

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: SECOND DEPARTMENT

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In the Matter of Doris L. Sassower,
An Attorney and Counselor-at-Law,

GRIEVANCE COMMITTEE FOR THE NINTH
JUDICIAL DISTRICT,

Petitioner, Docket #90-00315

SUPPLEMENTAL AFFIDAVIT

DORIS L. SASSOWER,

Respondent.

-----X
STATE OF NEW YORK)
) ss:
COUNTY OF WESTCHESTER)

DORIS L. SASSOWER, being duly sworn, deposes and says:

1. I respectfully beg leave to submit this Affidavit to supplement my February 24, 1993 Reply Affidavit with certain newly-acquired information of a critical nature.

2. Annexed hereto as Exhibit "A" is a list of 32 temporarily-suspended attorneys furnished by the Clerk of this Court, Martin Brownstein, in a letter dated January 27, 1992 to Nicholas Cooper, Esq., attorney for Norman Russakoff. This was provided pursuant to Mr. Cooper's request for the names of all attorneys under interim suspension orders of this Court in connection with his appeal to the Court of Appeals on Mr. Russakoff's behalf.

3. At the outset, it should be noted that my name was not included on that list--albeit I was within the category being inquired about. Mr. Brownstein subsequently confirmed to me that such omission was "inadvertent" (Exhibit "B").

4. Following submission of my February 24, 1993 Reply

Ex "A"

Affidavit, I obtained copies of 20 final orders of this Court relative to attorneys listed as temporarily suspended in Mr. Brownstein's January 27, 1992 letter. I have personally reviewed such orders, which are annexed hereto as Exhibit "C". All such orders are incorporated herein by reference and made part hereof¹, together with the orders affecting two other temporarily-suspended attorneys on Mr. Brownstein's list, whose interim suspension orders have since been vacated (Exhibit "D")².

5. Review of the 20 final orders of this Court listed at Exhibit "C" reveals that prior to the interim suspension orders in those cases the subject attorneys had either made "substantial admissions under oath" of the charges or the charges were "uncontroverted" because the accused attorney had failed to file an answer or refused to appear at a hearing before the Grievance Committee. All but one case³ involved acts of moral turpitude such as "commingling" and "conversion"--many so criminal in nature as resulted in conviction of attorneys who

¹ I am informed that disciplinary proceedings against the remaining 12 attorneys are "still pending".

² Such vacatur has permitted their reinstatement, notwithstanding that disciplinary proceedings against them are still pending. One of those attorneys is Mr. Russakoff himself. The second is Gerald David Zuckerman, whose interim suspension based upon his alleged "failure to cooperate" was "recalled and vacated" upon "this court's own motion" (Exhibit "E").

³ The interim suspension of Martin Kent resulted from two charges: failure to register with OCA and "failure to cooperate" by failing to respond to numerous letters from the Grievance Committee, calling for an explanation. After a hearing, Mr. Kent's interim suspension order was vacated and he was reinstated.

either pleaded or were found guilty of such felonies as larceny, embezzlement, or offering a false instrument for filing.

6. As already noted in my papers in support of my motion to vacate and the instant reargument/renewal motion, my case is a fortiorari to Russakoff and clearly not in the same league with the aforesaid 20 cases: (a) my case did not involve any act of moral turpitude; (b) the alleged "non-cooperation" for which I was purportedly suspended was unrelated to any pending disciplinary proceeding; (c) the accusation of "non-cooperation" was vigorously denied by me in formal submissions before this Court, with factual and legal documentation to support such denials; (d) the accusation of "non-cooperation" was not brought on by the Grievance Committee in the required Petition and was not embodied in a "Charge", that Judiciary Law §90(6) requires; (e) there was no hearing before the Grievance Committee or any subcommittee adjudicating the accusation of "non-cooperation" made, sua sponte by Gary Casella, Esq. and no findings of same prior to his invocation of disciplinary jurisdiction of this Court; (f) no findings were made by this Court on any of the issues raised by my papers, including a challenge to its disciplinary jurisdiction; and (g) no threat to the public interest, immediate or otherwise, was claimed or found.

