

The Sales of Justice

In the dark corridors of Brooklyn politics, a State Supreme Court judgeship sells for \$50,000 stuffed in an envelope, and \$6,000 in postage stamps

by Wayne Barrett

January 13th, 2007 1:37 PM The haunting whisper in the courthouse corridors of Brooklyn was heard for so many decades it became an axiom, as unchallenged as it was unproven.

It wasn't just that a case could be fixed. The darker secret was that the bench itself had been bought, that its polyester black robes were on a perpetual special-sale rack, that smarmy party bosses, ensconced at 16 Court Street across from the supreme court they ruled, demanded cash tribute to "make" a judge. The district attorney, Joe Hynes, who first heard the rumor 36 years ago when he was a young prosecutor running the office's rackets bureau, said in 2003 that he'd have to be "naive to think it didn't happen," that it was "common street talk that this has been going on for eons."

So for four years, ever since a judge who'd been caught on videotape taking gifts agreed to wear a wire for a meeting with one of the alleged judgeship marketers, Hynes has searched for the fire suggested by what he calls "the smoke" surrounding this legendary allegation. At last he is on the verge of making the case that will shame New York. The saga of this sewer shakedown has all the heightened drama of a trashy novel, with envelopes of cash handed off just days after 9-11 in the shadows of the collapsed towers. When the disturbing details become fully known, Hynes's stunning prosecution may at last force the state legislature to junk the peculiar way New York State nominates the 14-year-term, \$136,700-a-year judges who preside at all felony and major civil trials, as a federal court has already concluded we should.

If judgeships have been sold, as Hynes has apparently established, so, too, has the soul of the city.

Hynes is primed to prove that Clarence Norman, the chairman of the Brooklyn Democratic party for 15 years until he was convicted in the first of two unrelated cases in 2005, took at least \$50,000 in cash and \$6,000 in postage stamps to elevate Civil Court Judge Howard Ruditzky to the State Supreme Court in 2001. (While the price may have gone as high as \$70,000, the *Voice* has only pinpointed \$56,000 in payments.) Norman had the power to promote Ruditzky because Supreme Court nominees are selected by judicial conventions, an insider artifice that allows the Democratic boss in a Democratic county to handpick jurists, unrestrained by primaries that are the electoral path to most posts, including the Civil Court position Ruditzky then held.

Already facing two to six years in jail on the aforementioned unrelated charges and scheduled to go to trial on January 23 on other Hynes charges, Norman will now be indicted again for demanding payoffs in 2001 for the Ruditzky promotion, sources close to the investigation have told *The Village Voice*. One pivotal witness has also implicated Norman's longtime associate Carl Andrews. The *New York Post* has reported that Governor Spitzer has named Andrews to a top community affairs post similar to the one that he held during Spitzer's first term as attorney general, but a spokesman for the governor declined to confirm that. Andrews, who was on a five-month leave from Spitzer's office to do campaign work at the time of the alleged payoffs, was elected to the state senate in 2002 and was defeated last September in a Brooklyn congressional race.

The *Voice* has learned that Hynes's chief of investigations, Michael Vecchione, has built a case around four witnesses—Jeff Feldman, the executive director of the party; Norman Chesler, who's admitted making the \$56,000 in payments to Norman; ex-Supreme Court judge Michael Garson, who taped a conversation with Ruditzky; and Ruditzky himself. The judge reportedly was granted immunity and testified before Hynes's grand jury for a few hours several weeks ago, acknowledging that he was

forced to pay as much as \$70,000 for the judgeship. In mid December, Hynes informed the New York State Office of Court Administration (OCA) about Ruditzky's immunized appearance. Ruditzky's grand jury testimony has been forwarded to the Commission on Judicial Conduct, which is considering his removal from the bench.

OCA had already reassigned Ruditzky during the summer to "ministerial tasks" in a "preliminary conference part," removing him from any possible trials, citing "health reasons." Ruditzky did not go to work Tuesday morning, and a woman left his Midwood home and drove off in an SUV with Supreme Court license plates.

But the story behind Hynes's historic case starts with the man who calls himself "PlusPlus," in memory of the two \$25,000 cash payoffs he has told the grand jury he made, one right after the other, to Norman, who was then both Brooklyn boss and assistant speaker of the state assembly.

