

DORIS L. SASSOWER

283 Soundview Avenue, White Plains, NY 10606-3821

TEL: 914/997-1677

FAX: 914/684-6554

BY FAX: 518-426-6952 (12 pages)

BY E-MAIL: jdefranc@senate.state.ny.us

luther@senate.state.ny.us

March 5, 2007

Chairman John A. DeFrancisco
New York State Senate Judiciary Committee
Albany, New York 12247

RE: Requests to testify by Doris L. Sassower, individually
& by Elena Ruth Sassower on behalf of the Center for Judicial Accountability, Inc.
March 6, 2007 Senate Judiciary Committee Confirmation Hearing
on Reappointment of New York Court of Appeals Chief Judge Judith S. Kaye

Dear Chairman DeFrancisco:

This letter is prompted by our telephone conversation late Tuesday afternoon, February 27th, wherein you denied my request to testify at the Senate Judiciary Committee public hearing, scheduled for March 6, 2007, in opposition to confirmation of Chief Judge Kaye's reappointment.

Such conversation followed up your phone call to Eli Vigliano, Esq., a short time earlier. He related to me that you had received my February 13, 2007 letter indicating his similar request to testify in opposition. You asked Mr. Vigliano as to the substance of his testimony – and after he gave that information, pertaining to the 1989 three-year judicial cross-endorsements deal that led to the Election Law cases of *Castracan v. Colavita* and *Sady v. Murphy*, which came before Judge Kaye and the Court of Appeals in 1991 – as well as more recent events involving judicial cross-endorsements – you agreed he could testify. You then told him that you had received a request from Elena Sassower, as Director of the Center for Judicial Accountability, Inc. (CJA), but that you were not going to allow her to testify because at three prior hearings to confirm Court of Appeals' nominees, she had spoken "on matters other than judicial qualifications." You suggested that perhaps Mr. Vigliano could testify on CJA's behalf, in place of Elena. Mr. Vigliano explained that he was not authorized nor in a position to testify for CJA and that his request to testify had been in an individual capacity only.

You then told Mr. Vigliano that since you were not permitting Elena to testify, you would leave it to myself and to George Sassower, who had also asked to testify, as to "which one" of us would testify on CJA's behalf. Upon Mr. Vigliano's telling you that George Sassower and I

EX 9-5

have been divorced for more than 20 years, you asked him to have me telephone you, and I promptly did so.

In our phone conversation, I confirmed to you that George Sassower and I were divorced more than 20 years ago, that he is not involved in CJA's work, and that Elena, as CJA's Director, was the only one who had requested to testify on CJA's behalf. You gave me as the reason for your not permitting her to testify that "she does not follow the Committee's rules," more specifically, that she talks about "process" and "all the Committee is interested in is qualifications." That led to our brief discussion of the importance of "process," especially to lawyers. In response to my request for a copy of the Committee's written rules, you acknowledged that there were none and none authorizing your exclusion of interested citizens requesting to be heard. The only rule you cited is one giving the Committee Chairman – yourself – discretionary power to conduct public hearings.

You then abruptly stated that you had "changed [your] mind" and that neither myself, my ex-husband George Sassower, or Elena would be allowed to speak on behalf of CJA or otherwise. When I protested such as "arbitrary," you volunteered the addition of the words "and capricious," stating in supposed justification that "this is a hearing on Judge Kaye's qualifications, not a Sassower family reunion!"

I tried to explain that the Sassower family – more specifically, Doris L. Sassower, Elena Ruth Sassower, and George Sassower – are each separately victims of Chief Judge Kaye's misconduct in office, both administrative and judicial, all with diverse, direct, first-hand experiences to recount as to her corruption in office. You became annoyed when I objected to your cutting me off and I called you "a bully". You told me you would have to hang up on me, and then curtly announced that I could also say "[you] hung up on [me]," which you thereupon did.

