

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : SECOND JUDICIAL DEPT.

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In the Matter of GEORGE SASSOWER, an  
attorney and counselor-at-law,

GRIEVANCE COMMITTEE FOR THE SECOND AND  
ELEVENTH JUDICIAL DISTRICTS,

Petitioner,

GEORGE SASSOWER,

Respondent.

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Respondent, GEORGE SASSOWER, Esq., as and  
for his answer to the petition, verified November 12,  
1985, respectfully sets forth and alleges:

1. Denies each and every allegation of the  
petition contained in paragraph "Sixth", "Ch. 1/2", "Ch.  
1/5", "Ch.2/2", "Ch. 2/5", "Ch. 3/2", "Ch. 3/5", "Ch.  
4/1", "Ch. 4/2", "Ch. 4/3", "Ch. 4/4", "Ch. 4/5", "Ch.  
5/11", "Ch. 5/12", "Ch. 5/13", "Ch. 6/1", "Ch. 6/2",  
"Ch. 6/3", "Ch. 6/4", "Ch. 6/5", "Ch. 7/3", "Ch. 7/5",  
"Ch. 7/6", and "Ch. 7/7".

2. Denies any knowledge or information  
sufficient to form a belief as to each and every  
allegation contained in paragraph "First" and "Second"  
of the petition.

3. Denies each and every allegation of the petition contained in paragraph "Third", "Ch.1/1", "Ch.1/3", "Ch. 2/1", "Ch. 2/3", "Ch. 3/1", "Ch. 3/3", "Ch. 3/4", "Ch. 5/1", "Ch. 5/2", "Ch. 5/3", "Ch. 5/4", "Ch. 5/5", "Ch. 5/6", "Ch. 5/7", "Ch. 5/8", "Ch. 5/9", "Ch. 5/10", "Ch. 7/1", "Ch. 7/2", "Ch.7/4", and respectfully refers this Court to the original document mentioned therein for the correct terms thereof. This is without admitting the validity of said documents, indeed, respondent asserts the aforementioned documents, which are annexed and/or referred to in the petition, are null, void, and of no effect, having been procured, inter alia, by fraud, corruption, without due process, in violation of equal protection, and in violation of basic constitutional and/ or statutory rights.

4. Denies that portion of paragraph "Fifth" of the petition which alleges that respondent's office is at 2125 Mill Avenue, Brooklyn, New York.

AS AND FOR A FIRST AFFIRMATIVE AND COMPLETE DEFENSE

5. This proceeding was and is being prosecuted as a result of invidious and selective prosecution.

This assertion is made without prejudice to the pending and independent special proceeding and action, wherein petitioner is a respondent or defendant, and without prejudice to an application to be made to this Court, limited to the petitioner herein alone based essentially on invidious and selective prosecution.

AS AND FOR A SECOND AFFIRMATIVE AND COMPLETE DEFENSE

6. This proceeding was and is being prosecuted for an unconstitutional, impermissible, and corrupt purpose.

This assertion is made without prejudice to an application to be made to this Court at such time as it may be appropriate.

AS AND FOR A THIRD AFFIRMATIVE AND COMPLETE DEFENSE

7a. 22 NYCRR §691.4, is null and void insofar as it exceeds the prohibition contained in Judiciary Law §90.

b. The spirit, letter, and intent of 22 NYCRR §691.4, is that a constitutional trial or hearing was afforded a respondent in non-summary criminal contempt proceeding prior to conviction, and that other constitutional rights and privileges had been given obedience by the convicting tribunal.

c. Implicit in the Order of this Court dated October 11, 1985, was a rejection of the validity of the orders of non-summary criminal contempt where a constitutional trial or hearing did not take place prior to conviction.

8. The Disciplinary Rules cited in the petition are unconstitutionally vague and indefinite; are unconstitutional insofar as they conflict with constitutional, statutory, and professional obligations and rights; and are being unlawfully applied herein to conceal judicially involved and related criminal, unethical, and corrupt activities.

AS AND FOR A FOURTH AFFIRMATIVE AND COMPLETE DEFENSE

9. The relationships existing between the prosecutorial and adjudicatory functions; the mode for the selection of a Referee; and other procedures regarding this and similar proceedings deprives the respondent of fundamental fairness and due process.

AS AND FOR A FIFTH AFFIRMATIVE PARTIAL DEFENSE

10. At a full and complete presentment before a constitutional tribunal, the respondent was vindicated of criminal contempt, by virtue of an Order by Hon. Martin Evans, entered on or about January 4, 1985.



AS AND FOR A SIXTH AFFIRMATIVE PARTIAL DEFENSE

11a. The allegations contained in "Charge Six" of the petition is based upon an illegally coerced communication, purportedly made by respondent's client to respondent, while he was disabled, and without complying with procedural statute.

b. Respondent, reserves the right to make such motions or further defenses, as he may deem to be appropriate after a full disclosure of the surrounding circumstances regarding such Charge.

c. At the present time, respondent verily believes that the attorney-client privilege has not been waived, and any further pleading or comment would be inappropriate, if not unlawful, at this time.

WHEREFORE, it is respectfully prayed that an Order be entered dismissing the petition herein in all respects.

Dated: November 16, 1985

Yours, etc.,

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GEORGE SASSOWER