The year 2001 was Norman Chesler's biggest in every way. By his own account, his weight reached 525 pounds and his income reached \$1.2 million. He claimed that his Boro Medical and Psychological Treatment Services and associated firms had 13 trauma mills located all over the city, and were doing box-office business in personal injury cases, including auto and other accidents. He loved to dazzle business associates with his flashy ultra-large custom suits, brand-new Jeep Laredo, and expensive spreads at Lundy's, the Brooklyn bayfront restaurant where he would slip quick-toed waiters twenties for shrimp cocktails and drinks. In a county still filled with Runyonesque characters, Chesler remained remarkable, a high-volume head-case chaser, plying legal and political connections for trauma referrals, as ubiquitous as he was ingratiating.

He was the brains behind his high-sounding professional outfits, which also included Ascension Therapeutic and Tower Biofeedback and Hypnotherapy. But his own specialty was as a sex therapist; the best evidence of his expertise was the beautiful woman on his rather hefty arm. He called himself a doctor, and said he had a Ph.D. from Greenwich University—which was in Australia, not Connecticut. Closed since 2003, Greenwich was once a correspondence school, but wasn't accredited by Australian authorities. Chesler has been certified by the American Association of Sex Educators, Counselors, and Therapists (AASECT) for years, but no government entities certify sexologists except in Florida, and an official at AASECT says its certification of Chesler is based primarily on his Greenwich degree.

Everyone who got to know the gregarious Chesler in Brooklyn politics in the late '90s, when he became a contributor and gadfly, assumed that his doctorate had something to do with the psychological services his company provided. As mistaken as they were about that, the elected party and public officials who met him at fundraisers and other events were right about the two other things they remembered about him. He "wasn't kosher," as they put it, and he was "the main man" behind Ruditzky's 2001 campaign—first, for Civil Court re-election, and then for party designation to the State Supreme Court.



Brooklyn Supreme Court Judge Howard Ruditzky
Rick Kopstein

Chesler, who calls the judge "Rudy," is Ruditzky's cousin, and his mother was once very close to Ruditzky's mother. He made re-electing Ruditzky to his civil court post a centerpiece of his life that year, donating to the judge's committee, pigeonholing party leaders involved in judicial politics, and working actively in his campaign. Since there were two countywide civil court positions up for election in 2001, Ruditzky was running with Mark Partnow, a candidate out of the borough's high-powered Jefferson Club.

So Chesler began visiting the club, buying pizza for the volunteers stuffing envelopes, and supplying stamps for the joint mailings. He sometimes went there with Ruditzky, and he even wound up spending primary day with the judge, on opposite corners of the same busy intersection, handing out literature. Chesler later blamed Ruditzky's loss on his cousin being a "nebbish who wasn't a real player," and thought no one with real power did much to help the campaign.

Ruditzky wasn't planning on serving if he'd been re-elected anyway. Norman had promised to include Ruditzky on the slate he would submit to the nominating convention for Supreme Court a week after the Civil Court election. If Ruditzky moved up, that would leave the Civil Court position vacant, creating an opportunity for Norman to handpick a replacement for that slot without the candidate having to run in a primary. Norman planned to fill Ruditzky's vacancy with Richard Goldberg, the law partner of Steve Cohn, the secretary of the county party. But Ruditzky's last-place finish in a field of four obliterated the vacancy he was supposed to deliver to Norman, leaving Norman with nothing to offer Goldberg other than the Supreme Court seat promised Ruditzky. It looked like the end of the road for Ruditzky.

But Chesler had already been assiduously pushing Norman on Ruditzky's behalf. He'd donated \$4,900 to two Norman committees and thousands more to Norman-tied candidates. More important, Chesler had arranged a few face-to-face meetings with Norman, including two at Gage & Tollner, the since-closed downtown restaurant that was then just a couple of blocks from Norman's party offices. One had been with Norman and Ravi Batra, a Manhattan lawyer who employed Norman on a consulting basis and picked up the tab for Norman's Mercedes. The other was with Norman and Jeff Feldman, who was Norman's top party aide.

