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### Amy Neustein: Victory in Court Could Lead to a Personal Victory, Too

For more than 20 years, Dr. Amy Neustein -- author, scholar, activist, and Orthodox rabbi's daughter -- has been tackling the sticky issue of child molestation, especially in the Jewish community. It has often been a lonely struggle, with some in the community castigating her for even suggesting there might be a problem.

But some of Dr. Neustein's most painful challenges, it seems, have arisen from within her own family. Last month, after an eight-year court battle with her brother, Joshua Neustein of Riverdale, Dr. Neustein, who lives in Fort Lee, scored a judicial knockout, winning the \$1 million-plus home in Manhattan Beach that the court agreed her parents, Rabbi Abraham and Rebbetzin Shirley Neustein, deeded to her in 2001, together with hundreds of thousands of dollars in damages for being denied access since her parents' deaths.

The loss will not greatly affect Joshua Neustein's pocketbook. According to newspaper reports, he is a self-made real-estate mogul, the owner of scores of apartment buildings in Upper Manhattan and the Bronx and is worth an estimated \$30-\$40 million.

However, he has also achieved notoriety as one of "New York City's Worst Landlords," according to a newly created website administered by NYC Public Advocate Bill de Blasio. The Public Advocate's list shows Mr. Neustein

with more than 2,200 Housing Preservation and Development (HPD) violations on some of the buildings he owns. More than 170 of the violations are listed as "Class C," the most serious of the housing infractions recorded by NYC officials.



Dr. Amy Neustein

#### Other Motives

According to Dr. Neustein, one of her brother's chief motives in maintaining the court battle against her was to prevent her from waging her campaign against sexual abuse in the Jewish community. She says he has regarded her struggle to subject the issue to the light of day as "bad for the Jews."

"I never anticipated that my brother would turn against me. Or that I would not be the only one at risk when he did," Dr. Neustein told the *Jewish*

#### *Voice and Opinion.*

With her court victory last month, Dr. Neustein hopes to continue to fight for victimized Jewish children, including, perhaps, her niece, Sandy Neustein, Joshua Neustein's psychologically disabled daughter.

Dr. Neustein was denied access to her property until Mr. Neustein surrendered it to her, under court order, on December 1, 2009. The judge ordered Mr. Neustein to pay his sister a whopping \$534,000 in damages, plus interest dating back to July 2002, which could well add another \$200,000 to the total.

"I know my parents wanted me to have the house—unfortunately, I had to fight Josh to see that their intent was respected," says Dr. Neustein. "And I also know that they would want me to make sure Sandy is safe. So that's my task too."

#### Family Pains

Dr. Neustein, the co-author (with Michael Leshner, Esq., of Passaic) of *From Madness to Mutiny: Why Mothers Are Running from the Family Courts—and What Can Be Done about It*, is also the editor of *Tempest in the Temple: Jewish Communities and Child Sex Scandals*, published by Brandeis University Press in 2009 as part of their prestigious American Jewish History, Culture and Life series. Both books were received by reviewers with praise and admiration, recognizing Dr. Neustein as an accomplished scholar in the field.

But Dr. Neustein's scholarship was born of personal pain.

In 1986, her late mother accused Dr. Neustein's former husband, Dr. Ozzie Orbach, of sexually abusing their then-

#### Damages

On September 13, Judge Diana A. Johnson of Brooklyn Surrogate's Court ruled that Mr. Neustein illegally blocked Dr. Neustein from access to the family house—which the judge determined was Dr. Neustein's upon her parents' death—for more than seven years, changing the locks to the house even as Dr. Neustein sat *shiva* for her father, a prominent Talmudic and Hebraic scholar, at the end of June 2002.

Judge Johnson found that

six-year-old daughter, Sherry. In court testimony, Rebbetzin Neustein said she actually witnessed Dr. Orbach abusing his daughter.

