

**ATTORNEY GRIEVANCE COMMITTEE
SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT
180 Maiden Lane, 17th Floor
New York, New York 10038
(212) 401-0800**

JORGE DOPICO
Chief Attorney

BACKGROUND INFORMATION

Today's Date: **October 7, 2024**

Name: Elena Ruth Sassower/Director – Center for Judicial Accountability, Inc. (CJA)
Address: Box 8101, White Plains, New York 10602
Telephone: 914-421-1200
Cell: 646-220-7987
Email: elena@judgewatch.org

Are you represented by a lawyer regarding this complaint? No

ATTORNEY INFORMATION

Full Name of Attorney Complained of:

New York State Attorney General Letitia James
(Registration #1040518 – 1st Dept. January 22, 1979)

Office Address: New York State Office of the Attorney General
28 Liberty Street
New York, New York 10005-1400

Telephone: 212-416-8016
Email:

Dates of Incident: February 2023 – ongoing

Have you filed a civil or criminal complaint against this attorney? Yes.

If yes, name of case: *CJA v. JCOPE...AG James, et al.*

Name of Court: Supreme Court/Albany County Index #: [904235-22](#)
Appellate Division, Third Department Docket #: [CV-23-0115](#)

Have you filed a complaint concerning this matter with another Grievance Committee, Bar Association, District Attorney's Office? Yes

If yes, name of agency:

Simultaneous with the filing this complaint against Attorney General James and a companion complaint against Solicitor General Barbara Underwood, comparable complaints are being filed with the Appellate Division, Third Department Attorney Grievance Committee, against AG James' "of counsel" Assistant Solicitor General Noah Engelhart and Deputy Solicitor General Andrea Oser.

Action taken by agency: The above-complaints are just now being filed.

DETAILS OF COMPLAINT

This is a complaint against Attorney General James for litigation fraud at the Appellate Division, Third Department in [CJA v. JCOPE...AG James, et al.](#), born of the same conflicts of interest that propelled her litigation fraud when the case was in Supreme Court/Albany County, the subject of CJA's [October 10, 2022 complaint and February 1, 2023 supplement](#) to this Committee – and which is still before this Committee by CJA's [March 6, 2023 letter for full Committee reconsideration](#), as to which CJA made inquiry by an [October 5, 2023 e-mail](#) and then again by an [October 16, 2023 e-mail](#), without response.

Solicitor General Underwood handles appeals for AG James – and both their names are on the letterhead of the September 8, 2023 and October 12, 2023 letters to the Appellate Division, Third Department by Assistant Solicitor General Beezly Kiernan, each requesting 30-day extensions for the filing of Respondents' Brief ([NYSCEF #10](#), [NYSCEF #11](#)).

The Respondents' Brief subsequently filed, on November 15, 2023 ([NYSCEF #12](#)), signed by ASG Kiernan "of counsel" to AG James, and additionally bearing the name of Deputy Solicitor General Andrea Oser on its cover and signature page, was, from beginning to end, a "fraud on the court" – and the facts pertaining thereto and to ASG Kiernan's "fraud on the court" April 22, 2024 30-second oral argument based thereon are set forth by CJA's fully-documented appellate motions, accessible from the Appellate Division, Third Department [NYSCEF docket #CV-23-0115](#).

These fully-documented motions are:

- (1) CJA's November 25, 2023 motion ([NYSCEF #13](#)), whose first five branches were for an order:

“1. striking the 'Brief for Respondents', signed by Assistant Solicitor General Beezley J. Kiernan, on behalf of **Attorney General James**, and bearing the name of Deputy Solicitor General Andrea Oser, as a 'fraud on the court';

2. pursuant to 22 NYCRR §130-1.1 et seq., imposing maximum costs and sanctions against Assistant Solicitor General Kiernan, **Attorney General James**, and such other supervisory/managerial attorneys as Deputy Solicitor General Oser and Solicitor General Barbara Underwood based on their frivolous and fraudulent ‘Brief for Respondents’;

