

1 BEFORE THE NEW YORK STATE SENATE
2 STANDING COMMITTEE ON JUDICIARY

3 -----
4 Public Hearing on the
5 Appellate Division First Department
6 Departmental Disciplinary Committee,
7 the Grievance Committees of the
8 Various Judicial Districts, and the
9 New York State Commission on Judicial Conduct

8 Hearing Room 6
9 Empire State Plaza
10 Albany, NY

11 June 8, 2009
12 10:35 a.m.

13 PRESIDING:

14 Senator John Sampson
15 Chair
16 Senate Standing Committee on Judiciary

17 PRESENT:

18 Senator John A. DeFrancisco (R)
19
20
21
22
23
24 Senator Bill Perkins

1 committee.

2 I am here to read a 30-second statement
3 of my own and then --

4 CHAIRMAN SAMPSON: Perfect. I like
5 30 seconds.

6 MR. McKEOWN: -- and then I will
7 torture you, and then I will read a short
8 letter from a former judge of this state.

9 CHAIRMAN SAMPSON: You didn't submit
10 any testimony to us, did you?

11 MR. McKEOWN: Yes, I did.

12 CHAIRMAN SAMPSON: Okay. I guess we
13 do have it somewhere here. Okay.

14 MR. McKEOWN: Again, my name is Kevin
15 McKeown. I'm the proud member of various
16 organizations focusing on the restoration of
17 the trust the public should have in the
18 judicial branch of our government. The
19 organizations include Integrity in the
20 Courts, Expose Corrupt Courts, and the Frank
21 Brady Organization.

22 I believe the statewide attorney and
23 judicial ethics oversight structure is
24 corrupt, and I applaud this committee for

1 MS. ANDERSON: Of the committee?

2 SENATOR PERKINS: Yeah, of the Policy
3 Committee.

4 MS. ANDERSON: I really don't know.
5 And very frankly, I don't want to know.

6 CHAIRMAN SAMPSON: Okay. Thank you
7 very much, Ms. Anderson.

8 MS. ANDERSON: Thank you, sir. Thank
9 you, gentlemen.

10 CHAIRMAN SAMPSON: The next witness
11 is Kevin McKeown, on behalf of the Fred
12 Goetz Trust.

13 Mr. Goetz, five minutes, thank you very
14 much. Go right ahead.

15 MR. McKEOWN: First of all, Senator,
16 my name is --

17 CHAIRMAN SAMPSON: Mr. McKeown, I'm
18 sorry. Mr. McKeown.

19 MR. McKEOWN: -- Kevin McKeown, and
20 I'm not reading a statement on behalf of the
21 Fred Goetz Trust. That is going to be
22 submitted at the subsequent hearing when
23 those 13 people will fly in from around the
24 country to testify before your great

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4	Alan W. Friedberg		
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1 that was prepared -- Judge Philip Rogers
2 could not be here today; he had broken ribs.
3 However, Judge Rogers was one of three
4 judges of New York State that accompanied me
5 before a U.S. House Subcommittee on the
6 Judiciary a few months ago as it pertains to
7 the federal crimes we allege that are
8 ongoing within the New York State court
9 system.

10 CHAIRMAN SAMPSON: Could you
11 paraphrase it? I mean not read it, but
12 paraphrase it.

13 MR. McKEOWN: It's very short. And
14 it's done to be read, Senator, if I may.

15 CHAIRMAN SAMPSON: Okay.

16 MR. McKEOWN: "Dear Senator Sampson,
17 I am a 70-year-old former attorney and
18 village justice who practiced law in the
19 State of New York from October 16, 1968,
20 until being unjustly disbarred on May 31,
21 1999.

22 "I was the victim of a secret and
23 corrupt grievance process that lacks the
24 most elementary due-process constraints and

1 safeguards and was used as part of a
2 conspiracy by former business partners to
3 ruin me after our venture went bankrupt.

4 "I respectfully ask that this committee
5 propose legislation that will protect
6 victims such as myself from suffering the
7 loss of their law license and, as in my
8 case, all of their life choices as a result
9 of the totally corrupt attorney disciplinary
10 process managed and controlled by money,
11 favoritism, and cronyism.

12 "By way of background, I practiced law
13 in my home village of Patchogue, in Suffolk
14 County, for 30 years of my professional
15 life. From 1970 to 1994, I also served as
16 the Patchogue village justice. I was
17 elected to six consecutive four-year terms
18 by substantial majorities in each election,
19 by the people who knew me best from my days
20 as a Patchogue student. I served as the
21 chairman of the Patchogue-Medford School
22 Board Ethics Committee, president of the
23 Suffolk County Magistrates Association, and
24 as a director of the Suffolk County

1 to sit in judgment of a fellow attorney. In
2 my case, people seeking to bring pressure on
3 me as a result of a failed business venture
4 sought to use the grievance process to
5 coerce a settlement payment from me and in
6 the end, as they themselves said on more
7 than one occasion, ruin me.

