

**GEORGE SASSOWER**

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Grievance Committee: Tenth Judicial District  
900 Ellison Avenue,  
Westbury, New York

Re: Richard C. Cahn, Esq.  
534 Broadhollow Road, CB 179  
Melville, New York, 11747

Gentlemen:

1a. I herewith make this professional complaint against Richard C. Cahn, Esq.

b. Nothing stated herein is intended as a complaint against Mr. Cahn for his defense of his client's conduct prior to his representation of him, however egregious that conduct may have been.

c. This complaint concerns itself with the manner employed, and being employed, by Mr. Cahn's in purportedly representing Mr. Anthony Mastroianni, the Public Administrator of Suffolk County, as administrator of the Estate of Eugene Paul Kelly.

2a. There is a difference and distinction between an attorney zealously defending his client's past conduct, and an attorney's bribing a juror in order to have his client acquitted.

b. There is a difference and distinction between Mr. Cahn properly representing Anthony Mastroianni, as the fiduciary of the Kelly Estate, and when he represents Mr. Mastroianni as simply the vehicle to implement the personal desires of the recused Surrogate, Ernest L. Signorelli, whose desires are contrary to the Kelly Estate.

3a. Mr. Cahn's client is Anthony Mastroianni, an appointee of Surrogate Ernest L. Signorelli, and Mastroianni was, in 1977, designated by Surrogate Signorelli to be the administrator of the Kelly Estate.

b. Mr. Mastroianni, although appointed by Surrogate Signorelli, owes his undivided fidelity and loyalty to the Kelly Estate, which although otherwise helpless, is nevertheless a "person" within the meaning of the XIV Amendment of the Constitution of the United States, 42 U.S.C. §1983, and the Constitution and laws of the State of New York, and is entitled to be protected by and from Mr. Mastroianni.

c. In the proper zealous defense of Mr. Mastroianni's prior conduct, I repeat, I make no complaint against Mr. Cahn, but nevertheless reference to same must be made, as background material, so that this professional complaint against Mr. Cahn may be properly understood.

4a. In proceedings in federal court in January and February 1978, or ten (10) years ago, Surrogate Signorelli was compelled to recuse himself with respect to the Kelly Estate, by a "gun to the head" edict by a federal judge

b. Unquestionably, Mr. Mastroianni's stewardship of the Kelly Estate was seriously wanting, and indeed the Kelly Estate was made the subject of outright larceny, betrayal, and treachery, for which Acting Surrogate Burton S. Joseph surcharged Mr. Mastroianni, but in my opinion, not sufficiently.

c. One of my complaints herein against Mr. Cahn is that he entered into, or participated in unlawful agreements, so that none of the attorneys or representatives of the Kelly beneficiaries, appointed or otherwise, objected to or protested Mr. Mastroianni's stewardship in the Kelly Estate matter.

d. There existed and does exist "sweetheart arrangements", actively participated in by Mr. Cahn, wherein all the attorneys involved, betrayed their clients, their clients' interests in the Kelly Estate, and the Kelly Trusts, resulting in litigation which is nothing less than a farce and mockery on justice (United States v. Wight, 176 F.2d 376 [2d Cir.]; Diggs v. Welch, 148 F.2d 667 [D.C. Cir.]).

e. Most disturbing is that Mr. Cahn is now appealing the determination of Acting Surrogate Burton S. Joseph, at the enormous expense of the Kelly Estate, and these "sweetheart arrangements" are continuing to the point where the other attorneys and/or representatives of the Kelly beneficiaries are not even being made part of the appeal process, in order to preclude a justified and mandated assault by them on Mastroianni's misconduct.

f. The cost of this appeal should fully and completely deplete the Kelly Estate, and also the Kelly Trusts, so that the intended beneficiaries will get nothing -- zilch!

g. Mr. Cahn, as will be demonstrated, is knowingly participating in an arrangement where the attorneys for the Kelly beneficiaries, whose interests are adverse to Mr. Mastroianni, have been corrupted, so that their clients are being betrayed by their attorneys.

h. In short, while Mr. Cahn purports to represent Mr. Mastroianni, as the fiduciary of the Kelly Estate, he is, as analysis will show, representing Mr. Mastroianni, as the alter ego of the recused Surrogate Signorelli, who for his own personal reasons, is completely depleting the assets of the Kelly Estate.

