

**STATE OF NEW YORK
SUPREME COURT, APPELLATE DIVISION
ATTORNEY GRIEVANCE COMMITTEE
THIRD JUDICIAL DEPARTMENT**

COMPLAINT FORM

October 7, 2024

COMPLAINANT INFORMATION:

Name: Elena Ruth Sassower,
Director/Center for Judicial Accountability, Inc. (CJA)

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ATTORNEY COMPLAINED OF:

Name: Assistant Solicitor General Beezly James Kiernan
(registration #5518543 – admitted in Third Department/April 27, 2017)

Address: New York State Office of the Attorney General
The Capitol
Albany New York 12224

Telephone number: (518-776-2023)
E-Mail: Beezly.Kiernan@ag.ny.gov

CONTACT WITH OTHER AGENCIES

Have you contacted any other agency, such as a Bar Association, another Grievance Committee, Attorney General’s Office, or any other State Agency concerning this matter? If yes, state the name of the agency and what action was taken.

The answer is yes. Simultaneous with the filing this complaint against Assistant Solicitor General Kiernan and a companion complaint against Deputy Solicitor General Andrea Oser, comparable

complaints are being filed with the **Appellate Division, First Department Attorney Grievance Committee** against Attorney General Letitia James and Solicitor General Barbara Underwood. No action has yet been taken, as the complaints are just now being filed.

COURT ACTION TAKEN BY YOU AGAINST THE ATTORNEY

Have you taken any civil or criminal action against the attorney? If so, please name the court and provide the index number. What is the status of the matter and/or what action was taken by the Court?

The “court action” I have taken against ASG Kiernan, is in the Appellate Division, Third Department, in the appeal of *CJA v JCOPE...AG James, et al.*, [#CV-23-0115](#), in which his conflict-of-interest-driven litigation fraud has occurred. It has consisted of my motions for sanctions and other relief against him, including referral to ethics and criminal referral authorities. The Appellate Division, Third Department denied these motions without decision, without facts, and without law, excepting the last which is *sub judice*.

ALLEGATIONS

Explain your complaint against the attorney in as much detail as possible...Please provide a digital copy of all relevant documents...written communications (letters and e-mails) to and from the attorney, and the names of any witnesses and their contact information (address, telephone number, and email).”

This is a fully-documented complaint against ASG Kiernan for corrupting the appellate process in *CJA v. JCOPE...AG James, et al.*, wherein AG James and her nine fellow respondents are being sued for corruption involving the state budget and the judicial pay raises it embeds – the subject of complaints to the first three respondents: the Joint Commission on Public Ethics (JCOPE), the Legislative Ethics (LEC), and the State Inspector General.

ASG Kiernan’s litigation fraud – in the absence of ANY legitimate defense to the appeal – is fully-documented by CJA’s motions addressed to same – and a “digital copy” of EVERYTHING is 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](#))” (bold added);

(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 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**” (bold added).

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, by “of counsel” ASG Kiernan, 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](#)), ASG Kiernan has not contested the accuracy of the “legal autopsy”/analysis in any respect and opposes the motion by the AG’s *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.