

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station  
White Plains, New York 10605-0069

Tel. (914) 421-1200  
Fax (914) 428-4994

E-Mail: [judgewatch@aol.com](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

Elena Ruth Sassower, Coordinator

BY FAX: 212-643-7831 (13 pages)

May 20, 2002

Larry Cohler-Esses  
New York Daily News  
450 West 33<sup>rd</sup> Street  
New York, New York 10001

RE: Arranging a Meeting with Russ Hoyle for News Coverage  
and Investigative Stories on Issues of Judicial Accountability,  
etc.

Dear Larry:

Following up our phone conversation, enclosed is CJA's March 21, 2002 Freedom of Information Law request to the Office of Court Administration. I have received NO substantive response to my request for documents relating to the Office(s) of Inspector General and Internal Affairs.

Prompting this F.O.I.L. request was Nancie Katz' March 13<sup>th</sup> article "*Prober is New Court Inspector General*", which adopted the OCA line that promotion of Sherrill Spatz to Inspector General and the "consolidation" of the Special Inspector General was an "attempt to increase accountability and boost public trust", and the March 17<sup>th</sup> Daily News' editorial, "*Bench Stench Spreads to Bronx*", which saw it as "reform".

Investigation would show the opposite. The OCA shut-down of what was supposed to have been a permanent Office of Special Inspector was because its REAL purpose had been accomplished. That purpose was to conceal the OCA's knowing and deliberate failure to implement and enforce clear and unambiguous statutory provisions and court rules laying out an internal monitoring structure for fiduciary appointments and fees. This internal monitoring structure, as well as other clear and unambiguous safeguards, are OMITTED from Sherrill Spatz report, as likewise from the report of the Commission on Fiduciary Appointments. Illustrative are their omission of the salient fact that the OCA failed to implement the statute creating the oversight Commission for Surrogate Court Administrators—reported in your May 13<sup>th</sup> investigative article, co-authored with Ms. Katz, "*Where There's No Will, There's a Way*" and then again in your May 15<sup>th</sup> article, "*Brooklyn Court Panel Closed to The News*".

The Daily News should call Ms. Spatz to account for her glaring omissions -- instead of crediting her report as being "blistering" and "scathing". It should also ask her to explain how it is that with such widespread non-compliance by judges and lawyers with reporting requirements she did NOT refer HUNDREDS for disciplinary action -- rather than the handful that, apparently, the Commission on Judicial Conduct is now letting off with what today's Daily News' editorial does not even consider to be a slap on the wrist. What is HER view of the Commission's actions? It should also ask her about restitution for the innocent victims of this judicial/attorney misconduct, who have had thousands and thousands of dollars unlawfully taken from them. Monies awarded in violation of explicit statutory and rule provisions MUST be returned. Indeed, I discussed the foregoing with Ms. Spatz in a phone conversation on December 13, 2001, following the Daily News' publication of my Letter to the Editor, "Judicial Reforms".

Ms. Spatz was supposed to -- but has not -- gotten back to me with certain information. This included confirmation as to which of my father's judicial misconduct complaints to the Commission on Judicial Conduct relating to fiduciary appointments and fees I had provided her, in hand, a year earlier, following the conclusion of my testimony before the Commission on Fiduciary Appointments. These complaints included, I believe, one dated March 29, 1994 against Chief Judge Kaye, based on her responsibility for the inaction of then Inspector General Gallagher as a monitor of abuses<sup>1</sup>.

Please share this letter with your editor, Russ Hoyle, as well as Ms. Katz. I will telephone Mr. Hoyle tomorrow morning -- by which time I would hope he will have read my series of letters to Mr. Aronson and perused the evidence of the corruption of the Commission on Judicial Conduct, presented by the case file of my important public interest lawsuit against it -- NOW at the Court of Appeals. Please also be sure to give him the enclosed, previously-faxed, Metroland story about the case, "Appeal for Justice". Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc. (CJA)

Enclosures

P.S. As discussed, I will be filing a judicial misconduct complaint with the Commission on Judicial Conduct AND with Inspector General Spatz based on the articles by you and Ms. Katz, published in last week's Daily News. I will send you a copy.

---

<sup>1</sup> I gave you a copy of this complaint when we met together at the Daily News on April 4, 2000. Another copy is enclosed inasmuch as you informed me that you no longer have the extensive documentary materials I provided you at that time.