5. Mr. Cahn is Mr. Mastroianni's third attorney in the Kelly matter, and some specifics will help understand the thrust of this aspect of this complaint.

6a. Irwin Klein, Esq., who had his office and was domiciled in Manhattan at the time in issue, had no known association with Suffolk County, was Mr. Mastroianni's second attorney in the Kelly Estate matter, a legal relationship which began long after Surrogate Signorelli was compelled to recuse himself.

b. The normal initial reaction is and must be why would Mr. Mastroianni designate a Manhattan attorney, as his attorney in the Kelly Suffolk County matter, particularly when Mr. Klein was known as a criminal and matrimonial lawyer, and not anyone who had any great knowledge of estate work.

c. The answer lies in the fact that Mr. Klein happened to be Surrogate Signorelli's personal attorney, in his personal matrimonial proceeding, and obviously the designation by Mastroianni was related to Klein's legal representation of Signorelli personally.

d. Mr. Klein who I know, and happen to like, claimed that his professional services for the Kelly Estate were worth \$27,500, but because of its small size, he made claim for only \$12,500, which Mr. Mastroianni approved in the accounting submitted by Mr. Cahn.

e. As far as I am concerned, Mastroianni could have appointed an attorney in China, provided such attorney made reasonable and responsible charges against the Estate, and did not bill the estate for "phantom" work and services.

f. Thus, the question is whether Mr. Klein's claims against the Kelly, and other, estates to which he was retained by Mastroianni, were reasonable, and the attorneys and representatives of the Kelly beneficiaries should have made inquiry and objection to same on behalf of their clients, if otherwise.

g. The fact is that neither Mr. Klein, Mr. Mastroianni, Mr. Cahn, nor anyone else, could show even \$1.00 of professional services by Mr. Klein which benefited the Kelly Estate.

h. Thus, Mr. Cahn, in effect, "bribed the jurors", or more correctly "bribed his adversaries", by participating in these "sweetheart" arrangements so that they would not object, and indeed consented, to the sham accounting he submitted on behalf of Mastroianni.

i. These other attorneys and representatives who supposedly represented the Kelly beneficiaries, either were not present, or did not participate, where the interests of their clients were adverse to Mr. Mastroianni, although their participation on behalf of their clients, were irresistibly and ethically compelled.

j. It was more than "washing each other's back", it was a criminal conspiracy, a criminal attempt to commit larceny, and a criminal obstruction of justice, by agreeing to pay Mr. Klein from the Kelly Estate for work that he did for Surrogate Signorelli personally.

k. The full burden fell upon me, who did not have any significant interest in the Kelly Estate, to examine the Klein and several others, but not all, the payments and claims presented by Mr. Mastroianni and Mr. Cahn against the Kelly Estate.

7a. The Klein claim is instructive of the other claims, and consequently his essential testimony is be set forth herein (5/8/86, SM 123-146):

"MR. CAHN: Petitioner's [Mastroianni] Exhibit 14, you have made a claim for legal fees for services rendered in the amount of \$27,150.

MR. KLEIN : Yes.

Q. In the petition, however, the amount is stated as \$12,500. Have you reduced your claim to \$12,500?

A. Yes.

...

Q. And what was your hourly wage for your services during the period of time that you were representing the Public Administrator in this estate between September 10, 1982 and February 7, 1983?

A. \$150 an hour.

MR. CAHN: I have no further questions.

THE COURT: You may cross-examine.

...

MR. SASSOWER: ... there came a point in time ... where I discovered that Berger [Mastroianni's first attorney on the Kelly Estate and Signorelli's former political campaign manager] had filed an accounting, I moved in the Appellate Division to expedite the prosecution of this matter. So I made a motion. ... Do you recall that?

A. I do, yes

...

MR. CAHN: If you're trying to prove through this witness you moved to expedite the accounting in the Appellate Division I don't think that is a disputed issue.

...

Q. Did you bill Surrogate Signorelli at the rate of \$150 an hour [on his personal matrimonial matter]?

MR. CAHN: Objection. Irrelevant.

...

Q. At what rate did you bill Surrogate Signorelli?

MR. CAHN: Objection.

THE COURT: Ask him was the rate established. You mean for his own personal work?

MR. SASSOWER: Yes.

MR. CAHN: I think it's irrelevant.

THE COURT: No. I will -- No, objection is overruled. I think it's relevant. I think first you have to ask was there an understanding that he was to get paid. and then ask him how, much, if so.

