

CENTER *for*
JUDICIAL
ACCOUNTABILITY



Box 69, Gedney Station • White Plains, New York 10605-0069
TEL: 914/997-8105 • FAX: 914/684-6554

BY FAX: 212-416-8139
CERTIFIED MAIL: RRR P-233-458-783

February 3, 1994

Hon. G. Oliver Koppell
Attorney General of the State of New York
120 Broadway
New York, New York 10271

RE: Sassower v. Mangano, et al.
A.D. #93-02925

Dear Mr. Koppell:

This letter follows up my January 9, 1994 letter, hand-delivered to you by my daughter, who told me she spoke to you personally about its contents, to wit, the need for immediate investigation of the utterly dishonest and unethical representation which the Attorney General's office provides to judges sued in Article 78 proceedings.

That letter, a copy of which is enclosed for your convenience, specifically brought the above-entitled matter to your attention as:

"the most striking example of the extent to which the Attorney General's office will lie and pervert the relevant law and facts--and permit the Article 78 proceeding to be adjudicated before the very tribunal whose conduct is the subject of Article 78 challenge..." (emphasis in the original)

Under the circumstances, I requested you to assign an Assistant Attorney General to independently review your office's handling of Sassower v. Mangano, et al. before the Second Department.

I was, therefore, shocked and disappointed to learn that John Sullivan, who defended the Respondents in that proceeding together with Carolyn Olson, remains on the case and is unaware of any investigation by you into the matter.

When I spoke with Mr. Sullivan yesterday, I asked him to report our conversation to you. He told me, however, that he preferred that I call you directly, which I did--leaving a message with your secretary, Sara.

Supp. Exh. "2"

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Mr. Sullivan agreed to transmit to you a copy of my recently-served Jurisdictional Statement in Sassower v. Mangano, et al., for review in conjunction with this letter. That Jurisdictional Statement should enable you to understand that what is here being defended by your office is criminal conduct by Appellate Division judges and those in their employ, which the files under A.D. #90-00315 show should be the subject of prosecution by your office.

As set forth in my papers in opposition to Mr. Sullivan's dismissal motion and Ms. Olson's memorandum¹ in the Article 78 proceeding, neither of these two Assistant Attorneys General made any claim to be familiar with the files under A.D. #90-00315.

This letter, therefore, constitutes, formal request to you as the new head of the State's Law Department to promptly direct an independent examination of the files under A.D. #90-00315, without which you cannot ethically defend your clients--and, certainly, not at tax-payers' expense. I trust you would agree that your role as Attorney General is not to provide free legal defense to judges who wilfully break the law and use their office for ulterior and retaliatory purposes.

If the profound and far-reaching issues I have raised as to judicial corruption infecting the Appellate Division, Second Department are not resolved by the Court of Appeals in this Article 78 proceeding, I will have no alternative but to institute a federal action. Such action will necessarily name you in your official capacity as a party-defendant and charge you with collusion and complicity in your clients' criminal and civilly tortious conduct. Needless to say, I would personally regret having to take such course.

The obligation of the Attorney General is not only to prevent unnecessary proliferation of litigation and multiplication of proceedings--the defense cost of which is borne by the taxpayers--but to affirmatively protect the integrity of our court system from the judicial corruption that A.D. #90-00315 irrefutably documents.

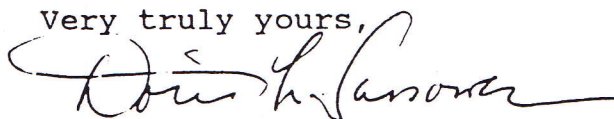
¹ See, inter alia, ¶¶21, 27-30 of my 7/2/93 Cross-Motion; ¶¶2-3, 15 of my 7/19/93 Affidavit in Further Opposition to Respondent's Dismissal Motion; pp. 7-8 of my 7/19/93 Memorandum of Law.

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This letter, therefore, should additionally be considered as a formal complaint to your office, consistent with my obligation under DR 1-103 of the Code of Professional Responsibility to report fraudulent and dishonest conduct on the part of lawyers and judges to an authority empowered to undertake an investigation.

You may be sure of my complete cooperation so that you can discharge your duty as "the People's lawyer" to protect the public from judicial miscreants and other violators of the public trust. For the purpose of your examination of the files under A.D. #90-00315, I waive all confidentiality afforded me under the Judiciary Law and will sign any formal document required to effect such waiver.

Very truly yours,



DORIS L. SASSOWER, Director
Center for Judicial Accountability

DLS/er

Enclosure: DLS January 9, 1994 letter

cc: John Sullivan, Assistant Attorney General
(w/o enclosure)