According to Chesler, the meetings served two purposes. First, he wanted Norman to use his influence with personal-injury lawyers to get business for Boro Medical. Second, he asked at both meetings about his cousin's prospects for the court position. Norman made a meaningless referral for him to one attorney, who produced a single case, and Batra sent him no business. Chesler was so serious about securing liability referrals through Norman that he sublet office space from a Norman-connected firm on Court Street across from the courthouse. While Norman did little to boost Chesler's business, he did tell Chesler that "if Ruditzky wins re-election, we'll elevate him" to Supreme. Norman also indicated that Chesler "still had to give more help" to the party if Norman was "to help your cousin." He said "we could use money for activities in my community," and suggested that Chesler attend dinners, make contributions, and buy ads in journals.

Norman went well beyond the standard quid pro quo for campaign contributions. He began talking to Chesler about \$3,000 wheels of stamps on sprockets that could be purchased at a General Post Office. Norman wanted two. Chesler's driver took him to a Bronx post office and he picked up the rolls, which reminded him of the movie wheels in old theaters. He didn't understand why Norman dealt in this mysterious new form of political currency, but he knew the stamps could be redeemed as easily as they could be bought. The party had its own Pitney Bowes machine and could buy postage easily. When Chesler called Norman from his Court Street office and said he had the wheels, "Clarence, boom, came right over," entering Boro Medical's office on the side and leaving with the rolls in a large bag.

About a week later, Norman called Chesler and complained that the stamps "weren't peeling off one of the rolls." Chesler returned the wheel and bought \$3,000 worth of individual stamps. Norman came back to get them. If the stamps were actually used for political mailings, Norman would have been required by law to list them as sizable in-kind contributions from Chesler; a check of campaign records shows that he never has.

Shortly after the stamps were picked up and a couple of weeks before the scheduled September 11 primary, Chesler went to a Norman fundraiser at El Caribe, a large Brooklyn banquet hall. He remembers Feldman approaching him and telling him, "Clarence would like a word with you." He and Feldman walked out of the restaurant and onto a small landing that faced the valet parking lot. Norman said: "We are in need of additional help." Chesler asked again what "the chances" were of Ruditzky becoming a supreme court judge. Feldman said Ruditzky was "too dumb to go to supreme," provoking a hostile exchange with Chesler. When Feldman went back inside, Norman "popped the question, saying he wanted \$50,000." He told Chesler the money was required in order for Norman to help him out "with his practice," not because of Ruditzky.**

Norman told him he would "get back" to him "about the circumstances" of payment, and Chesler made it clear he could not make such a large payment at one time. Chesler says that Norman began simultaneously soliciting another \$50,000 from Ruditzky himself, telling the judge at one meeting that he had to come up with \$50,000 "to hire legal, advertising, and other people" suggested by the party. When Ruditzky told Chesler about Norman's demand, Chesler told him: "You're nuts. You're not giving them a dime." Chesler says he "thought Clarence would take care of my cousin because of everything I was giving," even though it was ostensibly connected to his business.

Soon after the El Caribe conversation, Norman appeared again in Chesler's office to get the first \$25,000, which Chesler handed him "wrapped in a large brown envelope without any conversation." Chesler says Norman sent Andrews to pick up the second \$25,000, but his recollection of Andrews's role is less certain because he says he doesn't know Andrews well, recalling two prior occasions he thinks he saw him. He is certain it was a black man who said he was Carl and that he was "from Clarence." Other sources have told the *Voice* that Andrews was allegedly involved in one of the stamp transactions, not a cash pickup. Andrews says he doesn't know Chesler or his company, never heard of stamp wheels, and made no such pickup for Norman. Andrews insists that he has never been questioned by Hynes's office about any of this and cites that as evidence of his innocence. Spitzer's office says it knew nothing about the questions raised about Andrews's possible conduct.