3. pursuant to Judiciary Law §487(1), making such determination as would afford appellants treble damages against Assistant Solicitor General Kiernan, **Attorney General James**, and such other supervisory/managerial attorneys as Deputy Solicitor General Oser and Solicitor General Underwood in a civil action based on their frivolous and fraudulent ‘Brief for Respondents’;

4. pursuant to 22 NYCRR §100.3D(2), referring Assistant Solicitor General Kiernan, **Attorney General James**, and such other supervisory/managerial attorneys as Deputy Solicitor General Oser and Solicitor General Underwood to:

(a) appropriate disciplinary authorities for their knowing and deliberate violations of New York’s Rules of Professional Conduct for Attorneys and, specifically, Rule 3.1 ‘Non-Meritorious Claims and Contentions’; Rule 3.3 ‘Conduct Before A Tribunal’; Rule 8.4 ‘Misconduct’; Rule 5.1 ‘Responsibilities of Law Firms, Partners, Managers and Supervisory Lawyers’; and Rule 5.2 ‘Responsibilities of a Subordinate Lawyer’;

(b) appropriate criminal authorities for their knowing and deliberate violations of penal laws, including, Penal Law §496 ‘corrupting the government’; Penal Law §195 ‘official misconduct’; Penal Law §175.35 ‘offering a false instrument for filing in the first degree’; Penal Law §195.20 ‘defrauding the government’; Penal Law §190.65: ‘scheme to defraud in the first degree’; Penal Law §155.42 ‘grand larceny in the first degree’; Penal Law §105.15 ‘conspiracy in the second degree’; Penal Law §20 ‘criminal liability for conduct of another’;

5. pursuant to Executive Law §63.1, determining **Attorney General James**’ appellate representation of Respondents to be unlawful, there being not even a claim that it is based on a determination of ‘the interest of the state’, with a further determination, pursuant to both Executive Law §63.1 and State Finance Law Article 7-A, that Appellants are entitled to the

Attorney General’s representation, *via* independent counsel” (bold added);

- (2) CJA’s May 1, 2024 motion ([NYSCEF #41](#)), whose second branch was;

“2. for the findings of fact and conclusions of law that were the Court’s duty to have made with respect to appellants’ November 25, 2023 motion to strike **Attorney General James’** Respondents’ Brief, signed by Assistant Solicitor General Beezley Kiernan, as a ‘fraud on the court’, and, based thereon, to hold him in contempt of court for his April 22, 2024 oral argument and to grant the motion’s further branches pertaining to him and the Attorney General ([NYSCEF #13](#))”;

- (3) CJA’s July 4, 2024 motion ([NYSCEF #52](#)), whose fourth branch is for an order:

“4. pursuant to [CPLR §5015\(a\)\(3\)](#), making the determination necessary for a jurisdictionally-empowered tribunal to vacate the [Appellate Division, Third Department’s] June 20, 2024 Memorandum and Order for ‘fraud, misrepresentation, or other misconduct of an adverse party’ – this being **Respondent Attorney General Letitia James**, representing herself and her fellow respondents, and here appearing by her ‘of counsel’ Assistant Solicitor General Beezly Kiernan”.

The July 4, 2024 motion, which was returnable on July 29, 2024, is *sub judice*. Its Exhibit A is CJA’s “legal autopsy”/analysis of the Appellate Division’s June 20, 2024 Memorandum and Order and is a “road map” of the appellate record and AG James’ flagrant litigation fraud, which the Appellate Division both concealed and adopted ([NYSCEF #54](#)). As highlighted by CJA’s reply affirmation in further support of the motion ([NYSCEF #58](#)), AG James has not contested the accuracy of the “legal autopsy”/analysis in any respect and opposes the motion by its *modus operandi* of conclusory frauds.

Complainant’s Signature (Required): _____

The foregoing complaint, with substantiating hyperlinks,
is affirmed as true under penalties of perjury, pursuant to CPLR §2106.