

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceedings Pursuant
to Section 44, subdivision 4, of the
Judiciary Law in Relation to

**VERIFIED ANSWER TO
FORMAL WRITTEN COMPLAINT**

LEE L. HOLZMAN,

a Judge of the Surrogate's Court,
Bronx County.

LEE L. HOLZMAN, by his attorneys GODOSKY & GENTILE, PC., as and for his answer
to the Formal Written Complaint, sets forth as follows:

1. Admits allegations in paragraph "1" of the Formal Written Complaint.
2. Denies knowledge or information sufficient to form a belief with respect to paragraph "2" of the Formal Written Complaint.
3. Denies each and every allegation contained in paragraph "3" of the Formal Written Complaint.
4. Admits allegations contained in paragraph "4" of the Formal Written Complaint, except Denies that the Respondent's current term expires on December 31, 2011.

ANSWERING CHARGE I

5. Denies each and every allegation contained in paragraph numbered and designated as "5".
6. Admits allegations in paragraphs numbered and designated as "6", "7", and "8".
7. Denies each and every allegation contained in paragraph numbered and designated as "9", except admits that the Administrative Board Guidelines recognize that it is the responsibility of the Surrogate to fix the reasonable compensation of counsel after consideration of the

factors set forth in SCPA § 1108(2)(c).

8. Denies each and every allegation contained in paragraphs numbered and designated as "10", "12", "13" and "14".
9. Denies knowledge or information sufficient to form a belief with respect to paragraph numbered and designated as "11".

ANSWERING CHARGE II

10. Denies each and every allegation contained in paragraphs numbered and designated as "15", "17", "22" and "24".
11. Denies each and every allegation contained in paragraph numbered and designated as "16", except that Respondent admits he learned at some point in time that Michael Lippman had received advance legal fees.
12. Denies knowledge or information sufficient to form a belief with respect to paragraph numbered and designated as "18", except Admits that Respondent did not report Mr. Lippman to Law Enforcement Authority or the Departmental Disciplinary Committee, but there came a time when the Respondent was aware that Mr. Lippman was under investigation.
13. Denies knowledge or information sufficient to form a belief with respect to paragraph numbered and designated as "19", except to admit that in or about 2006 respondent implemented a system by which Mr. Lippman would repay advance legal fees he had collected.
14. Admits allegations in paragraphs numbered and designated as "20", except denies that at respondent's direction Mr. Lippman was kept on staff to "work off" excess legal fees.

Respondent implemented a system wherein fees earned by Mr. Lippman were first used to repay advance legal fees he had collected.

15. Denies knowledge or information sufficient to form a belief with respect to paragraph numbered and designated as "21".
16. Admits the allegation in paragraph numbered and designated as "23", except denies that John Reddy had the authority to terminate Mr. Lippman without the authorization of respondent and that respondent so authorized the termination.

ANSWERING CHARGE III

17. Denies each and every allegation contained in paragraphs numbered and designated as "25", "28", "29", "30", "31", "33", "36" and "37".
18. Denies knowledge or information sufficient to form a belief with respect to paragraphs numbered and designated as "26" and "27", in that the factual allegation is nonsensical, vague and overly broad.
19. Admits allegations in paragraph numbered and designated as "32".
20. Denies knowledge or information sufficient to form a belief with respect to paragraphs numbered and designated as "34" and "35".

ANSWERING CHARGE IV

21. Denies knowledge or information sufficient to form a belief with respect to paragraph numbered and designated as "38".
22. Denies each and every allegation contained in paragraph numbered and designated as "39".

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

The Complaint must be dismissed as it fails to state a claim, cause of action or violation of the Rules.

AS AND FOR SECOND AFFIRMATIVE DEFENSE

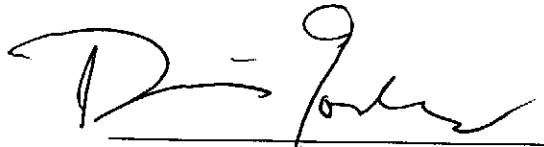
The Complaint must be dismissed as the factual allegations set forth therein are unconstitutionally vague, overly broad and fail to advise the Respondent of the specific cases or actions upon which the alleged violations are predicated.

AS AND FOR THIRD AFFIRMATIVE DEFENSE

The Complaint and the charges are violative of the Respondent's due process rights.

WHEREFORE, respondent, LEE L. HOLZMAN, respectfully requests that the complaint against him be dismissed in all respects.

Dated: New York, New York
January 21, 2011



DAVID GODOSKY, ESQ.
GODOSKY & GENTILE, P.C.
Attorneys for Defendant
61 Broadway
New York, New York 10006
(212) 742-9700

TO:
ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
New York, New York 10006
(646) 386-4800

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)
 BRONX)
COUNTY OF NEW YORK)

ss. :

LEE L. HOLZMAN, being duly sworn, deposes and says:

I am the respondent in the within action. I have read the annexed ANSWER, know the contents thereof, and the same is true to my knowledge, except those matters stated upon information and belief, and as to those matters I believe them to be true.

Lee L. Holzman
LEE L. HOLZMAN

Sworn to before me on this
20th day of January, 2011

Mark J. Levy
Notary Public

MARK J. LEVY
NOTARY PUBLIC, State of New York
No. 02LE4625414, Bronx County
Commission Expires March 30, 2014