn't do it, there is a lawyer by the name
of Roy Cohen, whatever his name, he is doing
it, I find him in many cases, they have
their corrupt lawyers and they have their
corrupt judges and the one of the lawyers
who is falsifying the signatures of the
lawyers, of the judges, he has stamps from
the courts, even from the Second Circuit, he
rules with the false stamps and I have to
abide by them, what can I do?

If you go there, they just shut you up.
So that's why I want a little bit, if
you are going to open up a little bit, the
whole system is going to change.

SENATOR SAMPSON: Ms. Weisshaus,

thank you very much.

I think your issue has always been the
transparency and the accountability with
respect to the judges and the attorneys.

MS. WEISSHAUS: Why did it take 12
years? They didn't do anything, I have many
complaints with the DDC, they just don't
care, not only not care, they always told me oh, they investigated and I have no claim.

SENATOR SAMPSON: I've got you, Ms. Weisshaus.

So I see your suggestions and that's something we are going to look very closely into what you're talking about, the disclosure and form and everything else.

MS. WEISSHAUS: The truth, the whole thing the scam will come out, they cannot do nonprofit organizations, collect money and when the money goes into their pockets, and one of the rabbis, I just went to the Supreme Court and they checked me and there is no such an organization.

SENATOR SAMPSON: Right, correct.

All right, Ms. Weisshaus.

MS. WEISSHAUS: Thank you.

SENATOR SAMPSON: Thank you very much.

MS. WEISSHAUS: Thank you, and I hope you will help me and a lot of people.

SENATOR SAMPSON: Thank you, Ms. Weisshaus.
Eliot Bernstein. At this point in time, Mr. Bernstein. Hello Mr. Bernstein.

MR. BERNSTEIN: Yes, sir.

SENATOR SAMPSON: The last witness after that is Susan McCormack.

Mr. Bernstein.

MR. BERNSTEIN: Good afternoon, and thank you for allowing me time to tell my story today.

Before we start I did notice that Allen Friedberg was here from the disciplinary committee, I filed some complaints against him several months ago.

SENATOR SAMPSON: Mr. Friedberg, you are still here or you left?

MR. FRIEDBERG: Yes, I am here. Glad to meet you Senator.

MR. BERNSTEIN: I would like to see where the missing complaints against him and Mr. Reardon are, they were filled several months ago, there were procedures to this and they are not following those, so if you could maybe find out where the complaints are at this time that would be great.
SENATOR SAMPSON: You will take care of that for me?

MR. FRIEDBERG: I didn't catch his first name.

MR. BERNSTEIN: Elliot Bernstein. My story involves widespread corruption in the New York courts and New York investigatory bodies that have utterly failed in their civic duties to protect my rights and, in fact, have become the actual nemesis that blocks my rights.

My name is Elliott Bernstein, I reside in Boca Raton, Florida and I flew here to New York for the first hearings on June 8th and was prepared to testify when the coup occurred.

I have traveled here under medical treatment programs to tell you about the saga of my company as I view it and what has earned the moniker patent-gate and its relation to the Whistle Blower case of Christine Anderson involving the New York courts and the disciplinary.

I remind all of you of the conflict of
interest disclosure forms I sent to this body and request that any and all conflicts be appropriately disclosed during the hearings or immediately hereafter.

I am a husband and a father of three beautiful children, boys, and I'm also an inventor of the iView technologies which involve video and image compression commonly referred to as mathematical scaling formulas, which are used on virtually all digital imaging and video devices.

For example the Hubbel space telescope, my personal favorite, providing views into the universe and time like never seen before using a technology that allows you to zoom on images without pixilation as it was commonly referred to prior to my solving for that.

The technologies are used by every internet service provider in the world that hosts a video, every computer that's playing a video, all digital television service providers use it.

A mass of defense applications such as
space and flight simulators use the technologies, medical imaging devices use the technologies, mapping programs, such as Google Earth, Google Maps, Google Street View all use my technologies; of course I'm not getting paid for any of this, by the way, and the reason for that is because I hired patent lawyers, and we will get into that.

