

February 14, 1994

Gerald Stern, Esq.
Commission on Judicial Conduct
801 Second Avenue,
17th Floor
New York, NY 10017

Re: WILLIAM C. THOMPSON. Associate Justice, Appellate
Division, Second Judicial Dept.

Dear Mr. Stern,

1a. I would appreciate written acknowledgment of my complaint against the above dated January 17, 1994, or almost one month ago.

b. Where the accused, as here, is a high-echelon member of the judiciary and senior member of your commission, the command must be, consistent with fairness, one of expedition.

2a. From a cursory review of your commission's annual reports, and the court decisions, I find nothing committed by your disciplined judges, in which Mr. Justice Thompson was a participant, that even approaches the level of his "in-office" misconduct, which I only partially described in my letter of the 17th inst.

b. By what moral barometer can the commission tolerate the participation or even presence of Judge Thompson, when your commission has condemned judges whose misconduct, by comparison, is trivial.

3. One further relevant point!

a. According to the filed papers of LEE FELTMAN, Esq. ["Feltman"], dated September 10 and 26, 1986, his maximum fee as the court-appointed receiver was \$7,667.27, or a little more than 1% of the amount received by his law-firm from Puccini, to wit., \$700,000.

b(1) Judge Thompson was Justice Presiding in Matter of Kane (132 A.D.2d 610, 517 N.Y.S.2d 771 [2nd Dept.-1987]), as well as a panel member in Hirsch v. Peekskill Ranch (100 A.D.2d 863 [2nd Dept.-1984]).

(2) In Matter of Kane (supra), the Thompson Court stated (611, 772):

"Despite a stipulation of the parties, the court was without authority to allow the receiver compensation in excess of the maximum receivership

commission provided for by Business Corporation Law §1217 (cases cited). The Legislature has seen fit to set ceilings on the amounts that receivers, as court-appointed officers, may be awarded for their services and it is not within the provence of parties to stipulate, nor within the discretion of the court to accept stipulations to a greater amount."

(3) On appeal, Matter of Kane was affirmed (75 N.Y.2d 511, 554 N.Y.S.2d 457, 553 N.E.2d 1005 [1990]), the Court stating (516-517, 459, 1007):

"As this court noted more than a century ago: 'It is a matter of public notoriety that the act of 1883 [predecessor of Business Corporation Law §1217] was passed, in view of the scandals which had been set afloat, in respect to the administration of the affairs of insolvent corporations through receivers. * * * [I]t is, we think, reasonably clear that the object of the act was to supplement the existing legislation, in respect to winding up the affairs of insolvent corporations, and to provide further restrictions and safe-guards against the misuse or depletion of corporate funds in the hands of the receivers.' (case cited). The passage of time and the solvency of the instant corporation have not diluted the potency or pertinency of this observation.

To allow the receiver to receive a commission higher than that allowed by the statute is contrary to its plain meaning and destroys the historic spirit and transcendent policy permeating that legislation."

(4) Since Judge Thompson conceded that the courts did not have discretion to exceed the statutory maximum, for resisting such racketeering activities, which was nothing less than "robbery under forms of law", the same Judge Thompson saw fit to disbar me based upon manifestly unconstitutional trialess convictions.

(5) Obviously, in the Thompson-world those who "pay-off" or otherwise corrupt members of the judiciary, like the Feltman and Kreindler firms, are exempt from the rule of law.

Respectfully,

GEORGE SASSOWER

cc: Mr. Justice William C. Thompson