

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

BY E-MAIL: ad3agc@nycourts.gov

June 21, 2017

TO: Monica A. Duffy, Chief Attorney
Third Judicial Department Attorney Disciplinary Committee

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

RE: WHAT IS THE STATUS? -- CJA's October 14, 2016 conflict-of-interest/misconduct complaint against 30 current and former district attorneys within your jurisdiction -- & against the bureau chief of the "Public Integrity Unit" of Albany County District Attorney P. David Soares

It has been more than eight months since I filed CJA's October 14, 2016 conflict-of-interest/misconduct complaint against current and former district attorneys within your jurisdiction – beginning with Albany County District Attorney P. David Soares – and including the then Warren County District Attorney/now Court of Claims Judge Kathleen B. Hogan.

In all that time, I have not even received a written acknowledgment of the complaint, including the assignment of a case number, or numbers, to it. Nor have I been contacted to furnish any additional information. Is this your normal and customary procedure?

I did telephone twice, at the end of January and in May, and was told, each time, that the complaint was “under review” – or words to such effect.

What does that mean? Under 22 NYCRR §§1240.7(b), (c), and (d)(1) of the Rules for Attorney Disciplinary Matters and Rule 806.5(b) of the Appellate Division, Third Department Rules, it is you – as Chief Attorney – not the 21-member committee, who makes the preliminary determinations, including whether a complaint is to be investigated. How long does it take for you to verify that, in violation of mandatory conflict-of-interest rules, District Attorney Soares has been “sitting on” three fully-documented corruption complaints involving the lawfulness of his own district attorney salary increases – and that, in violation of mandatory obligations to report attorney misconduct, he has been aided and abetted by scores of other district attorney beneficiaries of the increases, among them the then Warren County District Attorney Hogan, who, additionally, was his colleague on the district-attorney filled Commission to Investigate Public Corruption. Certainly, based on the evidence furnished with the October 14, 2016 complaint, it takes only hours, if that long, to verify that the two Commission reports recommending judicial salary increases – on which district attorney salary increases rest – are “false instruments, violating a succession of penal law provisions” that are the

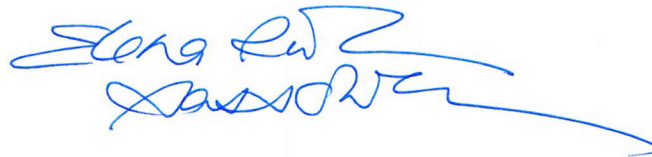
district attorneys' duty to enforce – and that the complained-against district attorneys have been larcenously pocketing salary increases and salary-based, non-salary benefits they know to be unlawful.¹

Therefore, please immediately advise what is taking you so long and whether you have made application to transfer the October 14, 2016 conflict-of-interest/misconduct complaint to another judicial department pursuant to Rule 806.5(b)(3)(iv) of the Rules of the Appellate Division, Third Department, which reads:

“The Chief Attorney may, after consultation with the Chairperson, apply to the Court for an order transferring any complaint concerning an attorney or entity covered by the rules of this Part, if the Chief Attorney reasonably concludes that consideration of the complaint by the Committee or the Court would present a conflict of interest for the Court or the Committee.”

As you know, the October 14, 2016 complaint and its referred-to open-and-shut, *prima facie*, evidentiary substantiation are posted on CJA's website, www.judgewatch.org. The direct link to CJA's webpage for this complaint is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/10-14-16-complaint-vs-soares-etc.htm>.

Thank you.



¹ See, in particular, CJA's October 27, 2011 Opposition Report to the Commission on Judicial Compensation's August 29, 2011 Report and, with respect to the December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation the fifteenth cause of action (¶¶453-456) of the March 23, 2016 proposed second supplemental complaint in CJA's first citizen-taxpayer action, *CJA v. Cuomo, et. al.* (Albany Co. #1788-2014), reiterated and expanded upon in the eighth cause of action (¶¶77-80) of the September 2, 2016 verified complaint in CJA's second citizen-taxpayer action *CJA v. Cuomo, et al.* (Albany Co. #5122-2016).