Chesler cannot put a date on any of the payoffs, but bank records reviewed by the *Voice* reveal a series of withdrawals that Chesler made from Boro Medical between July and November 2001, totaling \$43,950. The withdrawals do not appear related to Chesler's salary. The biggest withdrawals—one for \$13,000 and one for \$5,000—came two days after Ruditzky lost the primary on September 25, the rescheduled date after the postponement of the September 11 election. The second-largest withdrawals followed the judicial convention that nominated Ruditzky (even after his primary loss, to the surprise of most Court Street insiders). The *New York Post* has reported that prosecutors have found that Norman was making yearly unexplained \$50,000 cash deposits in his personal account for five years, starting in the late '90s.

Notations contained in the same small package of documents with the record of Chesler's withdrawals, also reviewed by the *Voice*, indicate that he made "contributions for future considerations" and that "when Rudy and Partnow were not elected, I asked that the dollars be used for the judgeships." The contributions "I gave Clarence Norman," the notations said, "should be used to help Partnow and Rudy be considered." Partnow, however, was never a Chesler priority and wasn't elevated to the high court until 2002. Chesler's notes also said that "CN"—a reference to Norman—"asked for Rudy to come up and give 50k for services," adding that "since they weren't getting it on their own, they asked for help."

While the notes establish the connection between the payments and the judgeship, so does the timing, as imprecise as Chesler is about it. He says he is sure he didn't make the second "25 large" payment to Norman until after Ruditzky was elected that November. Once Ruditzky won the Democratic nomination at the October convention, his November general election victory was a formality. But Chesler waited until it actually happened.

Chesler began cooperating with Hynes's office after he was indicted in two no-fault car insurance scams by then state attorney general Eliot Spitzer's office. He pled guilty to felonies in 2005 in both cases, appeared in Hynes's grand jury last summer, and is scheduled for sentencing next month. While Chesler's case file has been sealed, the charges against Dr. Naum Vaisman, a Russian neurologist and psychologist who acted as the director of Boro Medical, suggest the nature of Chesler's scheme. Vaisman's indictment said he was "the purported owner" of Boro, but added that the company "was, in reality, owned and controlled by a separately charged individual," an apparent reference to Chesler.

Vaisman was accused of submitting "fraudulent no-fault claims to insurance carriers for psychological services which either were never provided to patients or were not medically necessary." Many of the false claims occurred in the spring and summer of 2001, when Chesler was hustling for Ruditzky. Vaisman pled guilty in Brooklyn and Queens cases, and his felony conviction cost him his medical license. Vaisman told the *Voice* that Chesler convinced him to sign the incorporation papers for Boro and dragged him to fundraisers to meet politicians like Norman. "He would present me as the medical director of his whole business because I looked good and spoke in an intelligent way," said Vaisman, "but actually I knew nothing that was going on." He claims that Chesler ran the companies out of a basement apartment, sent a car service to take him to clinics to see patients, and sublet space in these clinics to snare referrals.

In the Queens indictment, Vaisman was named as a participant in a 36-member ring that defrauded millions from insurance companies by staging sham auto accidents. Prosecutors alleged that this "fraud factory" was run "under the protection of the Bonanno crime family" and was managed in part by Joe Fratta, a Bonanno associate whom Vaisman says he never met.

The *Voice* was the first to report on the oddity of Ruditzky's elevation ("[This Clarence Is No Clown](#)," March 27, 2002). "Court Street insiders could not think of another occasion," we wrote then, "when a losing Civil Court nominee was rewarded with the top plum."

The story also pointed out that Ruditzky's record was "so spotty" that he was one of the few Brooklyn Civil Court judges temporarily assigned to sit in Supreme and yanked out after spending as little as six months there. Because of the heavy Supreme Court case-load, it's common that Civil Court judges are moved up to acting Supreme Court positions by state judicial officials. But it's very uncommon that they are quickly rotated out of Supreme, as Ruditzky was in 1999, reportedly due to his perceived shortcomings.

But neither Ruditzky's electoral loss nor his unusually sudden reassignment diminished Norman's enthusiasm for him in 2001, upsetting even party stalwarts like Steve Cohn. The party's executive committee—which consists of the leaders elected in each assembly district—met before the judicial convention, as it always does, to vote on the slate selected by Norman. Cohn, who was the leader in Williamsburg and had just unsuccessfully run for a City Council seat, raised questions at the committee meeting, which is rarely done. Others were miffed as well.

