

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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November 9, 2021

TO: NYS GRIEVANCE COMMITTEE FOR THE TENTH JUDICIAL DISTRICT  
Vice-Chair: James A. Pascarella, ESQ  
Justin Block, ESQ; Anne Bracken, ESQ; Jerald Carter, ESQ;  
Jeanmarie Costello, ESQ; Bishop Phillip Elliott; Alberto Fiorini;  
Larry Flowers, ESQ; Marc Gann, ESQ; John Gionis, ESQ;  
Candace Gomez, ESQ; Eric Holtzman, ESQ; Stephanie Judd, ESQ;  
Anthony LaPinta, ESQ; Kenneth Novikoff, ESQ; Michael Pilevsky;  
Candice Ratner, ESQ; Daniel Shapiro, ESQ; Arthur Shulman, ESQ;  
Cynthia Vargas, ESQ.

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

RE: (1) Conflict-of-interest/misconduct complaints against Chief Counsel Catherine Sheridan and Chair Dorian Glover pertaining to File No. N-1034-21;  
(2) Recall of Chair Glover's October 18, 2021 letter, *inter alia*, because it is unauthorized by §1240.7(e)(3) of Appellate Division Rules for Attorney Disciplinary Matters;  
(3) FULL Committee reconsideration pursuant §1240.7(e)(3) of Staff Counsel Rachel Merker's September 15, 2021 letter;  
(4) Investigation of the February 11, 2021 complaint against Assistant Attorney General Helena Lynch that is the subject of File No. N-1034-21, starting with requiring her "written response" to its April 3, 2021 specifications and April 27, 2021 supplement, consistent with §1240.7(b)(2).

As members of the New York State Grievance Committee for the Tenth Judicial District, you are responsible for the proper functioning of the Committee. It is for this reason that I write you, initiating conflict-of-interest/misconduct complaints against Committee Chief Counsel Catherine Sheridan and Chair Dorian Glover for fraud and deceit pertaining to File No. N-1034-21, as established by their [October 18, 2021 letters to me](#).<sup>1</sup>

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<sup>1</sup> To assist your verification, this letter/complaint contains live hyperlinks. Additionally, it is posted on CJA's website, [www.judgewatch.org](http://www.judgewatch.org), accessible from a menu webpage for the underlying February 11, 2021 complaint, from which the proceedings thereon are chronologically accessible, here: <http://www.judgewatch.org/web-pages/searching-nys/attorney-discipline/menu-feb-11-21-complaint-vs-james-etc.htm>.

**Chair Glover’s letter was sent to me as an attachment to Chief Counsel Sheridan’s letter – and I believe Chief Counsel Sheridan drafted the letter that Chair Glover signed in trusting reliance upon her.**

Indeed, I believe Chair Glover was unaware of the nature of the [February 11, 2021 attorney misconduct complaint that is the subject of File No. N-1034-21](#), as otherwise he would have recused himself based on his HUGE financial interest in the complaint by virtue of the fact that his wife is a judge and beneficiary of the judicial pay raises resulting from the [August 29, 2011 report of the Commission on Judicial Compensation](#) and the [December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation](#) – each “false instruments”.<sup>2</sup> *As a matter of law*, these two reports had to be voided, long ago, based on open-and-shut, *prima facie* EVIDENCE that they are statutorily-violative, fraudulent, and unconstitutional.<sup>3</sup> Instead, because of conflicts of interest and flagrant corrupting of the judicial process by the six attorneys who are the named subjects of the February 11, 2021 complaint, these two reports have been perpetuated – and a further larcenous “false instrument” report generated: the [December 10, 2018 report of the Committee on Legislative and Executive Compensation](#).<sup>4</sup>

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<sup>2</sup> Chair Glover’s wife is [Judge Linda Mejias-Glover](#), elected as a Family Court judge in November 2017 and, on May 25, 2021, nominated by Governor Cuomo for the Court of Claims and confirmed by the Senate on June 8, 2021. As a result of the two “false instrument” commission reports, her judicial salary since she took office on January 1, 2018, has been inflated by approximately \$80,000 each year – making her claw-back liability – upon the voiding of the reports – over \$300,000, as of this date.

Ironically, from 2009-2016, Ms. Mejias was principal law clerk for Nassau County Supreme Court Justice Edward Maron – the first-named plaintiff in *Maron v. Silver*, suing for judicial pay raises. The case was decided by a [February 23, 2010 decision of the Court of Appeals](#), consolidated with two other judicial pay raise lawsuits. The consequence of that fraudulent Court of Appeals decision and other intimidating moves by judges was the enactment, in December 2010, of the statute that established the Commission on Judicial Compensation, which, in March 2015, as part of behind-closed-doors “three-men-in-a-room” budget dealmaking, was repealed and replaced with the statute establishing the Commission on Legislative, Judicial and Executive Compensation.