That you would require me to agree, as a condition to my testifying, that my daughter Elena not be heard on CJA's behalf is unacceptable. She is CJA's official spokesperson, not only because she is CJA's Director and co-Founder, but, in this particular instance, she is the only one with direct, first-hand testimonial capacity to speak as to Chief Judge Kaye's administrative and judicial corruption with respect to the public interest Article 78 proceeding against the New York State Commission on Judicial Conduct, brought by her as the sole petitioner, acting pro se. As shown by her February 9, 2007 letter, written on CJA's letterhead, she notified you of her intention to testify about Judge Kaye's official misconduct in that case.

You will note that by contrast, my February 13, 2007 letter requesting to testify in opposition was not written on CJA letterhead, but on my own personal stationery. Enclosed is a copy for your convenience so that you can more readily see this, as well as my assertion that my testimony would "relate to my direct, first hand experience with Chief Judge Kaye." Such involves her judicial misconduct, *inter alia*, in connection with the six times I went up to the Court of Appeals to obtain review, on appeals of right and by leave, challenging the Appellate

Division, Second Department's lawless, retaliatory, politically-motivated suspension of my law license in 1991.

As mentioned in our conversation, I served for 8 years from 1972-1980 as the first woman member of the New York State Bar Association's newly re-named Judicial Selection Committee, interviewing every candidate for the New York Court of Appeals, the four Appellate Divisions, and the New York Court of Claims. I further identified that it was the established policy of the Judicial Selection Committee that *no judicial nominee would be approved by us, unless he could serve out at least half the term to which he was being nominated*. Chief Judge Kaye cannot serve even *two years* since in 2008, she reaches mandatory retirement age. Thus, she lacks a requisite qualification for her renomination to another 14-year term. At a time of budget cuts of over a billion dollars in vitally-needed public services proposed by the Governor, her confirmation would be a needless waste of New York taxpayer monies, as the cost thereof will only have to be duplicated next year, rather than in 14 years.

As I also identified to you, the New York State Bar Association Judicial Selection Committee was renamed as such in tribute to my front page New York Law Journal article on judicial selection panels, based on my experience in serving on one, a position to which I was named, as former President of the New York Women's Bar Association. That article was published in 1971, the year before my NYSBA Committee appointment. Indeed, my invitation to serve on the NYSBA Committee followed my own personal interview, at age 39, by that Committee as the first woman practitioner named as a candidate for the New York Court of Appeals. For your further information, attached is a copy of my professional credentials, as they last appeared in the Martindale-Hubbell Law Directory, and a couple of further items.

As an elected official, your constituents have entrusted you with the duty to protect our democratic values. Suppression of opposition testimony has no place at a public hearing. The legislative history to the "advice and consent" function for Court of Appeals appointments – which Elena has put before you in her narrative statement in support of oral testimony (at footnote 2) – shows that the legislative intent was that there be a meaningful, not a "rubber-stamp", judicial confirmation process:

"...when a constitutional amendment authorizing the Governor to appoint Court of Appeals judges with the advice and consent of the Senate was first proposed in the early 1970's, it was contemplated that before acting on nominees for the Court of Appeals, the Senate would 'receive a report from its Judiciary Committee, which will have held public hearings, with the nominee asked to appear for questioning by Committee members and with interested citizens invited to be heard.' Report of the Joint Legislative Committee on Court Reorganization, State of New York Legislative Document No. 24, at 12 (1973). Senate confirmation – with public input – was viewed as an essential element to the appointive method of judicial selection." (1998 report of the Association of the Bar of the City of New York on the nomination and confirmation of Court of Appeals judges, at p. 2).

In the public interest that we both serve – you, as a paid public officer, and I, as an attorney, who has worked for decades, *pro bono*, to achieve the reforms so vitally necessary to make our judicial system one of which we can speak about with pride, rather than shame – I respectfully urge your reconsideration so as to allow me to testify at tomorrow’s hearing. As an aid to the Committee, I will provide an advance copy of my written testimony, which, in any event, I request be made part of the official record of the confirmation proceedings.

Kindly let me know by noontime today that you will recognize me and Elena both as witnesses testifying at the hearing so that I can confirm my already-made travel and other arrangements.

I look forward to meeting you tomorrow.

