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SUPREME COURT OF THE STATE OF NEW YORK
1st JUDICIAL DISTRICT

-----X
HEARING RE:

COMMISSION ON STATEWIDE ATTORNEY DISCIPLINE

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New York County Lawyers Association
14 Vesey Street
New York, New York 10007

August 11, 2015

BEFORE:

COMMISSION MEMBERS:
HONORABLE BARRY A. COZIER, Chair
HONORABLE PETER SKELOS
MARK C. ZAUDERER, ESQ.
ROBERT P. GUIDO, ESQ.
DEVIKA KEWALRAMANI, ESQ.
SEAN MORTON, ESQ.

Claudette Gumbs, Official Court Reporter
Monica Horvath, Official Court Reporter
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Claudette Gumbs


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2 In fact, I was told at one point that the
3 consumers are not entitled by -- consumers don't have
4 the ^{right} ~~write~~ to the Disciplinary Committee. That the
5 Disciplinary Committee is sort of a luxury or just -- I
6 can't think of the word to use -- just sort of a luxury,
7 that is in place but consumers are not entitled to it.
8 Therefore they don't give out their e-mail addresses and
9 give you complete access to the Disciplinary Committee
10 people.

11 MR. ZAUDERER: Thank you.

12 JUDGE COZIER: Thank you, Ms. Alves.

13 MS. ALVES: Thank you.

14  JUDGE COZIER: The next witness is Janice Lintz.

15 MS. LINTZ: Good evening. My name is Janice
16 Schacter Lintz. I am a retired attorney who has
17 testified on these issues before Congress and the
18 Moreland Commission.

19 Attorney discipline should be consolidated.
20 Geographic disparities should be eliminated. There
21 needs to be uniformity across the state. Out-of-state
22 attorneys shouldn't be able to enter our jurisdiction
23 without being subject to ~~our~~ state's rules. We don't
24 need more rules. We just need the rules we have
25 enforced.

26 The perfect example of this is self

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certification of paying child support where every attorney must sign before they are readmitted to the bar every year. If an attorney does not pay child support, you can't go to the Bar Association and say, they lied.

VOICE: Adjust your mic. We cannot hear you.

JUDGE COZIER: One moment.

We will not ~~encounter~~ ^{confront} any disruptions. Please observe the courtesy of allowing the witness to testify.

VOICE: We are trying. We could not hear.

JUDGE COZIER: If you are not on the witness list you should not comment.

VOICE: They were saying they could not hear you.

MS. LINTZ: Sorry.

Okay, can you hear me now?

VOICE: Yeah.

MS. LINTZ: Great.

So, if an attorney, for example, self certifies, every year that they pay child support and you go to the Bar Association and say no they haven't, the Bar Association can't do anything because you are not a client.

The dismissal of so many cases is concerning. Contrary, to self serving statements in the Law Journal and the CJC by Mr. Tembeckjian, it is not a positive

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2 experience. Otherwise, Judge Laura Drager, would be
3 removed from the bench. The CJC, should not be used as
4 a model of excellence. The CJC, should do a similar
5 hearing but they wouldn't dare.

6 The matrimonial part has become pay to play and
7 it is a money making operation for key individuals.
8 Ethics, are irrelevant. Part of the problem is the
9 judges don't follow the rules and enforce their own
10 orders. Hence, Judge Heitler is being investigated. How
11 could she oversee the judges in her court when she is
12 allegedly "dirty"? This trickles down to the lawyers
13 appearing before the judges who know the judges are
14 corrupt. The lawyers are running ramshackle through our
15 system. A centralized system would permit greater
16 oversight.

17 There needs to be greater transparency and
18 accountability for attorneys. The public is clueless
19 when they retain an attorney. A government controlled
20 "Yelp-like" page with index numbers, to insure accuracy
21 would help overcome the issues that were mentioned
22 before. This way complaints could be corralled and
23 people could see who they are hiring. ^{Cy Sims said} As I ~~have~~ since
24 ~~said~~ an informed consumer is our best customer.

