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New York State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006

Re: Judicial Complaint Against Judge Arthur F. Engoron
Supreme Court, New York County
Case Name: *New York v. Trump*
Index No.: 452564/2022

Dear Commission Members:

I write today to express my serious concerns about the inappropriate bias and judicial intemperance shown by Judge Arthur F. Engoron in New York's lawsuit against President Donald J. Trump and the Trump Organization. This judge's bizarre behavior has no place in our judicial system, where Judge Engoron is not honoring the defendant's rights to due process and a fair trial. These serious concerns are exacerbated by the fact that the defendant is the leading candidate for President of the United States, and it appears the judicial system is being politicized to affect the outcome of the campaign.

Simply put, Judge Engoron has displayed a clear judicial bias against the defendant throughout the case, breaking several rules in the New York Code of Judicial Conduct.

Last year, Judge Engoron told President Trump's attorney that the former president is "just a bad guy" who Democrat New York Attorney General Letitia James "should go after as the chief law enforcement officer of the state."¹

At the start of the trial, Judge Engoron infamously smiled and posed for the cameras.² After the defendant won an appellate ruling against Judge Engoron on the appropriate statute of limitations in this case, the judge simply ignored the ruling.³ Judge

¹ Papenfuss, Mary, "'He's Just A Bad Guy': Judge Slams Claim That Trump Is Unfairly Singled Out In AG Probe," HuffPost, February 17, 2022, https://www.huffpost.com/entry/bad-guy-trump-letitia-james-judge-arthur-engoron_n_620ed544e4b0f701fd702d3e

² Stanton, Andrew, "Video of Judge Smiling During Trump Trial Goes Viral," Newsweek, October 2, 2023, <https://www.newsweek.com/video-judge-smiling-during-trump-trial-goes-viral-1831500>

³ "Applying the proper statute of limitations and the appropriate tolling, claims are time barred if they accrued – that is, the transactions were completed – before February 6, 2016 (see *Boesky v Levine*, 193 AD3d 403, 405 [1st Dept

Engoron entered summary judgment against the defendant before the trial even began, without witnesses, other evidence, and cross-examination. This, despite the fact there's disputed material evidence—and there's no victim of the defendant's supposed fraud. Indeed, as the trial evidence has made clear, the defendant paid back the sophisticated Wall Street banks, on time, in full, with interest, as agreed.⁴ No insurance company paid a penny. And these banks and insurance companies, supposedly defrauded, continue to do business with the defendant. Yet Judge Engoron decreed before trial the defendant somehow committed fraud. Now, the judge is holding a trial—with no jury—to determine how much of Tish James' requested \$250 million in damages—with no victims—he will extract from the defendant. How does this not violate the defendant's Seventh Amendment right to a jury trial?

And Judge Engoron has made it crystal clear he doesn't care what the defendant or his attorneys have to say. Indeed, Judge Engoron illegally gagged them. Judge Engoron told the defendant: "We are not here to listen to what you have to say." He told the defendant's counsel: "I am not here to hear what he has to say, now sit down!" And Judge Engoron even threatened the defendant's counsel if he filed a routine motion for a directed verdict: "You better not, Chris!"

Judge Engoron and his staff are partisan Democrat donors. As recently as 2018, Judge Engoron donated to the Manhattan Democrats⁵—even though Section 100.5 says that judges "shall refrain" from "making a contribution to a political organization."⁶

Section 100.5 also stipulates that a "judge shall prohibit members of the judge's staff" from contributing more than \$500 "in the aggregate during any calendar year to all political campaigns for political office."⁷ Allison Greenfield has served as Judge Engoron's principal law clerk since 2019.⁸ In both 2022 and 2023, Greenfield donated in

