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BY FAX: (505) 476-2226

August 8, 2007

Governor Bill Richardson
490 Old Santa Fe Trail
Room 400
Santa Fe, NM 87501

Specific Evidence of Racketeering in the NM Courts

Dear Governor Richardson,

This letter is a follow up to our initial letter of August 7, 2007. Herein we provide specific, verifiable evidence of racketeering. It appears that two former NM Supreme Court Chief Justices are involved, one of whom remains on the NM Supreme Court today. Therefore, we call for an immediate federal investigation. We have written letters about such issues in the past, including those addressed to you, and not received any response. Time is of the essence – families are being greatly harmed by the illegal and criminal activities of the court industry. Therefore, if we do not hear back from you (or from either NM Attorney General Gary King or U.S. Attorney for New Mexico Larry Gomez) within one week of the date of this letter stating that you have begun a federal investigation we will continue moving forward with our plan.

We have not yet publicly disclosed this letter, as was done with our letter of August 7, 2007. We have more information about this situation than is disclosed herein, and should a federal investigation be initiated, we will provide that information to qualified federal investigators. However, to protect ourselves, the entire set of information has been copied to several different sources who have been instructed to release all of it to major news outlets, should any harm come to the cosignatories of this letter. Long ago this situation should have been handled by the authorities here in New Mexico. Unfortunately, heretofore such authorities have completely ignored their duty to protect the people of New Mexico, leaving parents like us to their work at great risk. This is not all of the information we have collected over the years, nor are the persons mentioned below all the persons against whom we hold such incriminating information. We refer you to the attached New York Times articles from 2003 which show a precedent for state handling of just the kind of information we have enclosed herein. The Greylord investigation involving judges in Chicago and the incident involving widespread corruption in the Louisiana federal courts also come to mind. It is our sincere hope that you choose to do the right thing and call for an immediate investigation of this criminal activity.

Below is a list of cases in four NM counties in which attorney Richard Lees of Santa Fe participated. The first set of cases were presided over by Judge Steve Herrera in civil court. By “presided over” or “assigned to”, we mean either initially assigned the case or secondarily assigned the case after a brief assignment to another judge who either voluntarily recused or was excused from the case. Cases in the second set were presided over by Judge Petra Maes, former Chief Justice of the NM Supreme Court and today a NM Supreme Court Judge. Cases in the third set were



presided over by Judge Patricio Serna, former Chief Justice of the NM Supreme Court. Cases in the fourth set were presided over by Judge Daniel Sanchez.

Note that between July 20, 1990 and June 30, 1995 in civil court, fifteen out of nineteen of Richard Lees' cases in a row, or 79% of them, were presided over by Judge Steve Herrera. In twelve of these cases Richard Lees represented the petitioner. Assuming that there were four possible judges for the case (and there were probably more), one would expect to see only four or five of the nineteen cases assigned to this particular judge. In fact, if there were four possible judges, there would be a 25% chance of obtaining one particular judge in each case and a 75% chance of not obtaining a particular judge in each case. Overall, the probability in such a fair system that fifteen out of nineteen cases in a row were assigned to Judge Herrera is only 1.14%, or extremely low (based on the binomial probability distribution with $p = 0.25$, $n = 19$, and $h = 15$). This part of the study involved the following cases: D-101-CV-9001489, D-101-CV-9002477, D-101-CV-9100184, D-101-CV-9100389, (D-101-CV-9100806 – a different judge), D-101-CV-9100939, D-101-CV-9102125, D-101-CV-9200056, D-117-CV-9300189, D-101-CV-9301893, D-101-CV-9302323, D-101-CV-9400992, D-101-CV-9401436, D-101-CV-9402125, (D-101-CV-9402338, D-101-CV-9402714, D-101-CV-9402855 were a different judge), D-101-CV-9501093, D-101-CV-9501470.