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station  
White Plains, New York 10605-0069

Tel. (914) 421-1200  
Fax (914) 428-4994

E-Mail: [judgewatch@aol.com](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

Elena Ruth Sassower, Coordinator

BY FAX: 212-428-2155 (3 pages)

BY CERTIFIED MAIL/RRR: 7001-0320-0004-5457-4958

March 21, 2002

Office of Court Administration  
25 Beaver Street  
New York, New York 10004

ATT: John Eiseman, Records Access Officer

RE: Request to Inspect Records

Dear Mr. Eiseman:

Pursuant to the Freedom of Information Law (F.O.I.L.) [Public Officers Law, Article VI] and Part 124 of the Chief Administrator's Rules for Public Access to Records, request is made to inspect and copy:


1. publicly-available records pertaining to the Office of Court Administration's "consolidation" of the Office of Inspector General, the Office of Special Inspector General for Fiduciary Appointments, and the Office of Special Inspector General for Bias Matters, announced in its March 12, 2002 press release as "provid[ing] a more efficient use of the court system's investigative resources", including records pertaining to the jurisdiction, budget, staff, staff credentials, and staff salaries of the new consolidated Office of Inspector General;
2. publicly-available records pertaining to the history and operations of the pre-consolidated Office of Inspector General, including its annual reports, if any, and other documents reflecting its jurisdiction, yearly activities, budget, staff, staff credentials, and staff salaries;

3. publicly-available records pertaining to the history and operations of the Office of Special Inspector General for Fiduciary Appointments, including its annual reports, if any, and other records reflecting its jurisdiction, yearly activities, budget, staff, staff credentials, and staff salaries, apart from its December 3, 2001 report.
4. publicly-available records pertaining to the history and operations of the Office of the Special Inspector General for Bias Matters, including its annual reports, if any, and other records reflecting its jurisdiction, yearly activities, budget, staff, staff credentials, and staff salaries;
5. publicly-available records pertaining to the history and operations of the Office of Internal Affairs, including its annual reports, if any, and other records reflecting its jurisdiction, yearly activities, budget, staff, staff credentials, and staff salaries;
6. the Office of Court Administration's subject matter list of "all administrative records" in its possession, pursuant to §§124.2(b)(1) and 124.3 of the Chief Administrator's Rules for Public Access to Records<sup>1</sup> and, in particular, the subject matter list pertaining to the pre-consolidated Office of Inspector General, the Office of the Special Inspector General for Fiduciary Appointments, the Office of the Special Inspector General for Bias Matters, and the Office of Internal Affairs.
7. rules, schedules, and procedures promulgated for Retention and Disposition of the Records of the Courts of the Unified Court System, pursuant to Part 38 of the Chief Administrator's Rules.

Pursuant to F.O.I.L. [Public Officers Law §89.3] and §124.6(a) of the Chief Administrator's Rules for Public Access to Records, your response is required within five business days of receipt of this written request.

Thank you.

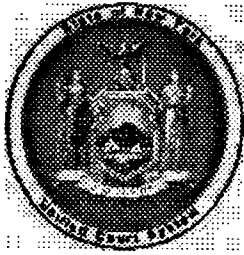
Yours for a quality judiciary,

  
ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc. (CJA)

Enclosure: OCA March 12, 2002 press release,  
"Court System Consolidates Investigative Offices"

---

<sup>1</sup> Public Officers Law §87.3(c).



## PRESS RELEASE

**New York State  
Unified Court System**

**Hon. Jonathan Lippman  
Chief Administrative Judge**

**Contact: David Bookstaver,  
Communications Director  
Mai Yee, Assistant Director  
(212) 428-2500  
[www.courts.state.ny.us](http://www.courts.state.ny.us).**

**Release: Immediate, March 12, 2002**

### **Court System Consolidates Investigative Offices**

**NEW YORK**—Chief Administrative Judge Jonathan Lippman announced today the consolidation of the Unified Court System's three investigative offices—the Office of Inspector General, the Office of Special Inspector General for Fiduciary Appointments and the Office of the Special Inspector General for Bias Matters. The Office of Inspector General investigates allegations of misconduct within the Unified Court System. The Office of the Special Inspector General for Fiduciary Appointments investigates compliance with court rules governing judicial appointment of guardians, guardians ad litem, receivers, referees and others who assist the courts in resolving cases. The Office of the Inspector General for Bias Matters investigates allegations of work-related bias involving court system employees.

The newly consolidated office will be headed by Sherrill R. Spatz, currently the Special Inspector General for Fiduciary Appointments. Judge Lippman said, "The consolidation of these three offices will provide a more efficient use of the court system's investigative resources. Sherrill Spatz is an experienced professional with a proven track record. She has done an outstanding job during the past two years in regard to the fiduciary appointment process. I know that as the new Inspector General for the Unified Court System she will be a highly effective leader of this newly merged office."

