

NEW YORK STATE SENATE
STANDING COMMITTEE ON JUDICIARY

PUBLIC HEARING IN THE MATTER OF
AN EXAMINATION OF THE JUDICIAL DISCIPLINARY PROCESS

Senate Hearing Room
250 Broadway
19th Floor
New York, N.Y.

September 24, 2009
Thursday
10 a.m.

BEFORE: Senator John Sampson
 Chair
 Judiciary Committee

 Senator Bill Perkins
 Chair
 Corporations, Authorities & Commissions

 Senator George D. Maziarz

 Senator Eric Adams

 Senator Ruben Diaz

OTHER STAFF MEMBERS:

 Shelly Mayer
 Majority Counsel

 Lisa Lashley
 Counsel

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1 going on.

2 I've got five witnesses left after Ms.
3 Klein. No more additions, Lisa, no more
4 additions.

5 Ms. Klein, go ahead. Okay, Ms. Klein.

6 MS. KLEIN: Well, hi, good afternoon.

7 Thank you for allowing me to speak at
8 this very important hearing today.

9 I would like to preface my statement by
10 stating that I have been in matrimonial
11 Supreme Nassau County with justice Anthony
12 Falanga for six years now and counting and I
13 also would like to also mention take noticed
14 there are many others who are also in front
15 of Justice Falanga, same courtroom as I have
16 been in for the past six years.

17 We settled our divorce three years ago
18 and I still am trying to obtain the money
19 settlement in our settlement agreement.

20 Having said that, bear with me, this is
21 my first time I'm doing this and I'm really
22 nervous.

23 SENATOR SAMPSON: Take your time.

24 You've still only got nine minutes now.

1 MS. KLEIN: That's what I wanted to
2 say, too, I chopped my pages down, I only
3 have two and a quarter, so I won't take up
4 too much. I'll do my best.

5 I would also just like to say that as
6 soon as Judge Falanga heard my statement to
7 contest the divorce I was immediately
8 labeled in his mind as a trouble maker, even
9 though I was just exercising my legal right
10 to contest the divorce that I felt was
11 unwarranted and unnecessary.

12 But after that he made it his business
13 to make my life absolutely miserable each
14 and every time I had to appear in front of
15 him in his courtroom.

16 I was made to stand and be humiliated
17 in front of the entire courtroom, degraded,
18 he called me names, I was told I lived in
19 sin because I married someone out of my
20 faith so he told me I lived in sin for 10
21 years before we remarried in another
22 ceremony in the church, just to give you an
23 idea of some things that Judge Falanga is
24 capable of.

1 But in any case, if I could leave you
2 here today with two very important words,
3 and I'm glad to have -- to being followed by
4 the person, the woman who spoke before me,
5 two important words, children and mothers.

6 But I would be remiss to leave you here
7 today without finishing the rest of those
8 very important words, children, mothers,
9 domestic abuse, domestic violence and our
10 broken down excuse for a fair and just
11 judicial system.

12 It's broken and no one is fixing it and
13 that is a direct quote told to me within the
14 system itself when Judge Falanga changed my
15 Order of Protection for myself and my
16 children and altered it from the Criminal
17 Court taking my children off of the Order of
18 Protection that was issued after he had
19 assaulted me and was arrested and spent the
20 night in jail, and Judge Falanga crossed out
21 my children's names and allowed my
22 ex-husband to reinstate his visitation
23 rights.

24 Also and most crucially important, the

1 drastic and horrifically damaging effects
2 and fall out, if you will, from the great
3 collapse, corruption and breakdown and
4 failure of our judicial system as it stands
5 today, is especially important.

6 But my most important and privileged
7 purpose and even mission for being here
8 today is to urge all of you to specifically
9 examine the numerous departments of what are
10 supposed to be our just and fair judicial
11 system in Nassau County, New York.

12 All of the following departments of our
13 government here in New York are drastically
14 broken down and need urgent examination and
15 swift cleanup, to say the least.

16 We must put back into place our fair
17 and just legal system as was intended by our
18 forefathers to be.

19 Some of the courts are Supreme Court
20 matrimonial, Criminal Court, supervising
21 judges, arbitration committees, the
22 Grievance Committees, the Appellate Courts,
23 judicial commissions, committees on judges
24 and judicial conduct, commissions handling

1 all complaints against judges, attorneys and
2 law guardians.

3 We know today that according to the
4 2009 report of the Commission on Judicial
5 Conduct, that out of almost 2,000 complaints
6 filed in 2008, only 262 were investigated
7 and of those, 173 were deemed dismissed.