What made Norman's determination to go ahead with Ruditzky doubly strange was that no district leaders were actually championing him. All five of the other nominees on the approved slate were put on the table by district leaders, as was the party's custom. The Carroll Gardens leaders pushed for Joe

Bruno, Al Vann and the black leaders for Bert Bunyan, Joe Bova and the Italian leaders for Patricia DiMango, Angel Rodriguez for Allen Hurkin-Torres, and Staten Island county leader John Lavelle for Tom Aliotta. But the leaders who put Ruditzky in play for Civil Court in 1991 were no longer leaders. All he had going for him 10 years later were a couple of Orthodox rabbis.

The controversy quickly evaporated, only to return three years later. On November 15, 2004, Jack Newfield, a former *Voice* senior editor who had gone to work at *The New York Sun*, learned that Hynes had startling new information about the Ruditzky elevation. A source in the Brooklyn courts well known to Newfield told him, according to notes Newfield took that day, that Hynes had "broken the code on how judgeships are sold in Brooklyn." Newfield died a month later, but his notes indicated that Judge Michael Garson "flipped after he was indicted" but before his indictment was actually filed and told Hynes's office about thousands in payments that Norman had taken on behalf of Ruditzky. The source, who is named in the notes, said that after Garson "was told to surrender at 6 a.m." on charges involving his alleged theft from the trust fund of an ailing aunt, he told Hynes's assistants "what he really knew."

The source was so upbeat about Garson's cooperation he told Newfield that the D.A. "was sitting" there with "four aces." Since Feldman, Chesler, and Ruditzky had yet to come forward, the source's "four aces" comment, referring then only to the case-making value of Garson's information, would prove to be a prophetic count.

News reports in 2005 revealed that Hynes decided not to file the indictment against Garson for six months and that the judge wore a wire for prosecutors and engaged Ruditzky, and possibly others, in taped conversations about the payments. In early 2003, Hynes had arrested Garson's cousin Gerald, who was also a Norman-anointed Supreme Court judge, on charges that he'd taken boxes of expensive cigars, airline tickets, high-priced meals, and cash from attorneys practicing before him, some of it documented on videotape shot in his robing room. Gerald Garson was the first to blow the whistle on judgeship-buying in talks with Hynes's office, and he also agreed to wire up. But his arrest had attracted so much publicity, he got nothing out of taped conversations with a Norman associate. Unable to cut a deal with prosecutors, he is scheduled to go on trial in March, having lost a hotly contested appeal.

By not filing the Mike Garson indictment for months, Hynes was apparently able to get much more from his taped exchanges with Ruditzky than he got from Gerry Garson's undercover efforts. In sharp contrast with Hynes's continuing pursuit of Gerry Garson, Mike Garson was allowed to draw his full salary for more than two years after the grand jury voted to indict him, with Hynes agreeing to postpone his trial again and again. Hynes's willingness to delay the case allowed OCA to continue paying Garson, though state officials did suspend him from sitting on the bench. His term expired in 2006 and he did not seek re-election.

The terms of Hynes's final deal with Garson are still unclear, but his office's overall handling of the judge indicates that they still regard him as an "ace," suggesting that Garson's 2004 taped seduction of Ruditzky worked and led, in part, to Ruditzky's current cooperating posture. Chesler believes that Garson also first tipped Hynes about the pivotal role Chesler played for Ruditzky, prompting them to reach out to him. He says he ran into Garson at a diner when Garson was wearing the wire and that Garson "pointed at his chest," convincing Chesler to stick to small talk and move on.

In addition to his deal with Hynes, Garson has also managed to narrow his financial exposure in the civil case involving the fund. A 2006 report of the court guardian indicates that Garson only had to repay the fund \$90,000 "out of estimated debt of twice that sum." With Garson cooperating, Hynes did

not oppose the dramatic reduction of the 2004 judgment. Indeed, the report indicates that Garson's criminal case may have actually helped him slice the restitution payment, noting that he "lacks the resources" to pay more, in part because "he is under indictment and his counsel fees are undoubtedly large."