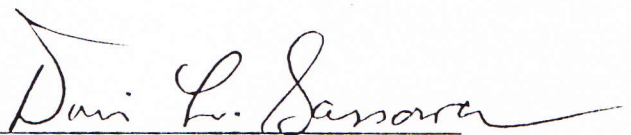
7. Every one of the 20 temporarily-suspended attorneys listed at Exhibit "C", obtained a final disposition on the charge for which such interim suspension was made by this Court--including a hearing, unless waived. Such attorneys, therefore,

received a final order for purposes of appellate review. By contrast, in the nearly 21 months since my interim suspension on June 14, 1991, I have been denied a post-suspension hearing on the accusation of "non-cooperation"--which hearing I have repeatedly requested.

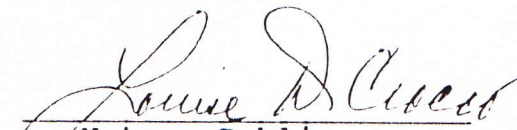
8. Because of the lack of a final disposition of the alleged "non-cooperation", I have been denied an appeal to the Court of Appeals, both as of right and as a leave application.

8. Review of the 23 orders (listed at Exhibits "C" and "D") overwhelmingly establishes disparate and discriminatory treatment, fully confirming that my constitutional rights to due process and equal protection of the laws have been violated.

WHEREFORE, it is respectfully prayed that the instant motion to vacate my interim suspension be granted in all respects, together with such other and further relief as may be deemed just and proper.


DORIS L. SASSOWER

Sworn to before me this
8th day of March 1993


Notary Public
Notary Public for the State of New York
My Commission Expires 12/31/1992
Dec 10, 1994



Appellate Division
Supreme Court of the State of New York
Second Judicial Department
45 Monroe Place
Brooklyn, N. Y. 11201

MARTIN H. BROWNSTEIN
CLERK OF THE COURT

ARNOLD EDMAN
MEI E. HARRIS
DEPUTY CLERKS

January 27, 1992

Nicholas C. Cooper, Esq.
140 E. 56th Street - Suite 9M
New York, N. Y. 10022

Dear Mr. Cooper:

In response to your letter dated January 17, 1992, the following attorneys are presently temporarily suspended pursuant to § 691.4(1) of the Rules of this court:

Camilla Aings
John W. Blaha
Vincent M. Brennan
Douglas M. Carter
Gerald M. Cotter
Patrick W. Cukierski
Paul M. Cusano
R. Scott Daly
William J. Dougherty
Paul J. Eckelman
Harvey Felton
Joseph E. Guarino
Gerald P. Harris
Edward Horn
William E. Karamitis
Martin Kent

John J. Kim
Melvin M. Lebetkin
Alton H. Maddox
William M. Mulderig
Robert Perla
Howard Pitt
Steven Rosenbluth
Norman F. Russakoff
Gary D. Schneider
Matthew A. Siegel
Peter G. Smith
Harvey Sorid
Jules V. Speciner
Alexander Theoharous
Peter I. Venezia
Gerald D. Zuckerman

I note that the Tighe matter was concluded on October 1, 1991, when Mr. Tighe was suspended for one year, retroactive to October 1, 1990, and until the further order of the court.

Very truly yours,

MARTIN H. BROWNSTEIN
Clerk

MHB/ld

cc: Hon. Donald Sheraw
Clerk, Court of Appeals

EX "A"



MARTIN H. BROWNSTEIN
CLERK OF THE COURT

ARNOLD EDMAN
MEL E. HARRIS
DEPUTY CLERKS

Appellate Division
Supreme Court of the State of New York
Second Judicial Department
45 Monroe Place
Brooklyn, N. Y. 11201

May 12, 1992

Doris L. Sassower
283 Soundview Avenue
White Plains, N.Y. 10606

Dear Ms. Sassower:

In response to your inquiry dated May 11, 1992, your name was inadvertently omitted from the list.

Very truly yours,

A handwritten signature in cursive script, appearing to read "M. H. Brownstein".

