

HON. WILLIAM C. THOMPSON, Justice Presiding,
HON. LAWRENCE J. BRACKEN,
HON. RICHARD A. BROWN,
HON. JAMES F. NIEHOFF,
HON. CHARLES B. LAWRENCE. } Associate Justices

In the Matter of George Sassower, an
attorney.

Grievance Committee for the Second
and Eleventh Judicial Districts,

Petitioner;

George Sassower,

Respondent.

Order of Disbarment.

A disciplinary proceeding having been instituted in this court upon the petition of the Grievance Committee for the Second and Eleventh Judicial Districts in respect to the respondent, George Sassower, an attorney and counselor at law, who was admitted to practice by this court on March 30, 1949; the petition praying that the respondent be disciplined for professional misconduct upon the charges therein set forth; the proceeding having come on before this court by a notice of petition, dated November 12, 1985; and the respondent having filed an answer to the petition; and this court, by an order dated January 10, 1986, having referred the issues raised by the petition and the answer to Honorable Michael Potoker, a retired Judge of the Court of Claims, as Special Referee, to hear and to report, with his findings upon each of the issues; thereafter the said referee having held a hearing and having filed his report with this court on August 18, 1986, together with a transcript of the hearing and the exhibits; and the petitioner having moved by a notice of motion, dated August 20, 1986, to confirm the report of the special referee;

Now, upon the said petition, verified November 12, 1985; the said answer, dated November 16, 1985; the report; the transcript; the exhibits; the petitioner's notice of motion; the affirmation of Robert H. Straus and the papers annexed thereto in support of the said motion; and upon all the papers filed herein; and Robert H. Straus, Esq., having appeared of counsel for the petitioner and George Sassower, Esq., respondent, having appeared pro se, due deliberation having been had thereon; and upon the PER CURIAM OPINION herein, dated February 23, 1987, heretofore filed and made a part hereof, it is

ORDERED that the petitioner's motion to confirm the report of the special referee is hereby granted, and it is further

ORDERED and DIRECTED that, pursuant to statute (Judiciary Law, § 90), effective February 23, 1987, the respondent, George Sassower, be and he hereby is disbarred from the practice of law and his name

In the Matter of George Sassower, an attorney.

is hereby struck from from the Roll of Attorneys and Counselors at law, and it is further

ORDERED and DIRECTED that the respondent, George Sassower, shall promptly comply with this court's rules governing the conduct of disbarred, suspended and resigned attorneys, a copy of such rules being annexed hereto and made a part hereof, and it is further

ORDERED that, pursuant to statute (Judiciary Law, § 90), effective February 23, 1987, the respondent, George Sassower, be and he hereby is commanded to desist and refrain: (1) from practicing law in any from, either as principal or as agent, clerk or employee of another; (2) from appearing as an attorney or counselor at law before any court, judge, justice, board, commission or other public authority; (3) from giving to another an opinion as to the law or its application, or any advice in relation thereto; and (4) from holding himself out in any way as an attorney and counselor at law.

Enter:

MARTIN H. BROWNSTEIN

Clerk of the Appellate Division.

SUPREME COURT, STATE OF NEW YORK
APPELLATE DIVISION, SECOND DEPT.

I, MARTIN H. BROWNSTEIN, Clerk of the Appellate Division of the Supreme Court, Second Judicial Department, do hereby certify that I have compared this copy with the original filed in my office on FEB 23 1987 and that this copy is a correct transcription of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of this Court on FEB 23 1987



Clerk

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NOT FOR PUBLICATION

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SUPREME COURT : APPELLATE DIVISION

February 23, 1987

SECOND JUDICIAL DEPARTMENT

THOMPSON, J.P., BRACKEN, BROWN, NIEHOFF and LAWRENCE, JJ.

In the Matter of GEORGE SASSOWER, an attorney.

GRIEVANCE COMMITTEE FOR THE SECOND AND ELEVENTH
JUDICIAL DISTRICTS,

Petitioner;

GEORGE SASSOWER,

Respondent.

NO. 6880

DISCIPLINARY proceeding instituted by the Grievance Committee for the Second and Eleventh Judicial Districts. By order of this court dated January 10, 1986, this matter was referred to Honorable Michael Potoker, a retired Judge of the Court of Claims, as special referee to hear and report.

Robert H. Straus, Brooklyn,
N.Y., for petitioner.