Garson's aunt Sarah Gershenoff, who was 93 when she died nearly destitute in 2005, gave her two nephews power of attorney a decade ago to oversee her nearly million-dollar trust. But as the *Daily News* reported, she was writing them \$50 birthday checks at the same time that, unbeknownst to her, they were making as much as \$50,000 withdrawals from her account.

Not only did Norman put the Garsons on the bench, he also helped install Gerry Garson's wife, Robin, on the Civil Court, a mark of the clannish excess of the Norman reign. Gerry Garson was the treasurer of the Brooklyn party and Mike Garson was a district leader before Norman made them judges. Mike Garson's wife, Laurie, is still a leader. Robin Garson was granted immunity from prosecution to testify before the grand jury investigating Mike Garson, and remains a sitting judge. Ironically, she was an attorney who helped Ruditzky in a petition battle in 2001, as was Alan Rocoff, who was Mike Garson's law partner and close associate. Norman's party was just that kind of closed circle of insiders and relatives, with cash fueling some decisions, and no pretense of merit.

In addition to Mike Garson, another apparent "ace" in Hynes's deck is Feldman, the nuts-and-bolts operative who seems to literally live inside the party's small offices at 16 Court, having held the same top staff position under Norman's predecessor Howard Golden as he did under Norman. Predictably, his wife is a Supreme Court judge. Feldman long occupied a position on the New York State Senate payroll and has already been a cooperating witness in one grand jury probe—the one that led to the indictment of his then boss, Democratic Senate leader Manfred Ohrenstein.

Feldman was indicted on 22 counts in the case against Norman, set for trial later this month. Hynes agreed a couple of months ago to drop all of the charges against Feldman, without getting him to plead even to a misdemeanor. This extraordinary break is a measure of the value Hynes initially assigned to Feldman's cooperation.

Not only can Feldman confirm portions of the Chesler conversations with Norman, he can also add testimony about his own call to Norman the night Ruditzky lost the primary. Feldman has told prosecutors about the rules of what he calls the "backfill." He says he told Norman that since Ruditzky "no longer had a vacancy to give back to the system," he should not be promoted to Supreme. Feldman was already "imagining alternatives," including the selection of Goldberg. But he was "shocked," he has told Hynes's office, when Norman immediately announced that he "had a deal in place with Ruditzky and was going to keep the deal," a position he maintained when Feldman raised the issue again in subsequent conversations.

Feldman has insisted in his meetings with Hynes's office that he knows nothing about payoffs, just the Ruditzky-tinged solicitation of Chesler contributions. It's not clear if Hynes is fully satisfied with Feldman's cooperation, and if not, Feldman could face new charges.

Chesler, whose gastric bypass surgery and convictions have left him a shadow of his former self, has clearly become the third "ace" in Hynes's deck. While Chesler's criminal past is an invitation to cross-examination, much of his story, including the stamp wheel purchases, is supported by records. And he insists he is a changed man. But he also maintains that he never told Ruditzky about the payments he made to Norman, so it's unclear what the ultimate ace, Ruditzky himself, has said about Chesler's payments or any other payments that could bring the total to as much as \$70,000. The judge could confirm what he told Chesler about Norman's separate shakedown of him for \$50,000 in advertising, legal, and other costs.

Ruditzky's campaign did pay Norman's party attorney, Israel Goldberg, \$18,000, and another lawyer tied to the organization, Gerald Dunbar, \$5,000, and two of the lawyers who actually handled the extensive litigation involving Ruditzky's petitions can't recall any real work either did. The party's attorney usually provides petition advice to incumbents without charge.

Ruditzky is the fourth judge snared by Hynes, a record for any New York district attorney. Hynes is showing the prosecutorial flexibility to make a case that makes history, cutting deals with his eye squarely on the goal of cleaning out not just a corrupt courthouse, but a corrupt courthouse system. The special prosecutor in the notorious racial murder case in Howard Beach, Queens, in 1986, Hynes authored a book that caught him reminiscing about his early days as a rackets prosecutor in Brooklyn. Hynes described the borough as "a squalid world of crooked cops and sleazy politicians, a world with no heroes." Two decades later, he is closer now than anyone with the power of a subpoena has ever been to disinfecting that squalid world.

**Editor's note: This paragraph was inadvertently left out of the original Web version. It was added on January 14.

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