### Ignoring Evidence

Ignoring mounds of evidence substantiating the mother's claim, including the child's demonstration on anatomically correct dolls and Sherry's own reports of her father's abuse that experts believed were genuine, a Brooklyn Family Court judge decided Dr. Neustein had "coached" Sherry to believe she had been abused.

He granted Dr. Orbach full custody of the child and allowed Dr. Neustein visiting privileges only under supervision. Even that scant contact with her only child came to an abrupt end in 1989, when Dr. Neustein became alarmed at Sherry's drastic weight loss while in Dr. Orbach's custody. Ignoring the family court judge's admonition not to seek medical care for her child without the father's permission, Dr. Neustein—accompanied by her visitation supervisor, Rebbetzin Rachel Anolick—took Sherry to the Kings County Hospital Emergency Room, where the pediatrician on call, Dr. Jeffrey Birnbaum, found the young girl "by far the worst case of emaciation I have ever seen."

Dr. Birnbaum testified that Sherry could have died had her mother not brought her for treatment; he also noted that he had been struck by the 8-year-old's sexualized behavior "that seemed grossly inappropriate for a girl her age."

But Family Court Judge Leon Deutsch punished Dr. Neustein by suspending all her visitation privileges. She has not seen her daughter since.

### "Bad for the Jews"

Since losing her daughter, Dr. Neustein has sublimated her own pain by becoming a

champion of women throughout the US whose experiences in family court are all too similar to her own. Her advocacy for women forced to fight for custody of their children, after the father has been credibly accused of child sex abuse, prompted the New York Chapter of the National Organization for Women to recognize her as a symbol on "Childless Mother's Day."

In 2006, the Battered Mothers Custody Conference, held in upstate New York, honored her with its Woman of Valor Lifetime Achievement Award.

This year, Dr. Neustein received a Pro Humanitate Award from the North American Resource Center for Child Welfare for an article co-written with Mr. Leshner.

### Too Outspoken

But according to Dr. Neustein, her outspokenness precipitated a break with her older brother, Joshua.

"When I was quoted in the *New York Post* by columnist Doug Montero saying that clergy abuse wasn't just a Catholic problem; Orthodox Jews were suffering from it too, Josh called me and said that a statement like this was 'bad for the Jews,' that people in his synagogue didn't like it, and that if I didn't retract the statement he would have nothing more to do with me," she says.

Shocked that her brother seemed to care less for victimized children than for his public image, Dr. Neustein says she began to wonder if this attitude had affected his way of dealing with other people—including the tenants in the dozens of buildings he owns.

### Shocking Conditions

What she found, she says, horrified her. For years, published news stories, in English and Spanish, have detailed

complaints of the conditions in Mr. Neustein's buildings.

In May 2008, the Spanish-language newspaper *El Diario* printed a front-page story that quoted a contractor who said he was owed thousands of dollars and six years of back pay by Mr. Neustein. Tenants at 78 Post Avenue—a Section 8 building owned by Mr. Neustein through his corporation, 1071 Home Corp—went to court against him, pointing out that the city had been forced to make 11 emergency repairs to the building over two and a half years.

*The Village Voice* reported that in November 2008 the locks on the doors of that building were still broken. Tenants told the magazine of deplorable conditions, of gunshots coming from the building's courtyard, of drug dealers conducting business right out of the central lobby.

"I went to that building and I saw for myself the appalling conditions. After that, it was easier to understand Josh's behavior. It wasn't just about me. I understood what I had been hearing from his daughter Sandy," says Dr. Neustein. "Now I was convinced that I wasn't the only one being hurt. This was Josh's attitude about everyone."

### Saving Sandy

Perhaps the most sensitive—and most disturbing—issue that has arisen between her and her brother concerns the welfare of his daughter Sandy Neustein, a 26-year-old woman who has been diagnosed with Asperger's Syndrome.

According to Dr. Neustein, in 2006, even as she continued the fight for access to her parents' house, her niece telephoned her from a Manhattan psychiatric hospital. According to Dr. Neustein, Sandy said her father had attempted to have her committed.