Between March 7, 1990 and June 19, 1992 in domestic relations court, nineteen out of nineteen of Richard Lees' cases in a row (100%) were assigned to Judge Petra Maes, former Chief Justice and current member of the New Mexico Supreme Court. Fourteen of these cases were filed by Richard Lees as attorney for petitioner. Using the same assumptions as above, the probability that this sequence of assignments actually occurred in a fair system is only 0.000000000364%, or virtually impossible. The following cases were involved: D-101-DM-9000336, D-117-DM-9000908, D-101-DM-9001207, D-101-DM-9001244, D-101-DM-9001637, D-101-DM-9100126, D-101-DM-9100760, D-101-DM-9101213, D-101-DM-9101622, D-117-DM-9101640, D-101-DM-9101748, D-101-DM-9101868, D-101-DM-9200131, D-101-DM-9200196, D-101-DM-9200285, D-101-DM-9200306, D-101-DM-9200562, D-101-DM-9200723, D-101-DM-9200970.

Between September 14, 1992 and February 29, 1996 in domestic relations court, 18 out of 30 of Richard Lees' cases in a row (60%) were assigned to Judge Patricio Serna, former Chief Justice of the NM Supreme Court. Richard Lees represented the petitioner in twelve of the cases. Using the same assumptions, the probability that this sequence of assignments actually occurred in a fair system is only 0.00399%, or virtually impossible. The following cases were involved: D-101-DM-9201448, (D-101-DM-9201491 and D-101-DM-9201646 – a different judge), D-101-DM-9201657, (D-101-DM-9300040 and D-101-DM-9300223 – a different judge), D-101-DM-9300336, D-101-DM-9300393, (D-117-DM-9300500 and D-132-DM-9300659 – a different judge), D-101-DM-9300733, D-101-DM-9301737, D-101-DM-9302011, D-101-DM-9302116, D-101-DM-9400028, (D-117-DM-9400249, D-101-DM-9400526, D-117-DM-9400790 – a different judge), D-101-DM-9400833, D-101-DM-9400891, (D-101-DM-9401845 – a different judge), D-101-DM-9500873, D-101-DM-9500874, (D-101-DM-9500950 and D-101-DM-9501061 – a different judge), D-101-DM-9501132, D-101-DM-9501260, D-101-DM-9501906, D-117-DM-9600019, D-101-DM-9600200.

Between January 11, 2000 and June 6, 2006 in domestic relations court, 27 out of 41 of Richard Lees' cases in a row (66%) were assigned to Judge Daniel Sanchez. Richard Lees represented the petitioner in 14 cases. Using the same assumptions, the probability that this sequence of



assignments actually occurred in a fair system is only 0.0000113%, or virtually impossible. The following cases were involved: D-101-DM-200000032, D-101-DM-200000041, (D-101-DM-200000078 – a different judge), D-101-DM-20000360, (D-101-DM-200000590, D-101-DM-200001029, D-101-DM-200100460 – a different judge), D-101-DM-200100634, D-101-DM-200100732, D-101-DM-200100754, D-101-DM-200100984, (D-101-DM-200101141 – a different judge), D-101-DM-200101154, D-101-DM-200200614, D-101-DM-200201060 (D-101-DM-200300044 – a hearing officer; D-101-DM-20030059 and D-101-DM-200300084 – a different judge), D-101-DM-200300436, D-101-DM-200300523, (D-101-DM-200300596 – a different judge), D-101-DM-200300606, D-101-DM-200300621, D-132-DM-200400024, D-101-DM-200400051, D-117-DM-200400071, D-101-DM-200400490, (D-101-DM-200400716 and D-101-DM-200401015 – a different judge), D-101-DM-200500090, D-101-DM-200500590, D-101-DM-200500829, D-101-DM-200500853, D-101-DM-200500871, D-101-DM-200500889, (D-101-DM-2005-01088 and D-101-DM-200600001 – a different judge), D-101-DM-200600080, (D-101-DM-200600280 – a different judge), D-101-DM-200600466, D-101-DM-200600524.

