REPORT ON JUDGE DOUGLAS E. HOFFMAN
MARCH 13, 2023

Douglas E. Hoffman (New York and Bronx): A very powerful figure in the family court system, Hoffman has been a NY State judge since 1996, and now acts in the Matrimonial Division of New York Supreme Court. From 2009 to 2015, Hoffman was the supervising judge of Family Court in Manhattan. His judgeship has been dogged with controversy, no more so than by a sexual harassment case brought against him in Federal Court by his own law clerk, Alexis Marquez Esq. In that complaint, Marquez alleged that:

> "*During the first three weeks of Plaintiff's employment with Hoffman, Hoffman engaged Plaintiff in relentless personal inquiries and conversation; suggested that Plaintiff should have lunch with him every day; told Plaintiff stories about past cases involving sexual relations; instructed Plaintiff to come or sit closer to him; invited Plaintiff to imagine she was married to him; invited Plaintiff to remove her suit jacket; asked Plaintiff to walk him to his car after work; showed Plaintiff personal texts and videos; constantly infantilized Plaintiff; constantly subjected Plaintiff to offensive and stereotypical jokes and comments; refused to assign Plaintiff legal work; and attempted to treat Plaintiff as a wife, girlfriend, personal companion, and personal assistant*."

More on this case can be read in the NY Post article here. As proof that the NY Court system is deaf to the lessons of the #metoo movement, no disciplinary action was taken against Hoffman when the allegations were first made. Marquez then expanded her complaint to include Hoffman's "supervisors" including Administrative Judge Lawrence Marks and Chief Judge Janet DiFiore. Hoffman and his cronies, including Judge Lori Sattler, then launched a retaliatory campaign against Marks, deluging her with discovery demands and other litigious demands. Eventually, Marquez decided she could not continue the litigation and sought to drop the suit, on the grounds that "she [does] not have the resources to litigate this case on two tracks where discovery is proceeding on her claims against Hoffman and she is simultaneously responding to dispositive motions by the remaining 18 defendants." However, she sought to dismiss her suit "*without prejudice*", meaning that she could still assert that the complaints made were legitimate. Hoffman pursued her further, to try and persuade the Federal Court to make the withdrawal "with prejudice", in order to clear his name completely, and complete the humiliation of Ms Marquez. But the Federal Court dismissed that application and upheld Marquez's motion to withdraw "without prejudice". Judge Andrew L. Carter added this very rare criticism of another sitting judge: "*Plaintiff Marquez's claims raise troubling allegations of sexual harassment and discrimination, Defendant Hoffman provides no support to indicate that the claims are "frivolous" or that Plaintiff is acting with ill-motive, and there are legitimate, non-frivolous grounds for Plaintiff to initiate a lawsuit such as this one*." Hoffman has not taken no for an answer and, enlisting Attorney General Letitia James, has filed a new motion to sanction Ms Marquez for what he claims are repeated failures to comply with discovery demands. The

sanction that he is seeking is that she will be compelled to withdraw her allegations "with prejudice" and thus that Hoffman can be completely exonerated. In a letter to the court in February 2022, Ms Marquez explained the toll that Hoffman's action was taking on her: "*For months, overlapping litigation deadlines have caused me to lose weight, sleep, and experience chest pains. This can no longer continue. I continue to litigate this case across two different forums and against three sets of attorneys – without any sequencing and coordination from the Court. Over the course of three years, the defendants have been represented by at least 15 different attorneys.*" Since that letter, Hoffman's attorneys have further harassed her by opposing her reasonable requests for extensions to file responses in their vexatious discovery demands. More info on this ongoing case is here.

Hoffman's misconduct is rampant. He regularly compromises the identity of minor children by allowing their names to be used in open court. At a February 14, 2019 hearing in the matter of Anonymous CT v Anonymous CS, children were publicly named 25 times, by Hoffman and other attorneys whom he appointed, specifically **Susan Bender** (from Bender & Rosenthal, LLP) and **Daniel Lipschutz** (from Aronson, Mayefsky & Sloan, LLP). He also permits his "attorneys for the children" (AFC), to inappropriately involve children in custody cases. For example, in an effort to thwart scrutiny of his actions by the media, Mr Lipschutz informed his 6 and 12-year-old clients of media requests to cover the case. That enabled him to go back to Hoffman to try and exclude the media from covering the case, even after the media entity which had sought to cover the case had sworn on the record that it would never involve the children, or disclose their identity. Ms Bender, following Mr Lipschutz's reckless action, did the same with their older sibling. Both Lipshutz and Bender successfully convinced the judge to disallow media coverage of the case. But she did so at the high cost of creating undue distress and anxiety in the three children, none of whom had any idea that the media was covering their case until these attorneys alerted them of that fact. Hoffman allowed these fellow attorneys to get away with this breach of attorney ethics with full impunity instead of reporting them for breach of ethical responsibility and causing unwarranted distress to the children.