8 "My former partners and their allies
9 achieved their goal by using political and
10 other connections to move my disarmament
11 proceedings from Patchogue to Brooklyn.
12 Once removed to this location, exculpatory
13 evidence was ignored, perjured testimony was
14 accepted as true, basic due-process
15 protections were denied me, and false and
16 fraudulent accusations became the foundation
17 of the ruling against me.

18 "When my investigation was moved to
19 Brooklyn, I was warned that the fix was in,
20 and later events proved this to be true. I
21 believe I would still be serving the legal
22 community as an attorney had the ethics
23 process that was used against me simply been
24 more transparent. Instead, a secretive and

1 corrupted process intent on only ruining me
2 ended my life of public service.

3 "Transparency would have provided me
4 the opportunity to reveal the perjurious
5 testimony allowed against me. It was also
6 improper that my most basic right of due
7 process was denied, thus preventing the
8 vital testimony of various witnesses.

9 "Senator Sampson, I commend you and
10 your committee for holding these important
11 hearings on the attorney grievance process.
12 Based on my personal knowledge of other
13 cases similar to mine, I know that the most
14 elementary inquiry by this committee will
15 find that many others, both attorneys and
16 clients, have been wronged like me.

17 "I trust that these injustices will see
18 the light of day and permit the immediate
19 reinstatement of attorneys wrongly
20 disbarred. I am also hopeful that needed
21 changes will include systemwide transparency
22 and the providing of due process to those
23 accused."

24 CHAIRMAN SAMPSON: Mr. McKeown, we

1 have the letter here, and definitely there's
2 only one paragraph left. But as you heard
3 earlier from Mr. Gold and also
4 Mr. Friedberg, these processes under law
5 have to be done in those certain
6 circumstances, you know. So, I mean --

7 MR. McKEOWN: If I may address that,
8 Senator Sampson, I have the pleasure of
9 actually having personal interaction, so I'm
10 waiving confidentiality. I have personal
11 interaction with Mr. Friedberg and with
12 Mr. Gold. I presented evidence that I was
13 threatened by Mr. Friedberg.

14 And although I was called in by the
15 U.S. Attorney's Office and the FBI and the
16 referral in Washington, D.C., to the United
17 States Justice Department, although they all
18 found it very interesting and are currently
19 looking at it, Mr. Friedberg and Mr. Reardon
20 and Mr. Gold have done what they have
21 summarily done, and that is get rid of it.

22 Senator Sampson, the documentation, I
23 assert, is there. And I will tell you that
24 at your next hearing, as a member of the

1 various organizations, we will present to
2 you at your New York City hearing over 100
3 documented cases of the most ludicrous and
4 slipshod investigations resulting in what we
5 believe is a gross pattern of misconduct by
6 the ethics committees themselves.

7 CHAIRMAN SAMPSON: I mean, that's
8 something we're interested in.

9 Senator DeFrancisco has a couple of
10 questions for you.

11 SENATOR DeFRANCISCO: Who do you
12 represent?

13 MR. McKEOWN: Myself. And the three
14 organizations that I mentioned.

15 SENATOR DeFRANCISCO: When you're
16 talking about the FBI and the U.S. Attorney
17 and all that, was that about a personal file
18 pertaining to you or is it for this judge
19 that you read the letter for? I'm trying to
20 figure out --

21 MR. McKEOWN: Well, actually, that
22 judge had nothing to do with the FBI.

23 However, I will tell you when I was
24 called into the FBI at 26 Federal Plaza,

1 that there is favoritism in the process, as
2 was pointed out by the speaker before you?
3 Do you think that those who are big shots or
4 who have connections or some other such
5 credentials are getting treated with kid
6 gloves and favoritism?

7 MR. McKEOWN: Yes, Senator. In fact,
8 I'll go so far as to say that it is embedded
9 in the four statewide grievance committees,
10 and I say under the four departments.

11 We have heard from state attorneys,
12 judges, attorneys, retired judges from all
13 over the state. If you're a prisoner and
14 you file a complaint with an ethics
15 committee, don't you dare think that it's
16 going to be handled properly. Just because
17 you're a prisoner automatically puts you to
18 the bottom of the list at every one of the
19 four ethics departments in this state.
20 There's the presumption that if you're in
21 jail, you could not have been wronged by an
22 attorney.

23 And, Senators, that's wrong. That is
24 totally wrong. And that's -- we can't wait

1 attorneys are versed on the law. But it
2 brings up the bigger issue of people
3 self-regulating.

4 CHAIRMAN SAMPSON: Understood.

5 MR. McKEOWN: If an attorney is named
6 John Doe and he has been convicted of a
7 federal crime and goes to federal prison and
8 does time, will he get his law license back?
9 That's a question.

10 Of course we all know that there was a
11 chief judge of this state who was convicted
12 of a federal crime who went to federal
13 prison and got his law license back.