Very truly yours,

Doris L. Sassower

DORIS L. SASSOWER

cc: Eli Vigliano, Esq.
Elena Ruth Sassower
George Sassower

Enclosures: (1) DLS’ February 13, 2007 letter to you
(2) DLS’ Martindale-Hubbell Law Directory Listing (1989)
(3) letter from Fellows of the American Bar Foundation
(4) 1997 announcement of National Giraffe Award, 1997
(5) 2006 announcement of profile inclusion in just-published book,
Feminists Who Changed America, 1963-1975, with bookcover

P.S. I draw your attention to the fact that I have received no response to the questions raised in my February 13, 2007 letter and would appreciate such response be included in your anticipated written response to this letter.

Martindale-Hubbell
Law Directory

NEW YORK

One Hundred and Twentieth Annual Edition

DORIS L. SASSOWER, P.C.

White Plains Office: 283 Soundview Avenue. Telephone:
914-997-1677.

Matrimonial, Real Estate, Commercial, Corporate, Trusts and Estates, Civil Rights.

DORIS L. SASSOWER, born New York, N.Y., September 25, 1932; admitted to bar, 1955, New York; 1961, U.S. Supreme Court, U.S. Claims Court, U.S. Court of Military Appeals and U.S. Court of International Trade. Education: Brooklyn College (B.A., summa cum laude, 1954); New York University (J.D., cum laude, 1955). Phi Beta Kappa. Florence Allen Scholar. Law Assistant: U.S. Attorney's Office, Southern District of New York, 1954-1955; Chief Justice Arthur T. Vanderbilt, Supreme Court of New Jersey, 1956-1957. President, Phi Beta Kappa Alumnae in New York, 1970-71. President, New York Women's Bar Association, 1968-69. President, Lawyers' Group of Brooklyn College Alumni Association, 1963-65. Recipient: Distinguished Woman Award, Northwood Institute, Midland, Michigan, 1976. Special Award "for outstanding achievements on behalf of women and children," National Organization for Women—NYS, 1981; New York Women's Sports Association Award "as champion of equal rights," 1981. Distinguished Alumna Award, Brooklyn College, 1973. Named Outstanding Young Woman of America, State of New York, 1969. Nominated as candidate for New York Court of Appeals, 1972. Columnist: ("Feminism and the Law") and Member, Editorial Board, *Woman's Life Magazine*, 1981. Author: Book Review, *Separation Agreements and Marital Contracts*, *Trial Magazine*, October, 1987; *Support Handbook*, *ABA Journal*, October, 1986; Anatomy of a Settlement Agreement Divorce Law Education Institute 1982 "Climax of a Custody Case," *Litigation*, Summer, 1982; "Finding a Divorce Lawyer you can Trust," *Scarsdale Inquirer*, May 20, 1982. "Is This Any Way To Run An Election?" *American Bar Association Journal*, August, 1980; "The Disposable Parent: The Case for Joint Custody," *Trial Magazine*, April, 1980. "Marriages in Turmoil: The Lawyer as Doctor," *Journal of Psychiatry and Law*, Fall, 1979. "Custody's Last Stand," *Trial Magazine*, September, 1979; "Sex Discrimination—How to Know It When You See It," *American Bar Association Section of Individual Rights and Responsibilities Newsletter*, Summer, 1976; "Sex Discrimination and The Law," *NY Women's Week*, November 8, 1976; "Women, Power and the Law," *American Bar Association Journal*, May, 1976; "The Chief Justice Wore a Red Dress," *Woman In the Year 2000*, Arbor House, 1974; "Women and the Judiciary: Undoing the Law of the Creator," *Judicature*, February, 1974; "Prostitution Review," *Juris Doctor*, February, 1974; "No-Fault Divorce and Women's Property Rights," *New York State Bar Journal*, November, 1973; "Marital Bliss: Till Divorce Do Us Part," *Juris Doctor*, April, 1973; "Women's Rights in Higher Education," *Current*, November, 1972; "Women and the Law: The Unfinished Revolution," *Human Rights*, Fall, 1972; "Matrimonial Law Reform: Equal Property Rights for Women," *New York State Bar Journal*, October, 1972; "Judicial Selection Panels: An Exercise in Futility?," *New York Law Journal*, October 22, 1971; "Women in the Law: The Second Hundred Years," *American Bar Association Journal*, April, 1971; "The Role of Lawyers in Women's Liberation," *New York Law Journal*, December 30, 1970; "The Legal Rights of Professional Women," *Contemporary Education*, February, 1972; "Women and the Legal Profession," *Student Lawyer Journal*, November, 1970; "Women in the Professions," *Women's Role in Contemporary Society*, 1972; "The Legal Profession and Women's Rights," *Rutgers Law Review*, Fall, 1970; "What's Wrong With Women Lawyers?," *Trial Magazine*, October-November, 1968. Address to: The National Conference of Bar Presidents, *Congressional Record*, Vol. 115, No. 24 E 815-6, February 5, 1969; The New York Womens Bar Association, *Congressional Record*, Vol. 114, No. E5267-8, June 11, 1968. Director: New York University Law Alumni Association, 1974; International Institute of Women Studies, 1971; Institute on Women's Wrongs, 1973; Executive Woman, 1973. Co-organizer, National Conference of Professional and Academic Women, 1970. Founder and Special Consultant, Professional Women's Caucus, 1970. Trustee, Supreme Court Library, White Plains, New York, by appointment of Governor Carey, 1977-1986 (Chair, 1982-1986). Elected Delegate, White House Conference on Small Business, 1986. Member, Panel of Arbitrators, American Arbitration Association. Member: The Association of Trial Lawyers of America; The Association of the Bar of the City of New York; Westchester County, New York State (Member: Judicial Selection Committee; Legislative Committee, Family Law Section), Federal and American (ABA Chair; National Conference of Lawyers and Social Workers, 1973-1974; Member, Sections on: Family Law; Individual Rights and Responsibilities Committee on Rights of Women; 1982; Litigation) Bar Associations; New York State Trial Lawyers Association; American Judicature Society; National Association of Women Lawyers (Official Observer to the U.N., 1969-1970); Consular Law Society; Roscoe Pound-American Trial Lawyers' Foundation; American Association for the International Commission of Jurists; Association of Feminist Consultants; Westchester Association of Women Business Owners; American Womens' Economic Development Corp.; Womens' Forum. Fellow: American Academy of Matrimonial Lawyers; New York Bar Foundation.

