



State of New York  
Supreme Court, Appellate Division  
Third Judicial Department  
**Attorney Grievance Committee**  
286 Washington Avenue Extension, Suite 200  
Albany, NY 12203-6320  
<http://www.nycourts.gov/ad3/agc>

Heidi Dennis, Esq.  
Committee Chairperson

(518) 285-8350  
fax (518) 453-4643  
[ad3agc@nycourts.gov](mailto:ad3agc@nycourts.gov)  
Service by Facsimile or Email is not accepted

Monica A. Duffy  
Chief Attorney

**CONFIDENTIAL**

July 5, 2017

Elena Sassower  
Center for Judicial Accountability  
P.O. Box 8101  
White Plains, NY 10602

Re: Notice of Declination to Investigate a Complaint

Dear Ms. Sassower:

This will acknowledge receipt of your complaint received October 17, 2016, concerning thirty (30) County District Attorneys and/or former County District Attorneys.

Please be advised that the function of this Committee is to investigate acts of professional misconduct committed by attorneys. When a complaint is received, we review it to determine if it involves behavior which could constitute professional misconduct by the attorney. An attorney may be found to have engaged in professional misconduct if it can be proven that an ethical rule or law was violated. If there is a sufficient basis to conduct an investigation, the Committee will do so. However, pursuant to Part 1240. Rules for Attorney Disciplinary Matters, § 1240.7(d)(1)(i), there are instances where the Committee, after initial screening, may decline to investigate a complaint due to other reasons.

The substance of your complaint alleges that the subject attorneys, acting in their respective capacities as an officially elected or appointed County District Attorney, each engaged in a "conflict of interest/misconduct" by not undertaking an investigation or prosecution of alleged criminal corruption, and further engaged in a "larcenous pocketing" of salary increases they knew to be unlawful.

After careful review, it has been determined that the allegations of professional misconduct raised in the complaint:

- 1) are more appropriate for resolution by a court of law or through other available legal remedies in the first instance;

- 2) are interrelated within a pending legal proceeding and therefore, the Committee's practice is to refrain from investigating complaints under these circumstances until such time that the legal proceedings are finally concluded; and
- 3) are within the wide latitude and broad discretion of district attorneys as recognized by the Courts of New York State, in deciding whether to accept or reject a particular case or set of facts for prosecution.

Therefore, although we appreciate your efforts, we are unable to assist you. Please be advised that pursuant to Rule § 1240.7(e)(3) you may submit a written request for reconsideration of this determination by correspondence addressed to the Chairperson of the Committee and sent to the address listed above **within thirty (30) days from the date of this letter. Your written request for reconsideration must be based on information and/or argument not previously presented to the Committee.**

We apologize for the delay in responding to your complaint.

Very truly yours,



Monica A. Duffy  
Chief Attorney  
MAD/cma