14 What this comes down to, Senator, is
15 equality.

16 CHAIRMAN SAMPSON: Understood.

17 MR. McKEOWN: And I would much rather
18 handle a complaint that said the person's
19 name was John Doe rather than a certain
20 person who that name triggers favoritism and
21 unequal treatment. That's what it all comes
22 down to.

23 CHAIRMAN SAMPSON: Senator Perkins.

24 SENATOR PERKINS: So do you believe

1 CHAIRMAN SAMPSON: What you're saying
2 is basically, you know, lawyers can't
3 regulate attorneys.

4 I mean, you have very reputable and
5 ethical attorneys who we put in these
6 positions to make that decision. You know,
7 there might be an aberration here or there,
8 but I don't see it as a problem having a
9 panel of -- having a panel of attorneys,
10 based upon their background and everything
11 else, making decisions such as that.

12 But if there is, as you're saying, when
13 you present cases to me where I see
14 discrepancies and issues, that's why we're
15 having this hearing, so we can get to the
16 bottom line of these things, all these
17 allegations and these conspiracy issues. We
18 want to get to the bottom line, and that's
19 why we're asking for specific instances, so
20 we can look for ourselves and, based upon
21 those recommendations, make a determination.

22 MR. McKEOWN: Absolutely, Senator.
23 And again, that is a very good point. And
24 obviously you need attorney input because

1 SENATOR DeFRANCISCO: Okay. In
2 addition, last point -- I think -- you had
3 indicated that it should not be attorneys
4 who are reviewing these particular cases, it
5 should be laypeople. And the laypeople
6 would then make determinations concerning
7 fraud, concerning due process, concerning
8 whatever it may be.

9 How would they gain the expertise in
10 those areas as to what the disciplinary
11 rules are and the like? Would they have to
12 have any qualifications that you would
13 presume that attorneys would have?

14 MR. MCKEOWN: Senator, that's a very
15 good question. And --

16 SENATOR DeFRANCISCO: That's why I
17 asked it.

18 MR. MCKEOWN: -- of course they would
19 have to be guided by what the laws are, what
20 the procedures are.

21 I ask you, do we want bankers
22 self-regulating? That doesn't work. Do we
23 want Wall Street self-regulating? We know
24 that doesn't work.

1 personal cases that you were called in on or
2 were they people that you were representing
3 that somehow got in the federal criminal
4 system.

5 MR. McKEOWN: They were -- the
6 organizations that I'm a member of, to
7 answer your question, as a member of that
8 organization, we brought those cases when
9 asked to these federal entities.

10 SENATOR DeFRANCISCO: All right, so
11 you weren't brought into the FBI, you were
12 seeking the FBI to look into these. Is that
13 what you're saying?

14 MR. McKEOWN: Well, the U.S.
15 Attorney's office told us. The FBI, in one
16 instance we called them; in another instance
17 they called us. And actually there's a new
18 inquiry in another --

19 SENATOR DeFRANCISCO: So this wasn't
20 something that -- this is something you
21 wanted to have done to explain all this to
22 the federal investigators, the U.S. Attorney
23 and the like; correct?

24 MR. McKEOWN: Absolutely.

1 that we had become a lightning rod for
2 literally the worldwide collection of people
3 that have been harmed by these so-called
4 ethics committees. And they asked me to
5 bring in my four outrageous cases, and I
6 went in there.

7 Now, before, a group of us, which
8 includes former federal prosecutors,
9 attorneys, et cetera, we would go through
10 the evidence before we presented it to the
11 FBI. We went out, pulled case studies --
12 whether it was a judge, a lawyer, a
13 disbarred lawyer, or a litigant, we would
14 pull the case files and see for ourselves
15 what the documentation said.

16 Based on that, the FBI asked for four
17 specific -- the four worst cases. And then
18 in other circumstances where the U.S.
19 Attorney's office, where certain information
20 has come to light where they have then said
21 we want to interview those people.

22 SENATOR DeFRANCISCO: I am totally
23 confused. I just asked you the cases that
24 you went to the FBI about, were those

1 to get a stack of the 100 complaints that we
2 have from the beautiful people of Brooklyn,
3 Queens, Staten Island and Harlem alone who
4 couldn't make it up here today.

5 CHAIRMAN SAMPSON: So, Mr. McKeown,
6 we're looking forward to that. Thank you
7 very much for your testimony. And we look
8 forward to getting those documentations in
9 at our next hearing.

10 MR. McKEOWN: Thank you, Senators.

11 CHAIRMAN SAMPSON: Thank you very
12 much.

13 The next witness is Robert Tembeckjian,
14 counsel for the New York State Commission on
15 Judicial Conduct, and the Honorable Judge
16 Thomas Klonick, chair of the Commission on
17 Judicial Conduct.

18 Just to make a note of it, we also have
19 representatives -- who are not going to
20 speak -- from the Second, Third and Fourth
21 Department Disciplinary Committees.

22 Thank you very much. Your Honor, good
23 morning.

24 JUDGE KLONICK: Good morning,