Q. Would you answer his Honor's question?

A. I would say that's confidential. A communication privilege between attorney and client.

THE COURT: Are you claiming privilege?

THE WITNESS: Yes, I am.

THE COURT: All right."

b. I was the only person who cross-examined Mr. Klein, and consequently Mr. Klein was awarded only the token sum of \$1,000, or in my opinion \$1,000 too much, since he should have obtained his entire fee due him from Surrogate Signorelli, not the Kelly, or other Mastroianni administered, estate.

c. Mr. Cahn's client was Mastroianni, as a fiduciary to the Kelly Estate, not Mastroianni, as the lap-dog to the recused Surrogate Signorelli, who desired to pay a personal indebtedness from the Kelly Estate.

d. It was Mastroianni's, and thus Mr. Cahn's, obligation to assure that the financial burdens placed on the Kelly Estate were minimized and false and inflated claims rejected.

e. The attorneys for the Kelly beneficiaries were not present during such testimony and/or did not participate in cross-examination of Mr. Klein, since they had all been corrupted to betray their clients, in this arrogant attempt at grand larceny.

f. A judicial inquiry for the purpose of ascertaining truth, is a farce when Mr. Cahn participates in the abdication of Mastroianni's fiduciary duties to his estate, and attorneys are corrupted so as to betray their clients' interests.

g. There were newspaper accounts that during the Klein representation of Surrogate Signorelli that Signorelli was claiming that he could not afford to make the weekly payments to his wife of \$125 from his \$62,500 annual salary as Surrogate, and indeed he made only one such payment, according to a Newsday story.

h. Assuming, arguendo, Signorelli could not pay his attorney, that is no reason for burdening the Kelly and other estates with that obligation by claims based on "phantom" professional services.

i. It was manifestly obvious that Mastroianni and Signorelli intended to pay Klein for Signorelli's personal obligations from the Kelly, and other, estates to which Klein was appointed, and that the attorneys for the Kelly beneficiaries had to be corrupted so as not to oppose same.

j. The aforementioned, to repeat, is, inter alia, a criminal conspiracy to commit larceny, and an obstruction of justice, in every sense of those terms, and Mr. Cahn should not have any part of such scheme at nisi prius or on appeal.

8a. Similarly, Vincent G. Berger, Jr., Esq., who was Mastroianni's first attorney, and also Surrogate Signorelli's former political campaign manager, made claim for \$15,000, although he believed himself entitled to more than \$30,000, but after my cross-examination was only awarded \$4,000.

b. Here again, the attorneys for the Kelly beneficiaries similarly cooperated in this conspiratorial attempt at larceny and corruption of justice by either not being present or by not cross-examining.

c. In the words of Charles Z. Abuza, Esq., attorney for several of the Kelly beneficiaries, it was "give Berger whatever he wants", shortly before he exited from the courtroom.

d. Mr. Cahn's parting words to Mr. Abuza were "I will call you when I need you".

e. Mr. Cahn, with the cooperation of Mr. Abuza made a judicial inquiry into a circus!

f. Mr. Mastroianni's actions, when represented by Mr. Berger, imposed thousands of dollars of needless expense on the Kelly Estate, but under the corrupt arrangement with Mr. Cahn, none of the attorneys representing the Kelly beneficiaries are making any claim against Mr. Mastroianni or his bonding company, to the best of my knowledge.

9a. I further understand that Mr. Mastroianni and/or Mr. Cahn, post-trial, neglected to pay taxes that were due, which imposed on the Kelly Estate a substantial financial burden.

b. Such information is wrongfully being withheld from me, and under the general conspiratorial arrangement existing, no claim is being made against Mastroianni or his bonding company, to the best of my knowledge, by the representatives of the Kelly beneficiaries.

10a. Except for my cross-examination of Mr. Mastroianni, Mr. Berger, and Mr. Klein, I did not believe at the time I had any significant standing to inquire on other matters, and did not.

b. Thereafter, when Mr. Justice Burton S. Joseph, included the Kelly Trusts, as part of the Kelly Estate, my interest in the other expenses had become live, but the time to object to same had passed.

c. The point is the attorneys for the Kelly beneficiaries should have inquired about such expenditures, but did not.

d. For example, Mr. Justice Burton S. Joseph, in his decision held:

"The evidence failed to established that Mr. Sassower did not turn over any documents which justifiably prevented the Public Administrator ["Mastroianni"] from closing out the Estate in 1980".

e. The attorneys for the Kelly beneficiaries did not protest the expenditures made by Mastroianni after 1980 simply because of the corrupt agreement and understanding that existed between them and Mr. Cahn.

