

## Correction/Clarification/Apology

In response to the March 2005 article entitled "Waiting for Sherry: A 20-Year Custody Battle Brings Charges of Abuse to the Orthodox Community," *The Jewish Voice and Opinion* recently received written communication from Martin Samson, a lawyer representing Judicial Hearing Officer (formerly Judge) Leon Deutsch, much too lengthy to reproduce here, taking issue with the following statements in the article:

"A few months after awarding Sherry to her father's sole custody, Judge Deutsch was forced to resign based on an ethics grievance lodged against him by [New York State Sen. David] Paterson. Mr. Paterson said he acted because, during hearings he was holding on child abuse cases, Judge Deutsch's law secretary, Steven Mostofsky, sat in 'with the intention of intimidating mothers whose cases were before Judge Deutsch from testifying to the committee.'"

"In 1990, Assemblyman (now Congressman) Jerrold Nadler (D-NY) and NYC Councilwoman Susan Alter joined together to force Judge Deutsch from the bench. But, about three months later, he was back, having been appointed by the administrative judge in New York State to the matrimonial division of Brooklyn Supreme Court. He is still there."

### Voluntary

Prior to publication, *The Jewish Voice and Opinion* did not seek comment from Mr. Deutsch, relying instead on the fact that he issued no public complaints to numerous articles on his controversial retirement that appeared in 1990.

Judge Deutsch now advises us that, in May 1990,

at age 66, he "voluntarily elected to retire from his position as a full time judge of the Family Court to enjoy more leisure and travel time with his wife," who was then 65 and had recently retired herself in 1989. At the same time, he applied for and received a part-time position as a Judicial Hearing Officer (JHO) in the same county, where he continues to serve.

*The Jewish Voice* regrets any misunderstandings, and feels, in light of Mr. Samson's letter, that a few corrections/clarifications should be offered.

### Years or Months?

Mr. Samson pointed out that Judge Deutsch first awarded Dr. Ozzie Orbach temporary custody of his daughter in January 1988, a little more than two years before his retirement in May 1990. However, that retirement came approximately eight months after the judge's last—and, to the mother, Dr. Amy Neustein, the most devastating—decision in the case, maintaining permanent custody to Dr. Orbach and suspending Dr. Neustein's visitation with her daughter.

Judge Deutsch's announcement that he was voluntarily stepping down from the Family Court bench came less than two months after Mr. Paterson apparently addressed an ethics grievance against Judge Deutsch to the New York State Commission on Judicial Conduct, as stated in the article.

The problem was, although Mr. Paterson insisted he sent the complaint to the State Commission in Feb. 1990, in Sept. 1990, the State Commission said it had never received it. Therefore, according to Mr. Samson, Judge Deutsch did not know

of Mr. Paterson's complaint until after he stepped down as a judge in May 1990, and, therefore, denies that the criticism of Mr. Paterson, Mr. Nadler, or Ms. Alter affected his decision to "retire."

### Connection?

Nevertheless, this is not the first time a direct connection has been drawn between Judge Deutsch's decision to retire shortly after having been reappointed and complaints by Mr. Paterson and other politicians were aired.

For example, Jill Gamble, a former staff member at the National Organization of Women's New York chapter, said she had met with "a high official" in the Dinkins administration to discuss "how to get Deutsch off the bench." Present at that meeting, she said, was former NYC Councilwoman Susan

Alter and "several politicians and their aides."

Ms. Gamble said they presented the official with records from Judge Deutsch's court which showed, she said, "his hostility toward women."

According to Ms. Gamble, the official suggested the women file a complaint against Judge Deutsch with the Commission on Judicial Conduct.

"I'll never forget how quickly his retirement came about, way too fast for it to be a coincidence," said Ms. Gamble in a recent phone interview.

### Not Yet Updated

She insisted that Judge Deutsch "had to have been clued in" to these complaints against him at the time of his "sudden retirement."

