

NEW YORK STATE SENATE  
STANDING COMMITTEE ON JUDICIARY

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PUBLIC HEARING IN THE MATTER OF  
AN EXAMINATION OF THE JUDICIAL DISCIPLINARY PROCESS  
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Senate Hearing Room  
250 Broadway  
19th Floor  
New York, N.Y.

September 24, 2009  
Thursday  
10 a.m.

- 10 BEFORE: Senator John Sampson
- 11 Chair
- 11 Judiciary Committee
- 12 Senator Bill Perkins
- 12 Chair
- 13 Corporations, Authorities & Commissions
- 14 Senator George D. Maziarz
- 15 Senator Eric Adams
- 16 Senator Ruben Diaz

OTHER STAFF MEMBERS:

- 18 Shelly Mayer
- 19 Majority Counsel
- 20 Lisa Lashley
- 21 Counsel

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1 extent of the law, because I don't know who  
2 these people think they are, but they are --  
3 I pay their salaries and in situations like  
4 this I would fire them.

5 They all should be fired and imprisoned  
6 for the nonsense they have been pulling.

7 I will let you go, I'll submit the  
8 rest.

9 SENATOR SAMPSON: Thank you very  
10 much, Mr. Bernstein. All right. Ladies and  
11 gentlemen, ladies and gentlemen, let's have  
12 some sense of decorum in here, please,  
13 please, please.

14 Please. Last person, Susan McCormick,  
15 Ms. McCormick, you are the last person for  
16 the day.

17 Thank you very much. Squeezed you in,  
18 you have five minutes thank you very much  
19 Ms. McCormick.

20 MS. McCORMICK: Thank you Senator.

21 I have my assistant with me, Patrick  
22 Handley, he's done a lot of research on this  
23 case, I will try to make it very brief.

24 This is a tragedy that has involved my

1 late husband's estate who died 21 years ago.

2 It was a sizable estate. My husband's  
3 wishes in his will were simply not carried  
4 out for many reasons, but briefly I will try  
5 to give you my grievances and a couple of  
6 major points in a short time.

7 I trusted Bankers Trust Company and the  
8 law firm of White & Case since they wined  
9 and dined my husband and myself many times  
10 and filed into our home to discuss the Will.

11 You can imagine how I trusted them. I  
12 am a widow, main beneficiary, Executrix and  
13 I might add a concert pianist, Steinway  
14 artist, trying to build a career.

15 I emphasize pianist because it was a  
16 large part of my life.

17 After performing in Atlanta, Georgia  
18 one year after my husband's death, I was  
19 invited by -- by Eberhardt Shabnaski to  
20 perform on a tour in Georgia, Russia  
21 representing the United States, and a film  
22 was made of this tour.

23 I accepted and that's when Bankers  
24 Trust Company and White & Case schemed

1 behind closed doors since I wasn't present.

2 A year later I was invited again to  
3 make a world tour performing for heads of  
4 countries in Europe and North Africa with  
5 former President Jimmy Carter and his wife,  
6 Roslyn, as a representative for the United  
7 States.

8 I then had to regretfully turn it down  
9 because I saw what schemes were going on in  
10 the estate.

11 In 1996 we went to a friend of my  
12 husband's, Ralph Martinelli, who publishes  
13 newspapers in Westchester County, he spoke  
14 to Surrogate Judge Albert Emanuelli about the  
15 my McCormick estate who reviewed the file  
16 and told the publisher two major points were  
17 wrong, at that time the file was one inch  
18 thick, now it's hundreds of boxes.

19 The first point that I want to make was  
20 that White & Case the purported estate  
21 attorney after the permanent Letters  
22 Testamentary were issued filed a petition  
23 for repayment of a loan owed to Bankers  
24 Trust Company by my husband.

1            Judge Emanuelli said once White & Case  
2            said that they represented Bankers Trust,  
3            not the estate, could not represent the  
4            estate.

