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FAX COVER SHEET

6/17/94

2:00 a.m.

DATE

TIME

DAN DRACHLER, ESQ.
COUNSEL TO THE ATTORNEY GENERAL OF THE STATE OF NEW YORK

TO:

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

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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.

Elena Ruth Sassower, Coordinator

FROM:

MESSAGE:

Dear Mr. Drachler:

PLEASE bring this to Attorney General Koppell's personal attention.

*Elena Ruth
Sassower*

++++ TRANSMISSION REPORT 1994-06-17 01:57 +++++

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By Fax: 212-416-8139
and Certified Mail: R.R.R. 271-548-603

June 17, 1994

Dan Drachler, Esq.
Counsel to the Attorney General
120 Broadway
New York, New York 10271

Re: Sassower v. Mangano, et al.

Dear Mr. Drachler:

This is to memorialize our conversation earlier today wherein you stated that neither you nor Attorney General Koppell has reviewed the files under A.D. #90-00315--transmitted by us three months ago--but that members of your staff had done so.

I informed you that the files you returned to us do not appear to have been "touched by human hands"--let alone reviewed. They are completely UNCREASED. This includes the documents that were before the Appellate Division, Second Department when it issued its June 14, 1991 "interim" suspension Order--documents which prove that the reason the suspension Order made no findings and stated no reasons (contrary to 691.4(1)(2)¹ of the Court's own rules and controlling law at the time: Matter of Nuey, 61 N.Y.2d 513 (1984)²) is because such suspension is a fraud--being without the slightest factual or legal support.

I noted to you that missing from the files you returned to us were Mr. Casella's May 8, 1990 Order to Show Cause (unsupported by a petition) seeking to have my mother medically examined pursuant to 691.13(b)(1)³, as well as Mr. Vigliano's June 7, 1990 Cross-Motion addressed thereto.

¹ "The court shall briefly state is [sic] reasons for its order of suspension..."

² Thereafter reinforced by Matter of Russakoff, 72 N.Y.2d 520 (1992).

³ NOT §691.13(c), where an attorney has put in issue her mental condition in a disciplinary proceeding (never contended by Mr. Casella).

As discussed, those documents alone are sufficient to establish that the October 18, 1990 Order is facially erroneous in at least seven material respects--five of which conceal the Court's lack of jurisdiction to issue such unprecedented Order, which, contrary to §691.13(b)(1)⁴, further gave to Mr. Casella--as my mother's prosecutor--authority to designate the single medical expert that would examine her.

Clear, concise discussion of these seven facial errors--mentioned at fn. 10 of my mother's January 24, 1994 Jurisdictional Statement--can be found at ¶39 (at pp. 12-14) of her November 19, 1993 dismissal/summary judgment motion, which I also asked that you locate and return to us.

In your capacity as "Counsel to the Attorney General", I request that you personally review the November 19, 1993 dismissal/summary judgment motion--which was transmitted to Attorney General Koppell under a February 6, 1994 coverletter⁵. As detailed in that letter, such comprehensive motion--and the Appellate Division's vicious January 28, 1994 decision thereon--prove that the basis upon which the Attorney General's office argued--and its judicial clients granted--dismissal of the Article 78 proceeding, to wit, the purported existence of a remedy in the underlying proceeding, was "an outright lie".

As "the People's lawyers", the Attorney General had an obligation to ensure that the SACRED Article 78 remedy--designed to provide review by an independent (and superior) tribunal--would not be corrupted. Your admission to me that "independent counsel" would have had to have been obtained for the accused judges had the Attorney General not permitted its judicial clients to decide their own case is precisely how this matter should have been resolved--with "independent" counsel, not the Attorney General, making the frivolous and bad-faith argument that judges accused of fraud and criminal conduct in an Article 78 proceeding could adjudicate same.

We cannot imagine a greater betrayal of the public trust, reposed in "the People's lawyer" than what has here occurred: the perversion of the Article 78 remedy by the Attorney General.

4 "...examination of the attorney by such qualified medical experts as this court shall designate."

5 Said letter is Supplemental Exhibit "4" to Mr. Schwartz' March 14, 1994 letter to the Court of Appeals in support of jurisdiction.

June 17, 1994

As stated in all our many letters to the Attorney General since January of this year, review of the files under A.D. #90-00315 establishes the truth of our serious allegations of criminal behavior by justices of the Appellate Division, Second Department, who have used their disciplinary powers for ulterior retaliatory purposes.

That neither you nor anyone else at the Attorney General's office will discuss the basis for your "bald" conclusion that the Attorney General's position "is a correct one" reflects, at best, your inexcusable ignorance of the files under A.D. #90-00315 and, at worst, complicity in the fraud documented therein.

Unlike yourselves, we can defend our position as to criminal conduct by Appellate Division Judges--with particularity, probative evidence, and black-letter law. Indeed, as reflected at page 4 of my mother's March 30, 1994 letter, we have requested the opportunity to do so.

The Attorney General has an on-going obligation as this State's highest legal officer to take action--the immediate action that the files under A.D. #90-00315 show to be wholly warranted.

As Attorney General of this State, Mr. Koppell should be protecting the integrity of government and the rights of its citizens. We do not believe that there is a more determinative test of Mr. Koppell's fitness for the office to which he seeks a full term than his handling of Sassower v. Mangano, et al..

So far, he has flunked--miserably!

Yours for a quality judiciary
(and an Attorney General worthy of the office),



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

Enclosures to be sent by mail:

- (a) DLS' 3/30/94 letter
- (b) DLS' 2/6/94 letter

P 271 548 603



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