

William Galison
532 LaGuardia Place
New York NY 10012

January 24, 2009

COMPLAINT AGAINST JUDGE JONATHAN LIPPMAN

Commission on Judicial Misconduct
61 Broadway 12th floor
New York, NY 10006
FAX: 212 809 3664

Dear Mr. Tembeckjian;

Judge Lippman Must Be Investigated Before The New Chief Judge is Selected.

I am filing this complaint against the Honorable Jonathan Lippman, Presiding Judge of the First Appellate Department. The fact that Judge Lippman is being considered to replace the Honorable Judith Kaye as Chief Judge of New York State makes my complaint urgent, because it reflects on the fitness of Judge Lippman for this position. For that reason, I am demanding that you acknowledge receipt of this complaint immediately, and begin consideration of this matter before the confirmation has been concluded.

1) Judge Lippman has knowingly and repeatedly violated Part 118(h) of the New York State Rules of the Chief Administrative Judge and section 90 of the Judiciary law:

118 (h) 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.**

By numerous hand delivered letters stamped "Received" by the Appellate Division, Judge Lippman was repeatedly made aware of the failure to comply with the provisions of Part 118 (e) by Attorney Leon Friedman. 118(e) requires that attorneys "shall include the following information, attested to by affirmation: ...7) office addresses (including department)". This information must be updated within thirty days of a change of address.

2) Judge Lippman has Refused to Fulfill his Duty to Oversee the DDC

Judge Lippman was also reminded of his obligation under Part 118 and Section 90 to refer Mr. Friedman to the DDC. Over the past three months Judge Lippman has ignored my request, and instructed me to refer Mr. Friedman to the DDC. Under Part 118 (h), *that is Judge Lippman's duty and not mine*. Furthermore, as I informed Judge Lippman, I have been prevented from filing DDC complaint against Mr. Friedman for over two and a half years, by the DDC's ludicrous insistence that Mr. Friedman does not practice in Manhattan. Specifically, in his letter of April 5th, 2006, DDC Chief Counsel Thomas Cahill wrote: "*We have reviewed your complaint against Leon Friedman Esq. This attorney does not practice in Manhattan or the Bronx and is, therefore, not in our jurisdiction.*"

Mr. Friedman disagrees. In a sworn affirmation dated July 10th 2006 Mr. Friedman wrote: "*my [law office] address is on every legal document filed in this case. I am also listed in the telephone book.*" The address on all the legal documents referred to by Mr. Friedman is 148 East 78th street, New York NY. Indeed, Mr. Friedman's Manhattan law office is listed in the telephone book and referenced on internet databases, including Lawyers.com and Martindale.com. There is no mention of a Suffolk county Law Office for Mr. Friedman anywhere in the telephone book, the internet or elsewhere.

Despite the inconvenient truth, and despite over *twelve letters* proving Mr. Friedman's Manhattan address, the DDC has refused to back down on Mr. Cahill's assertion that Mr. Friedman does not practice in Manhattan, and therefore, they have never acknowledged my complaint against Mr. Friedman. Obviously, Judge Lippman is **perpetuating** the First Department's policy of **protecting Mr. Friedman** by any means possible. **That in itself is illegal, but the specific act of violating part 188 (h) and §90 is a blatant violation of Judiciary Law by Judge Lippman and must be investigated immediately by your Committee.**

3) Judge Lippman Ignored My Lawyers Letter Proving that Mr. Friedman Lied To The Panel of Appellate Court Judges

On June 5, 2008 my lawyers, Neal Brickman and Associates, wrote an Affirmation in Support of Motion to Reargue to the Appellate Division, demonstrating that Mr. Friedman

had **lied outright** on a matter of fact crucial to the decision before the Appellate Court Panel, and requesting consideration of that fact. **No action was taken** whatsoever to sanction Mr. Friedman and his lie was effectively accepted by the panel as fact, leading to an unfair judgment. My letter to Judge Lippman regarding this incident was **ignored**.

4) Judge Lippman Has Failed to Enforce Rules of The First Department which were Altered by Alan Friedberg at the DDC.

On September 22, 2008- seven months after it was filed- Mr. Friedberg suddenly and capriciously decided to investigate my complaints against Attorneys Minkoff, Stryker and Shivers. On October 20, Mr. Friedman wrote letters to the three attorneys. He wrote: "Your answer must be signed and should include a specific response to each allegation of misconduct. Failure to include such responses will, at minimum, necessitate further inquiry."

All three attorneys have violated Mr. Friedberg's mandate, without excuse, and yet no further inquiry has been made and no action taken. I have brought this situation to the attention of Judge Lippman and he has **refused to enforce** the court rules that Mr. Friedberg has chosen to **ignore**, to the benefit of the Respondents. True to form, Judge Lippman has again **failed to respond** to my valid and serious complaints against his subordinate, all for the benefit of the Gambino family's top lawyer. Judge Lippman's **failure to enforce** rules against certain favored law firms is in violation of state and federal law as well as Judicial Rules.