An ensuing string of rambling emails convinced Dr. Neustein that her niece was indeed at risk. Dr. Neustein, the child advocate, had found another family problem—and another relative who seemed to need protection.

"I was never able to help my daughter, Sherry, but I wanted to help my niece Sandy," she says.

### Dickensian Nightmare

The emails from "Sandy" to her Aunt Amy read like a Dickensian nightmare. The writer describes herself as in "danger," and focuses particularly on her father, whom she accuses of repeatedly "calling the police on me." His real intention, she writes, is to have her "locked away."

"They all keep telling me they will lock me in a group home and recently they have been threatening to call the cops on me more," one of the emails claims.

In other passages, the writer accuses Joshua Neustein of beating her, and of lying to the police to blame her for her injuries:

"My father thinks he has his own personal police force. They work for him...He lies to them and makes up stories when he calls. He calls the police when he does things wrong and says he's angry at me, and he is getting the cops angry at me. The police yelled at me and think it's my fault since he keeps calling and I can't stop him. He thinks it's a joke and does not care," she writes.

### Professional Concerns

Dr. Neustein is not alone in her concerns about Sandy. Charles Hargrave, who was appointed by the court to represent Sandy when her father sought—and gained—her guardianship last year, confirmed a great deal of her story, especially her fear that her father

was trying to have her “locked away and drugged up.”

Mr. Hargrave says he spent hours explaining to Mr. Neustein that his guardianship over Sandy does not mean he can have his daughter committed.

“He just doesn’t seem to understand that has to be a medical decision, not one he can make because he finds Sandy an embarrassment,” says Mr. Hargrave.

### Unpaid Bills

Sandy also seems to have reason to believe her father, both before and after he was granted permanent guardianship, has used her social security number to run up bills with New York City ambulances that have transported her to hospitals at his insistence, as well as to psychiatric emergency room visits.

When Sandy began receiving letters from a collection agency, implying that the unpaid bills would damage her credit, Dr. Neustein suggested her niece send her the information so she could help sort it out. After Dr. Neustein explained the situation to the collection agency, she was told the case would not be closed, but would remain “dormant.”

Asked about this activity, Mr. Hargrave said that if it occurred it was clearly problematic, because the court had given Mr. Neustein guardianship over Sandy’s “person” but not her “property.” He said he intended to write a letter to the court about it.

He is not the only one concerned. At least one doctor, as a mandated reporter, has informed New York authorities

about injuries Ms. Neustein sustained that he did not think were just accidents.

Dr. Neustein says that although she has talked to some law enforcement authorities on Sandy’s behalf, she has been told that this issue is being considered a family matter. Since her father was granted guardianship over Sandy, officials have been particularly reluctant to become involved, Dr. Neustein says.

### Going to the Press

But that has not stopped her from trying. When a child advocate at one government office suggested engaging the press, Dr. Neustein reached out to the *Village Voice* with her concerns about her niece. A reporter, Elizabeth Dwoskin, agreed to investigate.

The ensuing story—a cross between Orwellian nightmare and Marx Brothers farce—never appeared in the *Village Voice*, but Dr. Neustein says she learned all of it from Ms. Dwoskin herself. (Ms. Dwoskin declined to comment for this article.)

According to Dr. Neustein, Ms. Dwoskin knocked on the door of Joshua Neustein’s Riverdale home on a Friday evening and was met by another of Mr. Neustein’s daughters, who confirmed that the reporter had found the right home. When Ms. Dwoskin asked for Sandy, saying “your Aunt Amy is concerned about her,” the young girl said that her sister Sandy was indeed at home.

“After Elizabeth stood at the door for about ten minutes, during which there was terrible screaming, Josh appeared and

told Dwoskin she had reached the ‘Newfield’ home, not the ‘Neustein’ home,” says Dr. Neustein.