My technologies are now the subject of a trillion dollar, yes, trillion dollar lawsuit in federal court here in New York State as a result of theft, fraud and other wrongful actions against my companies and myself including death threats and an attempted murder.

Yes, an attempted murder against my family by way of a car bombing of our family minivan in Boynton Beach, Florida, as my -- not Iraq, mind you -- as my wife Candace and I were preparing to file papers against these same folks.

Thus please note the seriousness of my claims here, as attempted murder is a very
serious charge.

Full pictorial evidence of the car bombing which was so strong it took out three cars next to it can be found at www.iviewtv.com.

It should be noted that the crimes to steal my intellectual properties were committed by my trusted lawyers and accountants, whom were retained to protect my inventions and instead fraudulently filed my inventions in other's names, including the patent attorney's own name.

One patent attorney putting 90 plus patents into his own name here in Yonkers, while retained by my company. During the time he was retained by my company.

Yes, a patent attorney patenting his client's inventions in his own name would appear became more inventive than Edison after meeting me.

You may think after hearing about a car bombing that safety is my number one concern, but it's not, bringing down the corruption that is infested --
SENATOR SAMPSON: Mr. Galishaw, we are here, we don't need the cameras. I know you are videotaping everything, but I don't think you need to have that camera on those two gentleman, so.

MR. GALLISON: I am making a documentary.

SENATOR SAMPSON: I know you are making a documentary, but this is a hearing, although it's open to the public, but we want to continue with these hearings, all right, Mr. Galishaw?

MR. GALLISON: Gallison. I do think it's my right.

SENATOR SAMPSON: I know that, but I have allowed you to do that for many, many times.

MR. GALLISON: It's my right and you have to allow me to do that.

SENATOR SAMPSON: I can understand that.

MR. GALLISON: Exercising my rights.

SENATOR SAMPSON: I understand. I don't want it to become a nuisance to the
MR. GALLISON: They don't feel it, it's not a camera that shoots beams or anything, it just takes a picture and I am not capturing their souls.

THE AUDIENCE: If you would allow the man to continue documenting this hearing, he's not distracting anything he's quite --

SENATOR SAMPSON: Let me make it clear, there is no problem documenting because we are having it documented, but if you are documenting this hearing, yes, but if you are singling out individuals, I have a problem with you.

Okay? So that's my problem. So if you want me to.

MR. GALLISON: I am filming lots of people, Senator.

SENATOR SAMPSON: If you want me to continue having hearings and keep this matter open to the public, I will, but I won't settle for --

MR. GALLISON: Sir, with all respect, if I film these two gentlemen you will stop
having hearings, if I don't film the
gentlemen you will continue having hearings?

SENATOR SAMPSON: Yes.

MR. GALLISON: Does anybody else find
that strange and perhaps illegal?

I am allowing this, he should allow me
my right.

MR. BERNSTEIN: I have a limited time
here.

MR. GALLISON: I have enough of them,
anyway.

SENATOR SAMPSON: Thank you. Go
ahead Mr. Bernstein.

MR. BERNSTEIN: Again, I was saying
you think a car bombing is the important
thing to me in protecting my children, but
it's not, what's really important is
bringing down this disgusting corruption in
the courts by lawyers, by judges and it's
out of control at this point.

So my first priority is to pave the way
for my children so that they don't have to
pick up the battle and fight these, and I
had a few words that just came to my head,
I'm glad I didn't say, but if we don't stop them it's going to be our kids stopping them.

THE AUDIENCE: It's going to get worse.

MR. BERNSTEIN: That's right, so let me continue on.

It should be noted here that information has surfaced from another Florida businessman, one of Florida's wealthiest individuals, a 70 year old, 70 plus year old Monty Friedkin that these very same criminals disguised as lawyers from Proskauer and Foley Lardner had, in fact, pulled a similar attempted heist of his intellectual properties immediately prior to preying upon me and my companies, exhibiting an alleged criminal enterprise cloaked as law firms and lawyers stealing inventions from inventors.