25 Having one system will prevent attorneys from
26 currying favors with judges and the local oversight

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2 committees at bar related events. Attorneys in the
3 matrimonial bar size you up financially by looking at
4 your Net worth Statements. They throw gasoline on the
5 fire and have no incentive to stop until you run out of
6 money. One attorney told me they will get paid before my
7 children eat. The judges encourage this and ensure the
8 attorneys are paid to prevent appeals and complaints
9 against them. This is no different than a syndicate.
10 This is the "matrimonial mafia".

11 (Applause.)
12 A centralized discipline system will help eliminate the
13 collusion.

14 Attorney's interest rates need to shift the
15 market and/or be eliminated. Attorneys are making more
16 money from interest than from fees. Why make a motion
17 to get paid when you can make more money from interest?
18 My attorney said it was the best investment he ever
19 made. He made more money from interest than he did from
20 the case.

21 The billing practices need to be codified with
22 strict censure if an attorney fails to bill. My attorney
23 failed to bill me for a year-and-a-half. There was
24 nothing I could do. If I filed a complaint he would
25 quit. Since I was an un-monied spouse I would be truly
26 unrepresented but I already was.

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2 Attorneys are no longer receiving bags of money
3 but receive career enhancing favors including but not
4 limited to contributing quotes to books, as my
5 ex-husband's attorney did, receiving speaking
6 engagements and/or free passes to conferences. This
7 "income" should be disclosed each year on a state
8 controlled form including who provided the benefit
9 similar to how politicians are supposed to report such
10 benefits.

11 Patterns of currying favor need to be disclosed
12 and posted on-line for all to see. In my opinion and
13 upon information and belief, attorneys use their books
14 to curry favors with key people who participate in the
15 legal process, including but not limited to law
16 guardians who contributed to my ex-husband's attorney's
17 book at around the time she represented my children and
18 he represented my husband who was awarded most decision
19 making and no one disclosed.

20 Judge's law clerks should be required to
21 "garden". They she should not be permitted to work for
22 a firm that appears before the judge where they
23 previously worked for a year. Again, my husband's
24 attorney hired the law clerk from our judge while we
25 were still before the judge.

26 VOICE: Wow.

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2 MS. LINTZ: It is concerning how he received all
3 parenting decision making.

4 The state needs a more centralized oversight
5 for the law guardians and the assignments should be
6 randomly assigned similar to judge assignments. A law
7 guardians entire case work should flow from ^{the} ~~this~~ random
8 assignment to prevent case referrals by parties. Again,
9 my ex-husband told me he frequently referred cases to
10 her.

11 The role of the law guardian must be clearly
12 defined and informed and grievances are unable to be
13 reported unless the party ^{paying} pays their bill. But this may
14 be the person in the case who is being accused of abuse.

15 My daughter wrote an article and filed her own
16 appeal against her law guardian at age 17. Her article
17 appeared in the Huff Post. Not all kids are capable of
18 doing that.

19 The law guardians are terrorizing their young
20 clients. They bill with abandon, fail to act in their
21 client's best interests.

22 Lack of oversight permits them to curry favor
23 with the judges including issuing reports the judges
24 desire so they are reappointed. Some of them hang
25 around the hallways, and I can tell you who, looking for
26 cases like ambulance chasers.

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Lawyers should be required to sign a statement disclosing all conflicts of interest. Failure to disclose should mean censure. A lawyer with a second violation should lose their license. Lawyers are colluding. And this is no different than a RICO violation. There were multiple lawyers in my case who had worked on multiple cases together including the infamous Soft Split case.

Attorneys should not be required to make a motion for fees when a party is a non-monied spouse. It consumes their fee award. My attorney refused to make a motion for fees and I had no ability to force her to make a motion.

