

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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March 9, 2022

TO: Attorney Grievance Committee for the First Judicial Department (AGC-1)
Chair Robert J. Anello, Esq.
Chair Abigail T. Reardon, Esq.

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

RE: (1) Discharging your duty to recall Chief Attorney Dopico's March 2, 2022 letters in "Matter of Letitia A. James, Esq. Docket No. 2021.0843" and "Matter of Barbara Underwood, Esq. Docket No. 2021-0488" because they are fraudulent – and accounting for the "independent review" they purport;
(2) Identifying the docket numbers and status of the complaints against Chief Attorney Dopico and AGC-1 attorney staff, initiated by my January 27, 2022 and February 23, 2022 letters.

Notwithstanding §1240.7(e)(3) of the Rules for Attorney Disciplinary Matters requires that "a written request for reconsideration" of a decision by a chief attorney declining to investigate a complaint be "to the chair of the Committee"¹ – with a response presumably from the chair – I received no responses from either of you to [my seven-page January 27, 2022 "written request for reconsideration"](#)² of [Chief Attorney Dopico's December 30, 2021 letter](#) declining to investigate [my February 11, 2021 complaint against Attorney General James](#) – nor to [my nine-page February 23, 2022 "written request for reconsideration"](#) of [his January 28, 2022 letter](#) declining to investigate my same February 11, 2021 complaint against Solicitor General Underwood – each of my letters expressly requesting reconsideration by the FULL Committee and initiating a complaint against

¹ §1240.7(e)(3), entitled "Review of Dismissal or Declination to Investigate" reads, in full:

"Within 30 days of the issuance of notice to a complainant of a Chief Attorney's decision declining to investigate a complaint, or of a Committee's dismissal of a complaint, the complainant may submit a written request for reconsideration to the chair of the Committee. Oral argument of the request shall not be permitted. The Chair shall have the discretion to grant or deny reconsideration, or refer the request to the full Committee, or a subcommittee thereof, for whatever action it deems appropriate."

² To assist you, this letter is hyperlinked to the referred-to documents, also posted and accessible from CJA's webpage for the February 11, 2021 complaint at AGC-1, which is here: <https://www.judgewatch.org/web-pages/searching-nys/attorney-discipline/feb-11-21-complaint-1st-dept.htm>.

Chief Attorney Dopico for conflict of interest and fraud, as well as against subordinate AGC-1 attorneys complicit therein.

I did receive two March 2, 2021 letters, auto-signed by Chief Attorney Dopico, purporting to respond to my two reconsideration requests – and not indicating you as recipients. The letters, identical except for their different “Re” clauses: “[Matter of Letitia A. James, Esq. Docket No. 2021.0843](#)” and “[Matter of Barbara Underwood, Esq. Docket No. 2021-0488](#)”, are four sentences long, stating:

“Pursuant to your written request for reconsideration of the above-referenced complaint, we forwarded your letter, together with the entire file to the Committee, an independent board of lawyers and non-lawyers appointed by the Appellate Division, First Judicial Department.

That independent review has now taken place and I have been formally advised that the Committee decided not to proceed further with your complaint for the same reasons that it was initially dismissed. Specifically, there is no new evidence warranting further investigation. Accordingly, we cannot be of further assistance in this matter.”

These two letters – concealing that Chief Attorney Dopico had declined to investigate each complaint – are even more indefensible and fraudulent than his declination letters.

Firstly, the Committee could not, as Chief Attorney Dopico purports, rest on “the same reasons” upon which each complaint was “initially dismissed”, because “dismissal” is a determination by the Committee, “After investigation of a complaint”, pursuant to §1240.7(d)(2).

§1240.7(d)(2), entitled “Disposition by the Committee”, reads:

“After investigation of a complaint, with such appearances as the Committee may direct, a Committee may take one or more of the following actions:

- (i) Dismiss the complaint by letter to the complainant and to the respondent;”

The Committee never “initially dismissed” my complaints. Rather, pursuant to §1240.7(d)(1)(i),³ Chief Attorney Dopico declined to investigate each – and, in so doing, gave not “reasons”, but a single reason, *to wit*, “insufficient basis to conclude that Ms. James violated the New York Rules

³ §1240.7(d)(1) entitled “Disposition by the Chief Attorney”, reads, in full, by its (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

of Professional Conduct as related to [the] complaint”; and “insufficient basis to establish that Ms. Underwood violated the New York Rules of Professional Conduct”.

Secondly, this single reason of “insufficient basis” is a **flagrant fraud**, immediately evident from [the face of my February 11, 2021 complaint](#) and by its [substantiating “open-and-shut, prima facie EVIDENCE”](#) – and this was so-stated by BOTH my January 27, 2022 and February 23, 2022 letters.

Finally, Chief Attorney Dopico’s sentence, “Specifically there is no new evidence warranting further investigation”, is an additional **flagrant fraud**, resting on the implied deceit that my complaints were “initially dismissed” by the Committee pursuant to §1240.7(d)(2), after investigation, which is false. ONLY on reconsideration of a Committee’s §1240.7(d)(2) dismissal of a complaint would “new evidence” be germane. It has no bearing on Committee reconsideration of a chief attorney’s §1240.7(d)(1)(i) declination to investigate a complaint, as at bar.