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She said that Judge Deutsch's retirement was "so sudden" that, when she went to the Office of Court Administration to confirm that he had resigned, the records were not even properly updated.

"It took over 15 minutes for the clerk to make sense out of what was going on," said Ms. Gamble.

### Not "Forced To Resign"

Several major newspapers featured articles on the issue, and while Mr. Samson pointed out that none of them used the phrase "forced to resign," they were replete with unflattering characterizations.

The connection was suggested by Alexis Jetter in *New York Newsday* on March 30, 1990, in an article entitled "Controversial Judge Stepping Down." In her piece,

Ms. Jetter noted that at the time of his retirement, Judge Deutsch faced opposition on several fronts.

"Brooklyn Family Court Judge Leon Deutsch, [who] announced his retirement this week...had been targeted for removal by the National Organization for Women...and several politicians, some of whom recently filed grievances against Deutsch with a state ethics panel," wrote Ms. Jetter.

Not surprisingly, Judge Deutsch's position then, as it is today, was that his decision was based on personal reasons, and Ms. Jetter also quoted the judge's law clerk as saying that Mr. Deutsch was "quitting to spend time with his wife, retiring City Planning Commission head Sylvia Deutsch."

The article pointed out

continued from page 17 that "insiders" maintained that Mr. Deutsch had decided to quit months earlier, but stayed "long enough" to be recertified by a commission appointed by then-Mayor David Dinkins in order to "thumb his nose at critics."

### Short-Circuited

On Aug. 29, 1990, Philip Messing wrote a piece for the *New York Post* entitled "NOW and Pols Livid at New Job for Bias-Flap Judge."

Mr. Messing also noted Mr. Deutsch's claim to wanting to spend more time with his wife, but then went on to say that "Deutsch's retirement short-circuited a grievance filed against him with the State Commission on Judicial Conduct by Manhattan State Senator David Paterson."

On Aug. 30, 1990, *New York Post* columnist Ray Kerrison was the most blunt, saying that "by resigning, the judge rendered the complaints [by Paterson] moot and protected his pension."

"He used the clock to beat the rap," said Mr. Kerrison.

Mr. Deutsch never publicly criticized any of these press accounts. We regret not calling him for a comment before the article was published, however, given the fact that he never raised any issues about those articles, we had no reason to believe that there was any reason to call on him now.

### Nadler and Alter

Mr. Samson also took issue with the *Jewish Voice's* statement that "in 1990, Assemblyman (now Congressman) Jerrold Nadler (D-NY) and NYC Councilwoman Susan Alter joined together to force Judge Deutsch from

the bench."

The statement in the article should not be read to mean that Mr. Nadler and Ms. Alter actually forced Mr. Deutsch from the bench, and there was no intention on our part to suggest otherwise. What we intended to convey is that both Mr. Nadler and Ms. Alter either made statements or undertook actions with respect to Mr. Deutsch's continued presence on the bench.

In Mr. Messing's article on Judge Deutsch's retirement and new position, he wrote, "Word that Leon Deutsch has been quietly appointed to hear cases—primarily matrimonial actions that can involve delicate issues of child custody—has stunned and angered his critics."

### "Outraged"

Mr. Messing specifically named Francoise Jacobsohn, then-president of the New York chapter of the National Organization of Women, and then-Assemblyman Nadler.

According to Mr. Messing's article, Mr. Nadler said, "I am outraged. To bring back Judge Deutsch who has shown such clear bias and even hostility to women and children to a court where he will deal with matrimonial matters and custody cases is outrageous. Whoever is responsible for this is asking to endanger more children's lives."

Similarly, in a recent phone interview with Ms. Alter, she not only recalled Dr. Neustein's case with exquisite clarity, she also referred to her own efforts, working with other feminist activists, to remove Judge Deutsch from the bench.

"My only regret is that we were not more successful," she said. S.L.R.



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