<sup>3</sup> The starting point of such EVIDENCE is, with respect to the Commission on Judicial Compensation’s August 29, 2011 report, [CJA’s October 27, 2011 opposition report](#) and, with respect to the Commission on Legislative, Judicial and Executive Compensation’s December 24, 2015 report, [CJA’s December 31, 2015 letter to then Westchester District Attorney/New York Chief Judge Nominee Janet DiFiore](#), furnished to the Legislature by a [January 15, 2016 letter](#), which annexed a [12-page statement of further particulars](#). This, too, was furnished to Chief Judge Nominee DiFiore.

The accuracy of this EVIDENCE has NEVER been denied or disputed by anyone.

<sup>4</sup> With respect to the December 10, 2018 report of the Committee on Legislative and Executive Compensation, the EVIDENCE is, likewise, open-and-shut and *prima facie* – and the starting point is [CJA’s July 15, 2019 NOTICE and accompanying analysis](#). The accuracy of this EVIDENCE has NEVER been denied or disputed by anyone.

The highest of the six complained-against attorneys are New York State Attorney General Letitia James and New York State Solicitor General Barbara Underwood. The four subordinate attorneys include Assistant Attorney General Helena Lynch, whose specific misconduct is detailed by a 17-page narrative (pp. iii-xx) that is part of an [April 3, 2021 complaint form](#) I signed on April 8, 2021 and filed with the Third Department Grievance Committee, as required by its chief attorney, Monica Duffy, and which I then further [supplemented on April 27, 2021](#) (& [here](#)).

As against Attorney General James and Solicitor General Underwood, the February 11, 2021 complaint is [within the jurisdiction of the First Department Grievance Committee](#), which has been “sitting on it” for nearly nine months, refusing to even furnish me with the file numbers it has assigned to the complaint.

[As against the four subordinate attorneys](#), Third Department Grievance Committee Chief Attorney Duffy notified me on August 25, 2021, by two separate letters, that “the Committee” had declined to investigate three of the subordinate attorneys and was transferring the complaint as to the fourth to the Tenth Judicial District Grievance Committee as within your jurisdiction. The transferred complaint was against Assistant Attorney General Lynch.

[On September 15, 2021](#), your Staff Counsel Rachel Merker sent me a comparable declination letter as to the transferred complaint. I spoke with her by phone on September 21<sup>st</sup> and then sent a [September 24, 2021 letter to Chief Counsel Sheridan](#) entitled “Questions concerning Staff Counsel Rachel Merker’s September 15, 2021 letter”. The [October 18, 2021 letters of Chief Counsel Sheridan and Chair Glover](#) followed.

**Starting first with the October 18<sup>th</sup> letter signed by Chair Glover, each of its four paragraphs are fraudulent and deceitful – and Chief Counsel Sheridan knows this, beyond doubt.**

The first paragraph, consisting of two sentences, purports that “pursuant to Rule 1240.7(e)(3) of the Rules of Attorney Disciplinary Matters”, Chair Glover is responding to [my September 24, 2021 letter](#) “seeking reconsideration of the Committee’s determination not to open an investigation against a Nassau County Attorney”.

**ABSOLUTELY FALSE.** My September 24<sup>th</sup> letter did NOT seek reconsideration pursuant to Rule 1240.7(e)(3) – nor was it submitted to Chairman Glover, as that rule expressly requires by its terms:

“Within 30 days of the issuance of notice to a complainant of a Chief Attorney’s decision declining to investigate a complaint, . . . the complainant may submit a written request for reconsideration to the chair of the Committee. . . .” (underlining added).

As aforesaid, my letter was addressed to Chief Counsel Sheridan, was entitled “Questions concerning Staff Counsel Rachel Merker’s September 15, 2021 letter”, and its recitation of my September 21<sup>st</sup> phone conversation with Ms. Merker included the following:

“I showed Ms. Merker [from CJA’s website] that I had just filed a [written request for reconsideration of Chief Attorney Duffy’s August 25, 2021 letter/Notice](#) – and stated that I had planned to do the same with respect to her materially parallel September 15, 2021 letter, but was going to defer same and instead write you challenging her authority to have sent the letter, not even stated to be on your behalf.” (at p. 3, hyperlinking in the original, underlining added).

Indeed, my September 24<sup>th</sup> letter emphasized the relief it was seeking, which was set forth, in bold, at the top of the fourth page:

**“Consequently, this letter calls upon you to identify whether, pursuant to §1240.7(d)(1)(i), it was you who made the determination to decline to investigate the ‘complaint dated April 8, 2021’ and, if not, the legal authority by which Ms. Merker made such determination, and whether you approve of her failure to apprise me that I might seek reconsideration – or is it your contention that such is not available pursuant to §1240.7(e)(3)<sup>[fn3]</sup>.** (at p. 4, bold in the original).