Information for the cases in this study was derived from www.nmcourts.com, and the binomial calculations were performed with a calculator.

Besides the numerical data, Richard Lees has been inordinately blessed with favorable decisions from the bench, even to ridiculous requests. He has not been required to provide evidence for many of the misrepresentations he has made in pleadings, and in many situations, the opposing side has been prevented from showing any evidence in its defense. Richard Lees has asked New Mexico judges at all levels for hundreds of thousands of dollars in fees with questionable billing hours and charges in his affidavits, much of which has never been subject to scrutiny in an evidentiary hearing. He has attached to the property, wages, and business income of litigants in a very aggressive manner following awards from the judges listed above, as well as other New Mexico judges. These proceedings (and countless others) smack of white collar crime and corruption.

It is time to clean up New Mexico's court system. This data and other evidence are ripe for a full-out investigation, especially considering that involved judges have been and are presiding at the highest levels of New Mexico's court system.

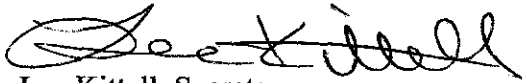
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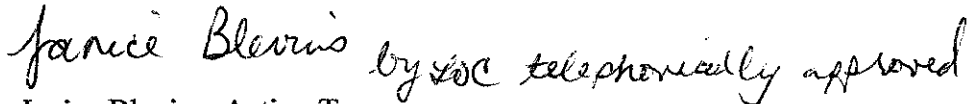
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April 24, 2003

Brooklyn Judge Faces Charges of Corruption

By ANDY NEWMAN

A judge with deep roots in Brooklyn Democratic politics is to be arraigned today on charges that he took gifts from lawyers — including airline tickets, boxes of expensive cigars and cash — in return for favoritism toward their clients in divorce cases, a criminal justice official said yesterday.

The judge, Gerald P. Garson of State Supreme Court, was caught on videotape discussing gifts and cases in his robing room with a lawyer, the official said.

Justice Garson, 70, turned himself in to the Brooklyn district attorney's office around 10 last night, said Jerry Schmetterer, a spokesman for that office. The justice is also suspected of taking payoffs from lawyers to steer clients to them and taking part in a scheme to assign divorce cases to himself, a lawyer said. At least five other people, including a lawyer and a court employee, are expected to be arrested on related charges, officials said.

A former longtime treasurer of the Kings County Democratic organization, Justice Garson was elected in 1997 to State Supreme Court in Brooklyn, the equivalent of county court. He is expected to be charged with receiving a reward for official misconduct, a felony "a notch below" bribery carrying a maximum sentence of four years in prison, the criminal justice official said.

The accusations against Justice Garson come a year after the state conducted inquiries into at least five State Supreme Court justices in Brooklyn, including Victor I. Barron, who pleaded guilty to taking a bribe from a lawyer in a civil case and was sentenced to serve at least three years in prison. The questionable conduct led the state's chief judge, Judith S. Kaye, to replace Brooklyn's chief administrative judge and to promise reforms.

The case against Justice Garson began last summer with a complaint from a "good citizen" who was involved in a matrimonial case before him, the criminal justice official said. Over time, investigators from the Brooklyn district attorney's office found enough evidence that Justice Garson was conducting unethical business in his chambers that they were able to get a warrant to install a video camera there, the official said.

The authorities did not offer specifics on what Justice Garson is accused of doing to help the lawyers. "Generally, he gave the break to their client," the official said, adding that there were many instances of inappropriate conduct.

The lawyer familiar with the case said that Justice Garson is accused of coaching the lawyers who plied him with gifts on how to argue their cases.

Justice Garson is out on sick leave, and a telephone message left at his chambers yesterday drew no response.

Justice Garson has been a fixture at the intersection of law and politics in Downtown Brooklyn for decades.

In the 1970's and 1980's, he had a lucrative practice representing the owners of taxi fleets. He was the treasurer of the county Democratic organization when Howard Golden, who was then the borough president, was the

group's chairman in the late 1980's and stayed on after Mr. Golden stepped down, remaining until the mid-90's.