It is also ridiculous that criminal charges need to be filed for the Bar Association to reprimand an attorney who enters a client's home without their permission. My attorney entered my home to appraise it for a Heloc without my knowledge or consent while I was in Thailand. The Heloc was to pay her fees violating the SCRR. A complaint was filed and the Bar Association did nothing. I had missed the criminal SOL since I was pro se. Had I filed a complaint, I would lose my attorney. I have the letter with me. I don't understand how any attorney can enter my home without my knowledge or permission and the Bar Association does not find that a

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2 problem. That is so disturbing it goes beyond common
3 sense.

4 Attorneys who view misconduct in court should
5 be required to report it and failure to do that should
6 require immediate censure.

7 The New York City Bar Association, also needs
8 to be investigated. It is concerning that committee
9 appointments are apparently made at the "unfettered
10 discretion of the New York City Bar President." Sitting
11 Judge Evans was meeting with "invited" attorneys on
12 select committees. I have that letter too. The bar is
13 giving certain attorneys preferential access to sitting
14 judges.

15 The e-mail I received -- because I am a retired
16 attorney I asked to be appointed to the Matrimonial Bar
17 Committee:

18 "We have received your application to join the
19 City Bar Committee with accompanying materials. As you
20 know, ~~not~~ all association members are appointed to a
21 committee. Committee membership is made only by the
22 appointment of the President, whose decisions are left
23 to the unfettered discretion of the President. I am
24 writing to advise you that your application for
25 committee membership has been denied."

26 I walked into a meeting and saw a sitting judge

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2 with certain key matrimonial attorneys. I can't even
3 believe that that could be ethical. I must have missed
4 that class in my Ethics class.

5 VOICE: I missed it too.

6 MS. LINTZ: Ethics Committees are packed with
7 "besties" overseeing their friends. The Ethics
8 Committees need to be transparent and the sessions need
9 to be public ~~to~~ avoid any appearance of helping out a
10 friend. The public is subject to open courtrooms
11 without controls and subject to the same tarnish and
12 potential media's presence. I know, my case has been
13 all over the Post and the Daily News and so should
14 attorneys. Bill Cosby's victims came out when the
15 issues are disclosed and the same will happen with
16 attorneys and then you will ^{finally} have your empirical
17 evidence.

18 The process needs to be decentralized to avoid
19 favoritism. Different locations have different rules.
20 We are a state with one set of laws. There needs to be
21 uniform behavior by attorneys.

22 Attorneys who are part of matrimonial actions
23 should be subject to the bar's code of ethics. My
24 ex-husband is a partner at Cadwalader.

25 JUDGE COZIER: You have about one minute.

26 MS. LINTZ: I understand. But I had a problem

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dealing with the microphone so I get one extra minute.

JUDGE COZIER: No, you don't get an extra minute.

VOICE: Awww.

MS. LINTZ: My ex-husband, a partner at Cadwalader, routinely violates court orders including nonpayment of support, paying it late, taking unauthorized deductions, cursing me on the phone and in e-mails -- I have those -- chest bumping me in court and I am dependent for the judge for sanctions solely because I was once married and not a client. He uses this loophole to further abuse me. I should not be a client for bar ethics to apply. My ex-husband is acting as his attorney and his behavior is unbecoming to an attorney and this loophole needs to be closed.

Attorneys coming into our jurisdiction and fail to maintain an office it should be ^{strictly} directly enforced. The attorney representing my husband knowingly and intentionally misleads the court, violates court orders and there is nothing I can do because --

JUDGE COZIER: Thank you very much.

MS. LINTZ: Because New York State does not have oversight over him.

THE VOICE: Thank you very much.

MS. LINTZ: who do I give the rest of my testimony to?

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2 JUDGE COZIER: You can give it to Mr. Caher.

3 MS. LINTZ: Thank you.

4 MR. ZAUDERER: Good afternoon.

5 What you have submitted for the public record
6 here is mostly directed at a particular judge --

7 MS. LINTZ: No. That is not just about -- that
8 is not just about a particular judge.

9 There is about a judge but I know you don't
10 have oversight over a judge.

11 MR. ZAUDERER: Let me just finish my question,
12 please.

13 MS. LINTZ: Sorry.

14 MR. ZAUDERER: Thank you.

15 You complained a lot about this judge,
16 Judge Drager. And you say in your submission, among
17 other things, quote: "She placed me in handcuffs three
18 times and told me I was going to Rikers for 20 days."

