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March 14, 1994

Hon. Donald M. Sheraw
Clerk of the Court
New York Court of Appeals
Albany, NY 12207

Re: Sassower v. Mangano, et al.

Dear Mr. Sheraw:

I represent Petitioner-Appellant [hereinafter "Appellant"] in the above-entitled direct appeal and submit this letter in response to your sua sponte jurisdictional inquiry pursuant to 22 NYCRR 500.3, as well as in response to the sparse and conclusory opposition letter dated February 11, 1994, submitted by the Attorney General on behalf of the Respondents-Respondents [hereinafter "Respondents"].

This letter is intended to supplement, not supersede, Appellant's extensive Jurisdictional Statement, already submitted, establishing that jurisdiction of this appeal should be retained because (1) requisite finality has been achieved by the Second Department's dismissal of the Article 78 proceeding "on the merits" by the final judgment dated September 20, 1993 (Juris Stmnt, Exh A, hereinafter "the Judgment"), finally determining the rights of the parties to such special proceeding (CPLR 5011), and (2) substantial

questions exist concerning the constitutionality of Judiciary Law §90 and 22 NYCRR 691.4, et seq. (Rules Governing the Conduct of Attorneys), particularly as it has been applied to Appellant in disciplinary proceedings against her brought thereunder by Respondents.

Such constitutional questions arise from the nature and extent of the abuses detailed in Appellant's papers in her instant Article 78 proceeding and the underlying disciplinary proceedings under A.D. 90-00315. Those papers show clearly and unequivocally that Appellant has been denied due process and equal protection afforded by those statutory and rule provisions, the Federal and State Constitutions,[1] and controlling decisions of this Court, reflected in Matter of Nuey, 61 N.Y.2d 513 (1984) and Matter of Russakoff, 72 N.Y.2d 520 (1992).

Contrary to such provisions and decisional law, the record establishes that Appellant has been subjected to an on-going barrage of jurisdictionally-void disciplinary proceedings, even while she has been suspended under a similarly jurisdiction-less so-called "interim" suspension Order entered on June 14, 1991 (Juris Stmnt, Exh D-6), containing no findings or reasons, and suspending her from the practice of law immediately, indefinitely and unconditionally. The record shows that Respondents have deliberately and invidiously perpetuated that "interim" suspension

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[1] The constitutional issues were raised in the Appellate Division, Second Department, the originating court in this proceeding (Petition ¶¶ 7, 14; Pet's Mem of Law in Opp to Mot to Dismiss and in Supp of Cross-Mot, at 4-6, 11-13), and throughout the underlying proceedings.

for nearly three years, consistently denying, without reasons (Juris Stmnt, Exhs D-7, D-12, D-19), Appellant's motions to vacate as well as to grant the "prompt" post-suspension hearing to which she is constitutionally entitled (Juris Stmnt ¶¶19-21, 27: Point II).

Notwithstanding that Appellant is already suspended and thus deprived of the right to vindicate herself at a constitutionally-mandated hearing as to the alleged basis for her suspension, which was purportedly her "non-cooperation" with an order directing her to be medically examined (Juris Stmnt, Exh D-2),[2] respondents have simultaneously generated and prosecuted additional jurisdictionally-void disciplinary proceedings based on their own factually and legally baseless sua sponte complaints.[3] These malicious actions have caused Appellant to suffer the burden and astronomical defense costs of such proceedings, even while she has been thus deprived of her livelihood by the unjustified and unconstitutional interruption of her professional license.

The record further shows that Respondents have used the

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[2] That Order, dated October 18, 1990, is discussed at footnote 10 of the Jurisdictional Statement. Amplification of the extraordinary number and nature of the pivotal errors contained in such order are set forth at paragraph 30 of Appellant's November 19, 1993 Dismissal/Summary Judgment motion. Said motion is referred to at footnote 7 of the Jurisdictional Statement and was transmitted to this Court for consideration as part of this sua sponte jurisdictional inquiry (See Supplemental Exhibits submitted separately as part of this letter [hereinafter "Supp Exhs"], Supp Exh 1).