DANIEL L. GOLDEN, *Chair*
141 Main Street
P.O. Box 419
South River, New Jersey 08882

RICHARD L. THIES, *Vice-Chair*
202 Lincoln Square
P.O. Box 189
Urbana, Illinois 61801

JAMES W. HEWITT, *Secretary*
1815 Y Street
P.O. Box 80268
Lincoln, Nebraska 68501

The
Fellows
of the
American Bar Foundation

750 North Lake Shore Drive
Chicago, Illinois 60611-4403
(312) 988-6606

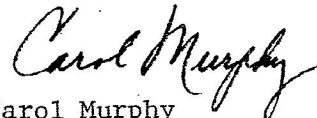
November 13, 1992

TO WHOM IT MAY CONCERN:

This is to certify that Doris L. Sassower of White Plains, New York, was elected a Fellow of the American Bar Foundation in 1989 and is in good standing. This honor is limited to one-third of one percent of lawyers licensed to practice in each jurisdiction.

The Fellows is an honorary organization of practicing attorneys, judges and law teachers whose professional, public and private careers have demonstrated outstanding dedication to the welfare of their communities and to the highest principles of the legal profession. Established in 1955, The Fellows encourage and support the research program of the American Bar Foundation.

The objective of the Foundation is the improvement of the legal system through research concerning the law, the administration of justice and the legal profession.



Carol Murphy
Staff Director of The Fellows



A Giraffe's been sighted in your territory!

*The Giraffe Project, a national nonprofit organization that finds and honors heroes,
has commended*

Doris L. Sassower of White Plains
for sticking her neck out for the common good.
We invite you to tell her story.