To this straight-forward inquiry – and the only bolded text in the letter – Ms. Sheridan’s October 18<sup>th</sup> letter stated, in full:

“Attached please find a letter from the Chair of the Committee with respect to your complaints regarding a Nassau County attorney.

Please be advised that I reviewed your submission which was transferred to our office by the Third Judicial Department. In addition, I reviewed and approved the letter signed by Ms. Merker dated September 15, 2021.”

In other words, Chief Counsel Sheridan’s intentionally vague letter did NOT answer whether it was she who decided “not to open an investigation” of my complaint, did NOT even identify that I had written her a September 24<sup>th</sup> letter raising that question, and, additionally, ignored my letter’s further question (at p. 5) as to whether, as “an ‘at-will’ appointee of the Appellate Division, Second Department (§1240.5) whose justices are HUGE financial beneficiaries of Assistant Attorney General Lynch’s litigation fraud”, she could be fair and impartial, because, if not, her duty was to recuse herself.

As for Chair Glover’s purported “response” to a reconsideration request “pursuant to Rule 1240.7(e)(3)” that my September 24<sup>th</sup> letter had expressly NOT made, his letter neither identified nor addressed ANY of the facts, law, or legal argument recited by my letter as would form its basis. These were presented at pages 4-5 of the letter, IMMEDIATELY following my above-quoted bold paragraph – and what they established was identified by my letter explicitly:

“that Ms. Merker’s stated basis for the determination declining to investigate my complaint, *to wit*, ‘This issue is more appropriate for review by the Court which presided over the original lawsuit’, is NOT only indefensible ... but...the supposed ‘careful review of the complaint’ that her September 15, 2021 letter purports is a LIE.” (at p. 4, italics, capitalization, and underlining in the original).

To this, Chair Glover baldly asserted by his single-sentence third paragraph:

“Nothing in your recent submission (dated September 24, 2021) gives the Committee cause to alter its prior determination.”

He then concluded with a two-sentence fourth paragraph:

“Please be assured that all material documentation and information you provided, including documentation submitted to the Third Judicial Department and posted on your website were carefully and thoroughly considered and evaluated. Accordingly, the Committee remains unable to assist you.”

The fraud of these two paragraphs is established, readily, by the legal and factual substantiation to which my September 24<sup>th</sup> letter referred, demonstrating that:

- “the Committee” did not make the “prior determination”, *to wit*, “not to open an investigation against a Nassau County attorney” – which could only have been made by Chief Counsel Sheridan pursuant to §1240.7(d)(1);
- absent Chief Counsel Sheridan’s recusing herself, her only “proper disposition” of the complaint pursuant to §1240.7(b) was to open an investigation, beginning with directing Assistant Attorney General Lynch’s “written response” pursuant to §1240.7(b)(2);
- that “carefully and thoroughly consider[ing] and “evaluat[ing]” “all material documentation and information” I had furnished in support of the complaint, accessible from CJA’s website, would have IMMEDIATELY established the complaint to be – as my September 24<sup>th</sup> letter stated (at pp. 4, 5) – “open and shut, *prima facie*” and that Assistant Attorney General Lynch, upon being directed to submit her “written response”, would have NO defense to it;

As for Chair Glover’s second paragraph, its four sentences are comparably fraudulent:

- its first sentence reference to my “complaint dated April 8, 2021” – when, as my September 24<sup>th</sup> letter particularizes (at p. 2), the date of the complaint is February 11, 2021. April 8, 2021 is simply the date I printed and signed the complaint form of specifications;

- its first and second sentences referring to what my complaint “alleged”, when the substantiating EVIDENCE furnished with the February 11, 2021 complaint and reinforced by my April 3, 2021 particulars and April 27, 2021 supplement established ALL allegations to be readily-verifiable facts;
- its third sentence claiming:

“Your dissatisfaction with the conduct of the attorney involves issues for which legal remedies are available”,

which is a two-fold LIE, as at issue is NOT “dissatisfaction”, but a fully-documented complaint of Assistant Attorney General Lynch’s wilful and deliberate violations of [New York’s Rules of Professional Conduct](#) mandating disbarment – as to which the Committee is the SOLE forum through which that can happen – and there are NO “legal remedies...available” to do the fact-finding as to professional conduct rule violations that are the Committee’s function, and Chair Glover specifies NOT a single one.