This was the basis for my filing a RICO action against the entities comprising the criminal enterprise, as it was learned that several law firms and lawyers involved in
the Friedkin attempted theft and my own were working together.

Later it was learned that these powerfully connected law firms and lawyers had penetrated deep within the United States Patent Office and other government agencies and that part of the criminal enterprise operates to block due process of any victims that may challenge them infiltrating courts or investigatory agencies to block complaints against them, similar to what the Whistle Blower Christine Anderson has previously testified about regarding obstruction of justice for favored lawyers within the department, destruction of documents, threats, coercion, et cetera.

In fact, Anderson, my hero, in her original complaints mentions the Iviewit companies in her original lawsuit filing as one of the reasons leading to physical abuse and other crimes against her.

In fact, my federal trillion dollar lawsuit was marked legally related by federal -- federal whistle blower case
Anderson who worked as the principal attorney at the Departmental Disciplinary Committee, as you should be aware the Anderson whistle blower case has been slated for a public trial currently slated for October 13th.

Multiple attorneys regulated by the courts of New York and specifically the New York First Department have been involved in the Iviewit matters for nearly 10 years.

Going back to 1998 when my technologies were first being tested, used and in the process of securing patents and related intellectual property rights to protect them, the technologies were tested and used at Real 3D labs located on Lockheed Martin property in Orlando, Florida, Real 3D at the time was owned by Lockheed, the Intel Corporation and Silicon Graphics, it should be noted here that Lockheed is the largest purveyor of digital imaging and video technologies on the planet earth.

Leading engineers in Real 3D who tested and used my technologies deemed them
priceless, while other experts in the industry called them the Holy Grail of the internet, including favorable comments from Hassan Mia, an industry recognized expert at the CAA Intel Multimedia Labs, which took the internet from a text based medium to one with rich multimedia where previously -- which previously was only banner adds and very small grainy images.

Video really didn't exist in any usable form for internet applications, due to the bandwidth limitations.

The inventions were backbone in nature by providing the mathematical formula that permitted scaling and compression of video and solving for pixel distortion, and also simultaneously reduced bandwidth usages by 75 percent.

Now, please just think for a moment that 10 years ago the technologies created a 75 percent increase in available bandwidth for transmission across the internet and television, which allowed the video to be streamed or downloaded at full stream full
frame rate capabilities commonly found today on every website and due to the ability to transmit using the technologies at much lower bandwidths, the technologies opened the door for markets entirely new such as internet video, cell phone videos and video conferences systems through the internet prior thought impossible.

As for the effect the technology has had on television, for example, the bandwidth savings from scaling video from the prior interlacing methods used since the invention of television, essentially permitted 75 percent more channels for content distribution on television, and I'm sure all of you can remember about 10 years ago your channel bandwidth went up and your cable channels increased dramatically.

That was due to the inventions. Therefore you have more Yankee games, more DVD channels.

SENATOR SAMPSON: So you are the man responsible for all of that?

MR. BERNSTEIN: I am. I am the man
responsible, but not getting paid yet, but
that -- we are working on that here.

Let me skip, I know you guys are in a
time frame, the technology is used on
everything, we already went through all of
that. Enter Proskauer Rose, the law firm.

SENATOR SAMPSON: Used to work for
them, disclaimer. I used to work for them.

MR. BERNSTEIN: Yes, I understand,
and I appreciate your up front honesty and
disclosure with that by the way, that's a
sign that's missing in the legal profession
today.

The conflicts of interest that are
rampant in my case will blow you away here.

This is some stuff, we find the head of
the New York State Bar at one point, former,
Stephen Crane, handling complaints against
himself at the first department DDC while
he's an officer in the DDC.

With Tom Cahill covering it up and
thank God for another hero in this world,
well Catherine O'Hagan Wolfe, she exposed
it.
She told me when she caught them lying and playing these games to go file a complaint with the First Department. I'll get that out in a moment.

Let me get back to Proskauer, quickly on the scene in Boca at the invention time was Proskauer Rose to patent the technologies.

