

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Sunday, July 26, 2015 10:23 AM
To: 'Eliot Ivan Bernstein'; 'John M. Caher ~ Senior Advisor for Strategic Communications @ NYS Office of Court Administration'; 'Preet Bharara ~ United States Attorney for the Southern District of New York @ US Department of Justice'
Cc: 'Caroline Prochotska Rogers Esq.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'; 'Andrew R. Dietz @ Rock It Cargo USA'; 'Candice Schwager @ Schwager Law Firm'; 'Barbara Stone'; 'Barbara Stone'; 'Kevin R. Hall'; 'Frank Brady @ Expose Corrupt Courts'; 'Frank Brady aka Kevin McKeown'; 'Gizella Weisshaus'; 'Luisa Esposito'; 'Patrick "Pat" Hanley'; 'Pat Handley'
Subject: Responsiveness & Transparency -- or the Lack Thereof: The Public Hearings of the Commission on Statewide Attorney Discipline

Dear Mr. Caher,

Vis-à-vis Mr. Bernstein's below e-mail, this is to memorialize that I have received NO response from you to my July 21st e-mail, the final paragraph of which was as follows:

"Please confirm that you will not be withholding Mr. Bernstein's request to testify from the Commission – and that you will also not be withholding the requests of others who, like Mr. Bernstein, have already filed attorney grievance complaints and, therefore, have direct, first-hand-experience and testimonial capacity as to how the grievance committees operate – and the evidence of their filed complaints to back it up." (underlining added).

Inasmuch as the first of the Commission's three public hearings is just two days away – on Tuesday, July 28th, in Albany – you surely have already notified the witnesses who have been approved to testify at the July 28th hearing. When will the list of their names be released to the public? Please furnish it. Also, please furnish a list of those not approved. Did you transmit their requests to testify to the Commission – and, if so, to whom? All 42 Commission members? Only to its chair and co-chair? How about the nine co-chairs of its three subcommittees?

By the way, will the Commission's three public hearings be live-streamed? At very least, am I correct in assuming they will be audio/video-recorded and/or taken down by a stenographer and transcribed? And will the audio/video and/or stenographic transcription be promptly posted on the Commission's website? What about their written submissions? Will these be posted or otherwise available? Please IMMEDIATELY advise so that I, Mr. Bernstein, and others will know whether we must make travel arrangements so as to be physically present at the hearings in Albany, Buffalo, and Manhattan so as to know what is being presented.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200
www.judgewatch.org

From: Eliot Ivan Bernstein [mailto:iviewit@gmail.com]
Sent: Sunday, July 26, 2015 8:35 AM

To: John M. Caher ~ Senior Advisor for Strategic Communications @ NYS Office of Court Administration; 'Preet Bharara ~ United States Attorney for the Southern District of New York @ US Department of Justice'
Cc: 'Caroline Prochotska Rogers Esq.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'; 'Andrew R. Dietz @ Rock It Cargo USA'; elena@judgewatch.org; Candice Schwager @ Schwager Law Firm; 'Barbara Stone'; 'Barbara Stone'; Kevin R. Hall; Frank Brady @ Expose Corrupt Courts; Frank Brady aka Kevin McKeown; Gizella Weisshaus; 'Luisa Esposito'; 'Patrick "Pat" Hanley'; 'Pat Handley'

Subject: Prepared Statement for Eliot Bernstein Testimony before Committee

Dear Mr. Caher,

I have not heard back regarding my submission and testimony, have you heard anything since receiving the letter below from Elena on my behalf?

Eliot

From: Center for Judicial Accountability [<mailto:elena@judgewatch.org>]

Sent: Tuesday, July 21, 2015 11:14 AM

To: AttorneyDiscipline@nycourts.gov; 'Eliot I. Bernstein'; Eliot Bernstein

Cc: 'William Galison'; 'Kevin R. Hall'; 'Barbara Stone'; 'Barbara Stone'; 'Candice Schwager @ Schwager Law Firm'; 'Patrick "Pat" Hanley'; 'Pat Handley'; 'Gizella Weisshaus'; 'Frank Brady @ Expose Corrupt Courts'; 'Frank Brady aka Kevin McKeown'; 'Andrew Dietz @ Rock-It Cargo USA, Inc.'; 'CANDICE BERNSTEIN'; 'Caroline Prochotska Rogers Esq.'; 'Eliot I. Bernstein'; 'Marc R. Garber Esq.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'

Subject: The Mandate of the Commission on Statewide Attorney Discipline -- "Top-to-Bottom", "Comprehensive Review"

Dear Mr. Caher,

It has come to my attention that you are misrepresenting the issues that are before the Commission on Statewide Discipline – limiting them to “two general areas – whether the attorney discipline process should be open to the public at an earlier point in the proceedings and whether there should be greater uniformity in the enforcement of various ethics rules statewide.”

How does that accord with what Chief Judge Lippman announced in his February 17, 2015 State of the Judiciary address, wherein he stated that the Commission will conduct “a top-to-bottom review of the system throughout the state...” (Feb. 17, 2015 State of the Judiciary Address, video & at pp. 12-13 --"Transforming Attorney Discipline in New York"). Similarly, the Unified Court System's one and only press release about the Commission – dated March 30, 2015 – : the Commission will conduct “a comprehensive review of the state's attorney disciplinary system...”

Obvious from what Mr. Bernstein has e-mailed in support of his request to testify is that he has already filed attorney grievance complaints. He knows the Commission is “NOT a grievance committee” and does not need to be told to “follow through with a grievance committee”. Indeed, it is because he has direct, first-hand, experience with the First Department Disciplinary Committee that he is seeking to testify about its misfeasance and nonfeasance with respect to the attorney grievance complaints he has filed – and, likewise, with respect to lawsuits brought by him and others based thereon. Nothing could be more probative and worthy of presentation to the Commission at its hearing. And, certainly, based on the experience of his filed complaints, Mr. Bernstein is in a position to be questioned by Commissioners, at the hearing, about his views as to when the attorney disciplinary process should be open.