In relation to Bender, Hoffman allows her to cite confidential, sensitive information from the forensic report in open court and through numerous, unsecured emails. In doing so, she not only violated her role as AFC but jeopardized the privacy of the three children and their parents. Hoffman allowed Bender to do this even though he had expressly ordered that the forensic report was not to be quoted from. But when the targeted parent and his counsel tried to do what Bender had done and quote from the forensic report, Hoffman blocked them from doing so. As further evidence of his favoritism to Bender et al, he allows those attorneys to have numerous "breaks" in order to consult with each other on legal strategy, while not affording the same privilege to the targeted parent and his attorney.

Hoffman has a coterie of friendly attorneys (eg David Aronson, Tara Diamond, Elizabeth Fee, Sue Moss, David Schorr) and psychologists he likes to appoint (especially Dr Alan Ravitz), enriching them all at the expense of our families. In the above-mentioned case, for example, he appointed his two favorite "attorneys for the child" -- Bender and Lipschutz – and allowed them to charge the family $550 and $500 an hour respectively. He also permitted Bender to snarl up the case in motion practice: she has filed three frivolous and vexatious 'Orders to Show Cause', including a motion that sought to ban the FCLU and media from the courtroom; and another motion to force the parents to pay her exorbitant fees, including those incurred by filing those motions. Hoffman allowed this while condoning Bender's refusal to see her client for over five months despite numerous requests by her child client to see her so he can spend more time with

his father. In the case of Lipschutz, he looked the other way when he physically attacked an FCLU director and served him with a "judicial subpoena" which fraudulently claimed to have the authority of the judge, rather than just of an attorney.

As well as allowing his own appointed attorneys to enrich themselves and their buddies, Hoffman forces parents to hire a litany of very expensive "experts". In the above-mentioned case, Hoffman ordered the family to undergo a "forensic evaluation" with "Dr" **William Kaplan**, at a cost of $575 an hour. After two separate evaluations so flimsy that Kaplan did not even pay a home visit, or interview the children's teachers, Kaplan slapped the parents with a bill for $55,500, which could rise to over $70,000 after trial. To twist the knife even further into the family's heart, Hoffman granted an application by Susan Bender to bring in her friend and cohort, **Sherill Sigalow**, to do a "review" of Kaplan's forensic report. Hoffman permitted Sigalow to charge the family $500 an hour, and to levy an initial "retainer" of $12,500. Hoffman also allowed Bender to suggest the appointment of another one of her friends, Sue Moss, at $500 an hour, as "Parenting Coordinator", although Ms. Moss is a lawyer, not a mental health care professional.

Meantime, Hoffman allows big law firms like Phillips Nizer (the firm which employed as a partner the disgraced and imprisoned attorney Michael Cohen) to 'churn' cases and ignore his orders. He kowtows especially low to **Elliot Wiener**, the multi-millionaire Chair of Phillips Nizer's Matrimonial & Family Law division. This deference is one of the reasons that Hoffman's cases drag on for years. The case of Anonymous CT v Anonymous CS first came to Hoffman's desk in January 2018. But it took 17 court appearances, and over $1mm in legal fees sunk by the family, before Hoffman finally, on November 20, 2019, Hoffman set trial dates, for 2020. The custody case settled in January 2020, which vacated those dates, with no new dates set for the financial trial. This means that, on a liberal estimate, there will no final judgment on this case until an indefinite period in the future. The FCLU's short film on this case can be viewed here.

Another case which exemplifies Hoffman's delays is Alizadeh vs Lindo, which came to his courtroom in 2017 and has still not had trial dates set. In another case, Boyajian vs Boyajian, it took Hoffman NINETEEN months – from November 2020 to June 2022 -- to issue a Decision and Order on a simple motion for *pendente lite* spousal maintenance.

Since 2016, the FCLU had been calling for the removal of Hoffman for numerous violations of judicial ethics. Hoffman has taken on many of the cases from disgraced judge Gloria Sosa Lintner, who was removed from the bench in January 2016 (see below), and from Matthew Cooper, who retired at the end of 2021. However, Hoffman has continued much of those judges' family-destroying conduct. This is especially true in the matter of Allison Scollar vs Brook Altman, where he allowed the case to stall, and neglected to give the parties any fair and comprehensive hearing. This is a violation of the following New York judicial canons: Section 100.3(B) (6) ("*A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law*") and Section 100.3(B) (7) ("*A judge shall dispose of all judicial matters promptly.")*

Another example of Hoffman's erratic and child-damaging conduct was his openly negligent refusal to follow the pleas of both the subject-child, and that child's attorney, Philip Schiff, to return custody to the biological mother. In May 2017, Hoffman admitted that the child had expressed her wishes to him, but he said that he would not act on them until the outcome of a trial, the dates for which he never even set.

Yet another example of Hoffman's irresponsible and suspicious conduct was in his appointment of Dr. Sara Weiss as a forensic evaluator in a case where all parties – including the

attorney for the child, Mr. Schiff – opposed her appointment, because of potential harm to the subject-child. When asked by the FCLU why he had ignored the requests of the child and all parties by appointing Dr. Weiss, and whether he had any business or personal relationship with Dr Weiss, Judge Hoffman declined to respond. Hoffman likes to appoint friends and colleagues to take on jobs which pay huge fees.