It has now been six months since the DDC informed me that they sent my second complaint against Mr. Friedman to the Second Department, and three months since they claimed to send my complaints against Minkoff, Stryker and Shivers to the Second Department, yet as recently as last week, the Second Department declared that they have not received any of these complaints from the First Department. These complaints have simply disappeared under the corrupt auspices of Judge Lippman's two appointees, Friedberg and Reardon, while Judge Lippman refuses to acknowledge any complaints against them and their disgraceful behavior.

5) Mr. Lippman Ignored Criminal Complaints Against His Court Clerk, Ron Uzenski

On November 9, 2008, I hand delivered a letter of complaint about Ronald Uzenski, the Filing Clerk for the First Departmental Disciplinary Committee. It was stamped received that day by Mr. Uzenski himself. The letter (attached) describes several incidents of Official Misconduct by Mr. Uzenski. My letter to Judge Lippman has been **thoroughly ignored** for the past three months.

6) CJC Staff member Mr. Richard Emery is a Friend and Colleague of Mr. Freidman and Must Be Recused From the Adjudication of This Case.

I am attaching several letters to the CJC regarding Mr. Emery's conflict of interest in regard to my complaint against Judge Herman Cahn. The CJC refused to acknowledge receipt of that letter and reused to recuse Mr. Emery, a matter that will taken up with the House Committee on the Judiciary. It should be noted that Mr. Emery has also advocated alongside Mr. Ware Levitt for one of Mr. Ware Levitt's clients, making his recusal in this case even more crucial.

I look forward to hearing from you as soon as possible. Keep in mind that Judge Lippman's confirmation is imminent. If he should be confirmed with this and other complaints pending, he will begin his term with a black cloud over his credibility and integrity.

I look forward to fulfilling your requests for evidence and documentation of my allegations.

Sincerely,

William Galison
917 517 7344

William Galison
532 LaGuardia Place # 349
New York NY 10012

To : Hon. Jonathan Lippman
Presiding Justice
New York State Supreme Court,
Appellate Division, First Judicial Department
27 Madison Ave
New York New York 10010

November 9, 2008

BY HAND

Complaint Against Court Clerk Ronald Uzenski

Your Honor;

Your Court Clerk Ronald Uzenski has acted in a way that is unbecoming to the Court and apparently illegal. His actions includes several false statements by Mr. Uzenski made with the clear intent and effect of delaying and obstructing the judicial process.

On November 6th, I attempted to deliver a letter in response to a Motion by Ronald Minkoff.

Specifically:

- 1) Mr. Uzenski told me that the Court could not accept a letter in response to a motion, and that I was required to submit a notarized affirmation with five copies plus an affidavit of service. He said that the court does not have letter practice.
- 2) When I mentioned that Mr. Friedberg had submitted a letter in response to the motion, Mr. Uzenski insisted that Friedberg had submitted an “affirmation” and not a letter, which was untrue.
- 3) The next day, I confronted Mr. Uzenski with the letter from Mr. Friedberg, and asked him why Mr. Friedberg was allowed to answer the motion with a letter while I was required to answer with a formal affidavit. Mr. Uzenski said that Mr. Friedberg could answer with a letter because he was the Chief Counsel of the Disciplinary Committee.

- 4) When I challenged the assertion that the rules of submission are different for different people, he agreed to accept my letter.
- 5) When I asked him why he had told me the previous day that I could not submit a letter but that I could submit a letter that day, he adamantly denied having told me that I could not submit a letter.
- 6) When I returned on November 10th, Mr. Uzenski repeated his false denial that he had told me I could not submit a letter.

Lying to a citizen is not acceptable behavior for a Court Clerk of the Appellate Division.

Holding a double standard to Citizens and Court officials is not acceptable behavior a Court Clerk of the Appellate Division.

Obstructing justice by rejecting a letter on the false grounds that an affidavit is required is unacceptable and would appear to be in violation of § 195.00 Official misconduct.

A public servant is guilty of official misconduct when, with intent to obtain a benefit or deprive another person of a benefit:

1. *He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized*

Mr. Uzenski's acts of lying and misdirecting me comprises Official Misconduct because it is an act relating to his office but constituting an unauthorized exercise of his official functions, and it certainly deprived me of the benefit of submitting my letter on that day.

Judge Lippman, I swear that my statements are true. Can Mr. Uzenski deny under oath that they are not? If not, do you accept this behavior from Mr. Uzenski, and if not, what are you going to do about it?

I await your expeditious response,

William Galison

Cc: JNC