8 Now if my math is correct that means
9 and leaves only 89.

10 89 out of almost 2000 complaints for
11 the entire year for 2008, only 89 people
12 were even examined and possibly taken
13 seriously, we don't even know that.

14 We do not know whether these 89 results
15 were favorable to the complainant or not,
16 and these figures do not even include all
17 the other complaints not entered by the
18 public for fear of retaliation by the
19 judges, attorneys and the courts.

20 I am even worried that I am sitting
21 here today naming names and saying what I'm
22 saying.

23 People are afraid to step up and
24 exercise what is their legal right to defend

1 themselves because they see others who have
2 done so and been sanctioned or punished in
3 some way or another by the judges and the
4 courts for doing so.

5 It is criminal what is going on in our
6 courts today and the innocent are being
7 unfairly judged and punished while the true
8 guilty parties walk away.

9 Imagine what that total figure would
10 have been if more people had the courage to
11 step forward but cannot and do not out of
12 fear for the retaliation by the judges and
13 who label these people instead as trouble
14 makers and punish them as such, as was done
15 to me by Judge Falanga.

16 We all know there is a major corruption
17 going on in our entire government, we all
18 see it on TV every day, we see it from
19 officers of the court, attorneys, judges,
20 supervising judges, even Governor's and
21 right up to the President of the United
22 States.

23 Perjury and adultery have become
24 commonplace.

1 These are both against the law, yet
2 last time I looked nobody is being
3 prosecuted for these terribly hurtful and
4 damaging crimes, especially to the children
5 of our world; the true victims in all of
6 these goings on.

7 Families are being broken up every day
8 and unnecessarily so and the children are
9 being hurt in so many ways.

10 The court should be sending families,
11 and this is really important, the courts
12 should be sending families to counseling
13 before handing out divorces like candy, and
14 for no good reasons.

15 What has happened to the family as we
16 know it in America today?

17 Divorce is now in epidemic proportions.

18 Almost everyone we meet are now either
19 divorced or know someone who is divorced.

20 Women, children, families are torn
21 apart, homes are lost, people are struggling
22 just to make ends meet.

23 In some cases children are brain washed
24 against a parent, thus creating a

1 horribly painful and most depressing and
2 most cruel estrangement both on the part of
3 the children putting them in the middle and
4 also on the other parent.

5 And custody is sought to get out of
6 paying child support, as well as taking the
7 home along with them.

8 The other parent moves out and life as
9 the family knew it will never be the same
10 again.

11 And the courts let it all go by. It is
12 an outrage what is going on in matrimonial
13 Supreme Court in Nassau County New York, so
14 the innocent parties in this epidemic of
15 divorces --

16 SENATOR SAMPSON: Thank you.

17 MS. KLEIN: How do I know? Because
18 it has personally happened to me and my two
19 children, and as I sit here today, I risk
20 myself being sanctioned by Judge Falanga
21 somehow, he will find a way, but what I am
22 saying here is only the truth and it must be
23 told.

24 I have been living this terrible

1 experience in matrimonial court in Nassau
2 County for six years now and counting, I am
3 still unable to collect the money which was
4 agreed upon several years ago.

5 SENATOR SAMPSON: When you say that,
6 Mrs. Klein, are you saying that the judge is
7 stifling you from collecting your money?
8 What is preventing you from that?

9 MS. KLEIN: Well, my attorney has
10 informed me that she has released herself
11 from my case and she's decided that she's
12 done.

13 SENATOR SAMPSON: So basically you
14 have no attorney at this point in time?

15 MS. KLEIN: Then when I try to
16 contact they tell me to try to reach out to
17 Judge Falanga, which I did, and they sent it
18 back saying no, you still have an attorney
19 and I was getting to that part, I was going
20 to mention that.

21 SENATOR SAMPSON: Because your time
22 is up, okay?

23 MS. KLEIN: I'm almost done. Let me
24 just get back to my spot, yes, it happened

1 personally to me and my children.

2 And as I sit here today, I am saying
3 that I fear being sanctioned by Judge
4 Falanga, I really don't know what to do, I
5 am in the middle.

6 I've been living this experience as I
7 sit for six years now and counting.

8 I am still unable to collect the money
9 which we agreed upon, I am told I may not --
10 I may not reach out to the judge for
11 assistance, as I still have an attorney on
12 record, although this attorney has released
13 herself from the case, as I have just said.

14 I am still in the middle and do not
15 know when it will end or what to do.

16 I am ill, I want to get my affairs in
17 order, and I cannot find anyone to help me
18 get this money settlement, the QRDO
19 transferred over to me as was court ordered
20 and get my children back.

