

Integrity in the Courts

“To distrust the judiciary marks the beginning of the end of society.” - Honoré de Balzac

“Injustice anywhere is a threat to justice everywhere” - Martin Luther King

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Notice of Improprieties and Negligence by Judge Jonathan Lippman and Apparent Corrupt Influence on a Member of The Judicial Nomination Commission

Synopsis: My organization has compiled overwhelming evidence of Official Misconduct and other improprieties by Judge Jonathan Lippman. Judge Lippman has also ignored and/or abetted systemic corruption in the First Appellate Division, some committed for the benefit of lawyers with intimate ties to a member of the Judicial Nomination Commission, Gerald B. Lefcourt. Judge Lippman's improprieties must be investigated before he is nominated. Mr. Lefcourt must be removed from the Commission on the basis of the conflict of interest.

Dear CJN Members:

I am a co-founder of the organization “Integrity in the Courts”, a group composed of victims of judicial corruption, who dedicate their time and efforts to exposing and remediating New York State’s notoriously corrupt judiciary. Our members include a six-year veteran Staff Attorney from the First Departmental Disciplinary Committee who was fired for whistleblowing and has a Federal suit pending against the DDC and the First Appellate Division. We also have affidavits endorsing our efforts from a sitting Supreme Court Judge and a retired Justice of twenty years on the bench.

The Judicial Nomination Commission has been entrusted with the solemn responsibility of choosing nominees for the highest judicial position in the state. The Chief Judge is not only the final arbiter of judicial matters in the State, he is also ultimately accountable for the behavior of every member of the judiciary that serves beneath him, and his ethics set the standards for the entire Judiciary.

Members of my organization possess overwhelming evidence that one of the nominees selected by the Commission- Judge Jonathan Lippman- falls far short of the ethical standards required by the office of Chief Judge. This letter describes one example of abuse by the First

Department Appellate Division under Judge Lippman's supervision, but my colleagues and I have documented evidence of many more, some of which are pending in federal complaints.

**Justice Lippman has Countenanced Rampant Impropriety by
Unethical Lawyers From a Law Firm Connected to a Member of Your Commission**

For the past decade, Attorney **Leon Friedman** has been fraudulently registered in the Second Department, even though his sole law office is at **148 East 78th street**, which puts him unambiguously in the jurisdiction of the First Department DDC. Although this may appear to be a trivial infraction, it has serious ramifications, as will be explained. More importantly, Judge Lippman's consistent failure to hold Mr. Friedman and the DDC accountable is illustrative of a pattern of bending and breaking rules to allow serious ethical and legal infractions by Friedman and his firm, The Law Offices of **Richard Ware Levitt**.

In July 2006, I filed a disciplinary complaint against Mr. Friedman with the First Departmental Disciplinary Committee. The claims included destruction of evidence, perjury, conflict of interest and many more serious charges.

In reply, then Chief Counsel Thomas Cahill, wrote me the following: "*[Mr. Friedman] does not practice in Manhattan or the Bronx and is, therefore not within our jurisdiction*". This response was so utterly and demonstrably false that the only explanations were corruption or incapacity on the part of Mr. Cahill. It turns out that Cahill based his determination of jurisdiction on Friedman's fraudulent registration information, rather than the listing of *his sole law office address* which is found on the internet, phone book, his letterhead and over the door of **148 East 78th street**, beside the plaque that reads "Law Offices of **Gerald B. Lefcourt, Leon Friedman, Richard Ware Levitt...**

When Judge Lippman appointed Allan Friedberg to replace Cahill, he wrote: "*Alan W. Friedberg's ...commitment to the highest ethical standards render him extremely well prepared to serve as Chief Counsel.*" That sounded hopeful, so my first letter to Mr. Friedberg was to confirm the obvious fact that Mr. Friedman practices in, and is therefore under the jurisdiction of the First Department, in order to re-file my complaint.

Over the past year, I have written twelve letters to Mr. Friedberg, asking simply for *confirmation of Friedman's jurisdiction*, be it in the First Department or elsewhere. Mr. Friedberg's has adamantly refused to confirm or deny Mr. Friedman's jurisdiction, and has ignored my correspondence.

For *three years* the DDC has obstructed my complaint against Mr. Friedman by refusing to acknowledge their jurisdiction over Mr. Friedman. Moreover, they have denied me my right of redress by effectively banning me from any communication with the Committee. When,

after several months of my letters being ignored, I visited the DDC. I was told that Mr. Friedberg *had forbidden the entire DDC staff to discuss anything with me*, including the status (or existence) of my complaints. When I asked for an explanation, they threatened to have me thrown out by security, a threat they rescinded when told I was recording the conversation. When I tried to make an appointment to see Mr. Friedberg, I was told, without explanation, that I could not make an appointment in person or by phone, and that I would have to make an appointment by mail. Several weeks ago, I sent a letter requesting an appointment by mail, but unsurprisingly, my request has been ignored. Denying me access to a public agency is a violation of my civil rights. Fortunately, all of my interactions with the DDC have been recorded and transcribed.

Clearly, Mr. Friedman's fraudulent registration is more than an innocent twelve-year oversight. It is a deliberate strategy to obstruct the proceedings of the DDC, and it is abetted by Mr. Friedberg and Judge Lippman for their own advantage as explained below. I have brought these issues to the attention of DDC Chairman, Roy Reardon, but thus far have received no indication of forthcoming investigation or action.