Attorney Doris Lipson Sassower has been named a "Giraffe" for her risktaking civic activism and for founding the Center for Judicial Accountability, Inc. (CJA), a national nonpartisan, nonprofit citizens' organization. CJA is working to reform the way federal, state, and local judges are selected and disciplined; the organization has members in more than 30 states.

Ms. Sassower stuck her neck out for decades as a pioneer in the women's movement and for family law reform. But her 35-year career at the bar ended after she brought a lawsuit against the two major political parties for their manipulation of 1990 judicial elections in New York State's Ninth Judicial District. As pro bono counsel, she challenged a written judge-trading deal between the parties in which they agreed to cross-endorse seven judicial candidates over a three-year period, required resignations of sitting judges to create judicial vacancies, and pledged to split judicial patronage. Her suit also cited the judicial nominating conventions' violation of Election Law quorum, roll call, and other requirements.

Ms. Sassower paid a heavy price for her reform advocacy and for championing the public interest by this politically sensitive Election Law case. Within days of her announcement that she would take the case to the highest state court, a New York court suspended her law license—without charges, without a hearing, without findings, without reasons, and without any right of appeal. She has been fighting ever since to regain her right to practice her profession: her federal civil rights action against the state court judges who suspended her is soon headed for the US Supreme Court.

Ann Medlock, President of the Giraffe Project, said that the organization was founded 15 years ago, "to overcome apathy and feelings of powerlessness by showing what people with courage and caring can do." In receiving the award, Ms. Sassower said, "The Giraffe Award is a powerful symbol that fortifies me in my challenging of ostrich-like 'leaders' who bury their heads in the sand while the rule of law is being obliterated by those who are part of the political power structure. Citizens care about having an honest judiciary and through CJA are working to make it happen. This award should make politicians realize that reforming the way lawyers become—and remain—judges is a key political issue for 1998." —end—

There is more information on Doris Sassower's work at <http://www.judgewatch.org>

You can arrange an interview with her by calling 914-997-1677, emailing judgewatch@aol.com or faxing 914-684-6554.

For further information about the Giraffe Project, about other Giraffes, about Giraffe speakers, or about Giraffe educational programs, call (360) 221-7989 during west coast (continental US) business hours or go to <http://www.giraffe.org/giraffe/>

Doris Sassower Profiled as Pioneer Feminist. Posted on Thursday, December 07 @ 00:53:19 EST by

WPCNR LEGACIES OF WHITE PLAINS. From *Center for Judicial Accountability*. December 7, 2006: Doris L. Sassower, of White Plains, NY, a leading feminist lawyer who, at 35, was the youngest President of the New York Women's Bar Association, is profiled in the just-published book, Feminists Who Changed America, 1963-1975. "The women's movement was, apart from the civil rights upheaval, the major social revolution of the 20th century," says Sassower.



White Plains' Doris Sassower, right, with the feminist icon, Gloria Steinem at a reception at Columbia University, celebrating the publication of *Feminists Who Changed America*.
Photo, Courtesy Center for Judicial Accountability.

The book, edited by Barbara J. Love, was released on November 13. Publication was celebrated with an all-day gala event at Columbia University and Barnard College in NYC, sponsored by the Veteran Feminists of America. The program included a symposium on the women's movement at Columbia Faculty House, followed by a reception hosted by Barnard President, Dr. Judith Shapiro, and dinner honoring Sassower and feminists such as Gloria Steinem.

Sassower battled her own profession for years, and galvanized bar leaders into action that won greater equality between the sexes in and outside the legal profession. In 1993, she co-founded the Center for Judicial Accountability, Inc., a national, nonpartisan, nonprofit organization, based in White Plains, NY, which she describes as "documenting the corruption of our federal, state, and local judicial nominating processes for appointment, as well as for election, and of all remedies for redress of judicial abuse and other misconduct." Find out more at www.cja-inc.org

Her articles, speeches, and legal cases challenging sexism, as well as other papers, are archived at the Schlesinger Library of Harvard University.



**Feminists
Who
Changed
America
1963-1975**

**EDITED BY
Barbara J. Love**

**FOREWORD BY
Nancy F. Cott**