

LAW OFFICES

**Doris L. Sassower**

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REPLY TO: 75 WYKAGYL STATION, NEW ROCHELLE, N. Y. 10804 - 914/938-6000

March 28, 1978

Joint Bar Association Grievance Committee  
Ninth Judicial District  
200 Bloomingdale Road  
White Plains, New York 10605

Attention: Mr. Donald E. Humphrey

Re: File 999

Dear Mr. Humphrey:

1. The essence of the complaint of ERNEST L. SIGNORELLI against me is contained in a deceptive and misleading paragraph reading as follows:

" Incidentally, Doris L. Sassower, the wife of the petitioner herein, had at the inception of this estate filed a notice of appearance, appearing as attorney for the executor. She was expressly directed by the Court to be present for the scheduled court conferences, but has defaulted in appearance for any of the said dates."

The dates of such conferences wherein I was supposedly directed to appear "as attorney for the executor" are set forth in a preceding paragraph as

"(September 21, 1976 ... (and) was adjourned on five separate occasions to March 2nd, 1977."

a. The complainant does not explain the necessity for my appearance "as attorney for the executor" when the very same complaint states that the executor was removed prior to every one of the aforementioned dates.

b. If my conduct was "extraordinary" (as described by the complainant), no explanation is set forth for his waiting one year before making this complaint.

Exhibit **D**

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c. Significantly, this undocumented complaint fails to allege that the matter was attended by someone else in my stead, the necessity for my personal appearance, that I was otherwise engaged in higher courts, that I was ill, that my absence caused no prejudice, that there were no adjournments because of my failure to appear, or that such "directions" to appear are generally on a preprinted form notice, honored in its breach (by everyone) rather than its observance (by anyone).

In order that this complaint may be responded to with accuracy and precision, I respectfully request the complainant through your committee to set forth:

- a. The five (5) dates between September 21, 1976 that he has reference to.
- b. A copy of the notices for each such dates.
- c. The purpose of such conferences.
- d. The purpose of my desired attendance.
- e. Who actually attended on such dates, or if same were adjourned, who requested the adjournment and the reason set forth.
- f. The sum and substance of what transpired at such conference.
- g. In what way my non-appearance prejudiced the Court, or the parties.
- h. Whether anyone appeared in my stead and served the purpose intended by my appearance.
- i. Why the complainant waited between one year and one and one-half years after my "extraordinary conduct" to make such complaint, in other words what, if anything, has been done by me recently so that he has resurrected these old transactions and placed them in a form of a "published complaint."

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With such information, I will be better able to respond to the complaint herein.

2. It is a misnomer to refer to the complaint as a "Decision" or as an "Order", which implies some determination after hearing all sides. This was a "personal rampage" by the complainant under "color of authority" and in palpable abuse of his office, to denigrate me and others without affording the minimal requirements of due process or common decency.

I am not a party or an attorney for any party in this matter at present and have not been for some period of time. Nevertheless because my husband had pending a motion in the United States Court to prohibit the complainant from acting as Surrogate, and for invasion of his civil rights, the complainant, after refusing to recuse himself, went on this sua sponte diatribe.

There was no motion before the Court. There was no motion any longer before the Surrogate requesting that he recuse himself. There was no notice to me of an intention to charge me with any dereliction that might have forewarned me to submit papers in explanation and opposition so that a decision could be made on papers before the court. There was nothing resembling "due process" or "fairness" or "decency" in form or substance.

Unfortunately since nothing was determined (except that he recused himself), and particularly since I am not a party or an attorney for any party in this action, I have nothing to appeal and am not legally aggrieved by any aspect of the Order.

3. I believe completely in the philosophy set forth in the statute that all complaints against attorneys and judges be deemed confidential ( e.g., Judiciary Law. §90(10)).

The incalculable injury and hurt that I have sustained from this published complaint justifies such philosophy.

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In violation of statute and certainly its spirit, the complainant, who is supposed to follow the law and its spirit, took advantage of his office evidently believing that an emolument of his office is his right to publically disparage persons not before him.

I believe that it is the function of your committee not only to investigate complaints, but to protect those accused before your committee. I request that if you find that there have been transgressions by the complainant that you refer same to the proper investigatory body.

I do not deny complainant the right to make complaints before your committee in any way, but I do not believe that he has the right to broadcast such complaint to the profession at large as he has done (New York Law Journal 3/3/78. pp 12-13) prior to any affirmative finding that disciplinary action was warranted.

4. The other reference to me is that I allegedly "refused to identify the case or the particular Department of the Appellate Division in which Mr. Sassower was arguing a case". That is completely untrue. Here again the complainant has set forth matter wholly devoid of "due process", in substance or spirit. Apart from the question of whether such refusal, even if it occurred as alleged, rises to the level of misconduct worthy of disciplinary action, it should be noted that I did not speak to the Surrogate nor he to me. Therefore, such allegations by him should plainly have been qualified with "on information and belief", "I understand" or words to similar effect in the absence of which personal knowledge would be inferred.

I did not refuse to give such details. I stated to Vincent G. Berger, Jr., Esq., attorney for the Public Administrator, in a conversation had by telephone while the Judge, he informed me, was on the bench, that such details were unknown to me.

At the time of such telephone call my entire basement was flooded, and I was preoccupied with saving as

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many of my personal belongings as possible. Nevertheless, almost immediately after hanging up, I looked at the Law Journal and recognized a case wherein I was attorney of record but which was being handled exclusively by Mr. Sassower. While I knew it was in the Appellate Division, I had no idea at the time of this unexpected call and unexpected inquiry from Mr. Berger that it was in that case that Mr. Sassower was engaged.

In any event immediately after ascertaining such fact, I called Mr. Berger and gave him that information. This was completely in accord with my conduct of complete cooperation with the complainant and his Court.

I shall await further communication from you with the answers to the questions I have requested from the Surrogate. Please be assured of my willingness to be of all possible assistance to the Committee.

Very truly yours,



**DORIS L. SASSOWER**

**DLS/mg**