

COURT OF APPEALS : NEW YORK

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In the Matter of GEORGE SASSOWER, an
attorney and counselor-at-law,
GRIEVANCE COMMITTEE FOR THE SECOND AND
ELEVENTH JUDICIAL DISTRICTS,
Petitioner-Respondent,
-against-
GEORGE SASSOWER,
Respondent-Appellant.
-----x

JURISDICTIONAL STATEMENT

- (a)(1) The Title of the Proceeding appears above.
- (2) Appeal from the Appellate Division, Second Dept.
- (3) Notice of Appeal served April 1, 1987, filed by
the Appellate Division on April 6, 1987.
- (4) Final Order with Notice of Entry served on March
5, 1987
- (5) Robert H. Straus, Esq.
210 Joralemon Street,
Brooklyn, New York, 11201
(718) 624-7851
- (b)(1) Exhibit "A"
- (2) Exhibit "B"
- (3) All appealable non-final orders and/or those final
and non-final orders not yet served with notice of entry.
- (4) Exhibit "C"
- (5) Not applicable.
- (6) Not applicable.

PRELIMINARY STATEMENT

Since a hearing has been scheduled in federal court (Selling v. Radford, 243 U.S. 46), details are omitted herein, as pre-publication of some of facts may prejudice appellant at such hearing(s).

POINT I

APPELLANT WAS DENIED DUE PROCESS

1a. Prior to appellant receiving formal notice of the disciplinary proceedings, he had caused to be issued a summons, which included a "John Doe", identifying his involvement in the litigation. Robert H. Straus, Esq., the prosecuting attorney knew that he was, in fact, "John Doe", but never revealed same. The real identity of "John Doe" was only learned after the hearings had been concluded.

b. On information and belief, Mr. Straus never informed the Appellate Division of that fact before he was appointed as the prosecutor, but such and other documents, which were before the Appellate Division, and obviously influenced its decision were not permitted to be inspected by the appellant.

2a. Robert H. Straus, Esq., knew, as do all lawyers and most lay people, that one cannot be convicted of a crime, without an accusatory instrument, without a trial, and/or without the right of confrontation.

b. Nevertheless, Robert H. Straus, Esq., charged appellant with having been convicted four (4) times of non-summary criminal contempt, each one without a trial, even though he knew such convictions were constitutionally invalid.

c. Even after Sassower v. Sheriff (651 F.Supp. 128) was rendered, he only consented to the elimination of that one conviction, although such constitutional defect was common to all the convictions against appellant.

3. Mr. Straus engaged in ex parte conversations with the Referee, including a deliberate ex parte conversation, causing the Referee to change his decision on a very important issue.

4. Mr. Straus fabricated evidence and also introduced evidence which he knew was false and fabricated.

5. Mr. Straus was instrumental in preventing appellant from obtaining permission to serve subpoenas and subpoenas duces tecum for needed witnesses and documents.

6. Robert Straus, Esq. failed to reveal exculpatory information and refused to give obedience of appellant's disclosure demands.

POINT II

APPELLANT WAS DENIED EQUAL PROTECTION OF THE LAWS

Appellant was denied the right to prove that he was being made the subject of invidious and selective prosecution and that the prosecutions were retaliatory.

POINT II

APPELLANT WAS DENIED THE RIGHT TO SHOW "DOUBLE JEOPARDY"

On the criminal contempt convictions, appellant was denied the opportunity of showing that he had been repeatedly had results other than guilty.

Dated: April 23, 1987

GEORGE SASSOWER, Esq.
Attorney for appellant-
pro se
51 Davis Avenue,
White Plains, N.Y., 10605
914-949-2169

To: ROBERT H. STRAUS, Esq.
Attorney for petitioner-respondent

HON. WILLIAM C. THOMPSON, Justice Presiding,
HON. LAWRENCE J. BRACKEN,
HON. RICHARD A. BROWN,
HON. JAMES F. NIEHOFF,
HON. CHARLES B. LAWRENCE.

} Associate Justices

In the Matter of George Sassower, an
attorney.

Grievance Committee for the Second
and Eleventh Judicial Districts,

Petitioner;

George Sassower,

Respondent.

Order of Disbarment.