William Gallagher, the current Inspector General, and Desiree Kim, the current Special Inspector General for Bias Matters, will work under Ms. Spatz's direction. In her new role, Ms. Spatz will also continue to work closely with Dennis Donnelly, the Director of the court system's Office of Internal Affairs.

TRANSMISSION VERIFICATION REPORT

TIME : 03/21/2002 09:25

NAME : CJA

FAX : 9144284994

TEL : 9144211200

DATE, TIME	03/21 09:24
FAX NO./NAME	12124282155
DURATION	00:01:42
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

7001 0320 0004 5457 4958

NEW YORK, NY 10004

Postage	0.34	UNIT ID: 0137
Certified Fee	2.10	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 3.94</b>	03/21/02

Postmark Here  
Clerk: KHBBP6

Sent To: *Office of Cmty. Administration*  
*Attn: John Eiseman*  
Street, Apt. No., or PO Box No. *25 Beaver Street*  
City, State, ZIP+4 *Ny, Ny 10004*

PS Form 3800, January 2001 See

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
*Office of Cmty. Administration*  
*25 Beaver Street*  
*Ny, Ny 10004*  
*Attn: John Eiseman*  
*Records Access*  
*Office*

2. Article Number (Transfer from service label)

7001 0320 0004 5457 4958

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]*  Agent  Addressee

B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery \_\_\_\_\_

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below: \_\_\_\_\_

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

To: ERS  
From: RPS

285

DAILY NEWS March 13, 2002

# Prober is new court inspector general

By NANCIE L. KATZ  
DAILY NEWS STAFF WRITER

A state court investigator who last year helped expose rampant judicial misconduct was named a top court watchdog yesterday.

Sherrill Spatz, who issued a scathing report on fiduciary appointments in December, was named the court system's new inspector general by Chief Administrative Judge Jonathan Lippman.

The move was Lippman's latest attempt to increase accountability and boost public trust amid a series of scandals plaguing the judiciary over the past three months.

In Brooklyn alone, one judge has been indicted on bribery charges and seven others are under investigation for alleged wrongdoing.

Lippman said Spatz would head an office that combines three previously independent investigative units. Her investigation last year exposed widespread cronyism and patronage among judges and lawyers in the naming of guardians and lucrative legal appointments.

"We can't put our heads in the sand," Lippman said. "We really have to be able to address systematically the realities of what happens and what can happen in the judicial system. . . . We must be above reproach."

Spatz graduated from Georgetown Uni-

versity and spent five years at the New York Stock Exchange investigating violations. She lives in the Bronx with her husband, Robert Katz, a filmmaker, and their two young daughters.

Lippman said complaints alleging corruption in the state courts should be addressed to Spatz at the Office of Court Administration, 25 Beaver St. in lower Manhattan.

Steven Zeidman, head of the Fund for Modern Courts, a non-partisan watchdog group, commended the move, saying it showed court officials are not sweeping problems under the rug.

Gerald Stern, who heads the state Commission on Judicial Conduct, which disciplines judges, also praised the appointment.

"It will enable people to make complaints either directly to the commission or Sherrill Spatz," he said.

But sources familiar with the court system called the announcement "posturing."

One critic, who requested anonymity, said Spatz's appointment does not address the "thin blue line" among local administrative judges.

The source said administrators often do not report complaints from lawyers about colleagues, but direct the attorneys to the Commission on Judicial Conduct. Fearful of retribution, many lawyers never file the complaints.



Sherrill Spatz

To: ELL  
From: RPS

# DAILY NEWS

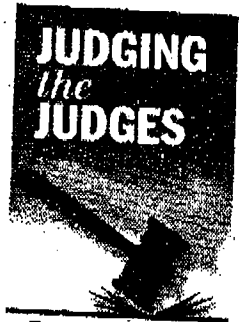
460 W. 33rd St., New York, N.Y. 10001

MORTIMER B. ZUCKERMAN, *Chairman & Co-Publisher*  
FRED DRASNER, *Chief Executive Officer & Co-Publisher*  
LES GOODSTEIN, *President & Chief Operating Officer*  
EDWARD KOSNER, *Editor in Chief*  
MICHAEL GOODWIN, *Executive Editor*  
ROBERT SAPIO, *Senior Managing Editor*  
BILL BOYLE, JANE FREIMAN, MICHAEL KRAMER, LOU PARAJOS, *Managing Editors*  
RUSS HOYLE, *Deputy Sunday Editor* THOMAS P. RUIS, *Design Director*  
RICHARD SCHWARTZ, *Editorial Page Editor*

## Bench stench spreads to Bronx

March 17, 2002

Today's lesson on the disgraceful state of New York's judiciary comes in the person of one Carlos Jenkins, who swept in and out of Bronx Civil Court as if pursued by dervishes. In truth, he was being pursued by investigators from the Manhattan district attorney's office. Here are the details of his short career on the bench: In November, the city Bar Association refused to approve Jenkins' candidacy for a judgeship. Despite this red flag, he was elected anyway — thanks to muscular support from the powerful Bronx County Democratic machine. His 10-year term began Jan. 1. It ended less than 10 weeks later.



