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Tuesday, May 19, 2009

### Holocaust Survivor Leads Charge in Planned NYS Senate Corruption Hearings

**79-Year-Old Holocaust Survivor To Testify at NY State Senate Judiciary Corruption Hearing<sub>s</sub>**  
by Frank N. Brady - May 19, 2009

As a young girl, Mrs. Gizella Weisshaus survived the Holocaust, but recently and now 79-years-old, she finds herself on the growing list of victims ensnared in the Manhattan attorney ethics scandal shaking the New York State Court system. In a letter to staff at New York State Senator John L. Sampson's Senate Committee, dated May 18, 2009, Mrs. Weisshaus has formally requested to testify at hearings expected to be made public soon where the integrity of the statewide judicial and attorney oversight structure is at issue.

### Background

In July of 2007, it became publicly known that many ethics complaints against attorneys in the Bronx and Manhattan were methodically mishandled-- effectively buried or stalled--due to politically-based connections, favors or back-room deals. The "Patentgate" matter, which became known world-wide, quickly highlighted the need in New York for federal intervention since the alleged theft of dozens of U.S. patents by the inventor's own New York lawyers-- the once respected and politically connected Proskauer Rose law firm-- went largely and substantively unaddressed. The Patentgate ethics complaints were obscured in New York at the

⋮ **Re: U.S. Department of Justice**

very same time the identical issues found The United States Department of Justice widening their own investigation and, additionally, where members of the U.S. Senate and House Judiciary committees called for further probes. The ongoing ethics shake-up then resulted in the quickly announced "retirement" of Manhattan's top State ethics Chief Counsel, Thomas J. Cahill, Esq., and whose replacement, Alan Friedberg, quickly became the focus of even more controversy and allegations of corrupt practices. Gizella Weisshaus quickly learned the details of "Patentgate" and of the other complaints like her own- all confirmation of the ugly underbelly of New York's so-called "ethics" committees.

## Holocaust Survivor meets New York "Ethics"

Mrs. Gizella Weisshaus was the named plaintiff in the 1996 filed historic lawsuit against Swiss banks that, after being designated as a class action proceeding, was settled in 1998 on behalf of thousands of Holocaust survivors for \$1.25 billion.

Gizella, however, opted out of that settlement because, she says, certain involved attorneys were more interested in paying themselves millions of dollars even before some of the survivors had received any money. She would also learn, she says, that someone "manufactured" a necessary amended complaint in 2000 by backdating that court document to 1997. And she would also find that in an unrelated estate proceeding where she was the executrix, her own lawyer, Edward D. Fagan, had failed to deposit more than \$82,000.00 into an attorney escrow account choosing, instead, to use the money for his own various personal expenses. (Mr. Fagan also represented Mrs. Weisshaus in the subsequent filing against the Swiss banks and from where he ultimately received millions of dollars in legal fees)

## The Devil's Advocate

An attorney ethics complaint followed, and in a letter dated May 6, 1998, attorney disciplinary Chief Counsel Thomas J. Cahill's predecessor, Hal R. Lieberman, Esq., wrote to Gizella to advise that since her complaint against attorney Edward Fagan had involved an "ongoing criminal proceeding" his office would await the outcome of that proceeding before concluding their disciplinary investigation. Then-Chief Counsel Lieberman also advised Gizella that his New York State ethic's office had requested a written answer to the complaint from attorney Fagan. Edward Fagan then hired his own lawyer.

## Letter to Self

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[Court's Dastardly Deeds](#)

Approximately 9 weeks later, in a July 15, 1998 dated formal answer to the charges against him, attorney Fagan's lawyer submitted a 6-page denial of the various charges made by Mrs. Weisshaus. Astonishingly, attorney Fagan's lawyer, who he (Fagan) had recently engaged, was none other than Hal R. Lieberman who, in a 9-week period of time, had left his position as Chief Counsel of the New York Supreme Court, Appellate Division, First Department Disciplinary Committee to join the law firm Beldock Levin & Hoffman, LLP.

So, essentially, on July 15, 1998 private attorney Hal Lieberman was responding to himself-- to his own May 6, 1998 letter wherein he, as the New York state-employed Ethics Chief Counsel had advised Gizella of the request for a written answer from the attorney she had filed a complaint against, and the same person who was to be Lieberman's client-- Edward Fagan.

Mrs. Weisshaus still seeks justice and believes the 'ethics' oversight committees in New York are in need of a complete overhaul. "I am a survivor, and I am fighting for justice!" she says.