Tellingly, Chief Attorney Dopico furnishes no explanation for the purported Committee decisions “not to proceed further” with [my] complaint for the same reasons that it was initially dismissed” – other than the falsehood that each complaint was “initially dismissed” for “reasons” and that there was “no new evidence”.

Of course, my January 27, 2022 and February 23, 2022 letters did present “new evidence” – as to the conflicts of interest of Chief Attorney Dopico and AGC-1 attorney staff, ALL at-will appointees of the Appellate Division, First Department justices who have “HUGE financial and other interests” in the February 11, 2021 complaint – and whose interests Chief Attorney Dopico previously “protected” by his indefensible and fraudulent disposition letters on my related [October 14, 2016](#) and [September 16, 2017](#) complaints, discussed in the “BACKGROUND” section of my February 11, 2021 complaint (at pp. 4-6).

§1240.7(e)(4), pertaining to “review” of my reconsideration requests herein, states:

“As permitted by law, a...complainant who has submitted a request for review pursuant to this section shall be provided with a brief description of the basis for the determination of such request...”

As hereinabove shown, Chief Attorney Dopico’s “brief description” of the “basis for the determination” of my two reconsideration requests is completely fraudulent. Consequently, your duty, as the chairs to whom §1240.7(e)(3) required me to address those requests, is to recall his two March 2, 2022 letters – and account, specifically, for what “discretion” you exercised, pursuant to §1240.7(e)(3), upon reading my January 27, 2022 and February 23, 2022 letters. Did you “refer [each] request to the full Committee, or a subcommittee thereof”?

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.”

Chief Attorney Dopico's letters identify only "the Committee" and describe it as "an independent board of lawyers and non-lawyers..." – seemingly implying that the "independent review" was by it. If so, why hasn't even one of the Committee's 42 members, or yourselves as its two chairs, signed the March 2, 2022 letters?⁴ Do you actually believe it appropriate for the Committee's chief attorney to sign letters sustaining his own challenged declinations to investigate complaints – where, as here, his letters not only offer ZERO substantiation of the "independent review" they purport, but are indefensible.

Do the two March 2, 2022 letters accurately reflect how "the full Committee, or a subcommittee thereof" disposed of my January 27, 2022 and February 23, 2022 written reconsideration requests – and if by "a subcommittee" was it one subcommittee or two? Were you not members of such subcommittee(s) and how many other members were there, what are their names, and how did you select them?

Certainly, it is hard to imagine that subcommittee members would not concur in my requests for FULL Committee reconsideration, as to which my February 23, 2022 letter to you stated (at p. 9):

"The far-reaching political and governmental ramifications of my February 11, 2021 complaint against Attorney General James and Solicitor General Underwood require that ALL Committee members participate in the determination deemed to be of 'the Committee'. Certainly, too, full Committee participation will better ensure that undisclosed conflicts of interests of individual members – including your own – are not sabotaging the Committee's duty and function, which is to investigate and determine facially-valid complaints – for which the easiest, most efficient tool, provided for by §1240.7(b)(2), is directing 'written response' from the complained-against attorney.

The Committee's most basic duty – with respect to my February 11, 2021 complaint – is to direct 'written response(s)' from Attorney General James and Solicitor General Underwood. No competent, impartial AGC-1 member – and yourselves as AGC-1's chairs – could hold otherwise or tolerate a chief attorney who so betrayed his obligations under §1240.7(b) or staff attorneys complicit therein."

In that connection, how is the Committee handling the complaints my January 27, 2022 and February 23, 2022 letters initiated against Chief Attorney Dopico and AGC-1 attorney staff – and what docket numbers have been assigned to them? Quite apart from your oversight duties, as the Committee's chairs, the mandates of [New York's Rules of Professional Conduct](#) concerning the responsibilities of supervisory lawyers and reporting professional misconduct ALSO apply to you.

⁴ It may be noted that Chief Attorney Dopico's March 2, 2022 letters are on an AGC-1 letterhead identifying only Chair Reardon and Vice Chair Milton L. Williams, Jr., whereas his reconsideration-sought December 30, 2021 and January 28, 2022 letters are on an AGC-1 letterhead additionally identifying Chair Anello and Vice Chair Ricardo E. Oquendo.

To facilitate the processing of my complaints against Chief Attorney Dopico, I will be mailing AGC-1 a signed and completed AGC-1 complaint form and signed originals of my January 27, 2022 and February 23, 2022 letters – and of this letter pertaining to Chief Attorney Dopico's further fraud.

TIME IS OF THE ESSENCE. Please let me hear from you no later than five days from today, March 14, 2022, so that I will know whether it will be necessary for me to communicate directly with the Committee's other members as to what has been going on.

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.

Thank you.

s/ELENA RUTH SASSOWER

Enclosures

cc: Unified Court System Inspector General Sherrill Spatz