Now, they didn't have a patent division at the time, but they didn't tell me that.

They told me they were going back to New York to check with their, you know, New York offices if they could secure patents for me.

What they did, for example, it was represented to the Iviewit company initially that attorney Kenneth Rubinstein was a Proskauer partner.

To the contrary, reports showed Rubinstein was at the law firm Meltzer Lippe on Long Island at the time, one of the many named Defendants in my trillion dollar RICO antitrust suit.

SENATOR SAMPSON: What's the status
of that RICO case?

MR. BERNSTEIN: It's at the Second Circuit.

SENATOR SAMPSON: So just -- Mr. Nieves, this is light we don't want to be in darkness.

So what I want to find out, just getting what you said is the misconduct that was initiated by your attorneys, and since that period of time you have made complaints to the disciplinary committee with respect to these attorneys?

MR. BERNSTEIN: Oh, absolutely.

SENATOR SAMPSON: What has happened?

MR. BERNSTEIN: Depends on what you're talking about, at the Federal Patent Bar they are under investigation.

In the New York courts they got letters of recommendation.

I don't know if that explains the difference of what's going on here, but under the same information that was presented to Harian Moats, who is the director of the Office of Enrollment and
Discipline, which oversees Patent Bar attorneys, when he looked at the damning information such as patents in wrong people's names and the lawyers hang out intellectual property dockets to Wachovia Bank and a host of other investors, that were patently false and didn't match up with the documents on file at the patent office, in fact on some patents that they had listed as my patents I can't even get access to the information right now on those patents because they weren't filed in my name, I'm not the owner, I'm not the inventor and I'm not the assignee.

So Mr. Moats has directed me to take up action with Diane Feinstein, which I have, and to get those patents released to me so we can change the inventors, but because of privacy laws I'm blocked right now, so we need an Act of Congress to change that, and hopefully you can help me get that, Diane Feinstein has been working on it and has contacted several of the federal authorities.
Federal authorities, the FBI, well the case investigator appears missing at this time with my files, according to the FBI, I'm only allowed to talk to the OPR of the NBI, Glenn Fein has referred me, are you familiar with Mr. Fein? The Inspector General of the Department of Justice.

SENATOR SAMPSON: Yes.

MR. BERNSTEIN: So other agencies are -- other than he's missing, which seems a little hokey to me, I don't think he actually is missing with car bombing filings, and it was my understanding that he was going to Washington to work with Mr. Moats, who confirmed that the FBI was joining him on an investigation of lawyers who are committing fraud upon the United States patent office.

That's a heavy crime, it's not just fraud against Eliot Bernstein and his family and shareholders, it's a crime against the United States by these lawyers.

And penetrating the Patent Office is the end of free commerce in America if they
are successful at it.

In fact, the attorney that we were talking about from Proskauer, Kenneth Rubinstein, has created a patent pool, an anti-competitive monopolistic patent pool which has stolen my technologies commonly referred to as MPEG.

Mr. Rubinstein, while acting as my counsel, first he was mis- -- let me get back to my statement, because it will help right here.

It turns out Kenneth Rubinstein was an attorney admitted and regulated by the New York First Department, he was simultaneously involved with MPEG's patent pool that he was acting as in-house counsel for and was one of the founders of, while advising Iviewit companies on their intellectual properties as retained patent counsel which posed a competitive threat to his pools.

My technologies, in fact, it might have extinguished the MPEGLA technologies, and so Rubenstein, Proskauer and Meltzer failed to put up any Chinese wall to protect me and
instead did the exact opposite and allowed MPEG to use my IP for their benefit while using anti-competitive monopolistic practices to eliminate the inventors, like myself.

No wonder the Justice Department has historically broken up patent pooling schemes using antitrust regulations, as this form of pooling works to deny many inventors of their rights and in the past there have even been allegations that pooling schemes actually are in the business of murdering inventors, to steal their inventions or other such heinous crimes.