## **Here's Gizella Weisshaus' letter to New York State Senator John L. Sampson's office, dated May 18, 2009:**

**RE: My "whitewashed" complaints at the NYC DDC**

\*\*\*\* ....I want to publicly testify !! \*\*\*\*\*

1. I am a 79-year-old Holocaust survivor, and a citizen of the United States, who has been fighting to recover my father's stolen assets since shortly after my entire family was exterminated during the Holocaust. I was the person who first filed the historic "Swiss Banks" lawsuit in 1996, against various Swiss banks, for the looting of my family's assets. My case eventually became a so-called "class action" suit, and that action was settled on behalf of Holocaust survivors for \$1.25 billion in 1998. I opted out of the settlement because involved attorneys were paying themselves millions of dollars when, in fact, some Holocaust survivors and class plaintiffs had not received a penny, and while others had only received a few thousand dollars.

2. The people at the Manhattan Grievance Committee individually, and in concert with each other, "whitewashed" my complaints of serious attorney misconduct against attorneys Feder, Urbach and Fagan, and, subsequently, Hal R. Lieberman.

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3. I learned that Fagan and Urbach participated in a scheme to perpetrate a fraud upon the court involving a document purporting to be a 1997 "amended complaint" in the Swiss Banks action, but was actually a document backdated and improperly manufactured in or about 2000.

4. In addition, Fagan committed gross attorney misconduct regarding conversion of an escrow account in the amount of \$82,583.04 in another matter involving me as a fiduciary in The Estate of Jack Oestreicher. (NY ignored this complaint, but New Jersey did not!)

5. Also, attorney Feder defrauded me when he lied to me and the court in failing to establish an escrow account for \$112,500.00 in another matter involving a Sol Mermelstein and others.

6. The DDC "stonewalled" and "whitewashed" each and every complaint I filed with the DDC against Feder and Fagan. This occurred even while the State of New Jersey, where Fagan is also admitted to practice law, in or about January of 2008, concluded that Fagan should be disbarred from the practice of law in New Jersey for reasons including his acts of misconduct in New York against me. I would like to note that when I was interviewed by the New Jersey agency investigator, she furnished copies of the 1998 and 2000 New York State grievances, upon which the New Jersey agency thereupon took appropriate action, unlike their New York State counterparts at the DDC. Mr. Fagan was ultimately disbarred in New York but only after the DDC ignored my complaints about him which were obviously true.

## DDC Complaints in 1998

7. In 1998, I filed with the DDC an attorney ethics complaint against Fagan and Feder. In a letter dated May 6, 1998, referencing File No. 1811, then Attorney Disciplinary Committee Chief Counsel, Hal R. Lieberman, Esq., wrote to me to advise that since my complaint against attorney Fagan had involved an "ongoing criminal proceeding," his office would await the outcome of that proceeding before concluding their disciplinary investigation. Then Chief Counsel Lieberman also advised me that his New York State ethic's office, the DDC, had requested a written answer to my complaint from the respondent Fagan. Fagan would then soon hire his own lawyer. (See attached Exhibit "A" - dated May 6, 1998, a one-page letter from NY State Attorney Disciplinary Committee Chief Counsel Hal R. Lieberman to Mrs. Gizella Weiss Haus re: Edward D. Fagan.)

8. Approximately nine weeks after I filed my complaint against Fagan, on or about July 15, 1998, a formal answer to the charges against Fagan was submitted to the

DDC. That 6-page denial of the various charges made by me was filed by Fagan's then-newly-retained attorney, Hal R. Lieberman, who, in a nine-week period of time had left his position as Chief Counsel of the DDC to join the law firm of Beldock Levin & Hoffman, LLP. (See attached Exhibit "B" - dated July 15, 1998, a six-page Answer to Complaint from the now private attorney Hal R. Lieberman to Mrs. Gizella Weisshaus re: Edward D. Fagan.)

**9. The DDC knew of the gross conflicts of interest:**

a. Lieberman, acting as DDC Chief Counsel on May 6, 1998, acknowledges receipt of my grievance against Fagan, and advises me that Fagan had been requested to file a written response.

b. Then, lo and behold, no less than nine weeks later, on July 15, 1998, Lieberman files the response on behalf of Fagan, not as Chief Counsel, but as a private attorney! (See Exhibit "B" above.) Indeed, on July 15, 1998, then-private attorney Lieberman was responding to himself as the former DDC Chief Counsel, to his own May 6, 1998 letter. Lieberman, as the New York state-employed Appellate Division, First Department Ethics Chief Counsel had advised me of the request for a written answer from me and, who as it turned out would be Lieberman, as a private attorney, now representing his new client, Fagan.