Jenkins abruptly quit his \$125,600-a-year post and surrendered his license to practice law. Why? Because before his election, as a lawyer in private practice, he reportedly acted as a conduit for a bribe of more than \$12,000 from businessmen seeking to influence a state agency. Now he's cooperating with District Attorney Robert Morgenthau's probe into the alleged role of Assemblywoman Gloria Davis (D-Bronx), Jenkins' political patron, in the bribery scheme.

Because Davis, the majority whip, pushed Jenkins' judicial nomination, the case underscores the need for a key reform: End phony elections — in which judges are handpicked by county bosses — and replace them with merit-based gubernatorial appointees.

For months, this page has examined an unaccountable court system insulated from public scrutiny and rife with patronage, plunder and conflicts of interest. We've shown how a toothless state Commission on Judicial Conduct, operating behind closed doors, fails to curb abuse. And we've documented the dubious competence, behavior and ethics of judges spawned by the spoils system.

As The News has pursued its review, a seismic scandal has rocked the elected bench in Brooklyn. Two judges have been rebuked for ethical lapses and at least seven others are under investigation. Another, Supreme Court Justice Victor Barron, has been indicted on charges of accepting an \$18,000 bribe from a lawyer to fix a case. That's 10 judges out of Brooklyn's total of 60 elected Supreme Court justices. One in six. Now the miasma of corruption has spread, inevitably, to another borough.

\* } S

Some reform has begun. Last week, Chief Administrative Judge Jonathan Lippman reorganized the courts' investigative unit and named as inspector general Sherrill Spatz, author of blistering report on fiduciary appointments. For the first time, the inspector general will be empowered to scrutinize everything in the system, including jurists.

Equally welcome were the shakeup that installed Ann Pfau as Brooklyn's new chief judge and her subsequent transferring of two problematic jurists out of their courtrooms. But what about the problematic who are warning benches elsewhere? And the potentially problematic lusting to get their names on the ballot?

The deeper the spotlight is cast into the shadowy corners of the elected judiciary, the more distasteful the things that come scurrying out. The solution lies with the state Legislature, which can initiate the necessary reforms.

Albany, we have a problem.



MONDAY, DECEMBER 28, 1998

letters@nypost.com

## An Appeal to Fairness: Revisit the Court of Appeals

• Your editorial "Reclaiming the Court of Appeals" (Dec. 18) asserts that Albert Rosenblatt will be judged by how well he upholds the democratic process "from those who would seek to short-circuit" it.

On that score, it is not too early to judge him. He permitted the state Senate to make a mockery of the democratic process and the public's rights when it confirmed him last Thursday.

The Senate Judiciary Committee's hearing on Justice Rosenblatt's confirmation to our state's highest court was by invitation only.

The Committee denied invitations to citizens wishing to testify in opposition and prevented them from even attending the hearing by withholding information of its date, which was never publicly announced.

Even reporters at the Capitol did not know when the confirmation hearing would be held until last Thursday, the very day of the hearing.

The result was worthy of the former Soviet Union: a rubber-

stamp confirmation "hearing," with no opposition testimony — followed by unanimous Senate approval.

In the 20 years since elections to the Court of Appeals were scrapped in favor of what was purported to be "merit selection," we do not believe the Senate Judiciary Committee ever — until last Thursday — conducted a confirmation hearing to the Court of Appeals without notice to the public and opportunity for it to be heard in opposition.

That it did so in confirming Justice Rosenblatt reflects its conscious knowledge — and that of Justice Rosenblatt — that his confirmation would not survive publicly presented opposition testimony. It certainly would not have survived the testimony of our non-partisan citizens' organization.