[3] Concise discussion of these sua sponte complaints and the disciplinary prosecution authorized thereon can be found in Appellant's November 19, 1993 Dismissal/Summary Judgment motion in the underlying proceeding (inter alia, at ¶¶45-46, 66-69).

confidentiality provision of Judiciary Law §90(10) -- intended for the benefit of the accused attorney -- to mask the jurisdiction-less nature of their conduct by withholding from Appellant the Grievance Committee reports on which Respondent Second Department's orders authorizing prosecution of three separate disciplinary proceedings are allegedly based (Juris Stmnt, Exhs D-1, D-15, D-16). The overwhelming evidence, uncontroverted by Respondents, shows that the Committee reports made no "probable cause" finding, as specifically required by the Appellate Division's own Rules Governing the Conduct of Attorneys (22 NYCRR 691.4(e)(4); (f) and (h)) before any disciplinary proceeding can be commenced, but, instead, consist entirely of hearsay and unsubstantiated accusations.[4] In the case of the June 14, 1991 "interim" order of suspension based on her alleged "non-cooperation" (Juris Stmnt, Exh. D-6) and the prior October 18, 1990 order directing her to submit to a medical examination (id., Exh D-2), there is not even a committee report preceding such orders making any evidentiary findings required -- an undisputed fact highlighted by the lack of any notice of petition and petition underlying Respondent Casella's motions for Appellant's suspension and for her court-ordered medical examination.[5]

There is no statutory provision for an order of

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[4] See Appellant's November 19, 1993 Dismissal/Summary Judgment motion, infra, ¶¶13-14, 16-27, 73-75; see also Appellant's Cross-Motion in the Article 78 proceeding, at 17-24.

[5] See Appellant's November 19, 1993 Dismissal/Summary Judgment Motion, infra, ¶¶29, 32.

suspension under such circumstances -- or for any of the other 19 orders under A.D. 90-00315, annexed as Exhibit D to Appellant's Jurisdictional Statement -- all of which are jurisdictionally void ab initio.

In the just decided case Matter of Catterson, N.Y.L.J., 3/11/94, at 24, col. 3, Respondent Second Department, by a panel comprised of four of the same justices who dismissed Appellant's Article 78 proceeding at ba,r[6] found a "clear right to relief" by prohibition where an order -- in that case a discovery order -- was without statutory basis. Such decision contrasts starkly with its decision in this case, where they denied Appellant her "clear right" to such relief -- notwithstanding the file of the underlying disciplinary proceeding under A.D. #90-00315 establishes that each and every order therein is without factual or legal basis, statutory or otherwise. This includes the still extant June 14, 1991 "interim" suspension Order (Juris Stmnt, Exh D-6). That Respondent Second Department would grant the extraordinary remedy of prohibition in Matter of Catterson, but deny it here can only be seen as the latest expression of that Court's retaliatory double standard of adjudication where Appellant is concerned, all denying her due process and equal protection of the laws.

This Court has personal knowledge that Appellant has been a leading spokesperson against the increasing politicization of the

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[6] Those justices being Justices Thompson, Sullivan, Balletta and Rosenblatt.

bench[7] and that, as pro bono counsel to a public interest group, she brought such issues to the fore by litigation in 1990 challenging judicial cross-endorsement deals by the major political parties and judicial nominating conventions conducted in violation of the Election Law.[8] Since examination of the disciplinary files under A.D. #90-30015 reveals no factual or legal basis for the steady continuum of jurisdiction-less orders (Juris Stmnt, Exh D), Respondents' retaliation against Appellant becomes apparent and unmistakable. Indeed, that contention was set forth by Appellant in the underlying proceedings under A.D. 90-00315, inter alia, immediately following her June 14, 1991 suspension, as part of her June 20, 1991 Order to Show Cause brought before Respondent Second Department to vacate the "interim" suspension Order[9] issued six

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[7] Appellant has given oral and written testimony at recent Senate Judiciary Committee public hearings in opposition to the confirmation of two members of this Court, Judges Levine and Ciparick, and raised questions therein as to the constitutionality of the nomination and confirmation process for Court of Appeals judges.