10. The complaint against Fagan was, without due process, summarily dismissed.

11. On or about September 1, 2000, an expanded complaint was prepared and filed with the DDC, and given File No. 3324. That complaint was also summarily dismissed.

12. The current Chief Counsel, Mr. Friedberg, continues to ignore his duty when he chooses not to report or take any action against the conflict of interest involving Lieberman as a state-employed Chief Counsel and as a subsequent private attorney—in the very same proceeding before the DDC, which he had received and acknowledged as the current Chief Counsel.

13. I have been denied my right to fair proceedings, and have been improperly and permanently denied my rights, as state employee-Lieberman, who oversaw the intake and initiation of the 1998 grievance against Fagan, would soon become Fagan's own retained attorney.

14. If not for the improper influence over the affairs of the DDC by certain favored people, I would have been afforded due process and a fair and impartial

adjudication of my complaints. The involved members of the DDC, and former members and current attorneys, have purposely and knowingly acted to improperly influence the DDC by their own self-dealing for personal, political and financial gain. To date, and only as a result of sham DDC proceedings and coverups, my DDC complaints have never been resolved or even properly addressed as required by law.

15. The continuing improper actions by the DDC has been most recently advanced by the substantive inaction, dereliction of duty, and failings of the current Chief Counsel Alan W. Friedberg (See attached Exhibit "C" - a one-page certified letter to Friedberg dated June 23, 2008, and a four-page follow-up letter dated June 24, 2008)

16. The DDC is a division of the New York State Supreme Court, Appellate Division, First Judicial Department, and is therefore part of the New York State court system. As part of the New York State court system, the DDC is obligated and duty-bound to administer justice in a fair, honest and lawful manner. They have failed this obligation and in doing so have, and continue to, violate my rights. I have a Constitutional right to a fair, lawful and honest judicial system, free from corruption, oppression, self-dealing and bias, with impartial arbiters of the law. Through the conduct of the DDC, I have been denied access to fair, honest and lawful court proceedings. My children, grand-children and future generations have also been harmed; but I am a survivor, and I am fighting for justice!

17. I have suffered and continue to suffer extreme losses of confidence in the Legal System and Judicial Process, emotional pain and suffering, loss of enjoyment of life, and loss of trust of attorneys who are charged with the duty to uphold ethical standards within the legal system and in the Court system. As a client of Feder, Urbach and Fagan and of all of their related legal entities, they owed me basic fiduciary duties of good faith, loyalty, and care. The DDC should hold all attorneys accountable for any improper actions, regardless of their political connections.


18. I support the clean-up of the ethics committees in the NYS court system and I would like to testify.

**Dated: May 18, 2009 - Brooklyn, New York**

Respectfully submitted,

***GIZELLA WEISSHAUS***

203 Wilson Street  
Brooklyn, New York 11211  
(718) 387-0026

Posted by Corrupt Courts Administrator at 9:11 AM 

### 3 comments:

Anonymous said...

This woman, Gizella Weisshaus, renews my faith in the people of this great state of New York, and certain politicians, here, Senator Sampson of Brooklyn. I hope they have hearings in Brooklyn too!

[May 19, 2009 10:09 AM](#)

Anonymous said...

God Bless Gizella.

Not only does she fight for a just cause, but she goes after those who corrupt the system.

These committees and commissions who are supposed to protect us, manipulate the rules to protect the crooks.

If it suits them, you can't use ethics to prove criminal acts, and then you can't use criminal acts to prove ethics violations.

Where does it say that it has to be both?  
You certainly can be unethical without being criminal.  
Don't look to AG Cuomo to help here either. You can hand him evidence of a crime on a silver platter, but if these people with their nonsense, cover it over, he backs them up 100%

Keep up the good work Gizella!

[May 19, 2009 10:42 AM](#)

Luisa Castagna Esposito said...

GO GIZELLA!!!! You're my kind of woman..STRONG, COURAGEOUS, BRAVE and a TRUE HERO, in your fight for JUSTICE. You have stood up to the most horrific monsters there are in NYC...GOD BLESS YOU!!!!

[May 19, 2009 10:47 AM](#)

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