Rubinstein, though, was initially misrepresented as a Proskauer partner, once we discovered through investors I believe from Goldman Sachs that he was with Meltzer instead, Proskauer quickly purchased or acquired Rubinstein and the entire Meltzer department except Rayjoa, the guy who put the 90 patents in his name and when they acquired Rubinstein, they acquired control of the MPEG patent pool.
So now my lawyers are controlling a patent pool that is stealing my technology and they are profiting from it.

SENATOR SAMPSON: Just to wrap it up, Mr. Bernstein --

MR. BERNSTEIN: This year?

SENATOR SAMPSON: No, right now. The impending litigation, you have made complaints, rest assured you don't think the complaints have been thoroughly followed through.

MR. BERNSTEIN: No, I think Christine Anderson is right, threw them in the garbage, threatened her, then beat her up to shut up about it.

That's what I really think, but if you want to get into how this relates to the Bernard Madoff scandal, the Mark Dreier scandal and all of these massive financial scandals you should let me continue, because it also -- what these guys at the First Department are doing by -- I'm now suing the First Department, you know, 4,700 lawyers, a few judges a few Supreme Courts, a whole lot
of people involved in it, but what these
clowns back here are doing to you is they
are putting this state at a $1 trillion plus
liability, and I don't think any of them are
properly reporting the liabilities to state
auditors and regulators and you are going to
have a Madoff times 10,000 occur as
liability to the State of New York, all
because these guys are failing their duties.

I mean the bar should be a drinking
establishment, that's fine. You wanted a
suggestion, I'm going to make a suggestion.

I don't know what in God's name these
lawyers and you are a lawyer so I think you
will understand what I'm about to say,
blowup the Bar Association in the literal
sense.

Destroy it and then make every single
violation of an attorney ethic or a judicial
canon, or whatever you want to call these,
vioations of law, then send in some
investigator who hates lawyers to
investigate the lawyers.

And then prosecute them to the fullest
extent of the law, because I don't know who these people think they are, but they are --
I pay their salaries and in situations like
this I would fire them.

They all should be fired and imprisoned
for the nonsense they have been pulling.

I will let you go, I'll submit the
rest.

SENATOR SAMPSON: Thank you very
much, Mr. Bernstein. All right. Ladies and
gentlemen, ladies and gentlemen, let's have
some sense of decorum in here, please,
please, please.

Please. Last person, Susan McCormick,
Ms. McCormick, you are the last person for
the day.

Thank you very much. Squeezed you in,
you have five minutes thank you very much

Ms. McCormick.

MS. MCCORMICK: Thank you Senator.

I have my assistant with me, Patrick
Handley, he's done a lot of research on this
case, I will try to make it very brief.

This is a tragedy that has involved my
late husband's estate who died 21 years ago.

It was a sizable estate. My husband's
wishes in his will were simply not carried
out for many reasons, but briefly I will try
to give you my grievances and a couple of
major points in a short time.

I trusted Bankers Trust Company and the
law firm of White & Case since they wined
and dined my husband and myself many times
and filed into our home to discuss the will.

You can imagine how I trusted them. I
am a widow, main beneficiary, Executrix and
I might add a concert pianist, Steinway
artist, trying to build a career.

I emphasize pianist because it was a
large part of my life.

After performing in Atlanta, Georgia
one year after my husband's death, I was
invited by -- by Eberhardt Shabnaski to
perform on a tour in Georgia, Russia
representing the United States, and a film
was made of this tour.

I accepted and that's when Bankers
Trust Company and White & Case schemed
behind closed doors since I wasn't present.

A year later I was invited again to
make a world tour performing for heads of
countries in Europe and North Africa with
former President Jimmy Carter and his wife,
Roslyn, as a representative for the United
States.

I then had to regretfully turn it down
because I saw what schemes were going on in
the estate.

In 1996 we went to a friend of my
husband's, Ralph Martinelli, who publishes
newspapers in Westchester County, he spoke
to Surrogate Judge Albert Emanueli about the
my McCormick estate who reviewed the file
and told the publisher two major points were
wrong, at that time the file was one inch
thick, now it's hundreds of boxes.