Appellant's ex-husband testified in January 1987 at Senate Judiciary Committee hearings in opposition to the confirmation of Judge Bellacosa to this Court. On information and belief, both Judge Bellacosa and Chief Judge Kaye are the subject of pending litigation by Mr. Sassower in Federal court.

[8] See Castracan v. Colavita, 173 A.D.2d 924 (2d Dep't), appeal dismissed 78 N.Y.2d 1041 (N.Y. 1991), and the companion case Sady v. Murphy, 175 A.D.2d 895 (2d Dep't), lv denied 78 N.Y.2d 960 (N.Y. 1991), which were both before this Court during the same time as Appellant's motion for leave to appeal from the June 14, 1991 "interim" suspension Order, which motion was denied. Matter of Sassower, 80 N.Y.2d 1023 (1992).

[9] Appellant's Supporting Affid, at ¶¶12-14, wherein, inter alia, she stated that ". . . it is not my medical [condition], but rather my activities as pro bono counsel for the Ninth Judicial Committee that have resulted in the [suspension] order -- swift retribution for the opinions expressed. . . ."

days earlier.

The constitutional issues raised by this case thus take on First Amendment dimensions.[10] Since the Appellate Divisions control all aspects of the disciplinary mechanism, encompassing not only control of the judicial function, but, as well, the prosecutorial and administrative quasi-judicial functions through at-will appointments of those involved in such functions, the disciplinary mechanism can, as here, be triggered, sua sponte, by the behind-the-scenes manipulation of such at-will appointees (Juris Stmnt ¶27: Point III). This permits the Appellate Divisions to employ the disciplinary machinery to discredit and destroy "whistleblowers" in the legal profession who speak up about corruption and incompetence in the courts. As has happened here, the confidentiality afforded under Judiciary Law §90(10) is then employed not as a shield to protect an unfairly accused attorney -- in conformity with legislative intent -- but as a sword against such attorney to conceal retaliation by its abrogation of mandated due process procedures.

That the structure of the disciplinary process permits judicial manipulation against lawyers who speak out impinges not only on a lawyer's First Amendment right of free speech, but the special duty imposed upon lawyers to "assist in maintaining the integrity and competence of the legal profession" (Canon 1 of the Code of Professional Responsibility) and to "assist in improving

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[10] The right to free speech is also protected by Article I, §8 of the New York State Constitution.

the legal system" (Canon 8, id.). Such ethical obligations are reflected in the Code adopted by the New York State Bar Association, as well as comparable provisions of the American Bar Association's Model Rules of Professional Conduct (Rule 8.2). Both Codes include specific provisions regarding the duty to report judicial misconduct (NY Rule DR 1-103; ABA Rule 8.3(b)).

Thus, the sweeping constitutional issues here presented impact not only upon the legal community, which is personally threatened by a disciplinary mechanism that denies them constitutional rights and lends itself to illegitimate retaliatory purposes, but upon the public at large, which depends upon lawyers "as guardians of the law"[11] to safeguard the integrity of the judicial process by speaking out against abuses of the legal process by judges.

The Legislature has provided the statutory Article 78 vehicle to protect citizens against whom judges have acted in a constitutionally unauthorized and prohibited manner. Such vehicle substantively codified the three historic remedies of certiorari to review, mandamus, and prohibition, which were part of our common law heritage before New York achieved statehood. 23 Carmody-Wait 2d §145:1 (1968 ed.). The purpose of the original writ of certiorari was to provide citizens with an independent, impartial review by a superior court of gross abuse by an inferior court, as well as by inferior officers, boards or tribunals, acting in a judicial or quasi-judicial capacity. Op. cit., at §145:5.

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[11] Preamble to the Code of Professional Responsibility.