11a. To continue would be to belabor the obvious.

b. Furthermore, knowledge of all of the aforementioned, I verily believe, is being kept from Kelly beneficiaries, except they have been prepared to expect nothing from the assets left by Eugene Paul Kelly, and have been given a false reason for same.

12a. I personally happen to like Richard C. Cahn, Esq., and entertain little doubt that he is generally a good, decent, and ethical person and attorney, who deserves great respect, and truly wish him no harm.

b. I even like Mr. Anthony Mastroianni!

c. Ernest L. Signorelli is simply "bad news", and he has given Mastroianni and Cahn their "marching orders", which they are apparently obeying.

d. I was in World War II, and fired my gun at the uniform, not the man.

e. Cahn has put on the wrong uniform, but as long as he does his job ethically and professionally, no matter how zealous he properly represents Mastroianni, as a fiduciary, I will not complain.

f. But Mr. Cahn is not representing Mastroianni as a fiduciary of the Kelly Estate, but Mastroianni, the lap-dog of the recused Signorelli, to the detriment of the Kelly Estate, and consequently I will give obedience to my mandate (Disciplinary Rule 1-103), by making this complaint to your committee.



g. Furthermore, I find these "sweetheart arrangements" between adversarial counsel, wherein the clients are betrayed, simply unacceptable and intolerable.

h. I expect that the attorneys for the Kelly beneficiaries to act properly and responsibly in the interests of their clients, without any interference by either Mr. Cahn, Mr. Mastroianni, or Surrogate Signorelli at nisi prius, as well as, the appellate court.

i. The appeal, at the expense of the Kelly Estate, is not desired by Mr. Mastroianni, who has no financial stake in the matter, since he is a salaried employee of the county, and certainly such appeal is not in the interests of the Kelly Estate, or the Kelly beneficiaries.

j. The appeal is only desired by the deprived Signorelli, and he is not concerned about the expense caused to the Kelly Estate or anyone else.

k. Although I may not be entirely pleased with the decision of Hon. Burton S. Joseph, His Honor did a very good and honest job under very difficult circumstances.

His Honor has the unique quality that every judge must have, but few do -- "independence of judgment", and I believed His Honor had everyone's respect for that very admirable trait, certainly mine.

Nothing contained herein is intended as criticism of His Honor, for I have none, only a difference of opinion.

13a. My main grievance against Ernest L. Signorelli is that he corrupts those like Richard C. Cahn, Esq., Anthony Mastroianni, and Irwin Klein, Esq., to act in an unethical manner, which I know are not their true natures, and because Signorelli retaliates against the innocent, such as my former spouse, as some mid-east hostage, because of what some perceive to be my peccadillos.

b. For what it is worth, my opinion about Surrogate Signorelli, is apparently shared by others.

c. Thus, for example, in the generally restrained New York Times of September 8th, 1985, the following appeared (XXI, p. 1, 10):

"John P. Cohalan, a retired Appellate Division justice ... has been serving as the chief spokesman for the Rohl campaign in criticizing Surrogate Signorelli. Mr. Cohalan has contended in speeches that until recently all of the surrogate patronage appointments have gone to 10 lawyers close to Surrogate Signorelli, in addition, Mr. Cohalan talks about the 'horror story' in Surrogate's Court, including what he termed a lack of courtesy, unnecessary delays and Surrogate Signorelli's inaccessibility to lawyers."

d. These remarks are not the remarks that Judge Cohalan, or any retired judge, would ever make about any other judge in the public forum, even during a bitter election!

14a. When the final curtain comes down it does not matter whether you won or lost, but how you played the game.

b. If Mr. Cahn, or anyone else, continues playing an unethical, indeed criminal, game your committee should respond decisively, in my opinion.

c. Estate and trusts are not simply carrion for judicial vultures, or to pay Surrogate Signorelli's private monetary obligations, or so I strongly believe.

d. To say more would be supererogatory.

Respectfully,

  
GEORGE SASSOWER

cc: Richard C. Cahn, Esq.  
(personal and confidential)