George Sassower, White
Plains, N.Y., respondent pro
se.

P E R C U R I A M.

The respondent was admitted to practice by this court on March 30, 1949. In this proceeding, the petitioner moves to confirm the report of the special referee.

The special referee found the respondent guilty of the following allegations of professional misconduct. Charge One alleged that by a judgment of the Supreme Court, New York County (Klein, J.), dated June 26, 1985, the respondent was convicted of criminal contempt of court for having willfully and deliberately

violated an order of the Supreme Court, New York County (Gammerman, J.), and was sentenced to a term of imprisonment of 30 days and to fines totalling \$1,250. On September 17, 1985 the Appellate Division, First Department, affirmed the respondent's criminal contempt conviction (see, Raffe v Riccobono, 113 AD2d 1038, appeal dismissed 66 NY2d 915).

Charge Two alleged that by judgment of the Supreme Court, New York County (Saxe, J.), dated June 26, 1985, the respondent was convicted of criminal contempt of court for having willfully and knowingly disobeyed the order of Justice Gammerman and was sentenced to a term of imprisonment of 10 days and to a fine of \$250. On September 17, 1985, the Appellate Division, First Department, affirmed the respondent's criminal contempt conviction (see, Raffe v Feltman, Karesh & Major, 113 AD2d 1038).

Charge Three alleged that the respondent willfully and deliberately violated the order of Honorable Eugene H. Nickerson, a Judge of the United States District Court, Eastern District of New York, dated May 28, 1985, requiring him to appear before that court for a deposition. By judgment of Judge Nickerson dated June 7, 1985, the respondent was convicted of criminal contempt of court for violating Judge Nickerson's order dated May 28, 1985. On September 13, 1985 the United States Court of Appeals for the Second Circuit affirmed the respondent's criminal contempt conviction.

Charge Four alleged that the respondent engaged in frivolous and vexatious litigation against litigants, judges, referees, attorneys, public officials, and other parties who participated in certain litigation that the respondent was involved in on behalf of a client, and that said litigation was for the purpose of harassing, threatening, coercing and maliciously injuring those made subject to it.

Charge Five alleged that commencing in September 1980 the respondent engaged in professional misconduct which interfered with,

obstructed and was prejudicial to the administration of justice, inter alia, in that he defied numerous orders of various courts, and displayed utter contempt for the law and for those judicial officers sworn to uphold it. As an example, the respondent was relieved by the court from handling certain matters, disqualified from representing certain clients, and thereafter disregarded the court's directions.

Charge Six alleged that the respondent failed to seek the lawful objectives of his client and prejudiced and damaged his client, in that, after the respondent was instructed by his client not to continue further litigation, the respondent deliberately and willfully disregarded these instructions by instituting numerous actions, as a result of which the client was assessed costs, attorneys' fees, fines and penalties, and was held to be guilty of civil and criminal contempt of court.

Charge Seven alleged that the respondent failed to cooperate with the petitioner Grievance Committee throughout its investigation of the misconduct alleged above, in that the respondent failed to respond to the written inquiries of the petitioner and made a deliberately false misrepresentation that a court order prohibited him from responding to the allegations of misconduct.

After reviewing all of the evidence we are in full agreement with the findings contained in the report of the special referee. The evidence is overwhelming that the respondent is guilty of the misconduct indicated above. The petitioner's motion to confirm the special referee's report is granted.

The respondent is adjudged guilty of serious professional misconduct. Accordingly, the respondent should be, and hereby is, disbarred and it is directed that his name be stricken from the roll of attorneys and counselors-at-law effective forthwith.

THOMPSON, J.P., BRACKEN, BROWN, NIEHOFF and LAWRENCE, JJ., concur.

SUPREME COURT — APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

691.10 Conduct of disbarred, suspended or resigned attorneys. (a) Compliance with Judiciary Law. Disbarred, suspended or resigned attorneys at law shall comply fully and completely with the letter and spirit of sections 478, 479, 484 and 486 of the Judiciary Law relating to practicing as attorneys at law without being admitted and registered, and soliciting of business on behalf of an attorney at law and the practice of law by an attorney who has been disbarred, suspended or convicted of a felony.