Ms. Dwoskin’s story had a grim resonance for Dr. Neustein; it was not the first time screams had reportedly come from her brother’s home. According to a former neighbor who has since moved away from Riverdale, such incidents were not unusual.

“We used to hear the little girls screaming for hours, ‘Let us out of here.’ I don’t know where they were locked up, but their screams were pitiful,” says the former neighbor.

### Sandy Who?

At the door, Mr. Neustein reportedly told Ms. Dwoskin that his daughter Sandy was now married to someone whom Dr. Neustein said sounded like “Fitzgerald.”

Astonished when Ms. Dwoskin told her about this turn of events, Dr. Neustein contacted Mr. Hargrave, who denied that his client was married to anyone.

“How could she possibly have married if Josh is her legal guardian?” said Mr. Hargrave.

### “Fitz”

On the Monday after Ms. Dwoskin’s visit to Riverdale, Dr. Neustein received an email from someone who had “fitz” as part of her email address.

The writer, who evidently had no idea “Sandy Neustein” had been in touch with her aunt for almost two years, opened her message by informing Dr. Neustein: “This is your relative, your niece [sic] (sandy).” The writer claimed to have

found Dr. Neustein’s email address—the same address Sandy Neustein had apparently been writing to for years—from Dr. Neustein’s website.

“I do not want to be in a newspaper article [sic],” the writer said, adding that she did not know why her name was mentioned. “But I do not know you. I have nothing to do with you. I am separate from family issues on that side of the family.”

The writer suggested that Dr. Neustein “call the newspaper and have them not print an article [sic].”

### “If No One Knows Me”

Meanwhile, at the *Village Voice*, Ms. Dwoskin received her own email from “Sandy Fitzgerald,” also making disparaging claims about Dr. Neustein.

A few hours later, Dr. Neustein received yet another email from her “neice (sandy)” (with “fitz” in the address), admitting that she had tried to contact Ms. Dwoskin but that the reporter had questioned her identity.

“I don’t know what you told her about my family or me, but if no one knows me enough to be able to know if it’s me or not, then they don’t know me. I have nothing to do with anyone on this side of the family. I barely know anyone on the father’s side,” the writer said.

### Looking for Sandy

In an effort to contact the real Sandy, *The Jewish Voice and Opinion* telephoned Joshua Neustein, who transferred the phone to someone he introduced as “Sandy.” However,



a few questions revealed that the woman on the line was not familiar with basic facts about Sandy Neustein.

When confronted with this information, Mr. Neustein became irate, threatening to "dig up dirt" on *The Jewish Voice* reporter and give it to his "friends at the *New York Post*."

Rounding out the tragedy, *The Jewish Voice and Opinion* next received a telephone call from someone else claiming to be Sandy Neustein, who admitted—this time—that she had repeatedly contacted her aunt, Amy Neustein, but added that everything she had told Dr. Neustein in the emails, for nearly two years, "was a lie."

The young woman on the phone went on to say, however, that she hated her father and needed practical help to escape from his home.

According to Dr. Neustein, she has heard from her niece, Sandy, just once since then, by telephone.

"She seemed distraught," says Dr. Neustein. "And now there's only silence. It's clear that Josh has effectively severed contact between Sandy and me—for reasons I'm afraid are all too obvious. I'm terribly concerned about Sandy."

### **Big Brother**

While no one may ever know who actually wrote the emails purportedly from "Sandy Fitzgerald"—a person who does not seem to exist—or "Sandy Neustein," there is little room for doubt about what Joshua Neustein did to his sister when he realized she had just inherited the family house in June 2002.

Just days after the death of their father—a scholar, educator, and lawyer who served as chief rabbi for what was once the largest congregation in Brooklyn, the Jewish Center

of Brighton Beach—Joshua Neustein kicked his sister out of the house, changed the locks, and told her the house was his, according to court records.