A disciplinary proceeding having been instituted in this court upon the petition of the Grievance Committee for the Second and Eleventh Judicial Districts in respect to the respondent, George Sassower, an attorney and counselor at law, who was admitted to practice by this court on March 30, 1949; the petition praying that the respondent be disciplined for professional misconduct upon the charges therein set forth; the proceeding having come on before this court by a notice of petition, dated November 12, 1985; and the respondent having filed an answer to the petition; and this court, by an order dated January 10, 1986, having referred the issues raised by the petition and the answer to Honorable Michael Potoker, a retired Judge of the Court of Claims, as Special Referee, to hear and to report, with his findings upon each of the issues; thereafter the said referee having held a hearing and having filed his report with this court on August 18, 1986, together with a transcript of the hearing and the exhibits; and the petitioner having moved by a notice of motion, dated August 20, 1986, to confirm the report of the special referee;

Now, upon the said petition, verified November 12, 1985; the said answer, dated November 16, 1985; the report; the transcript; the exhibits; the petitioner's notice of motion; the affirmation of Robert H. Straus and the papers annexed thereto in support of the said motion; and upon all the papers filed herein; and Robert H. Straus, Esq., having appeared of counsel for the petitioner and George Sassower, Esq., respondent, having appeared pro se, due deliberation having been had thereon; and upon the PER CURIAM OPINION herein, dated February 23, 1987, heretofore filed and made a part hereof, it is

ORDERED that the petitioner's motion to confirm the report of the special referee is hereby granted, and it is further

ORDERED and DIRECTED that, pursuant to statute (Judiciary Law, § 90), effective February 23, 1987, the respondent, George Sassower, be and he hereby is disbarred from the practice of law and his name

In the Matter of George Sassower, an attorney.

is hereby struck from from the Roll of Attorneys and Counselors at law, and it is further

ORDERED and DIRECTED that the respondent, George Sassower, shall promptly comply with this court's rules governing the conduct of disbarred, suspended and resigned attorneys, a copy of such rules being annexed hereto and made a part hereof, and it is further

ORDERED that, pursuant to statute (Judiciary Law, § 90), effective February 23, 1987, the respondent, George Sassower, be and he hereby is commanded to desist and refrain: (1) from practicing law in any form, either as principal or as agent, clerk or employee of another; (2) from appearing as an attorney or counselor at law before any court, judge, justice, board, commission or other public authority; (3) from giving to another an opinion as to the law or its application, or any advice in relation thereto; and (4) from holding himself out in any way as an attorney and counselor at law.

Enter:

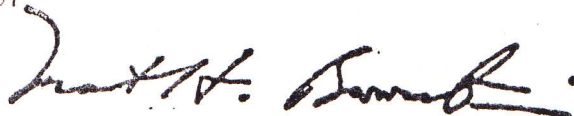
MARTIN H. BROWNSTEIN

Clerk of the Appellate Division.

SUPREME COURT, STATE OF NEW YORK
APPELLATE DIVISION, SECOND DEPT.

I, MARTIN H. BROWNSTEIN, Clerk of the Appellate Division of the Supreme Court, Second Judicial Department, do hereby certify that I have compared this copy with the original filed in my office on FEB 23 1987 and that this copy is a correct (true) copy of said original.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on FEB 23 1987



Clerk

Respondent

1409e
Z/jm/eb

February 23, 1987

SUPREME COURT : APPELLATE DIVISION
SECOND JUDICIAL DEPARTMENT

THOMPSON, J.P., BRACKEN, BROWN, NIEHOFF and LAWRENCE, JJ.

In the Matter of GEORGE SASSOWER, an attorney.
GRIEVANCE COMMITTEE FOR THE SECOND AND ELEVENTH
JUDICIAL DISTRICTS,

Petitioner;

GEORGE SASSOWER,

Respondent.

NO. 6880

DISCIPLINARY proceeding instituted by the Grievance
Committee for the Second and Eleventh Judicial Districts. By order
of this court dated January 10, 1986, this matter was referred to
Honorable Michael Potoker, a retired Judge of the Court of Claims,
as special referee to hear and report.

Robert H. Straus, Brooklyn,
N.Y., for petitioner.

George Sassower, White
Plains, N.Y., respondent pro
se.

P E R C U R I A M.

The respondent was admitted
to practice by this court on March 30, 1949. In this proceeding,
the petitioner moves to confirm the report of the special referee.

The special referee found the respondent guilty of the
following allegations of professional misconduct. Charge One
alleged that by a judgment of the Supreme Court, New York County
(Klein, J.), dated June 26, 1985, the respondent was convicted of
criminal contempt of court for having willfully and deliberately

violated an order of the Supreme Court, New York County (Gammerman, J.), and was sentenced to a term of imprisonment of 30 days and to fines totalling \$1,250. On September 17, 1985 the Appellate Division, First Department, affirmed the respondent's criminal contempt conviction (see, Raffe v Riccobono, 113 AD2d 1038, appeal dismissed 66 NY2d 915).