This is why we will be calling upon our new state attorney general as the "People's lawyer," to launch an official investigation. **Elena Ruth Sassower**  
Center for Judicial Accountability  
White Plains

## DAILY @ NEWS

Friday, December 7, 2001

### Judicial reforms

White Plains: Re your Dec. 4 editorial "Judges betray trust of those in need": Chief Judge Judith Kaye and Administrative Judge Jonathan Lippman deserve no credit for the probe into fiduciary appointments. The credit belongs to the media. If not for their coverage of the letter of two disgruntled lawyers complaining to party leaders that they were being denied patronage, Kaye would have done nothing. Away from the media spotlight, the Office of Court Administration hasn't lifted a finger when litigant and lawyer victims turned to them for help about violations of law by judges and lawyers regarding fiduciary appointments.

Moreover, the inspector general's report and follow up recommendations are an inside job. They cover up for the higherups in the court system, whose refusal to discharge their monitoring responsibilities has made abuses possible. It also covers up the corruption of other key governmental monitors — the Commission on Judicial Conduct, the attorney disciplinary committees and the attorney general's office. True reform will come only when their scandalous role is exposed.

**Elena Ruth Sassower, Center for Judicial Accountability**

March 29, 1994

Gerald Stern, Esq.  
Commission on Judicial Conduct  
801 Second Avenue,  
New York, New York, 10017

Re: Chairperson JUDITH S. KAYE  
Chief Admin. Judge E. LEO MILONAS

Dear Mr. Stern,

1a. The Rules of the OFFICE OF COURT ADMINISTRATION ["OCA"], having the force of a statutory mandates, provide that an accounting must be filed by a court-appointed receiver "at least once a year" (22 NYCRR §202.52[e]). This obligation imposed upon the receiver, is in addition to the "duty" imposed upon the N.Y. State Attorney General and the right of every creditor to demand an accounting (Bus. Corp. Law §1216[a]).

b. The Rules of the Chief Judge, Part 26 & 36, also having the force of statutory mandates, as non-discretionary obligations, provide additional informational requirements in the Judiciary Law 35-a filings with OCA.

2a(1) The above mandates notwithstanding, since PUCCINI CLOTHES, LTD. ["Puccini"] was involuntarily dissolved on June 4, 1980 -- almost fourteen (14) years ago -- not a single accounting has been filed.

(2) Any true accounting would reveal that all of Puccini's judicial trust assets were made the subject of larceny by the criminal entourage of KREINDLER & RELKIN, P.C. ["K&R"] and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs.

b(1) LEE FELTMAN, Esq. ["Feltman"], the court-appointed receiver, in consideration for his concealment of the aforementioned larceny and not making any attempt at recovery on behalf of his judicial trust, was to be given the balance of Puccini's tangible assets, or about \$700,000.

(2) Because of the statutory maximum, as contained in Bus. Corp. Law §1217 (Matter of Kane, 75 N.Y.2d 511, 554 N.Y.S.2d 457, 553 N.E.2d 1005 [1990]), which Feltman conceded was \$7,667.27, such approximate sum of \$700,000 was transferred to his law firm, FKM&F, who for various reasons, legal and otherwise, were not entitled to anything.

(3) Referee DONALD DIAMOND ["Diamond"], who has no authority to award fees (CPLR §4317[b]), was the vehicle for more than \$550,000 in such, ex parte, transfer to FKM&F.

(4) Neither Referee Diamond, nor Judge DAVID B. SAXE ["Saxe"] who also made ex parte awards, have never filed their Judiciary Law §35-a Statements, as confirmed in writing by OCA.

Ex "D-2"

3a. Inspector General of the OCA, WILLIAM J. GALLAGHER ["Gallagher"], knows of the aforementioned criminal activity, insofar as they relate to OCA, is in possession of the essential documentation, and is aware of his obligations where criminal conduct is involved.

b. Chairperson JUDITH S. KAYE ["Kaye"] and Chief Administrative Judge E. LEO MILONAS ["Milonas"] are also aware of the aforementioned criminal racketeering activities, particularly as they relate to OCA.

c. Chairperson Kaye and Chief Administrative Judge Milonas, in order to conceal and advance the criminal racketeering activities of, inter alia, Presiding Justice FRANCIS T. MURPHY ["Murphy"] and former Administrative Judge XAVIER C. RICCOBONO ["Riccobono"], have clearly made it known to Mr. Gallagher, that he should not take any action in the matter, including a reference to the District Attorney, Grand Jury, and/or the Departmental Disciplinary Committee.

4. Similar acts of misconduct by some minor jurist, would unquestionably result in sanctions by your Commission.

5. If you entertain any doubt as to the unlawful reasons for Mr. Gallagher's inaction, you simply need ask.

Respectfully submitted,

GEORGE SASSOWER

cc: Chairperson Judith S. Kaye  
Ch. Adm. Judge E. Leo Milonas  
William J. Gallagher, Esq.