Yet, this case shows that the Article 78 proceeding, here pursued by Appellant, has been corrupted by Respondent Second Department's refusal to recognize that it could not "review" its own conduct with the independence and impartiality required for all adjudications. Code of Judicial Conduct, Canons 1-3. By its denial of Appellant's motion for recusal and transfer -- an obligation it should have recognized sua sponte -- and its adjudication of the legality of its own challenged conduct, Respondent Second Department not only violated the fundamental precept governing all proceedings, to wit, ". . . no man can be a judge in his own case . . ." Aetna Life Ins. v. Lavoie, 475 U.S. 813, 822 (1985), citing In Re Murchison, 349 U.S. 133, 136 (1955), but was contemptuous of the very purpose and genesis of the historical Article 78 remedy -- to provide independent, impartial review by a higher court (Juris Stmnt ¶25).

As detailed in Appellant's Jurisdictional Statement (at ¶¶12-13, 20, 24, 27: Point I), the end-product of Respondent Second Department's self-interest in the outcome of the proceeding it adjudicated -- the Judgment appealed from -- flies in the face of controlling adjudicatory standards, decisional law, and the factual record. Such Judgment demonstrates the actual bias, presumed from the self-interest of the justices who rendered it.

Appellant's Jurisdictional Statement argued (at ¶10) that jurisdiction of this Court is mandated in an appeal from a judgment of the Appellate Division where, as here, it is acting as a court of first instance in an Article 78 proceeding. Notably, that

contention is not even controverted by the Attorney General's Office.

This proposition, set forth as a positive principle in two major treatises, Carmody-Wait 2d and New York Jurisprudence, quoted from and relied upon in the Jurisdictional Statement (¶10), flows logically from the public policy articulated by our Legislature recognizing "the right of suitors to one appeal." 10 Carmody-Wait 2d §70:4 (1992 ed.).

Under CPLR 506(a) and 7804(b), the required venue of an Article 78 proceeding against a lower court judge is the Supreme Court, and the right to appellate review by the Appellate Division from a judgment therein is automatic. CPLR 5701(a). On such appeal, the scope of review by the Appellate Division includes questions of both law and fact. CPLR 5501(c).

Under CPLR 506(b)(1), the required venue of an Article 78 proceeding against a Supreme Court justice is the Appellate Division. In such case, were there to be no correlative automatic right of appellate review to the Court of Appeals from a judgment of the Appellate Division in an Article 78 proceeding against Appellate Division justices, an anomalous situation would be presented. A citizen aggrieved by the abusive conduct of Supreme Court justices would be denied appellate review equal to that afforded a citizen aggrieved by the misconduct of lower court judges. Supreme Court justices would thus be accorded preferential status not afforded to lower court judges or other public bodies or officials, whose unlawful conduct, similarly challenged in Article

78 proceedings, is subject to a statutorily guaranteed scrutiny by a higher court as to both the law and the facts. No rational basis exists for such a distinction.

The legislative scheme laid out in CPLR 506(b)(1), deriving from the historic origin of common law writs, contemplates that an Article 78 proceeding against judges will be brought in a higher tribunal. In the case of lower court judges, the required venue is in the Supreme Court. In the case of Supreme Court justices, the required venue is the Appellate Division. However, there is no provision in the CPLR specifically defining the venue of Article 78 proceedings brought against Appellate Division justices. By analogy, the venue for such proceedings should be in the Court of Appeals, which would call upon it to exercise original jurisdiction for such purposes. Research does not reveal any decisional law on the subject, which appears to be "uncharted territory", in dire need of charting by this Court.

Certainly, if the Court of Appeals had the right at common law to review determinations by Appellate Division justices involving the judicial conduct of Supreme Court justices or Appellate Division justices on a writ of certiorari, nothing in CPLR Article 78 provisions takes that right away.