5            White & Case never revealed this fact  
6            to me as a legal Executrix.

7            In May 1995 the illegal Executor,  
8            Bankers Trust Company, engineered the  
9            payment of \$250,000 to their law firm, White  
10           & Case, as legal fees, to which I objected.

11           Now the second point the judge would  
12           not reveal to Mr. Martinelli who said if you  
13           would not reveal the second point he would  
14           oppose him when he ran for re-election in  
15           his papers.

16           Judge Emanuelli offered Mr. Martinelli  
17           legal adds which Mr. Martinelli flatly  
18           refused. Emanuelli lost the election.

19           Now the second point, if you remember  
20           in all our courts, it's in God we Trust.

21           Where do we see that? Yes, in the  
22           courtrooms. I believe God was with me and  
23           is with me, when we accidentally in early  
24           2004, came across the original of the

1 permanent Letters Testamentary dated January  
2 25, 1989.

3 For my husband's estate, they listed  
4 Bankers Trust Company of New York as the  
5 corporate fiduciary.

6 New York State bankings records reveal  
7 that there was no Bankers Trust Company of  
8 New York in existence until more than 10  
9 years later on September 7, 1999.

10 This is the second point that Judge  
11 Emanuelli would not review.

12 The court records have been changed,  
13 but they cannot change the permanent Letters  
14 Testamentary.

15 Bankers Trust Company, Deutsche Bank  
16 has no legal standing but with the help of  
17 their attorneys they continue like a rogue  
18 drunken elephant to violate me.

19 When judge Anthony Scarpino of  
20 Westchester Surrogates Court became  
21 surrogate in 2001, we discovered he had  
22 worked for Bankers Trust Company in the  
23 past.

24 But even though we had requested that

1 he disqualify or recuse himself, he would  
2 not until more than two years later.

3 Due to the fact that I had a front page  
4 news article regarding this matter in one of  
5 our major newspapers in New York.

6 After Judge Scarpino's recusal, my case  
7 was transferred to Dutchess County, papers  
8 were filed to deal with Bankers Trust  
9 Company, Deutsche Bank and they have been  
10 sitting for five years with no action by the  
11 court.

12 The bank is currently represented by  
13 the law firm of Pillsbury Winthrop.

14 I have openly picketed and I have  
15 protested about what was going on to educate  
16 people about our whole corrupt judicial  
17 system and the dirty players.

18 The third point, on June 4, 1999,  
19 Deutsche Bank purchased Bankers Trust  
20 Company.

21 On July 26, 1999 it was sentenced,  
22 convicted of three felonies in the Southern  
23 District of New York.

24 As you know, a felon cannot serve as a

1           fiduciary.

2                   SENATOR SAMPSON:       That's right.

3                   MS. McCORMICK:   We now know the bank  
4                   and their attorneys repeatedly desperately  
5                   petitioned to obtain a certificate of relief  
6                   from disabilities simultaneously with the  
7                   conviction, however the Parole Board issued  
8                   one more than four months later in December  
9                   1999.

10                   So, you see they had no certificate of  
11                   relief for over four months.

12                   I sent a representative to Germany  
13                   twice to attend the Deutsche Bank  
14                   shareholding meeting and offered a  
15                   shareholders proposal, he was closely  
16                   monitored and in spite of my good faith no  
17                   results were forthcoming.

18                   Recent media reports revealed that  
19                   Deutsche Bank spied on activist stockholders  
20                   and others.

21                   Remember through all these years to the  
22                   present day I received no money from the  
23                   residual estate part B, and did not get my  
24                   full legacy which my husband stated I was to

1 receive immediately after his death.

2 SENATOR SAMPSON: So, Ms. McCormick,  
3 basically have you been able to obtain  
4 anything from the estate, or nothing at all?

5 MS. McCORMICK: No, it was in two  
6 parts, one was an outright gift from my  
7 husband, my house, and our paintings. That  
8 was given to me.

