

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

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In the Matter of Doris L. Sassower

AFFIDAVIT

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I, MARK A. SCHER, M.D., a physician duly licensed to practice medicine in the State of New York, do hereby affirm the following to be true:

1. I am a physician in the practice of psychiatry, with offices at 21 Bloomingdale Road, White Plains, New York 10605.
2. Pursuant to an Order of the Supreme Court of the State of New York, Appellate Division, Second Judicial Department, I have been requested to perform a psychiatric evaluation of Doris L. Sassower.
3. I have given Ms. Sassower several opportunities to meet with me for an examination, including the dates of July 9, July 11, and July 19, 1991. She declined to accept the first two dates and agreed to arrive on July 19, 1991 at 3 P.M. However, she failed to appear at my office as scheduled and did not notify me of any intention to cancel.
4. It is now my understanding that Ms. Sassower does not wish to be examined unless her counsel is present during the evaluation. I am submitting this affidavit at the request of the Grievance Committee for the Ninth Judicial District to advise that, in my opinion, an evaluation under such condition would profoundly interfere with the conducting of a psychiatric assessment. A third party inhibits and distracts both the interviewer and interviewee, resulting in an atmosphere that is not conducive to a thorough, complete or valid evaluation. As such, the underlying goals that were meant to be achieved by the psychiatric examination would be thwarted.
5. I therefore recommend that the psychiatric evaluation of Ms. Sassower be conducted in privacy, without a third party, as is the usual custom in the profession.

Dated: White Plains, New York
July 23, 1991.

STATE OF NEW YORK
County of Westchester
Sworn to me this
23rd day of July 1991

Mark A. Scher, MD
MARK A. SCHER, M.D.

Douglas A. McPath
DOUGLAS A. McPATH
Notary Public, State of New York
No. 60-4518681
Qualified in Westchester County
My Expires 7/31/92