The legislative evolution of the statutory provisions of Article 78 of the CPLR shows that they were:

> intended only to reform the procedure for obtaining relief under the former practice of writs, leaving the relief available coextensive with that which previously existed except where specifically changed by statute

23 Carmody-Wait 2d, §145:3, at 427 (1968 ed.).

Thus, even were this Court precluded from exercising original jurisdiction over such Article 78 proceedings to review complained-of determinations of Appellate Division or other Supreme Court justices, jurisdiction by this Court to review same should be construed to lie as of right, as stated in the treatises, with the scope of review being the same de novo review of the facts, as well as of the law, as that empowered to the Appellate Divisions by CPLR 5501(c) when they review Supreme Court determinations of Article 78 proceedings challenging the conduct of lower court judges pursuant to CPLR 506(b)(1). To hold otherwise would create a conflict between Article VI, §3(b) of the New York State Constitution defining this Court's jurisdiction (and statutory codification thereof in CPLR 5601(b), and the Equal Protection Clause of the 14th Amendment to the United States Constitution and the comparable provision contained in Article I, §11 of the New York State Constitution -- a conflict in need of prompt resolution by this Court.

This letter further brings to this Court's attention that the misconduct of the Attorney General's Office, complained of by Appellant before the Appellate Division as consisting of its filing of false, misleading and perjurious submissions in the Appellate Division, has, as shown by the supplemental exhibits hereto, been replicated before this Court. Such court submissions, which were legally insufficient and frivolous as a matter of law, made material representations as to facts not within the personal

knowledge of the two Assistant Attorney Generals who prepared the aforesaid documents. The central misrepresentations were that (1) the Grievance Committee report underlying the February 6, 1990 Petition "implicitly relied" upon the exception to the requirement of pre-petition written charges and a hearing prior to commencement of a disciplinary proceeding, (2) there existed an adequate remedy at law in the underlying proceeding, and (3) there was no basis for recusal of the Second Department -- or even Presiding Justice Mangano himself -- from adjudicating the Article 78 proceeding and for the granting of the transfer relief requested. Each of these statements was documentarily shown to be false and perjurious. The extent of such dishonesty by the Attorney-General's Office before the Appellate Division can only be appreciated by reviewing Appellant's papers in support of the Article 78 Proceeding. See Appellant's Cross-Motion ¶¶17-61; Appellant's Affid in Further Opp to Resps' Dismissal Mot and in Further Supp of Cross Mot ¶¶2-4, 12-19, 22-26, 29-30; Mem of Law, Pts II, III, VI and VII.

The resulting Judgment was the product of the Attorney General's aforesaid litigation misconduct, whose deceit was endorsed by the tribunal which was the direct beneficiary thereof.

Subsequent to the filing of the Jurisdictional Statement, Appellant filed a formal complaint on February 3, 1994 (Supp Exh 2) with the office of the Attorney General for the fraud committed by the Assistant Attorneys General in the Appellate Division. Appellant specifically requested that the files of the underlying disciplinary proceeding under A.D. #90-00315 be examined to verify

such fraud and asserted that the readily-documentable criminal conduct of Respondents precluded the Attorney General from defending them at taxpayers' expense before the Court of Appeals.

Three days later, following receipt of a decision by the Second Department (Supp Exh 3) denying Appellant's November 19, 1993 Dismissal/Summary Judgment motion in the underlying disciplinary proceeding, Appellant transmitted that motion to the Attorney General with a letter calling upon him to inform the Court of Appeals that the Second Department's September 20, 1993 Judgment (Juris Stmnt, Exh A) dismissing the Article 78 proceeding on the ground that her jurisdictional challenge could be addressed in the underlying proceeding "was, and is, an outright lie" (Supp Exh 4). Appellant further pointed out that such decision, threatening her with "criminal contempt" if she made any other motions "in the pending disciplinary proceeding" without prior judicial approval constituted a sua sponte emendation of its September 20, 1993 Judgment in the Article 78 proceeding.

