

**July 20, 2011 Statement of Raymond J. Zuppa Esq. on behalf of the Zuppa
Firm PLLC: Raymond G. Zuppa Foundation for Social Justice Pro Bono
Legal Action Project before the Special Commission on Judicial
Compensation**

Good Afternoon. My name is Raymond J. Zuppa. I am here on behalf of the pro bono legal project that I have named in memory of my father.

I formerly worked as an Assistant Corporation Counsel for the City of New York. I also worked as an Assistant District Attorney in the Rackets Bureau of Office of the Kings County District Attorney. In these and other positions including private practice I am quite familiar with the Judiciary. In fact while I was in the Rackets Bureau of the Kings County District Attorney the Bureau launched its judicial corruption probe. I saw and heard much of the evidence.

I have had the honor of appearing before some outstanding Judges and Justices -- fair, highly qualified individuals that are not only great Judges but also great citizens.

That is why I support pay raises for Judges.

I also support pay raises for working people, the unemployed and our troops that are fighting and dying in Iraq and Afghanistan.

In conjunction with pay increases for the judiciary we need an effective system through which judicial conduct and qualifications can be effectively monitored and maintained. Biased, corrupt and unqualified Judges do not deserve a pay raise or deserve to sit on the bench. Unfortunately the number of biased and unqualified Judges has been increasing. I cannot give you empirical data but I can give you examples of daily common place encounters.

A former Justice of the New York State Supreme Court -- I will not mention names -- told me about two months ago to never make a complaint to the New York State Commission on Judicial Conduct. This former Justice told me that the commission will tell the judge. The "judge will tell his judge friends. You will never get a fair decision from any of the judges. And the commission will do nothing."

I was told too late. I am witnessing the results.

While at the Corporation Counsel there was the Judge who I cannot name because until I am told otherwise I must consider the criminal investigation to be ongoing. He had a rather close relationship with a powerful law firm. We were informed by a Court Officer that a jury had found the City to be not at fault in a high exposure injury case. Yet the Judge stated that the Jury was still deliberating when he knew they were not. He demanded that the City pay ten million dollars as fair settlement. He berated us when we told him we would await the verdict. He told us that we would never get a fair shake in his Court Room again. We never did before or after.

Justice Arthur Schack a Plaintiff in one of the judicial pay raise cases. The issue to be decided at a hearing before Justice Schack was whether the Defendants in a civil action had defaulted on the terms of a Stipulation of Settlement that called for a percentage of the Defendants profits. If the Court found that such default occurred the next step was the assessment of how much money was owed the Plaintiff.

The wife of the young attorney handling the case for the Defendants gave birth to their first child shortly before the hearing. There were severe complications. As a result the attorney could not attend a hearing in a separate criminal matter. The Judge in the criminal matter unknowingly adjourned the hearing in the criminal matter to the same date and time as the hearing before Justice Schack.

Uniform Court rules provide that all criminal matters receive preference over civil matters. The defendants' attorney communicated the scheduling problem with the Court via telephone several times. The law secretary for Justice Schack gave an adjourn date. The attorney submitted an affirmation of engagement explaining the above and announced his availability at the adjourn date or any date.

On the day of the hearing Justice Schack had the Plaintiff's Attorney fill out an order awarding the Plaintiff Final Judgment in the sum of \$800,000.00 thousand dollars plus interest. Justice Schack signed it. This is all uncontroverted. I have the record.

I think you are all lawyers. You know there was no default here. The Defendants' attorney attended the hearing in the criminal matter which in fact took all day. And an inquest to determine damages requires a hearing with evidence. The attorney for the Plaintiff cannot simply write down a number on a short form order and have the judge sign it.

I could go on with this case. The racial slurs by court staff, etc. Suffice to say that the Appellate Division stayed the judgment pending the outcome of the appeal. There was no requirement of an appeal bond. The Plaintiff was arrested for stealing from the Defendants and the Plaintiff dropped his case. The Defendants – a young married couple – expended a good deal of money based upon severe judicial bias.

Justice Duane Hart: A civil forfeiture action brought by the Queens County District Attorney's Office. The order of attachment was obtained ex-parte. The law is unequivocal. You must move to confirm within five days or the attachment is null and void. Justice Hart thought otherwise. Justice Hart also advised me off the record that he used to work for the asset forfeiture bureau of the Queens County District Attorney's Office.

Justice Hart issued his decision orally. Only a written decision could be appealed. After 8 months of letters and phone calls. After a final demand letter wherein I stated I would sue the court system pursuant to Article 78. And after the intervention of the Administrative Judge – Justice Hart finally signed the Order that I had prepared for him some 6 months earlier.

I appealed and the Appellate Division Second Department issued a rapid decision foregoing the Plaintiff's request for oral argument. Justice Hart was reversed. The Plaintiff was ordered to immediately release the funds and the court assessed costs.

Justice Joseph Golia: Engages in defamation from the bench via his written Appellate Term Second Department decisions. Appellate decisions do not involve fact finding. In one Appellate decision involving my clients, there are several, Justice Golia wrote:

I take this position being mindful with regard to the legal doctrine of falsus in uno, falsus in omnibus. That is, that one who has submitted false documents to create multiple professional service corporations may also be a person who is less than accurate in the keeping of corporate records and personal records, including income tax records. It is therefore conceivable that the corporate records may show substantial payments being made to ... [Jane Doe] as the owner of the facility, but her personal taxes may not reflect such payments. Such a finding would lead to the conclusion that she is not the "actual" owner of the facility.

Justice Golia has just stated that my client has committed crimes, including a felonies, according to the Business Corporation Law; Education Law and Penal Law. There was no fact finding hearing or trial before a jury that made a determination as to what Judge Golia stated: Golia continued:

We are aware and should be mindful of the numerous other matters involving the very same individual which have been determined by this and other courts, to contain pervasive fraud.

Justice Golia did not cite to a single case, hearing or finding of any tribunal in support of his factual statements; because there are none. On a Motion to Reargue I informed the Court that there were no findings on this issue by any Judge or Jury – including Justice Golia and the Appellate Term Second Department, as Justice Golia stated. I invited Justice Golia to name one. He did not.

Justice Golia based his defamatory statements on the affidavit of an insurance company employee wherein the employee allegedly quotes a man that was dismissed and arrested for

stealing from my client. The same gentleman that was before Justice Schack. Pure hearsay. Pure accusation.

The power of a written decision issued by a Court to destroy a reputation and livelihood should not be underestimated. I have seen it first hand.

Perhaps Justice Golia should be mindful of what Edward R. Murrow once said about Joseph McCarthy:

We must remember always that accusation is not proof and that conviction depends upon evidence and due process of law. We will not walk in fear, one of another. We will not be driven by fear into an age of unreason, if we dig deep in our history and our doctrine, and remember that we are not descended from fearful men

I am here today because of those words. I could go and on reciting examples of far more egregious conduct than what I have mentioned here. I can provide overwhelming evidence: Witnesses. Documents.

In fact I am issuing my own report that will describe judicial misconduct that is far more heinous than what has been described here.

The sensational quid pro quo cases of outright bribery uncovered by the King's County DA's probe are not the most pressing problem. Rather it is the insidious politicization of the judiciary that the D.A.'s probe uncovered that is most dangerous to our system of Justice. I am talking about the selection of judges through political machines and the manner in which the judiciary is biased according to the demands of the political machines.

Politics is money. From my own experience it appears that Judicial Bias is being driven by powerful and connected litigants.

Thank you.