

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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TO: Appellate Division, First Department Attorney Grievance Committee
Appellate Division, Third Department Attorney Grievance Committee

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

RE: Conflict of interest/misconduct complaint against New York Attorney State General Letitia James and attorneys acting in her name for corrupting the judicial process in Supreme Court in *CJA v. Commission on Legislative, Judicial and Executive Compensation, et al. (Albany County #902654-24)*, in which she is a respondent/defendant, sued for corruption.

THE COMPLAINT

New York’s attorney grievance committees are charged with protecting the public from attorneys who violate New York’s Rules of Professional Conduct (22 NYCRR Part 1200). No attorney’s violation of those Rules is of greater consequence to the People of the State of New York—and to the integrity of state governance – than violations by their highest legal officer, the New York State Attorney General.

This conflict-of-interest/misconduct complaint is against New York State Attorney General Letitia James and attorneys under her supervision and acting in her name – Assistant Attorney General Noah Engelhart and his supervisor Assistant Attorney General John Moore – for their knowing and deliberate violations of New York’s Rules of Professional Conduct, *inter alia*:

Rule 1.7: “Conflict of Interests: Current Clients”;
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”;
Rule 5.2: “Responsibilities of a Subordinate Lawyer”;
Rule 8.3: “Reporting Professional Misconduct”.

Such violations spanned and permeated every aspect of their defense against *CJA v. Commission on Legislative, Judicial and Executive Compensation, et al. (Albany County #902654-24)*, wherein Attorney General James is a named respondent/defendant sued for corruption, with her ten fellow respondents/defendants. In the absence of ANY legitimate defense to the March 18, 2024 verified petition (*NYSCEF #1*) and its accompanying order to show cause for determination of threshold issues (*NYSCEF #17*), she corrupted the judicial process by litigation fraud and was rewarded by fraudulent judicial decisions “throwing” the case.

This is readily-verifiable from the *NYSCEF record for #902654-24*. Indeed, every act of litigation fraud by her “of counsel” AAG Engelhart and his supervisor AAG Moore is fully detailed by CJA’s responsive submissions, furnishing line-by-line “legal autopsy”/analyses of their filings.

By an April 3, 2024 motion (*NYSCEF #49*), CJA sought an order:

- “1. pursuant to 22 NYCRR §130-1.1 et seq., imposing costs and maximum sanctions upon Respondent Attorney General Letitia James, her ‘of counsel’ Assistant Attorney General Noah Engelhart, other culpable AG staff, and co-respondents for their opposition to petitioners’ March 19, 2024 order to show cause, combined with their March 26, 2024 cross-motion to dismiss petitioners’ March 18, 2024 verified petition – such being not merely ‘frivolous’, but ‘fraud on the court’;
2. pursuant to Judiciary Law §487(1), making such determination as would afford petitioners treble damages in a civil action against Respondent Attorney General James, *et al.* based on their March 26, 2024 opposition/dismissal cross-motion, and, additionally, for Assistant Attorney General Engelhart’s fraud at the March 21, 2024 oral argument in opposition to petitioners’ order to show cause for a TRO;
3. pursuant to 22 NYCRR §100.3D(2), referring Respondent Attorney General James, *et al.* 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 Judiciary Law §487 ‘misdemeanor’, and 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’”.

4. pursuant to Executive Law §63.1, State Finance Law Article 7-A, and Rule 1.7 of New York’s Rules of Professional Conduct, disqualifying Respondent Attorney General James from representing her co-respondents and directing her representation/intervention on behalf of petitioners pursuant to Executive Law §63.1 and State Finance Law Article 7-A, or, at very least, and as requested by ¶9 of petitioners’ March 18, 2024 affidavit in support of their order to show cause, that Attorney General James be directed:

‘to disgorge her findings of fact and conclusions of law with respect to the [petitioners’ January 18, 2024] Opposition Report and her compliance with conflict-of-interest protocols in determining her obligations under Executive Law §63.1 and State Finance Law Article 7-A to provide petitioners with representation, including by independent counsel.’

5. for such other and further relief as is just and proper and, specifically, pursuant to CPLR §3211(c), summary judgment to petitioners on the two causes of action of their March 18, 2024 verified petition, as requested by their April 3, 2024 opposition to Attorney General James’ March 26, 2024 cross-motion to dismiss.”

The particulars as to how Rensselaer County Court Judge Jennifer Sober disposed of this April 3, 2024 motion – and CJA’s other submissions – are set forth by CJA’s line-by-line “legal autopsy”/analysis of her three August 14, 2024 decisions/orders/judgments ([NYSCEF #85](#)), which is Exhibit A to CJA’s September 12, 2024 motion for renewal, reargument, and vacatur upon transfer to federal court ([NYSCEF #83](#)). Exhibit B to the motion is CJA’s September 10, 2024 FOIL request to the OCA for records that Judge Sober could lawfully be assigned to the case ([NYCEF #86](#)).

On September 16, 2024, the Albany County Supreme Court Clerk’s Office uploaded a notice that the case had been administratively reassigned ([NYSCEF #90](#)). This is recounted by CJA’s October 2, 2024 reply affirmation in further support of the motion and for imposition of maximum sanctions and costs against Respondent AG James, *et al.* for her fraudulent opposition to the motion, so-demonstrated by a line-by-line “legal autopsy”/analysis of it ([NYSCEF #93](#)).

On October 21, 2024, CJA filed a notice of appeal to the Court of Appeals ([NYSCEF #95](#)) for a direct appeal, of right, pursuant to [Article VI, §3\(b\)\(2\) of the New York State Constitution](#).

Although your rules do not require complainants to swear to the truth of their attorney misconduct complaints, I eagerly do so – using the attestation that Albany County District Attorney P. David Soares had used on the complaint form of his so-called “Public Integrity Unit”:

“I understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.”

Thank you.

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



ELENA RUTH SASSOWER