Charge Two alleged that by judgment of the Supreme Court, New York County (Saxe, J.), dated June 26, 1985, the respondent was convicted of criminal contempt of court for having willfully and knowingly disobeyed the order of Justice Gammerman and was sentenced to a term of imprisonment of 10 days and to a fine of \$250. On September 17, 1985, the Appellate Division, First Department, affirmed the respondent's criminal contempt conviction (see, Raffe v Feltman, Karesh & Major, 113 AD2d 1038).

Charge Three alleged that the respondent willfully and deliberately violated the order of Honorable Eugene H. Nickerson, a Judge of the United States District Court, Eastern District of New York, dated May 28, 1985, requiring him to appear before that court for a deposition. By judgment of Judge Nickerson dated June 7, 1985, the respondent was convicted of criminal contempt of court for violating Judge Nickerson's order dated May 28, 1985. On September 13, 1985 the United States Court of Appeals for the Second Circuit affirmed the respondent's criminal contempt conviction.

Charge Four alleged that the respondent engaged in frivolous and vexatious litigation against litigants, judges, referees, attorneys, public officials, and other parties who participated in certain litigation that the respondent was involved in on behalf of a client, and that said litigation was for the purpose of harassing, threatening, coercing and maliciously injuring those made subject to it.

Charge Five alleged that commencing in September 1980 the respondent engaged in professional misconduct which interfered with,

obstructed and was prejudicial to the administration of justice, inter alia, in that he defied numerous orders of various courts, and displayed utter contempt for the law and for those judicial officers sworn to uphold it. As an example, the respondent was relieved by the court from handling certain matters, disqualified from representing certain clients, and thereafter disregarded the court's directions.

Charge Six alleged that the respondent failed to seek the lawful objectives of his client and prejudiced and damaged his client, in that, after the respondent was instructed by his client not to continue further litigation, the respondent deliberately and willfully disregarded these instructions by instituting numerous actions, as a result of which the client was assessed costs, attorneys' fees, fines and penalties, and was held to be guilty of civil and criminal contempt of court.

Charge Seven alleged that the respondent failed to cooperate with the petitioner Grievance Committee throughout its investigation of the misconduct alleged above, in that the respondent failed to respond to the written inquiries of the petitioner and made a deliberately false misrepresentation that a court order prohibited him from responding to the allegations of misconduct.

After reviewing all of the evidence we are in full agreement with the findings contained in the report of the special referee. The evidence is overwhelming that the respondent is guilty of the misconduct indicated above. The petitioner's motion to confirm the special referee's report is granted.

The respondent is adjudged guilty of serious professional misconduct. Accordingly, the respondent should be, and hereby is, disbarred and it is directed that his name be stricken from the roll of attorneys and counselors-at-law effective forthwith.

THOMPSON, J.P., BRACKEN, BROWN, NIEHOFF and LAWRENCE, JJ., concur.

GEORGE SASSOWER, Esq., an attorney, admitted to practice law in the U.S. Circuit Court of Appeals for the Second Circuit, does hereby affirm the following statement to be true under penalty of perjury:

On April 24, 1987, I served the within Jurisdictional Statement by depositing a copy of same in a Post Office in the State of New York addressed to ROBERT H. STRAUS, Esq., at his last known address.

Dated: April 24, 1987

[Handwritten Signature]

 GEORGE SASSOWER

P-545-722-993

RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

Sent to	Robt. H. Straus, Esq.
Street and No.	Greystone Court
P.O. State, and ZIP Code	210 McAlena St White Plains, NY 10602
Postage	\$ 1.31
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 1.31
Postmark or Date	APR 24 1987 WHITE PLAINS, NY 10602

U.S.G.P.O. 153-506 PS Form 3800, June 1985

P-545-722-994

RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

Sent to	Court of Appeals
Street and No.	20 Eagle St.
P.O. State, and ZIP Code	White Plains, NY 10607
Postage	\$.56
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 1.31
Postmark or Date	APR 24 1987 WHITE PLAINS, NY 10602

U.S.G.P.O. 153-506 PS Form 3800, June 1985

NEW YORK COURT OF APPEALS

GRIEVANCE COMMITTEE,

Petitioner-Respondent.

-against-

GEORGE SASSOWER,

Respondent-Appellant.

Jurisdictional Statement

GEORGE SASSOWER, Esq.
Attorney for appellant
51 Davis Avenue,
White Plains, N.Y. 10605
914-949-2169