The first point that I want to make was
that White & Case the purported estate
attorney after the permanent Letters
Testamentary were issued filed a petition
for repayment of a loan owed to Bankers
Trust Company by my husband.
Judge Emanueli said once White & Case said that they represented Bankers Trust, not the estate, could not represent the estate.

White & Case never revealed this fact to me as a legal Executrix.

In May 1995 the illegal Executor, Bankers Trust Company, engineered the payment of $250,000 to their law firm, White & Case, as legal fees, to which I objected.

Now the second point the judge would not reveal to Mr. Martinelli who said if you would not reveal the second point he would oppose him when he ran for re-election in his papers.

Judge Emanueli offered Mr. Martinelli legal adds which Mr. Martinelli flatly refused. Emanueli lost the election.

Now the second point, if you remember in all our courts, it's in God we Trust.

Where do we see that? Yes, in the courtrooms. I believe God was with me and is with me, when we accidentally in early 2004, came across the original of the

For my husband's estate, they listed Bankers Trust Company of New York as the corporate fiduciary.

New York State banking records reveal that there was no Bankers Trust Company of New York in existence until more than 10 years later on September 7, 1999.

This is the second point that Judge Emanueli would not review.

The court records have been changed, but they cannot change the permanent Letters Testamentary.

Bankers Trust Company, Deutsche Bank has no legal standing but with the help of their attorneys they continue like a rogue drunken elephant to violate me.

When judge Anthony Scarpino of Westchester Surrogates Court became surrogate in 2001, we discovered he had worked for Bankers Trust Company in the past.

But even though we had requested that
he disqualify or recuse himself, he would not until more than two years later.

Due to the fact that I had a front page news article regarding this matter in one of our major newspapers in New York.

After Judge Scarpino's recusal, my case was transferred to Dutchess County, papers were filed to deal with Bankers Trust Company, Deutsche Bank and they have been sitting for five years with no action by the court.

The bank is currently represented by the law firm of Pillsbury Winthrop.

I have openly picketed and I have protested about what was going on to educate people about our whole corrupt judicial system and the dirty players.

The third point, on June 4, 1999, Deutsche Bank purchased Bankers Trust Company.

On July 26, 1999 it was sentenced, convicted of three felonies in the Southern District of New York.

As you know, a felon cannot serve as a
and their attorneys repeatedly desperately petitioned to obtain a certificate of relief from disabilities simultaneously with the conviction, however the Parole Board issued one more than four months later in December 1999. So, you see they had no certificate of relief for over four months. I sent a representative to Germany twice to attend the Deutsche Bank shareholding meeting and offered a shareholders proposal, he was closely monitored and in spite of my good faith no results were forthcoming. Recent media reports revealed that Deutsche Bank spied on activist stockholders and others. Remember through all these years to the present day I received no money from the residual estate part B, and did not get my full legacy which my husband stated I was to
receive immediately after his death.

SENATOR SAMPSON: So, Ms. McCormick, basically have you been able to obtain anything from the estate, or nothing at all?

MS. McCORMICK: No, it was in two parts, one was an outright gift from my husband, my house, and our paintings. That was given to me.

After three years I finally asked them, I said I didn't get the deeds to my house.

And then there was a part B.

SENATOR SAMPSON: This is in Westchester County?

MS. McCORMICK: Yes, Emanueli and Scarpino.

Then the other parts of it, the residual estate consisted of stocks and bonds, buildings my husband owned, it was a sizable estate, I got nothing from that.

SENATOR SAMPSON: Is the estate still active, or what you are saying is all these assets in the estate have been pilfered?

MS. McCORMICK: It's still active.

SENATOR SAMPSON: So those assets are
still within the estate?

MS. McCORMICK: They have been depleted, yes.

SENATOR SAMPSON: When you say depleted, depleted by whom?

MS. McCORMICK: I guess the bank, I can go on here, I have had four sets of attorneys who never discovered the Letters Testamentary, possibly because they did not want to embarrass any judge, the bank or fellow attorneys.