MARTIN H. BROWNSTEIN
Clerk

MHB/as

EXHIBIT "C"

1. Camilla Aings, Order dated March 30, 1992
2. Vincent M. Brennan, Order dated December 28, 1992
3. Gerald M. Cotter, Order dated December 14, 1992
4. Patrick W. Cukierski, Order dated November 9, 1992
5. Paul M. Cusano, Order dated November 9, 1992
6. William J. Dougherty, Order dated June 15, 1992
7. Harvey Felton, Order dated May 18, 1992
8. Joseph E. Guarino, Order dated August 3, 1992
9. Edward Horn, Order dated July 27, 1992
10. John J. Kim, Order dated August 17, 1992
11. Martin Kent, Order dated August 24, 1992
12. Robert Perla, Order dated May 26, 1992
13. Howard Pitt, Order dated June 22, 1992
14. William M. Mulderig, Order dated August 17, 1992
15. Steven Rosenbluth, Order dated November 16, 1992
16. Gary D. Schneider, Order dated June 29, 1992
17. Matthew A. Siegel, Order dated August 17, 1992
18. Peter G. Smith, Order dated April 13, 1992
19. Jules V. Speciner, Order dated July 27, 1992
20. Alexander Theokharous, Order dated December 7, 1992

EXHIBIT "D"

1. Norman F. Russakoff, Orders dated September 17 and 21, 1992
2. Gerald David Zuckerman, Order dated April 23, 1992

(2)

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

6837N
B/nl

GUY JAMES MANGANO, P.J.
WILLIAM C. THOMPSON
LAWRENCE J. BRACKEN
THOMAS R. SULLIVAN
VINCENT R. BALLETTA, JR., JJ.

91-10125 Atty.

DECISION & ORDER ON MOTION

In the Matter of Gerald David Zuckerman,
a suspended attorney.

Grievance Committee for the Tenth Judicial
District, petitioner;

Gerald David Zuckerman, respondent.

A disciplinary proceeding was authorized against this respondent by order of this court dated July 13, 1990. In the course of that order, the respondent was suspended from the practice of law, pending further order of this court, based upon his failure to cooperate. The respondent was admitted to the practice of law by this court on October 17, 1962.

The petitioner now moves to discipline the respondent upon charges of professional misconduct.

Upon the papers filed in support of the petitioner's application and the papers filed by the respondent in response thereto, it is

ORDERED that the petitioner's motion is denied; and it is further,

ORDERED that upon this court's own motion, the prior order of this court dated July 13, 1990, authorizing a disciplinary proceeding and suspending the respondent from the practice of law, is hereby recalled and vacated; and it is further,

ORDERED that the respondent is reinstated to his former status as an attorney and counselor-at-law in good standing; and it is further.

April 23, 1992

MATTER OF ZUCKERMAN, GERALD DAVID

Page 1.

EX "E"

ORDERED that this matter is referred back to the Grievance Committee for the Tenth Judicial District for whatever action is deemed appropriate.

The Office of Court Administration has confirmed that the respondent is presently registered and is current with all fees.

MANGANO, P.J., THOMPSON, BRACKEN, SULLIVAN and BALLETTA, JJ., concur.

ENTER:

Martin H. Brownstein
Clerk

Index No. 00315 Year 19 90
SUPREME COURT OF THE STATE OF NEW YORK
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An Attorney and Counselor-at-Law,

GRIEVANCE COMMITTEE FOR THE NINTH
JUDICIAL DISTRICT,

Petitioner,

DORIS L. SASSOWER,

Respondent.

SUPPLEMENTAL AFFIDAVIT AND EXHIBITS

DORIS L. SASSOWER, ~~PLG~~

New Address:

283 Soundview Avenue
White Plains, N.Y. 10601
(914) 997-1677

~~Pro Se~~ Pro Se

Office and Post Office Address, Telephone

~~50 MAIN STREET, TENTH FLOOR~~

~~White Plains, N.Y. 10601~~

~~(914) 997-1677~~

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir:— Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

19

NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

19 at

M.

Dated,

Yours, etc.

New Address:

DORIS L. SASSOWER, ~~PLG~~