In 1984, when he was a lawyer, he was censured by the state for taking a civil judge and his wife on a weekend vacation in the Catskills and registering the judge under the name of one of his law partners.

His wife, Robin Garson, and a cousin, Michael Garson, are also State Supreme Court justices in Brooklyn.

In 2001, Justice Garson was applauded by feminists when he ordered an Orthodox Jewish man to pay his wife \$500 a week for life because the man refused to grant his wife a religious divorce, or "get," thereby damaging her standing in the community.

Several veteran court-watchers expressed surprise to hear of the imminent charges. "He's a very decent guy," said a lawyer and former elected official, "and he was a very successful lawyer, so it's very hard to imagine he would need to steal."

According to the criminal justice official, Justice Garson accepted the boxes of cigars in his chambers, while for free meals, he favored restaurants on the Upper East Side, near his home.

In recent years, Brooklyn judges have been accused of a wide range of improprieties. The State Commission on Judicial Conduct is trying to remove Justice Reynold N. Mason of State Supreme Court in Brooklyn after finding that he illegally sublet his apartment to his brother-in-law, and instead of turning the rent money over to the landlord, used it to pay child support.

Two other judges were reprimanded by the commission in 2001 and 2002 for misusing their influence in cases in other courts, and two other judges were said to be facing ethical inquiries last year.

Most of the judges had close ties to the Brooklyn Democratic Party, as does the district attorney, Charles J. Hynes, who has long been supported by the organization and who hired Mr. Golden last year as a \$125,000-a-year director of civic affairs after Mr. Golden stepped down as borough president.

Mr. Hynes's political connections led critics to call for him to disqualify himself from the cases against the judges and ask the governor to appoint a special prosecutor, but Mr. Hynes stood his ground. His spokesman, Mr. Schmetterer, declined to comment further yesterday on the case against Justice Garson.

April 25, 2003

Investigation of Judge Touched Off Wider Inquiry

By ANDY NEWMAN

A State Supreme Court judge in Brooklyn and five other men, including his former court clerk, a court officer and a divorce lawyer who frequently appeared before him, were arraigned yesterday on charges that they ran a bribery scheme to rig the outcome of divorce and child custody cases.

Based on evidence developed in the case, prosecutors said yesterday that they would be convening a grand jury to investigate corruption in the nominating of Brooklyn judges.

In the bribery case, they said, the conspiracy involved cash payoffs in the chambers of the judge, Gerald P. Garson, the former treasurer of the Brooklyn Democratic organization.

Prosecutors said it was part of a culture of corruption in the matrimonial section of State Supreme Court in Brooklyn, the equivalent of county court.

But the Brooklyn district attorney, Charles J. Hynes, said some of the evidence in the case indicated that the entire system by which State Supreme Court justices are chosen to appear on the ballot in New York City, particularly in Brooklyn, was "nothing less than a sham" run by power brokers of the local Democratic organization.

A law enforcement official said that once Justice Garson had been confronted with the evidence against him, he agreed to wear a recording device to secretly tape conversations with party leaders about how judges are chosen in Brooklyn. Those tapes, the official said, will be played for the grand jury.

The charge that New York's judicial selection system is broken is not new. Critics have long complained that candidates for Supreme Court judgeships are chosen not in open primaries but by delegates appointed by party machines.

But Mr. Hynes, one of the more solidly entrenched Democratic elected officials in the city, has not taken up the cause before.

He said yesterday that while he had known for a long time of the structural flaws in the judicial selection process, he was prompted to convene a grand jury now because "I have much more specific information today."

The day's events sent a jolt through the local legal system. State court officials set up a hot line to field calls from people whose divorce cases had been heard by Justice Garson and who suspected that they had gotten an unfair deal. Divorce lawyers fielded calls from clients who, depending on how their cases had turned out, either sought reassurance that their settlements would not be reversed or hoped they could be.

