

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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February 14, 2025

TO: [Appellate Division, Third Department Attorney Grievance Committee \(AD3-AGC\)](#)  
[Chair Scott J. Clippinger, Esq.](#)

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

RE: (1) [Full Committee Reconsideration – October 24, 2024 complaint vs AG attorneys for litigation fraud in \*CJA v. JCOPE, et al. \(CV-23-0115\)\* and October 25, 2024 complaint vs AG attorneys for litigation fraud in \*CJA v. Commission on Legislative, Judicial and Executive Compensation, et al. \(Albany #902654-24\)\*](#);  
(2) [Complaint against AD3-AGC Chief Attorney Monica Duffy and other attorney staff collusive in her fraud and conflicts of interest](#);  
(3) [Oversight & Corrective Action by AD3-AGC Members](#), including pursuant to Rule 8.3(a) of New York’s Rules of Professional Conduct.

Pursuant to §1240.7(e)(3) of the [Rules for Attorney Disciplinary Matters](#), I file this written request for full Committee reconsideration of four identical form letters of Chief Attorney Monica Duffy, each dated January 15, 2025, each entitled “Notice of Determination Not to Investigate a Complaint”, differing only in the initials of the attorneys against whom the complaints were filed: “[BK](#)”, “[AO](#)”, “[NE](#)” and “[JM](#)”,<sup>1</sup> and each purporting:

“After reviewing your complaint, it has been determined that it does not state a complaint of professional misconduct.”

Such sentence, in all four letters, is an outright LIE – immediately obvious from “review” of the fully-documented complaints I filed against these four attorneys, *to wit*,

- (1) [my October 24, 2024 complaint against Assistant Solicitor General Beezley Kiernan and her supervisor Deputy Solicitor General Andrea Oser](#) for their litigation fraud at the Appellate Division, Third Department on the appeal of [CJA v. JCOPE, et al. \(#CV-23-0115\)](#), with complaint forms [for Kiernan](#) and [for Oser](#) furnishing specifics as to each attorney.<sup>2</sup>

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<sup>1</sup> So identical are the latter two dismissal letters to the first two, that they fail to change the date of the complaints being disposed of, which is October 25, 2024, not October 24, 2024.

<sup>2</sup> CJA’s webpage for this October 24, 2024 complaint is: <https://www.judgewatch.org/web-pages/searching-nys/attorney-discipline/oct-24-2024-complaint-jcope-appeal.htm>.

- (2) [my October 25, 2024 complaint against Assistant Attorney General Noah Engelhart and his supervisor Assistant Attorney General John Moore](#) for their litigation fraud in Albany Supreme Court in [CJA v. Commission on Legislative, Judicial and Executive Compensation, et al. \(#902654-24\)](#), with complaint forms [for Engelhart](#) and [for Moore](#) furnishing specifics as to each attorney.<sup>3</sup>

Chief Attorney Duffy's letters also conceal that the determination she purports to have been made – corresponding to §1240.7(d)(1)(i)(B): “the allegations, if true, would not constitute professional misconduct” – was by her alone, pursuant to [§1240.7\(d\)\(1\)\(i\)](#), reading:

“(i) The Chief Attorney may, after initial screening, decline to investigate a complaint for reasons including but not limited to the following: (A) the matter involves a person or conduct not covered by these Rules; (B) the allegations, if true, would not constitute professional misconduct; (C) the complaint seeks a legal remedy more appropriately obtained in another forum; or (D) the allegations are intertwined with another pending legal action or proceeding. The complainant shall be provided with a brief description of the basis of any disposition of a complaint by the Chief Attorney.”

[§1240.7\(e\)\(3\)](#) authorizes you to refer a “written request for reconsideration...to the full Committee...for whatever action it deems appropriate”. Such referral is here requested and required based on the obvious magnitude of the October 24, 2024 and October 25, 2024 complaints and your obvious conflicts of interest with respect thereto, exemplified by your nonfeasance, as Committee chair, in failing to respond to my two prior reconsideration requests, likewise seeking “full Committee” consideration of complaints that Chief Attorney Duffy disposed of by the identical LIE that:

“After reviewing your complaint, it has been determined that it does not state a complaint of professional misconduct.”

These are:

- [my April 11, 2024 written request for reconsideration](#) of Chief Attorney Duffy's two [March 19, 2024 letters](#) & [here](#) declining to investigate my two January 29, 2024 complaints against two attorney-members of the Commission on Legislative, Judicial and Executive Compensation, [Theresa Egan](#) and [R. Nadine Fontaine](#), for their “false instrument” December 4, 2023 Report on Judicial Compensation, established by [CJA's January 18, 2024 Opposition Report](#).<sup>4</sup>

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<sup>3</sup> CJA's webpage for this October 25, 2024 complaint is <https://www.judgewatch.org/web-pages/searching-nys/attorney-discipline/oct-25-2024-complaint-cja-v-cljec.htm>.

<sup>4</sup> CJA's webpage for this January 29, 2024 complaint is <https://www.judgewatch.org/web-pages/searching-nys/attorney-discipline/jan-29-2024-complaint-fahey-etc/menu-jan-29-2024-complaint.htm>.