- its fourth sentence claiming:

Your complaint regarding the Judge’s alleged misconduct should be addressed to the New York State Commission on Judicial Conduct at 61 Broadway, Suite 1200, New York, New York 10006. Telephone No. (646) 386-4800, [cjc@cjc.ny.gov](mailto:cjc@cjc.ny.gov).”,

which – more than anything – manifests that Chair Glover never even read the [April 3, 2021 complaint form](#), which stated (at ii):

“I also filed a related February 7, 2021 conflict-of-interest/misconduct complaint with the Commission on Judicial Conduct against the judges of the Court of Appeals, of the Appellate Division, Third Department, and against Chief Administrative Judge Marks for covering up the misconduct of the Attorney General and the attorney staff who are the subject of this complaint. A copy was enclosed with the February 11, 2021 complaint (at p. 10).”

Indeed, had Chair Glover examined my [February 7, 2021 complaint to the Commission on Judicial Conduct](#) – which he could easily have done as it is accessible from the [webpage for my February 11, 2021 attorney misconduct complaint](#), he would have known that I had also filed with the Commission a [June 16, 2017 complaint and two supplementing complaints](#) against Assistant Attorney General Lynch’s lower court judicial protector: Court of Claims judge/Acting

Supreme Court Justice Denise Hartman – and that the Commission on Judicial Conduct was, demonstrably, a corrupt façade as to which his duty was to report same, pursuant Rule 8.3(a) of New York’s Rules of Professional Conduct<sup>5</sup> and reinforced by his position as chair of an attorney grievance committee that relies on the Commission for accurate determinations of judicial integrity.

Finally, notwithstanding Chair Glover’s references to “the Committee”, as in his one-sentence third paragraph:

“Nothing in your recent submission (dated September 24, 2021) gives the Committee cause to alter its prior determination.”

and in the second sentence of his fourth paragraph:

Accordingly, the Committee remains unable to assist you.”,

I have no reason to believe that any of the Committee’s other members have had any involvement in, let alone have knowledge of, File No. N-1034-21 – and, as aforesaid, I am skeptical as to Chair Glover’s actual knowledge.

### **CONCLUSION**

Chief Counsel Sheridan, being the subject of this complaint, is, obviously, disqualified from any role in handling it for the Committee, as likewise from handling the companion complaint against Chair Glover – necessitating that the Committee itself handle both these complaints. Based on the procedures for determining the validity of complaints, set forth by §1240.7(b), the most efficient and reasonable step would be requiring “written responses” from each of them, consistent with §1240.7(b)(2).

As there is no question that my September 24<sup>th</sup> letter to Chief Counsel Sheridan did NOT seek reconsideration pursuant to §1240.7(e)(3), Chair Glover’s October 18<sup>th</sup> letter is unauthorized and must be recalled forthwith.

As Chief Counsel Sheridan’s October 18<sup>th</sup> letter, despite its deliberate vagueness, nonetheless puts her imprimatur on Staff Counsel Merker’s indefensible September 15<sup>th</sup> letter, I herein seek the reconsideration pursuant to §1240.7(e)(3) NOT sought by my September 24<sup>th</sup> letter – which, in view of Chair Glover’s disqualification, I address to Vice-Chair James Pascarella, further requesting, as

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<sup>5</sup> Rule 8.3 entitled “Reporting Professional Misconduct” states:

“(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer’s honesty, trustworthiness or fitness as a lawyer shall report such knowledge to a tribunal or other authority empowered to investigate or act upon such violation.”

authorized by §1240.7(3), that he exercise his discretion to refer the reconsideration request “to the full Committee”.

The far-reaching political and governmental ramifications of my February 11, 2021 complaint – extending far beyond Assistant Attorney General Lynch – require that ALL members of the Committee participate in the determination deemed to be of “the Committee”. Certainly, too, “full Committee” participation will better ensure that undisclosed conflicts of interests of individual members are not sabotaging the Committee’s duty and function, which is to investigate facially-valid complaints – for which the Committee’s easiest, most efficient tool, set forth in §1240.7(b)(2), is requiring a “written response” from the complained-against attorney.

Needless to say, if individual members of the Committee, all appointed by the Appellate Division, Second Department (§1240.4) and all lawyers, excepting three, are unable to rise above their conflicts of interest to discharge their investigative and enforcement duties with respect to the February 11, 2021 complaint – starting with requiring Assistant Attorney General Lynch’s “written response” to the particulars of her misconduct, set forth by the April 3, 2021 specifications and April 27, 2021 supplement, they must recuse themselves so that “the Committee” can discharge those duties, unimpeded.

I am available to answer questions, including under oath. Meantime, I ask that you deem the foregoing as sworn by me as true under penalties of perjury.

Thank you.

s/Elena Ruth Sassower

cc: NYS Grievance Committee for the Tenth Judicial District  
ATT: Chief Counsel Catherine Sheridan  
Staff Counsel Rachel Merker  
Unified Court System Inspector General Sherrill Spatz, Esq.