

CENTER for
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FAX COVER SHEET

3/12/94

1:20 p.m.

DATE

TIME

G. OLIVER KOPPELL
ATTORNEY GENERAL OF THE STATE OF NEW YORK

TO:

212-416-8139 (tel: 212-416-8000)

FAX NUMBER:

25

This fax consists of a total of _____ pages, including this cover-sheet. If you do not receive the indicated number of pages, or if there is a question as to the transmittal, please call (914) 997-8105.

Doris L. Sassower, Director

FROM:

MESSAGE:

Dear Mr. Koppell:

At your request, I am transmitting herewith another copy of my Jurisdictional Statement to the Court of Appeals.

In a nutshell, your office, (per Assistant Attorneys General Sullivan and Olsen), argued that it was perfectly proper for the Second Department to adjudicate an Article 78 proceeding challenging its own conduct as fraudulent and criminal. The Second Department then granted the dismissal motion of your office--its own attorney--and dismissed the proceeding on the merits.

Such dismissal was based upon the affirmative representations of Mr. Sullivan that there was an adequate remedy in the underlying proceeding and that "the pertinent administrative procedures were complied with". Mr. Sullivan and Ms. Olsen both failed to identify to the Second Department--their judicial client--that they had no familiarity with the files in the underlying disciplinary proceeding.

EX "M"

Attorney General G. Oliver Koppell
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The falsity of the aforesaid representations was documented by me, with specific reference to the underlying disciplinary files, as part of my cross-motion for summary judgment and sanctions against the Attorney General for its perjurious and baseless submission.

Those lies have now been repeated to the Court of Appeals by Mr. Sullivan in his February 11th opposition to my Jurisdictional Statement.

The purpose of supplying you with the underlying disciplinary files was to permit you to verify BEYOND ALL DOUBT that your Assistant Attorneys General have been guilty of outright lying in defending clients who, the files show, are guilty not only of lying in the orders they have issued in the underlying disciplinary proceedings, but of the most heinous criminal conduct conceivable. The files establish the truth of the material facts set forth in my Jurisdictional Statement, to wit, that I have been viciously retaliated against by the respondents who you are defending by the lies of your aforesaid Assistant Attorneys General.

That the respondents are using their public office for ulterior, politically motivated purpose is highlighted by the fact that I have now been suspended under a so-called "interim" suspension Order for nearly three years. Such Order was accomplished without any "probable cause" finding. This is reflected by the lack of any findings in the June 14, 1991 Order or any statement of reasons--all contrary to law and the Second Department's own rules. I have further been denied any post-suspension hearing on the alleged "non-cooperation" basis for my suspension, a documentably false accusation which I denied from the outset.

Please read my letters to your office over the past five weeks (Feb. 3rd, 6th, 22nd, March 4th, 8th, 11th) so that you can understand my reluctance to make them a part of my submission to the Court of Appeals, thus making them a matter of public record.

I cannot reiterate strongly enough that the underlying disciplinary files are proof positive against your clients, as well as your office.

If the files are not reviewed by yourself personally, please have them reviewed by someone who has been brought into the office under YOUR auspices. This is a most urgent matter.