Each of Appellant's aforesaid letters identified the fact that the profoundly serious allegations of Respondents' criminal and fraudulent conduct were substantiated by the underlying disciplinary files. Nonetheless, Assistant Attorney General Sullivan, who handled the case and received both letters on February 8, 1994, submitted to this Court, three days later, his opposition letter dated February 11, 1994, repeating therein the same misrepresentations he had made to the Second Department, which had already been demonstrated by Appellant (see supra, at 13) to be

false, fraudulent and perjurious.

Thereafter, Appellant sent to the Attorney General a letter, dated February 22, 1994 (Supp Exh 5), detailing the false fraudulent and frivolous nature of Mr. Sullivan's February 11, 1994 opposition letter to this Court and the fact that Mr. Sullivan had admitted to her, in a telephone conversation on February 18, 1994, that "he has never read the files in the underlying disciplinary proceeding."

The aforesaid correspondence, as well as the four subsequent letters, dated March 4, 1994 (Supp Exh 6), March 8, 1994 (Supp Exh 7), March 10, 1994 (Supp Exh 8), and March 11, 1994 (Supp Exh 9), evidence the strenuous efforts made by Appellant to get the Attorney General's Office to do its duty to ensure the integrity of its submissions made to this Court.[12] Such includes the transmittal by Appellant of a duplicate set of all the papers constituting the entire record before Respondent Second Department in the underlying disciplinary proceedings at the time it rendered its September 20, 1993 Judgment dismissing the Article 78 proceeding. As reflected by the March 8, 1994 letter (Supp Exh 7), the transmittal was organized so that a ready determination could be made as to the accuracy of paragraph 7 of Appellant's Jurisdictional Statement, wherein she referred to the 19 orders

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[12] Appellant's March 10, 1994 letter (Supp Exh 8) to this Court specifically drew attention to the consequences of filing perjurious and false statements to the Court (Penal Law §§ 210.05, 210.10, 210.35, 210.40), as well as to Judiciary Law § 487.1 relative to deceit and collusion by an attorney. See also Penal Law §§ 175.30, 175.35.

annexed as Exhibit D and stated:

> When compared to the record, they document, for purposes of summary judgment, that branch of Appellant's Cross-motion which sought to amend or supplement the Petition "so as to plead a pattern and course of harassing and abusive conduct by Respondents, acting without or in excess of jurisdiction." Said Orders, in addition to being jurisdictionally-void, are otherwise factually and legally unfounded, as the record under A.D. #90-00315 unequivocally shows.

Should the Court of Appeals, in determining this sua sponte jurisdictional inquiry, desire to review the underlying disciplinary files, Appellant will provide a complete set so that this Court can ascertain, beyond doubt, that no remedy exists in the underlying disciplinary proceeding because Respondent Second Department has, as reflected therein, knowingly and deliberately disregarded all legal standards in its adjudications concerning her.

In that regard, Appellant respectfully draws this Court's attention to paragraphs 14 and 15 of her Jurisdictional Statement, wherein she refers to "events subsequent to the Judgment", further establishing that there is no remedy within "the underlying disciplinary proceeding". Those subsequent events consist of (1) the Second Department's January 28, 1994 Decision and Order (Supp Exh 3) denying Appellant's November 19, 1993 dismissal/summary judgment motion in the underlying disciplinary proceeding, and (2) the hearings held in "the underlying disciplinary proceeding" on the February 6, 1990 Petition.

In conjunction with her response to the jurisdictional

inquiry, Appellant has transmitted to this Court a full set of the November 19, 1993 Dismissal/Summary Judgment motion papers (Supp Exh 1). Those papers dispositively establish that, notwithstanding the Second Department's dismissal of the Article 78 proceeding on the ground that Appellant's "jurisdictional challenge can be addressed in the underlying disciplinary proceeding" (Juris Stmnt, Exh A), Respondent Second Department does not respect fundamental black letter law as to jurisdiction. Such papers exemplify what the rest of the record under A.D. #90-00315 shows -- the abandonment of all standards of adjudication and the viciousness of the orders rendered therein.