SENATOR SAMPSON: No, I understand that, but I don't -- I just want you to explain to me, I can read your statement, but I want you to --

MS. McCORMICK: If we get into that then you can speak two weeks about this thing, all the dirty things they did, how they get rid of buildings.

SENATOR SAMPSON: What I want to know is when you found all this out, where did you go to complain or make complaints so the investigations can be done?

MS. McCORMICK: I filed two complaints
with the first department disciplinary committee that went nowhere, and I will be filing a third one shortly and we will see.

SENATOR SAMPSON: When you say didn't go anywhere, you got back a notice saying?

MS. MCCORMICK: Never heard.

SENATOR SAMPSON: Never heard or did you get anything back in writing saying that they investigated and they discovered nothing?

MS. MCCORMICK: You answer that.

MR. HANDLEY: Senator, the first complaint was filed in 1998 or 1999 and basically they said we got a post card then we got a letter approximately six months later indicating that there was nothing they were investigating.

The second complaint, well documented, was filed in 2005 and we received nothing and it fell into a black hole.

SENATOR SAMPSON: Was there any accounting of the assets and how they were depleted and who were they depleted by?

MS. MCCORMICK: There was an accounting
finally in 1996, seven years later when I started picketing, protesting.

SENATOR SAMPSON: When you started out what was the --

MS. McCORMICK: I didn't sign the accounting, it was bogus.

SENATOR SAMPSON: Initially what did you think the estate was worth and when you got that bogus accounting where was it at that time?

MS. McCORMICK: Initially one of the attorneys told the children that it was $43 million.

SENATOR SAMPSON: Right.

MS. McCORMICK: Then it went down gradually and they wrote it in at the IRS for $17 million.

SENATOR SAMPSON: Oh.

MS. McCORMICK: And currently it's about $1 million or half a million, I don't know.

SENATOR SAMPSON: Currently?

MS. McCORMICK: They have some money there, but they don't ever -- they haven't
done anything for five years.

SENATOR SAMPSON: When you say haven't done who do you mean?

MS. McCORMICK: Since it was transferred to Dutchess County, my lawyer had put in a motion, I guess, and it was never answered.

SENATOR SAMPSON: So the complaints you have filed with the First Department the disciplinary in the first department, I know the first one you indicated there was no action, were there subsequent complaints filed?

MR. HANDLEY: Yes, Senator, there was a second complaint filed, as I said in 2005.

SENATOR SAMPSON: What happened to that complaint?

MR. HANDLEY: We never got any indication.

SENATOR SAMPSON: When you say no indication, did you get any correspondence back from them?

MR. HANDLEY: Negative, sir.

SENATOR SAMPSON: You got no
correspondence?

MR. HANDLEY: Negative.

SENATOR Sampson: None whatsoever?

MR. HANDLEY: When we tried to find out by telephone they declined any acknowledgment at all.

SENATOR Sampson: Do you know who you spoke to or in communication with?

MR. HANDLEY: We have to go back and look at the records.

SENATOR Sampson: I need you to go back. I need you to get me that information so I can go directly to the First Department.

THE AUDIENCE: It's the 9th Judicial District.

MR. HANDLEY: First Department we filed with the First Department.

SENATOR Sampson: They filed with the First Department.

MR. HANDLEY: Because the First Department was where the attorneys were and then in addition to that that's part of what--
SENATOR SAMPSON: What I need to do is, if you can get me that information.

MR. HANDLEY: Mrs. McCormick additionally filed a federal lawsuit that became related to Christine Anderson's Whistle Blower's suit in the Southern District of New York, and it's not that we are -- we believe that the documents, the complaint was basically shredded and we don't want to be in a position of presenting a copy of it, they should be in a position to present a copy of their records.

What I'm saying, just to make it simple, in other words we have a copy of what we filed, but they should be the ones, the disciplinary committee, the First Department should be the ones to produce that, those records.

The onus shouldn't be on us.