Upon learning that investigators had hidden a video camera in Justice Garson's robing room at the matrimonial court, in the Municipal Building on Joralemon Street, something state court officials said was unprecedented, Brooklyn's judges "flipped out," one lawyer said. They received only partial reassurance in a meeting called by Brooklyn's chief administrative judge, Ann T. Pfau, the lawyer said. "She told them that their offices weren't also being bugged," he said, "but that if there was anybody out there who's dirty, now would be a good time for them to

come forward."

The spokesman for the state's Office of Court Administration, David Bookstaver, said that Judge Pfau would announce major changes in Brooklyn's court system today.

Brooklyn's judges have been frequently investigated and occasionally indicted in recent years — most notably Justice Victor I. Barron of State Supreme Court, who pleaded guilty last year to taking a bribe from a lawyer. But the scheme detailed by Mr. Hynes yesterday was both more acute and more chronic than anything in recent memory.

In addition to Justice Garson, 70, prosecutors said, the participants included the divorce lawyer, Paul Siminovsky; several people seeking divorces; Nissim Elmann, whom they called a fixer and bagman; the court officer, Louis Salerno; Justice Garson's former clerk, Paul Sarnell; and two longtime employees in the main court clerk's office, who have not been arrested but were suspended without pay yesterday.

Mr. Elmann, 43, an electronics dealer, was at the center of much of the misconduct, Mr. Hynes said. Prosecutors said that beginning in 2001, he would find people looking for an advantage in their divorce cases and help arrange payoffs to the people who could provide it: court personnel who would break rules to direct cases to Justice Garson, court-appointed psychologists whose testimony could sway a custody hearing, and the judge himself.

The payoffs took the form of cash, a car trunk full of telephones and other electronics from Mr. Elmann's warehouse, prosecutors said.

The lawyer, Mr. Siminovsky, 46, had been appearing before Justice Garson for four years and bragged in recorded conversations of the many meals, loans and gifts he had conferred on the judge in order to obtain his favors, Mr. Hynes said.

"You have someone who was alleged to be the corrupt businessman, working with alleged corrupt clients to an allegedly corrupt attorney, to an allegedly corrupt court clerk, court officer and then judge," Mr. Hynes said.

Prosecutors said the judge had coached Mr. Siminovsky on how to argue his cases, but they did not reveal other details yesterday of what Justice Garson had done in return for the payoffs.

Court officials said that on several occasions, Mr. Siminovsky's cases were wrongly assigned to Justice Garson. They said they were investigating what to do with those cases.

The six people charged yesterday are all accused of felonies — Justice Garson with two counts of receiving a reward for official misconduct; Mr. Siminovsky with bribery; Mr. Elmann with bribery and conspiracy; Louis Salerno, the court officer, and Paul Sarnell, the former clerk, with receiving bribes; and one of Mr. Siminovsky's clients, Avraham Levi, 49, with conspiracy. They were all released on \$15,000 bail.

Mr. Hynes saved some of his harshest words for the system that produces judges. In state primary elections, citizens vote not for judges but for judicial delegates — there are as many of them as there are open judgeships, so there is no real choice — who then attend a judicial convention and choose the candidate dictated by the party apparatus.

"It's fair to say most people who exercise their right to vote on primary day have no idea who these people are, unless they're related to them," Mr. Hynes said of the judicial delegates. "Any suggestion that this is a process giving voting rights to the public is nothing less than a sham."

Critics have long maintained that the power to make judges rests with Democratic leaders like Assemblyman Clarence Norman Jr., the head of the Brooklyn Democratic Party. Justice Garson's wife, Robin, who once served as

Mr. Norman's election lawyer, was given a spot on the ballot and won a judgeship last year.

Mr. Hynes said he would like to see an open primary, as exists for civil court judges, who hear smaller cases, and many other offices, including district attorney.

It would take a new state statute to change the system. Many politicians, including former Gov. Mario M. Cuomo, have called for the abolition of the convention system, but the effort has never amassed sufficient political momentum.