I have hand delivered seven letters to Judge Lippman, complaining about the abuses of his appointee and the DDC in general. Most of my letters have been ignored, and the only responses have been irrelevant "form" letters, signed by his Clerk John McConnell, generally referring me back to Allan Friedberg, as if he were expected to discipline himself.

Several months ago, I wrote a letter to Judge Lippman, explaining that according to the Rules of the Chief Administrative Judge PART 118. Registration Of Attorneys, he was *personally responsible* for holding Mr. Friedman to account:

(e) The registration statement shall be on a form provided by the Chief Administrator and shall include the following information, attested to by affirmation: (7) office addresses (including department); [note the plural] Failure by any attorney to comply with the provisions of this section shall result in referral for disciplinary action by the Appellate Division of the Supreme Court pursuant to section 90 of the Judiciary Law.

In other words, the Appellate Division (First Department), of which Judge Lippman is the Presiding Justice, is *legally and ethically obliged* to turn in renegade lawyers like Leon Friedman to the Disciplinary Committee. If Judge Lippman didn't know the law before I told him, he knows it now, and yet he willfully chooses to break the law for the sole purpose of protecting Mr. Friedman and his friends.

[It should be noted that Mr. Friedman's use of the false registration address to avoid a Disciplinary complaint puts him in violation of *Penal Code § 210.40 "Making an apparently sworn false statement in the first degree. A person is guilty of making an apparently sworn*

false statement in the first degree when he commits the crime of making an apparently sworn false statement in the second degree, and when (a) the written instrument involved is one for which an oath is required by law, and (b) the false statement contained therein is made with intent to mislead a public servant in the performance of his official functions, and (c) such false statement is material to the action, proceeding or matter involved. Making an apparently sworn false statement in the first degree is a class E felony”].

The above is just one of numerous ways that Judge Lippman is helping Mr. Friedman, his partners and his office mates. Mr. Lippman has also ignored written complaints from my lawyers. Neal Brickman and Associates, regarding various infractions by Mr. Friedman, including lying outright to the Appellate Court judges during oral argument. It would appear that at the very least, Judge Lippman is guilty of numerous counts of Official Misconduct and several judicial ethical violations.

Why Judge Lippman Would Break the Law to Help a Lawyer Like Friedman?

Why would a Chief Justice of the Appellate Division break the law and risk losing his job and reputation (and liberty) just to help a five-attorney law office avoid the consequences of their illegal activities? Could it have to do with the fact **that Mr. Friedman and his partner Richard Ware Levitt share their offices, secretary, phone number, fax machine, clients and cases with Mr. Gerald B. Lefcourt, and that Mr. Lefcourt is a member of the very Judicial Nomination Commission in whose hands lies Judge Lippman’s potential future as Chief Judge?**

Life would be much easier for Mr. Lefcourt and his friends if they had a friend like Judge Lippman as Chief Judge of New York State who would allow them to break ethical rules with impunity, as he has done up to now. And life would be much easier for Lefcourt’s clients, who include gentlemen named **Bonnano, Gambino and Gotti and Gigante**, among others. My guess is that Mr. Lefcourt is a big proponent of Judge Lippman for the job of Chief Judge. If I am wrong, the myriad improprieties of Judge Lippman on behalf of Mr. Lefcourt’s friends are still a sound basis for his disqualification.

The fact that Judge Lippman has broken the law for the benefit of select lawyers is grounds enough to have him removed for consideration by the Commission and should be grounds for his arrest. The fact that Mr. Lefcourt’s partners are the beneficiaries of Judge Lippman’s illegal largesse is grounds for Mr. Lefcourt’s immediate disqualification from the commission and an investigation into illicit influence on the Nomination process. Mr. Lefcourt should also be required to explain how it is that he is registered in the First Department while his colleague down the hall is registered in the Second. The excuse that Mr. Friedman teaches at Hofstra does not wash, because the registration applies to *law practice only*, not teaching

offices. In any case, registration of *all* law office addresses are required by §118. It is Mr. Lefcourt's ethical obligation under the LCPR to report and rectify this fraud.

Clearly, Judge Lippman is totally unaccountable for the abuses of his own appointees in his own Division. His choice of Allan Friedberg as Chief Counsel to the DDC is a testament either to his appalling judgment or corrupt intentions- or both. It would be foolish to expect that he will serve the public any more honorably as Chief Judge.

I have distributed copies of my evidence among numerous people, including law enforcement officials, elected officials and members of the local and national press. My webmaster is preparing a website that will publish all of the pertinent documents as well as the audio and video recordings of official misconduct by Friedberg and others.

I am hoping that at least some members of your Commission have retained an ember of integrity and interest in the well-being of New York State. I urge you all to respond to this letter with any questions or requests for documentation of the complaints against Judge Lippman by me or the other members of *Integrity in the Courts*. Your failure to investigate our documented claims against a candidate under your consideration would be an obvious dereliction of your duties as Commission members.

Fortunately, the winds in Washington have changed; improprieties overlooked by Mr. Mukasey will not be tolerated by Mr. Holder. Several members of my group and I have connections high in the administration-elect and we are very encouraged by their concern regarding corruption in the New York Judiciary.

It is your Committee's responsibility and privilege to help select a Chief Judge that will improve the Judiciary for ALL decent New Yorkers, not only a select few.

I look forwards to answering your questions.

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