9 After three years I finally asked them,  
10 I said I didn't get the deeds to my house.

11 And then there was a part B.

12 SENATOR SAMPSON: This is in  
13 Westchester County?

14 MS. McCORMICK: Yes, Emanuelli and  
15 Scarpino.

16 Then the other parts of it, the  
17 residual estate consisted of stocks and  
18 bonds, buildings my husband owned, it was a  
19 sizable estate, I got nothing from that.

20 SENATOR SAMPSON: Is the estate still  
21 active, or what you are saying is all these  
22 assets in the estate have been pilfered?

23 MS. McCORMICK: It's still active.

24 SENATOR SAMPSON: So those assets are

1 still within the estate?

2 MS. McCORMICK: They have been  
3 depleted, yes.

4 SENATOR SAMPSON: When you say  
5 depleted, depleted by whom?

6 MS. McCORMICK: I guess the bank, I can  
7 go on here, I have had four sets of  
8 attorneys who never discovered the Letters  
9 Testamentary, possibly because they did not  
10 want to embarrass any judge, the bank or  
11 fellow attorneys.

12 SENATOR SAMPSON: No, I understand  
13 that, but I don't -- I just want you to  
14 explain to me, I can read your statement,  
15 but I want you to --

16 MS. McCORMICK: If we get into that  
17 then you can speak two weeks about this  
18 thing, all the dirty things they did, how  
19 they get rid of buildings.

20 SENATOR SAMPSON: What I want to know  
21 is when you found all this out, where did  
22 you go to complain or make complaints so the  
23 investigations can be done?

24 MS. McCORMICK: I filed two complaints

1 with the first department disciplinary  
2 committee that went nowhere, and I will be  
3 filing a third one shortly and we will see.

4 SENATOR SAMPSON: When you say didn't  
5 go anywhere, you got back a notice saying?

6 MS. McCORMICK: Never heard.

7 SENATOR SAMPSON: Never heard or did  
8 you get anything back in writing saying that  
9 they investigated and they discovered  
10 nothing?

11 MS. McCORMICK: You answer that.

12 MR. HANDLEY: Senator, the first  
13 complaint was filed in 1998 or 1999 and  
14 basically they said we got a post card then  
15 we got a letter approximately six months  
16 later indicating that there was nothing they  
17 were investigating.

18 The second complaint, well documented,  
19 was filed in 2005 and we received nothing  
20 and it fell into a black hole.

21 SENATOR SAMPSON: Was there any  
22 accounting of the assets and how they were  
23 depleted and who were they depleted by?

24 MS. McCORMICK: There was an accounting

1 finally in 1996, seven years later when I  
2 started picketing, protesting.

3 SENATOR SAMPSON: When you started  
4 out what was the --

5 MS. McCORMICK: I didn't sign the  
6 accounting, it was bogus.

7 SENATOR SAMPSON: Initially what did  
8 you think the estate was worth and when you  
9 got that bogus accounting where was it at  
10 that time?

11 MS. McCORMICK: Initially one of the  
12 attorneys told the children that it was \$43  
13 million.

14 SENATOR SAMPSON: Right.

15 MS. McCORMICK: Then it went down  
16 gradually and they wrote it in at the IRS  
17 for \$17 million.

18 SENATOR SAMPSON: Oh.

19 MS. McCORMICK: And currently it's  
20 about \$1 million or half a million, I don't  
21 know.

22 SENATOR SAMPSON: Currently?

23 MS. McCORMICK: They have some money  
24 there, but they don't ever -- they haven't

1 done anything for five years.

2 SENATOR SAMPSON: When you say  
3 haven't done who do you mean?

4 MS. McCORMICK: Since it was  
5 transferred to Dutchess County, my lawyer  
6 had put in a motion, I guess, and it was  
7 never answered.

8 SENATOR SAMPSON: So the complaints  
9 you have filed with the First Department the  
10 disciplinary in the first department, I know  
11 the first one you indicated there was no  
12 action, were there subsequent complaints  
13 filed?