19 Did that get carried out and did you file by
20 any chance a complaint with the Judicial Conduct
21 Commission, and if so, was it addressed?

22 MS. LINTZ: It was not addressed.

23 MR. ZAUDERER: Did you file it?

24 MS. LINTZ: Oh, most certainly.

25 I took photographs. I had bruises all over my
26 hands. I had a huge bruise on my neck from crying so

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2 hard, because I was so terrified, you can not even
3 fathom.

4 No, I was not sent to -- she uses it as a
5 terrorizing technique. I have been placed in handcuffs
6 three times. I don't even have a jay walking ticket. I
7 think in total in my life I have gotten two parking
8 tickets. It is unfathomable to me.

9 And the reason I was placed in handcuffs is
10 because she was creating a record where she was lying
11 and I prevented her from doing that so I could appeal.

12 MR. ZAUDERER: I think you answered my question.
13 Thank you very much.

14 MS. LINTZ: Thank you.

15 Any other questions?

16 VOICE: Oh, come on. Somebody ask another
17 question.

18 MS. LINTZ: I would like to now have the same
19 questions directed to me as a former attorney as you
20 have had to the other people. Because, otherwise, it is
21 giving the impression that our opinions don't really
22 count or matter.

23 VOICE: Yes, yes. That is true.

24 VOICE: Come on, ask a question.

25 WOMAN'S VOICE: You go girl.

26 JUDGE COZIER: Let me *just* explain the difference

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1 Proceedings
2 between your testimony and some of the earlier

3 testimony.

4 Your testimony focused on your case, your
5 circumstances.

6 MS. LINTZ: No, actually it didn't.

7 JUDGE COZIER: But you didn't address the issues --
8 you did mention the uniformed rules, a couple of things,
9 but we understand the testimony, so if we don't have any
10 further questions --

11 MS. LINTZ: You know what, I am actually
12 somebody who sits on federal, state and city committees,
13 in my work arena and write public policy. All the air
14 samples you see around the city for people with hearing
15 loss, that is my work.

16 So, while I gave you empirical evidence because
17 that is what I can, the issues if you look at them are
18 the same across the state. And there are women all
19 across the state that are having the same issues, but
20 the problem is there aren't people like us on the
21 committees and we file the complaints. So I have the
22 complaints, but they are always dismissed.

23 And, so, if the committee doesn't ever do
24 anything and then says but look at the number of
25 complaints that are dismissed it becomes self serving
26 because it is a committee not taking. And if we

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developed a pattern and looked at the number of people


3 filing complaints against the same attorneys over and
4 over. So, maybe as pro se clients, we may not be the
5 best people filing complaints, but, then, you know,
6 where there is smoke there is fire. It is the same
7 attorneys that are constantly complained against. You
8 have to wonder. Because I kept an Excel spread sheet
9 and I can tell you the pattern of five attorneys in the
10 matrimonial part. It is the same issues over and over.
11 And then the question is why isn't the Committee doing
12 anything?

13 JUDGE COZIER: Thank you very much.

14 VOICE: Yes. Yes.

15 VOICE: A benevolent dictator, would do a better
16 job. We must look in the mirror.

17 JUDGE COZIER: Sir, I will ask you to refrain or
18 you must step out.

19  MS. OXMAN: I am giving you this because I
20 believe you asked for some statistics.

21 (Whereupon, witness hands to the panel.)

22 MR. ZAUDERER: Give it to Mr. Caher in the back.

23 MS. OXMAN: No problem. Thank you. Thank you
24 very much.

25 My name is Ellen Oxman.

26 Ladies and gentlemen, kindly allow me to read

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1 Proceedings
2 the pivotal sentence from ^{both} this Commission's
3 March 30, 2015, press release in it's official mission