Please confirm that you will not be withholding Mr. Bernstein's request to testify from the Commission – and that you will also not be withholding the requests of others who, like Mr. Bernstein, have already filed attorney grievance complaints and, therefore, have direct, first-hand-experience and testimonial capacity as to how the grievance committees operate – and the evidence of their filed complaints to back it up.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200

From: Attorney Discipline [<mailto:attorneydiscipline@nycourts.gov>]
Sent: Tuesday, July 21, 2015 8:54 AM
To: Eliot Ivan Bernstein

Subject: RE: Prepared Statement for Eliot Bernstein Testimony before Committee

Dear Mr. Bernstein,

Thank you for your note and attachments. Please note that the Commission is looking into two general areas – whether the attorney discipline process should be open to the public at an earlier point in the proceedings and whether there should be greater uniformity in the enforcement of various ethics rules statewide. The Commission is NOT a grievance committee and cannot investigate, let alone sanction, anyone.

If you would be interested in the issues before the Commission and would like to testify regarding those issues, I will bring your request to the Commission. If you have a complaint against an attorney or attorneys, please follow through with a grievance committee.

Please let me know your wishes.

John Caher

John M. Caher
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From: Eliot Ivan Bernstein [<mailto:iviewit@gmail.com>]
Sent: Tuesday, July 21, 2015 5:30 AM
To: Attorney Discipline; 'Preet Bharara ~ United States Attorney for the Southern District of New York @ US Department of Justice'
Cc: 'Caroline Prochotska Rogers Esq.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'; 'Andrew R. Dietz @ Rock It Cargo USA'; elena@judgewatch.org; Candice Schwager @ Schwager Law Firm; 'Barbara Stone'; 'Barbara Stone'; Kevin R. Hall; Frank Brady @ Expose Corrupt Courts; Frank Brady aka Kevin McKeown; Gizella Weisshaus; 'Luisa Esposito'; 'Patrick "Pat" Hanley'; 'Pat Handley'

Subject: Prepared Statement for Eliot Bernstein Testimony before Committee

To whom it may concern, please except the attached ADOBE PDF file "20091005 FINAL NY Judiciary Cover Letter for Prepared Statement to Committee John Sampson1897 Signed" as my prepared statement for the Commission on

Statewide Attorney Discipline. This testimony included herein is from my testimony before the New York Senate Judiciary Committee on Public Office Corruption (also submitted to the Moreland Commission) but the complaint matters are the same. I would like to testify at the Aug. 11th (NYC) hearing so please reply with acceptance of my submission to testify and confirmation. As several of the members of this committee may be implicated in my testimony I would suggest that this information be given to a neutral party with no conflict with Eliot Bernstein or the Iviewit companies such as Preetinder Singh "Preet" Bharara, U.S. Attorney for the Southern District of New York for review prior to any review by this committees members to determine who may handle these matters and how. Additional information can be provided regarding recent new attorney misconduct complaints involving several of those complained about in the attachment that may now involve the alleged murder of my father and attempt to steal estate and trust assets through the law firm Tescher & Spallina, PA who forged and fraudulently notarized Estate and Trust documents of my mother and father (a law firm legal assistant and notary public was already prosecuted and admitted to several of the crimes, including Post Mortem forgery and fraud and lawyer Robert Spallina, Esq. also admitted to fraudulently altering and disseminating trust documents post mortem. This new information will be made available once a chain of command free of conflict of interest can be established with your committee to prevent conflicts of interest and more. I have attached a Conflict of Interest Disclosure to review prior to reviewing the materials attached herein to determine if you have conflict or are one of the named conflicted parties, please fill this out and return a copy to me for my records prior to any review. If you have any questions or need additional information please feel free to contact me. Eliot

Eliot I. Bernstein
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To whom it may concern, please except the attached ADOBE PDF file"20091005 FINAL NY Judiciary Cover Letter for Prepared Statement to Committee John Sampson1897 Signed" as my prepared statement for the Commission on Statewide Attorney Discipline. This testimony included herein is from my testimony before the New York Senate Judiciary Committee on Public Office Corruption (also submitted to the Moreland Commission) but the complaint matters are the same. I would like to testify at the Aug. 11th (NYC) hearing so please reply with acceptance of my submission to testify and confirmation. As several of the members of this committee may be implicated in my testimony I would suggest that this information be given to a neutral party with no conflict with Eliot Bernstein or the Iviewit companies such as Preetinder Singh "Preet" Bharara, U.S. Attorney for the Southern District of New York for review prior to any review by this committees members to determine who may handle these matters and how. Additional information can be provided regarding recent new attorney misconduct complaints involving several of those complained about in the attachment that may now involve the alleged murder of my father and attempt to steal estate and trust assets through the law firm Tescher & Spallina, PA who forged and fraudulently notarized Estate and Trust documents of my mother and father (a law firm legal assistant and notary public was already prosecuted and admitted to several of the crimes, including Post Mortem forgery and fraud and lawyer Robert Spallina, Esq. also admitted to fraudulently altering and disseminating trust documents post mortem. This new information will be made available once a chain of command free of conflict of interest can be established with your committee to prevent conflicts of interest and more. I have attached a Conflict of Interest Disclosure to review prior to reviewing the materials attached herein to determine if you have conflict or are one of the named conflicted parties, please fill this out and return a copy to me for my records prior to any review. If you have any questions or need additional information please feel free to contact me. Eliot

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