(b) Compensation. A disbarred, suspended or resigned attorney may not share in any fee for legal services performed by another attorney during the period of his removal from the bar. A disbarred, suspended or resigned attorney may be compensated on a quantum meruit basis for legal services rendered and disbursements incurred by him prior to the effective date of the disbarment or suspension order or of his resignation. The amount and manner of payment of such compensation and recoverable disbursements shall be fixed by the court on the application of either the disbarred, suspended or resigned attorney or the new attorney, on notice to the other as well as on notice to the client. Such applications shall be made at special term in the court wherein the action is pending or at special term in the Supreme Court in the county wherein the moving attorney maintains his office if an action has not been commenced. In no event shall the combined legal fees exceed the amount the client would have been required to pay had no substitution of attorneys been required.

(c) Notice to clients not involved in litigation. A disbarred, suspended or resigned attorney shall promptly notify by registered or certified mail, return receipt requested, all clients being represented in pending matters, other than litigated or administrative matters or proceedings pending

The affidavit of compliance referred to herein should be filed with this court and a copy thereof served on the attorney for the petitioner within the time set forth.

in any court or agency, of his disbarment, suspension or resignation and his consequent inability to act as an attorney after the effective date of his disbarment, suspension or resignation and shall advise said clients to seek legal advice elsewhere.

(d) Notice to clients involved in litigation. (1) A disbarred, suspended or resigned attorney shall promptly notify, by registered or certified mail, return receipt requested, each of his clients who is involved in litigated matters or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of his disbarment, suspension or resignation and consequent inability to act as an attorney after the effective date of his disbarment, suspension or resignation. The notice to be given to the client shall advise of the prompt substitution of another attorney or attorneys in his place.

(2) In the event the client does not obtain substitute counsel before the effective date of the disbarment, suspension or resignation, it shall be the responsibility of the disbarred, suspended or resigned attorney to move pro se in the court in which the action is pending, or before the body in which an administrative proceeding is pending, for leave to withdraw from the action or proceeding.

(3) The notice given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the disbarred, suspended or resigned attorney. In addition, notice shall be given in like manner to the Office of Court Administration of the State of New York in each case in which a retainer statement has been filed.

(e) Conduct after entry of order. The disbarred, suspended or resigned attorney, after entry of the disbarment or suspension order or after entry of the order accepting the resignation, shall not accept any new retainer or engage in any new case or legal matter of any nature as attorney for another.

However, during the period between the entry date of the order and its effective date he may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

(f) Filing proof of compliance and attorney's address. Within 10 days after the effective date of the disbarment or suspension order or the order accepting the resignation, the disbarred, suspended or resigned attorney shall file with the Clerk of the Appellate Division for the second judicial department an affidavit showing:

(1) that he has fully complied with the provisions of the order and with these rules; and

(2) that he has served a copy of such affidavit upon the petitioner or moving party.

Such affidavit shall also set forth the residence or other address of the disbarred, suspended or resigned attorney where communications may be directed to him.

(g) Appointment of attorney to protect clients' interests and interests of disbarred, suspended or resigned attorney. Whenever it shall be brought to the court's attention that a disbarred, suspended or resigned attorney shall have failed or may fail to comply with the provisions of subdivisions (c), (d) or (f) of this section, this court, upon such notice to such attorney as this court may direct, may appoint an attorney or attorneys to inventory the files of the disbarred, suspended or resigned attorney and to take such action as seems indicated to protect the interests of his clients and for the protection of the interests of the disbarred, suspended or resigned attorney.

(h) Disclosure of information. Any attorney so appointed by this court shall not be permitted to disclose any information contained in any file so inventoried without the consent of the client to whom such file relates except as necessary to carry out the order of this court which appointed the

attorney to make such inventory.

(i) Fixation of compensation. This court may fix the compensation to be paid to any attorney appointed by it under this section. The compensation may be directed by this court to be paid as an incident to the costs of the proceeding in which the charges are incurred and shall be charged in accordance with law.

(j) Required records. A disbarred, suspended or resigned attorney shall keep and maintain records of the various steps taken by him under this Part so that, upon any subsequent proceeding instituted by or against him, proof of compliance with this Part and with the disbarment or suspension order or with the order accepting the resignation will be available.

(k) Abandonment of practice by attorney. When, in the opinion of this court, an attorney has abandoned his practice, this court, upon such notice to such attorney as it may direct, may appoint the chief counsel of the appropriate joint bar association grievance committee, or an individual attorney, to take custody and inventory the files of such attorney and to take such action as seems indicated to protect the interests of his clients.