2021]; *Rogal v Wechsler*, 135 AD2d 384, 385 [1st Dept 1987]). For defendants bound by the tolling agreement, claims are untimely if they accrued before July 13, 2014." *New York v. Trump*, Supreme Court of the State of New York, Appellate Division, First Judicial Department, decided on June 27, 2023, [https://www.nycourts.gov/courts/ad1/calendar/List_Word/2023/06_Jun/27/PDF/People%20of%20NY%20%20v%20%20Trump%20%20\(2023-00717\).pdf](https://www.nycourts.gov/courts/ad1/calendar/List_Word/2023/06_Jun/27/PDF/People%20of%20NY%20%20v%20%20Trump%20%20(2023-00717).pdf)

⁴ Larson, Erick and Patricia Hurtado, "Ex-Deutsche Bank risk manager says loans to Trump were reviewed thoroughly," Bloomberg, October 12, 2023, <https://finance.yahoo.com/news/ex-deutsche-bank-risk-manager-223621727.html>

⁵ Scher, Brent, "New York Judge Caught Smiling During Trump Trial Is Lifelong Democrat Donor," The Daily Wire, October 2, 2023, <https://www.dailywire.com/news/new-york-judge-caught-smiling-during-trump-trial-is-lifelong-democrat-donor>

⁶ "Part 100. Judicial Conduct," NYCOURTS.GOV, accessed November 9, 2023: <https://ww2.nycourts.gov/rules/chiefadmin/100.shtml>

⁷ *Ibid.*

⁸ Boyle, Matthew, "Complaint Calls for Trump New York Trial Judge's Clerk to Be Disbarred for Excessive Political Donations," Breitbart News, November 2, 2023, <https://www.breitbart.com/politics/2023/11/02/complaint-calls-for-trump-new-york-trial-judges-clerk-to-be-disbarred-for-excessive-political-donations/>

excess of \$500 to political campaigns. In 2022 alone, Greenfield donated “\$3,335 in political donations to Democrat candidates and causes.”⁹ She’s already given more than \$1,000 in 2023 to campaigns.¹⁰ When President Trump’s attorneys notified Judge Engoron, Judge Engoron responded by issuing an illegal gag order against President Trump’s legal team.¹¹

Judge Engoron has gone on to gag and fine President Trump for merely criticizing Judge Engoron’s law clerk, which is core political speech protected by the First Amendment.¹² If anyone in America must have the constitutional right to speak out against the judge, his staff, the witnesses, or the process, it’s a defendant going through a process he believes is politicized and weaponized against him. To gag a defendant is un-American. It’s an illegal prior restraint on the defendant’s First Amendment rights, which even the progressive ACLU felt compelled to acknowledge after another Democrat judge—D.C. Obama U.S. District Judge Tanya Chutkan—illegally gagged President Trump.¹³ Indeed, three Democrat-appointed judges on the D.C. Circuit have since stayed Judge Chutkan’s illegal gag order.¹⁴

Judge Engoron put his judgment in serious doubt by issuing a summary judgment citing as evidence of fraud that the Trump Organization said Mar-a-Lago is worth between \$426 and \$612 million.¹⁵ The Associated Press reported that two top Palm Beach-area real estate agents said that the club’s “sale of a billion dollars or more would be possible.”¹⁶

In fact, Judge Engoron ridiculously found Mar-a-Lago was only worth somewhere between \$18 and \$27.6 million. Any Zillow.com search shows that nearly 20 acres of

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ Gilbertson, Nick, “NY Judge Gags Trump Lawyers from Discussing ‘Confidential Communications’ of Activist Court Clerk,” Breitbart News, November 3, 2023, <https://www.breitbart.com/2024-election/2023/11/03/angry-arthur-ny-judge-gags-trump-lawyers-from-discussing-confidential-communications-of-activist-court-clerk/>

¹² McCarthy, Andrew, “Trump Earns Himself a Dubious Gag Order,” National Review, October 4, 2023, <https://www.nationalreview.com/2023/10/trump-earns-himself-a-dubious-gag-order/>

¹³ Gerstein, Josh, “ACLU: Trump’s Gag Order in Federal Case Is Unconstitutional,” Politico, October 25, 2023, <https://www.politico.com/news/2023/10/25/aclu-trump-gag-order-00123541>