SENATOR SAMPSON: I'm not saying it should, but in this instance I need that information, so because it's very important as Senator Perkins was saying earlier, you are making allegations, give me what you
have so then this is what I do the hearings for, so I can follow-up with those agencies or those departments to find out.

MR. HANDLEY: Mrs. McCormick is currently suing them in federal court, that's part of the related case to Christine

SENATOR SAMPSON: Whatever information you can provide me, Ms. McCormick, I would like it so I can follow-up.

MS. MCCORMICK: Do you want me just to finish my lines here?

SENATOR SAMPSON: There is no need for you to finish your lines, but I want you to get into the gist of it and what would you like this committee to do or what would you like to come out of this?

MS. MCCORMICK: Well, I think that I should be made whole, I have gone through hell, they have ruined my music world, my art world, they have ruined my whole life, they can't give me 20 years of my life back, can they? And they can't give me my career
So I have gone through hell and I have picketed and protested because I want people to know -- I hope another widow doesn't go through the hell that I'm going through and what I've gone through and how they try to sanction you and do everything they can against you, take your houses, they threatened me, they would take all my possessions, whatever house, my house, I have a co-op in Florida that my husband left me, that was flooded, they did things to me, when you say they have spies, I don't know what they are doing to me, but it's a question.

SENATOR SAMPSON: So, Ms. McCormick, if you can get me that information as quickly as possible.

MS. MCCORMICK: I will be either writing a book or I'll perhaps it could be a movie, I'm going to do something about making this public.

SENATOR SAMPSON: No, no, and I think that's what the hearings have been to try to
make these issues public, but I need the
information that you have, it will be great
so I can follow-up in my own regard, because
you are not the only one, I heard a lot,
quite a few things about accounting and
other things in the Surrogates Court, so I
would love to follow-up with that, okay Ms.
McCormick?

MS. MCCORMICK: Thank you very much.

SENATOR SAMPSON: I just want to I
see hands raised, I know why are we raising
hands?

THE AUDIENCE: Because we had a list
for everybody and I am at the end of the
list.

Last time you said you would talk to me
afterward, then when I spoke to Tim he told
me I was on the list and then for some
reason I wasn't on the list.

MS. LASHLEY: That's not true. I
have spoken to Tim at length and the list of
the name of individuals we had X amount of
slots that were available, we gave priority
to the individuals that were -- I don't know
where you were on the list.

SENATOR SAMPSON: Hold on, hold on.

I have -- it's 3:20, I've got to end this hearing okay.

THE AUDIENCE: Is there another hearing, Senator?

SENATOR SAMPSON: This is not the last hearing, there will be other hearings.

This is just a hearing for today, there will be an additional hearing.

THE AUDIENCE: Can we have further notice when the hearings --

SENATOR SAMPSON: You will have further notice. Mr. Spotts will notify everybody.

We are looking to have a hearing hopefully somebody next month to finish up everything, this is not the last hearing, the next one will be the last one here in New York since we got a tremendous crowd.

THE AUDIENCE: Senator, this morning you mentioned formation of a task force.

SENATOR SAMPSON: By the time you come back the next time we will have that
task force.

THE AUDIENCE: How do we get the information?

SENATOR SAMPSON: It's on the websites, we send out public notices, so those who want to testify at the next hearing just, Sakeeya, if you can get a list of those individuals, she'll put the list down and we will make sure the next hearing will hopefully be here at the end of next month.

THE AUDIENCE: Senator Sampson, did you say you saying the task force will be up and running by the time --

SENATOR SAMPSON: By the time we get here next month we will have the parameters of the task force.

Sakeeya will take the information for the next hearing, we are going -- listen to me, we are going to get the information if you have any testimony written testimony, whatever it is, if you just set is it right here, Lisa will make sure she gets it.

THE AUDIENCE: Could I just put it on
record of tomorrow's news of a decision that's already been made weeks ago?

SENATOR SAMPSON: We understand.

THE AUDIENCE: That hasn't even been heard yet.

SENATOR SAMPSON: Everybody, this is a very tough crowd just leave the documentation, I will follow in the next hearing; thank you.

(Time noted 3:22)