21 I speak from fact, but of course from
22 many other emotions as one can well imagine
23 in a situation such as I am now living and
24 did not do one thing to deserve any of it.

1 I was and always would be a very caring
2 wife and mother, I loved being a stay at
3 home mother and did it for 18 years and
4 treasured each moment.

5 The worst thing that can happen to a
6 mother is to lose her child.

7 I have two holes in my heart where my
8 daughters used to be.

9 I have been alienated from my own
10 children, and the pain is so very difficult
11 to endure and the court did nothing it help.
12 The side with the money always wins.

13 What I need is an attorney who will
14 help me to obtain my money settlement as
15 ordered in the QRDO and have been waiting
16 now for years and also assistance with
17 getting my children back and unbrainwashed,
18 if you will.

19 What has happened to our morals and
20 vows and promises we make in marriage and
21 families?

22 There should be mandatory counseling
23 before any type of permanent and emotionally
24 damaging and scarring decisions and

1 judgments of divorce are handed out.

2 We have law guardians who may know the
3 legal rights of children, but they are in no
4 way trained in psychology or psychiatry or
5 even social work and yet they are allowed to
6 make very crucial and potentially damaging
7 decisions for these children, both mentally,
8 emotionally and financially.

9 SENATOR SAMPSON: Ms. Klein.

10 MS. KLEIN: I am almost done. The
11 lives of children are put in the hands of
12 law guardians who know nothing of what
13 children need and in most cases these law
14 guardians don't even have children of their
15 own on which to base their potentially
16 emotionally damaging decisions upon.

17 I leave you here today, in closing,
18 with all of these words and hope that you
19 will help me and others who are lost and
20 abused in this terribly painful and damaging
21 and corruptive courts, in the matrimonial
22 court of the Supreme Court of Nassau County,
23 I even risk, as I said, being sanctioned or
24 further punished, but it is a chance I must

1 take to try to get back to justice in the
2 supposed halls of justice.

3 I have tried the grievance committees,
4 I have tried the arbitration committees, I
5 have tried writing to everybody all over the
6 place, and none of it helps.

7 It just does not make sense that the
8 guilty party here lie, cheated, committed
9 adultery and perjury and yet continues in
10 these behaviors and myself and my now two
11 estranged daughters are the ones being
12 punished.

13 It seems the old saying still holds
14 true, it's not what you know, it's who you
15 know, I hope someone will step up today for
16 me and my two daughters and help me get this
17 case straightened out as it should be.

18 I thank you for your time and in
19 advance of any future assistance, all of my
20 information is listed below on the papers
21 that I handed in.

22 I am Stephanie Klein, and I thank you
23 for all for listening.

24 SENATOR SAMPSON: Thank you, Ms.

1 Klein.

2 Ms. Klein, what we will do I'll have
3 one of my staff people, Lisa Lashley make
4 sure, because I just want everybody to get
5 clear, you know, we are not looking to
6 basically have an input in the outcome of
7 these individual cases, because that's not
8 our job here, our job is to look at the
9 Commission on Judicial Conduct and also the
10 disciplinary committees to make sure that
11 any discrepancies or issues or any reforms
12 that need to be made or recommendations to
13 reform the present system as such, to give a
14 little bit more faith, trust and confidence
15 of the people who are using this judicial
16 system.

17 So that's what we are looking for,
18 that's exactly what we are looking for.

19 The outcome in individual cases, we
20 cannot have any input with respect to that.

21 But I will have somebody look at your
22 case closely, Ms. Klein, all right?

23 MS. KLEIN: Thank you, I really
24 appreciate that.

1 SENATOR SAMPSON: Thank you.

2 MS. KLEIN: Just to say, I didn't
3 complain yet to the judicial commission to
4 Judge Falanga because he's not done with me
5 yet, and I'm afraid of what he could do to
6 me before we are done.

7 SENATOR SAMPSON: But I think it's
8 good you come because sometimes judges, you
9 know, that's why you have the Commission of
10 Judicial Conduct, you make these complaints
11 if you feel the judges is just stepping out
12 of his bounds of the parameters he is
13 supposed to be operating in.

14 MS. KLEIN: I feel almost a little
15 safer because now I'm on record of saying
16 how I've been treated by him, and whatever
17 his future things are to do to me, will be
18 now noted because I have said, sat here and
19 given my statement of what has been done by
20 this man to me until today.

21 So I thank you for your help after.

22 SENATOR SAMPSON: Thank you, Ms.
23 Klein.

24 The next witness is Ike Aruti of