¹⁴ Legare, Robert, “Appeals Court Pauses Trump Gag Order in 2020 Election Interference Case,” CBS News, November 3, 2023, <https://www.cbsnews.com/news/appeals-court-pauses-trump-gag-order-2020-election-interference-case/>

¹⁵ *New York v. Trump* (Supreme Court of the State of New York, County of New York, September 26, 2023)

¹⁶ Spencer, Terry, “Is Mar-a-Lago Worth \$1 Billion? Trump’s Winter Home Valuations Are at the Core of His Fraud Trial,” Associated Press, October 9, 2023, <https://apnews.com/article/trump-maralago-lawsuit-palm-beach-51fea4e520b1901c1c045590b2a7bdc0>

prime real estate in Palm Beach, touching both the Atlantic Ocean and the intracoastal waterway, is worth exponentially more than \$18 and \$27.6 million. And Judge Engoron had in his hand the sworn deposition of Palm Beach real estate agent Lawrence Moens, who said the Trump Organization's valuations were "reasonable and below my estimate for the market value of the property each year."¹⁷ Moens was asked in his sworn deposition about what sort of buyers would purchase Mar-a-Lago, and Moens responded: "I could dream up anyone from Elon Musk to Bill Gates and everyone in between. Kings, emperors, heads of state. But with net worths in the multiple billions."¹⁸ The judge wrote: "Obviously this Court cannot consider an 'expert affidavit' that is based on unexplained and unsubstantiated 'dream[s].'"¹⁹ Judge Engoron apparently doesn't understand that expert opinions aren't "dreams." And this is yet another example why Judge Engoron demonstrated bad judgment by keeping this case, instead of sending it to the expert judges in the Commercial Division where it belongs.²⁰

Judge Engoron's bizarre and biased behavior is making New York's judicial system a laughingstock. Former Southern District of New York federal prosecutor Andrew McCarthy, who has at times criticized President Trump, recently stated that he views the "whole New York justice system" as "fraudulent."²¹

Section 100.2(A) states: "A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."²² Judge Engoron has grossly failed to do this. The Commission's sanctions against Judge Engoron are necessary to bring back credibility to our great state's legal system. All Americans, including political opponents, must receive due process and equal protection under our U.S. and New York Constitutions. Judge Engoron's disdain for President Trump and his politics are evident, and the Commission must take corrective action to restore a just process and protect our constitutional rights. Judge Engoron must recuse from this case.

This case is so much bigger than President Donald J. Trump. If Judge Engoron can railroad a billionaire New York businessman, a former President of the United

¹⁷ *New York v. Trump* (Supreme Court of the State of New York, County of New York, September 26, 2023)

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ Wester, Jane, "Administrative Judge Rejects Trump's Request to Move New York AG's Fraud Suit to Commercial Division," *New York Law Journal*, October 19, 2022, <https://www.law.com/newyorklawjournal/2022/10/19/administrative-judge-rejects-trumps-request-to-move-new-york-ags-fraud-suit-to-commercial-division/>

²¹ Griffing, Alex, "Fox's Andy McCarthy Slams Entire New York Justice System As 'Fraudulent' Over AG's Civil Fraud Case Against Trump," *Mediaite*, November 6, 2023, <https://www.mediaite.com/tv/foxs-andy-mccarthy-slams-entire-new-york-justice-system-as-fraudulent-over-ags-civil-fraud-case-against-trump/>

²² "Part 100. Judicial Conduct," NYCOURTS.GOV, accessed November 9, 2023: <https://ww2.nycourts.gov/rules/chiefadmin/100.shtml>

States, and the leading presidential candidate, just imagine what he could do to all New Yorkers. Judge Engoron's lawlessness sends an ominous and illegal warning to New York business owners: If New York judges don't like your politics, they will destroy your business, the livelihood of your employees, and you personally. This Commission cannot let this continue.

Thank you for your prompt consideration of this judicial complaint against Judge Arthur F. Engoron for his inappropriate bias and judicial intemperance in *New York v. Trump* (452564/2022).

Sincerely,

A handwritten signature in cursive script that reads "Elise M. Stefanik".

Elise M. Stefanik