

Affidavit of Grace D. Moran, Esq., in Opposition to Motion for
Access to Entire Record (2d Dep't November 29, 1989)
[pp. A141-A143]

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND DEPARTMENT

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IN THE MATTER OF THE APPLICATION
OF ELIZABETH HOLTZMAN,

Petitioner,

AFFIDAVIT IN
OPPOSITION TO
PETITIONER'S NOTICE
OF MOTION

To Vacate a Letter of Reprimand
Pursuant to Section 691.6(a) of
the Rules of the Appellate Division
Second Department,

-against-

GRIEVANCE COMMITTEE FOR THE
TENTH JUDICIAL DISTRICT,

Respondent.

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STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

GRACE D. MORAN, being duly sworn deposes and says:

1. I am Deputy Counsel to FRANK A. FINNERTY, JR.,
Chief Counsel to the Grievance Committee for the Tenth Judicial
District, the respondent herein. I am fully familiar with the
prior proceedings had herein. I make this affidavit in
opposition to petitioner's motion for transmittal of and access
to the report of the subcommittee to the full Grievance
Committee by which it was appointed, and to petitioner's demand

that respondent be directed to furnish to petitioner copies of the record herein as they may request, and to petitioner's demand that respondent be directed to transmit the entire record to this Court.

2. The report of the subcommittee is a confidential, document of the Committee and of this Court. Under no circumstances have such confidential reports been made available to any litigant and respondent opposes petitioner's request in all such respects. Further, the final determination of the Committee and the record on which it was ultimately based are already in the possession of the petitioner as admitted in paragraph "4" of petitioner's affidavit.

3. In paragraph numbered "11" in said affidavit, petitioner requests this Court to direct respondent to transmit the entire record to this Court. Such a direction is unnecessary and insulting. Respondent will fulfill its obligations under the Rules of this Court and has never given petitioner reason to believe otherwise.

4. With respect to the record, petitioner also requests in paragraph "11" that this Court direct respondent to provide to petitioner or her counsel copies of any materials submitted to the Court, if requested. Presumably such a direction would subject respondent, at the discretion of petitioner, to providing petitioner with copies of the 2,254 page transcript and any or all of the exhibits already

admittedly in petitioner's possession. Other than the subcommittee's confidential report to the full Committee, petitioner has every document in the record. The request to this Court that respondent provide additional copies of these materials to the petitioner is unnecessary and unreasonable.

5. In paragraph numbered "7" of petitioner's affidavit, counsel for the petitioner states petitioner's belief that the Committee's counsel made a presentation to the full Committee which reprimanded her. No such presentation took place and petitioner has failed to state the basis for her erroneous belief.

WHEREFORE, it is respectfully submitted that petitioner's motion should be denied in all respects, except to the extent that this matter be kept confidential while the Court determines the application, based upon the entire record concerning the letter of reprimand issued to the petitioner.



 GRACE D. MORAN

Sworn to before me this
 29th day of November, 1989



 NOTARY PUBLIC

BARBARA MANISCALCO
 Notary Public, State of New York
 No. 52-4624814
 Qualified in Suffolk County
 Commission Expires September 30, 1990