- [my June 14, 2024 written request for reconsideration](#) of Chief Attorney Duffy's [May 16, 2024 letter](#) declining to investigate [my October 25, 2023 complaint](#) against five Appellate Division, Fourth Department staff attorneys, transferred to the Appellate Division, Third Department Grievance Committee by Fourth Department Attorney Grievance Committee Chief Counsel Cydney Kelly.<sup>5</sup>

Each of these two prior reconsideration requests was, additionally, a complaint against Chief Attorney Duffy for fraud and conflicts of interest and sought "Oversight & Corrective Action by AD3-AGC Members, including pursuant to Rule 8.3(a) of New York's Rules of Professional Conduct". This was highlighted by my transmitting e-mails to you – and to such Committee members whose e-mail addresses I could find – starting with their subject line: [my April 11, 2024 e-mail](#) entitled "Corruption at AD3-AGC...", and [my June 14, 2024 e-mail](#) entitled "Again, Corruption at AD3-AGC...".

[On October 4, 2024, I sent you and Committee members a further e-mail](#), stating:

"I have received no response to my above-attached April 11, 2024 and June 14, 2024 letters for full Committee reconsideration of Chief Attorney Monica Duffy's dismissals, *without investigation*, of two separate, yet related, fully-documented attorney misconduct complaints – both letters additionally initiating a complaint against Chief Attorney Duffy for her fraud in purporting that the complaints she was declining to investigate do 'not state...professional misconduct'.

...

Please advise as to the status of these two reconsideration letters/complaints – and, additionally, the status of my above-attached April 10, 2024 complaint against Fourth Department Attorney Grievance Committee Chief Counsel Kelly and her 7th Judicial District Principal Counsel Eftihia Bourtis, arising from their fraudulent dismissals, without investigation, of the October 25, 2023 complaint against nine attorneys, Monroe County Attorney John Bringewatt, among them, whose transfer to this Committee I was notified of by a [May 30, 2024 letter](#) from Chief Counsel Kelly, to which Chief Attorney Duffy was *cc'd*. I received no communications from Chief Attorney Duffy with respect thereto, nor from this Committee." (italics and hyperlinking in the original).

I received no response.

ALL AD3-AGC members are responsible for the frauds perpetrated in the Committee's name by Chief Attorney Duffy's above indefensible, fraudulent "Notice[s] of Determination Not to Investigate" and her willful nonfeasance with respect to the transferred [April 10, 2024 complaint](#) against AD4-AGC Chief Counsel Kelly and her Principal Counsel Bortis – and that's just the beginning. As pointed out by my April 11, 2024 reconsideration request (at p. 5), investigation would:

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<sup>5</sup> CJA's webpage for this October 25, 2023 complaint is <https://www.judgewatch.org/web-pages/searching-nys/attorney-discipline/oct-25-2023-complaint-to-AD4.htm>.

“readily reveal the fraud she committed by her ‘Notice[s] of Declination to Investigate’ my prior fully-documented complaints, leading directly to the situation at bar:

- [my October 14, 2016 complaint against the Third Department’s district attorneys](#) for their conflict-of-interest-driven nonfeasance pertaining to the ‘false instrument’ December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation and the ‘false instrument’ August 29, 2011 Report of the Commission on Judicial Compensation – of which the district attorneys are financial beneficiaries;
- [my September 16, 2017 complaint against then Attorney General Eric Schneiderman and his complicit AG attorney staff](#) for their conflict-of-interest-driven corrupting of the judicial process, in Albany Supreme Court, in the citizen-taxpayer action *CJA v. Cuomo...DiFiore* and its predecessor, challenging, *inter alia*, the ‘false instrument’ December 24, 2015 and August 29, 2011 Commission Reports, rewarded by fraudulent decisions of judges who are financial beneficiaries of the Reports;
- [my February 11, 2021 complaint against Attorney General James, Solicitor General Barbara Underwood, and complicit AG attorney staff](#) for their conflict-of-interest-driven corrupting of the judicial process, at the Appellate Division, Third Department and the Court of Appeals, in *CJA v. Cuomo...DiFiore*, rewarded by fraudulent decisions of those judges, all financial beneficiaries of the ‘false instrument’ December 24, 2015 and August 29, 2011 Commission Reports – and for their conflict-of-interest-driven corrupting of the judicial process in lawsuits challenging the Committee on Legislative and Executive Compensation, whose ‘false instrument’ December 10, 2018 Report, AG James is a direct financial beneficiary.”

Upon review of this letter and its facilitating hyperlinks by all AD3-AGC members, those members who have not disqualified themselves for interest and/or bias born of professional and personal relationships, must discharge their duties, including pursuant to [Rule 8.3\(a\) of New York’s Rules of Professional Conduct](#),<sup>6</sup> which you and they are charged with enforcing.

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<sup>6</sup> Rule 8.3, entitled “Reporting Professional Misconduct”, reads, in its paragraph (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.”

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

Once again, I am cc'ing [Unified Court System Inspector General Kay-Ann Porter Campbell](#), whose office has jurisdiction over the Appellate Division Attorney Grievance Committees, so that she can be further reminded of her duty to take investigative and corrective action.

Thank you.

s/Elena Ruth Sassower

cc: UCS Inspector General Kay-Ann Porter Campbell