In 2019, the FCLU made a formal request to film proceedings in Hoffman's court-room. Hoffman denied the request, claiming dubiously that "Civil Rights Law 52" barred him from allowing cameras. He did include an order that "*[the FCLU] may photograph the courtroom itself."* However, when the FCLU sought to arrange access to film inside the courtroom, Hoffman and his staff neglected to respond. When the FCLU made an in-person application for Hoffman to comply with his own order, on November 19, 2019, he refused to answer and threateningly ordered our representative to "be quiet and sit down".

Using arbitrary "Part 44 rules" (and grinning like Mr Burns from 'The Simpsons'), Hoffman discriminates against pro se parents, forcing them to leap through draconian hoops by filing Orders to Show Cause, even to go pro se in the first place, and bullying them into 'explaining' why they prefer not to hire an attorney. On October 2, 2019, he denied a pro se litigant's request to have an attorney as his co-counsel. "*There is no such thing as co-counsel for a pro se litigant*," Hoffman opined, after telling the parent that only the attorney could address the court. However, there is no legal basis to this ruling, which was made even more unfair because the petitioner-mother had two $900-an-hour attorneys allowed by Hoffman to advocate for her.

Using his court attorney, Alexandra Lewis-Reisen, he also ensures pro se parents do not receive transcripts (even when they offer to pay), and fails to issue written orders, thus preventing them from appealing. So intense is his discouragement of pro se litigants, that he sometimes offers litigants to award them counsel fees against the opposing side as long as the pro se parent hires an attorney.

Hoffman's posture towards parents usually favor the less-monied parent, which is almost always the mother. The reason for this is that he wants to extract from families as much matching federal funds for the State of New York as he could. In the case of Anonymous CT v Anonymous CS, Hoffman urged the defendant-father to accept a 'financial settlement' that would leave him having to pay $108,000 per year in 'child support' to the mother, who is herself a licensed NY attorney, with a salary of $1mn per year. Under the twisted Title IV-D program, that would mean matching funds paid by the Feds to NY's state government to pay for Hoffman's ever-increasing $250,000 annual salary and benefits. Hoffman's proposed levy of $108,000 was more than double the recommended statutory cap of $42,900 for non-custodial parents of three kids (calculated as 29% of a capped combined salary of $148,000). By pressuring the parties to settle, the judge was trying to circumvent that cap, because the father would be technically "consenting" to pay more. Even more grotesquely, Hoffman tried to strong-arm the father to agree to a "deal" on the "equitable distribution of marital assets" that would leave the mother walking away with $8 million, including a $2.8mn Manhattan property with no mortgage. The mother spied an opportunity to enrich herself even more. She complained to Hoffman that "I will still have no income", and then demanded that the father also pay 100% of all "add-ons" (private school fees, health insurance etc) -- all in addition to the $108,000 in child support. The father's attorney pointed out the mother already had a job that paid her $1mn and that she had experience working at a top-10 NY corporate law firm, the World Bank, and numerous other positions. Hoffman replied with a "suggestion" that they modify the split on the

add-ons so that dad paid "only 80%" and mom 20%. He also urged them to "agree" that mom would have total power over the children's 529k savings, including the right to liquidate all those assets for her own use. All this discussion was based on the assumption that the mother would be awarded custody of the children, even though trial dates had not even been set at that point.

As further evidence of Hoffman's clear bias against the father, he agreed to completely exclude three properties owned by the mother in the Caribbean from the calculation of the "equitable distribution" of marital assets. At the same time, Hoffman agreed to the mother's pleas to value the marital business at $4.4mn – which was what the valuer SIGMA had appraised it for over seven months ago. That valuation was done prior to an investigation into the business' activities – specifically the mother's work as Chief Compliance Officer – that led to a letter threatening termination of the business' operations. Even Hoffman recognized that this termination letter affected the valuation of the company; yet he pressed the father to accept the old valuation when calculating what he would have to pay the mother to buy her out and save the business.

According to a separate investigation by the Child Victims of the Family courts, Hoffman has "*committed grave errors in legal adjudication which were allowed to go unchallenged because of clear conflict of interest relationships on the Appellate Court and courts were closed to court watchers, violations of the open court system of New York. He is also following the same malignant process of cronyism, overlooking multiple forms of violations; appointment of questionable experts, a get along to go along practice of local politics of an immoral, unethical, improper level of legal practice.*" Partly thanks to complaints by the FCLU, the Scollar v Altman case was re-assigned in 2018, out of the frying-pan of Hoffman's courtroom, and into the fire of J. Machelle Sweeting (see below).

Hoffman was reappointed by Mayor Bill de Blasio, without any public hearing, in April 2015, for a term that will expire in 2025. He also works as an acting justice in the Bronx Supreme Court, and worked in close tandem with Judge Matthew Cooper (see above), who often signed Hoffman's orders until his forced retirement.