Finally, it is respectfully submitted that this Court should require Respondents to file the transcripts of the hearings held in the underlying disciplinary proceeding subsequent to the September 20, 1993 Judgment (Exh A), so as to confirm the Respondent Referee's continued refusal to require proof from Respondent Casella on the subject of the challenged jurisdiction or to permit disproof of jurisdiction by Appellant.

As set forth in paragraph 15 of the Jurisdictional Statement, the utter denial at those hearings of "any semblance of due process, provide(s) a separate and additional basis for this Court's jurisdiction to grant Article 78 relief." La Rocca v. Lane, 37 N.Y.2d 575 (1975).

In conclusion, it is respectfully submitted that the foregoing demonstrates that, for numerous reasons, jurisdiction over this appeal lies as of right and that the fundamental, yet

novel, issues here presented are of transcending importance to the bench, bar and public at large. It may be further noted that review of the subject appeal by this Court will also serve the timely purpose of providing guidance to the Legislature in its consideration of a proposed amendment to Judiciary Law § 90 to open attorney disciplinary proceedings to the public. To the extent that bar groups favor such a controversial amendment -- which, by and large, they do not -- their support rests on the premise that initiation of disciplinary proceedings rests on a "probable cause" finding having been made by the grievance committee.[13] As this case vividly and frighteningly shows, that premise is incorrect -- since there is no "probable cause" finding for any of the underlying disciplinary proceedings brought against Appellant under A.D. #90-

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[13] See N.Y.L.J., 9/24/93, at 1-2, entitled "Opening of Discipline System Stirs Debate," annexed to Supp Exh 9.

00315.[14]

Respectfully submitted,

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[14] It must be noted that now pending in the Legislature is a bill proposing an even more drastic amendment -- Assembly Bill No. 9998, introduced on March 1, 1994 (Supp Exh 10). Such bill would completely repeal Judiciary Law §90(10), thereby eliminating all confidentiality attaching to disciplinary matters from the point of the complaint. What this means is that a lawyer's professional career can be destroyed by public disclosure of grievance complaints, which under 22 NYCRR 691.4(c) do not even have to be verified, and which can be generated, sua sponte, by court appointees, such as done here by Respondent Casella -- all in a documentably vindictive, invidious and selective manner (see supra, at 3 n.3).

COMPENDIUM OF SUPPLEMENTAL EXHIBITS TO THE LETTER OF EVAN SCHWARTZ, ESQ., DATED MARCH 14, 1994, IN SUPPORT OF JURISDICTION AS OF RIGHT IN SASSOWER v. MANGANO, et al.

Supplemental Exhibits:

Supp. Exh. 1: Appellant's letter to the Court of Appeals, dated March 2, 1994, enclosing the record in the Article 78 proceeding and a full set of papers in her November 19, 1993 Dismissal/Summary Judgment motion "in the underlying disciplinary proceeding"

Supp. Exh. 2: Appellant's letter to Attorney General G. Oliver Koppell, dated February 3, 1994

Supp. Exh. 3: Respondent Second Department's Decision and Order, dated January 28, 1994, denying Appellant's Dismissal/Summary Judgment motion in the "underlying disciplinary proceeding"

Supp. Exh. 4: Appellant's letter to Attorney General G. Oliver Koppell, dated February 6, 1994

Supp. Exh. 5: Appellant's letter to Attorney General G. Oliver Koppell, dated February 22, 1994

Supp. Exh. 6: Appellant's letter to Attorney General G. Oliver Koppell, dated March 4, 1994

Supp. Exh. 7: Appellant's letter to Attorney General G. Oliver Koppell, dated March 8, 1994, transmitting to him the files under A.D. #90-00315 in the "underlying disciplinary proceeding", constituting the record before Respondent Second Department when it decided the Article 78 proceeding

Supp. Exh. 8: Appellant's letter to Attorney General G. Oliver Koppell, dated March 10, 1994

Supp. Exh. 9: Appellant's letter to Attorney General G. Oliver Koppell, dated March 11, 1994

Supp. Exh. 10: Assembly Bill #9988 to repeal Judiciary Law §90(10), dated March 1, 1994