"He told me he was the first-born son," remembers Dr. Neustein, "and that gave him the power to do whatever he wanted. As a woman, I was just supposed to get out of his way. He demanded that I sign over to him whatever legal rights to the house I had. I think he really believed I would do it, he is so used to intimidating people."

### **Legal Obstructions**

Mr. Neustein was not so successful in court, although no one could accuse him of not trying. According to Mr. Leshner, who has provided legal work for Dr. Neustein for eight years on this case, her brother was able to delay and complicate the legal proceedings.

"We've been up against every type of legal obstruction that you could have faced, but our persistence appears to have paid off and I think we're finally seeing justice," Mr. Leshner told the *New York Post*.

Dr. Neustein's claim to the house was based on a deed made out by her parents on May 9, 2001, according to which the entire house became hers upon her parents' deaths. But, after Rabbi Neustein died on June 23, 2002 (his wife had died earlier), Joshua produced a deed dated June 6, 2002, purportedly signed by Rabbi Neustein, transferring the house instead to him and another sister, Frima Burger.

### **Fraud**

Dr. Neustein challenged that deed as fraudulent; Richard T. Picciochi, a handwriting expert who formerly headed up the New York Police Department's Questioned Documents Unit, concluded in a detailed written report in March 2005 that the signature was a likely

forgery. Mr. Picciochi found that "the manner of execution differs fundamentally between the questioned signature and known signatures of Abraham Neustein."

To date, no one has produced a handwriting expert's report to rebut Mr. Picciochi's opinion that the signature on Joshua Neustein's deed was "a simulation and not written by Abraham Neustein."

Judge Johnson awarded the house to Dr. Neustein without ruling on the forgery allegation, because Joshua Neustein's deed was not presented to the County Register for recording until after Rabbi Neustein's death. Under New York real estate law, this rendered the deed meaningless against the earlier one held by his sister.

### **No Undue Influence**

The judge also rejected Joshua's claim that Amy used "undue influence" to obtain the May 2001 deed.

Finding that Joshua wrongly evicted his sister from the house, and that he had deliberately kept her out for over seven years, Judge Johnson awarded Dr. Neustein damages for lost rental value, concluding that Joshua's claim to have been acting to protect his father's estate was "specious."

Tripling a portion of the damages due to Joshua's "intentional" conduct, the judge arrived at a total damages figure of \$534,000, to which she added annual interest of 9 percent since July 1, 2002—a calculation that could add hundreds of thousands more to the total.

Evelyn Haies, an Orthodox woman and Jewish activist who lives a block away from the Neustein's Brooklyn house and has known Dr. Neustein since 1980, sees her court victory as righting a wrong.

"This will allow her parents, Rabbi and Rebbetzin

Neustein, to rest in peace," says Ms. Haies. "How can the brother, who is a multi-millionaire, face himself and the community after stealing the house from his sister who is an academic writer and in need of sustenance? Amy's loss is our loss: we lost Amy from the Manhattan Beach Jewish community for the eight years she was forbidden by Josh from entering her family home. Now her victory is our victory."

### **Who Wins, Who Suffers?**

But to Dr. Neustein, the victory will not be complete until she knows where her niece Sandy is, and how she is being cared for.

As for the Brooklyn house, if the deed Joshua Neustein produced in court was in fact a forgery, the question is: who forged it, and will anyone face the music for that act?

There is also the issue concerning how the Riverdale Orthodox community, which, according to Mr. Neustein, was apparently ready to condemn his sister for supporting abused Jewish children, will view Joshua Neustein's behavior now.

Dr. Neustein says that, painful as it is to face such issues within her own family, she cannot ignore them any more than she has ignored child abuse issues in the larger American and Jewish communities.

"The New York Public Advocate's office is posting complaints on building after building owned by Josh. If he deals with those complaints the way he tried to deal with me in court, what will happen to those people? And what about Sandy? I wish I didn't have to be involved, but I am. I just don't think Josh is ever going to change on his own. Someone has to step up. So far, I'm that someone," she says.

S.L.R.