14 MR. HANDLEY: Yes, Senator, there was  
15 a second complaint filed, as I said in 2005.

16 SENATOR SAMPSON: What happened to  
17 that complaint?

18 MR. HANDLEY: We never got any  
19 indication.

20 SENATOR SAMPSON: When you say no  
21 indication, did you get any correspondence  
22 back from them?

23 MR. HANDLEY: Negative, sir.

24 SENATOR SAMPSON: You got no

1                   correspondence?

2                   MR. HANDLEY:       Negative.

3                   SENATOR SAMPSON:    None whatsoever?

4                   MR. HANDLEY:        When we tried to find  
5 out by telephone they declined any  
6 acknowledgment at all.

7                   SENATOR SAMPSON:    Do you know who you  
8 spoke to or in communication with?

9                   MR. HANDLEY:        We have to go back and  
10 look at the records.

11                   SENATOR SAMPSON:    I need you to go  
12 back, I need you to get me that information  
13 so I can go directly to the First  
14 Department.

15                   THE AUDIENCE:       Its the 9th Judicial  
16 District.

17                   MR. HANDLEY:        First Department we  
18 filed with the First Department.

19                   SENATOR SAMPSON:    They filed with the  
20 First Department.

21                   MR. HANDLEY:        Because the First  
22 Department was where the attorneys were and  
23 then in addition to that that's part of  
24 what--



1           have so then this is what I do the hearings  
2           for, so I can follow-up with those agencies  
3           or those departments to find out.

4           MR. HANDLEY:       Mrs. McCormick is  
5           currently suing them in federal court,  
6           that's part of the related case to Christine  
7           --

8           SENATOR SAMPSON:     Whatever  
9           information you can provide me, Ms.  
10          McCormick, I would like it so I can  
11          follow-up.

12          MS. McCORMICK:    Do you want me just to  
13          finish my lines here?

14          SENATOR SAMPSON:     There is no need  
15          for you to finish your lines, but I want you  
16          to get into the gist of it and what would  
17          you like this committee to do or what would  
18          you like to come out of this?

19          MS. McCORMICK:    Well, I think that I  
20          should be made whole, I have gone through  
21          hell, they have ruined my music world, my  
22          art world, they have ruined my whole life,  
23          they can't give me 20 years of my life back,  
24          can they?   And they can't give me my career

1 back.

2 So I have gone through hell and I have  
3 picketed and protested because I want people  
4 to know -- I hope another widow doesn't go  
5 through the hell that I'm going through and  
6 what I've gone through and how they try to  
7 sanction you and do everything they can  
8 against you, take your houses, they  
9 threatened me, they would take all my  
10 possessions, whatever house, my house, I  
11 have a co-op in Florida that my husband left  
12 me, that was flooded, they did things to me,  
13 when you say they have spies, I don't know  
14 what they are doing to me, but it's a  
15 question.

16 SENATOR SAMPSON: So, Ms. McCormick,  
17 if you can get me that information as  
18 quickly as possible.

19 MS. McCORMICK: I will be either  
20 writing a book or I'll perhaps it could be a  
21 movie, I'm going to do something about  
22 making this public.

23 SENATOR SAMPSON: No, no, and I think  
24 that's what the hearings have been to try to

1           make these issues public, but I need the  
2           information that you have, it will be great  
3           so I can follow-up in my own regard, because  
4           you are not the only one, I heard a lot,  
5           quite a few things about accounting and  
6           other things in the Surrogates Court, so I  
7           would love to follow-up with that, okay Ms.  
8           McCormick?

9           MS. MCCORMICK: Thank you very much.

10          SENATOR SAMPSON: I just want to I  
11          see hands raised, I know why are we raising  
12          hands?

13          THE AUDIENCE: Because we had a list  
14          for everybody and I am at the end of the  
15          list.

16          Last time you said you would talk to me  
17          afterward, then when I spoke to Tim he told  
18          me I was on the list and then for some  
19          reason I wasn't on the list.

20          MS. LASHLEY: That's not true. I  
21          have spoken to Tim at length and the list of  
22          the name of individuals we had X amount of  
23          slots that were available, we gave priority  
24          to the individuals that were -- I don't know