

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Director

May 10, 2025

New York Court of Appeals Clerk Heather Davis
20 Eagle Street
Albany, New York 12207-1095

RE: Mo. No. 2025-317 – Appellants’ Reply to Prevent Fraud on the Court by Respondent Attorney General Letitia James & for Enforcement of Court Rule 500.1(a) Against Her & Attorneys Under Her Supervision
APL 2024-150 – CJA, et al. v. JCOPE, et al.
APL 2024-149/175 – CJA, et al. v. Commission on Legislative, Judicial & Executive Compensation...Wilson, Zayas... et al.

Dear Clerk Davis:

On May 8, 2025, I received, by mail, from Respondent Attorney General Letitia James opposition to [appellants’ April 17, 2025 motion for reargument/transfer-certification](#). Pursuant to [Court Rule 500.7](#), I request a right of reply, as it is a flagrant “fraud on the court”, mandating the Court’s appropriate action consistent with [Court Rule 500.1\(a\)](#) and [§100.3D\(2\) of the Chief Administrator’s Rules Governing Judicial Conduct](#).

To avoid the penalties of perjury, [Respondent AG James’ May 8, 2025 opposition](#) is not by a sworn affirmation, but by an unsworn four-sentence letter, signed by Assistant Solicitor General Beezly Kiernan and also bearing the name of Deputy Solicitor General Andrea Oser. Its two intermediate sentences state:

“...Appellants do not identify any fact or argument overlooked by this Court, and instead make baseless claims of bias and fraud. Appellants fail to show that the Court is divested of jurisdiction under Judiciary Law §14, and appellants cite no authority requiring the Court to provide reasoning in a motion order or to include signatures of individual judges. ...” (underlining added).

This is not just “frivolous”, as defined by [22 NYCRR §130-1.1\(c\)](#), it is brazen “fraud on the court”, evident from the most cursory examination of [my sworn moving affirmation supporting the April 17, 2025 motion](#) and its [24-page single-spaced “legal autopsy”/analysis of the Court’s March 18, 2025 Order](#), which I wrote and to whose truth I attested. Respondent AG James does not dispute the accuracy of ANY of the facts, law, or legal argument there presented – because is it ALL true and dispositive – purporting, instead, that appellants have presented nothing.

No fair and impartial tribunal can – or would – allow New York’s highest legal officer, a respondent representing co-respondent other highest constitutional officers, Chief Judge Wilson and Chief Administrative Judge Zayas, among them, to corrupt the judicial process with litigation fraud to deprive the People of the State of New York of their [summary judgment entitlement](#) to sweeping declarations of unconstitutionality and unlawfulness of New York state governance and to cessation of larcenies of taxpayer monies that are massive and ongoing.

As with [appellants’ December 23, 2024 motion for enforcement of this Court’s Rule 500.1\(a\)](#) – whose disposition by the March 18, 2025 Order is recited at [page 11 of the “legal autopsy”/analysis thereof](#) – appellants here seek, by this reply, the protections of “applicable statutes and rules” pertaining to litigation conduct:

- [Part 130-1 of the Chief Administrator’s Rules \(22 NYCRR §130-1\)](#), “Awards Of Costs And Imposition Of Financial Sanctions For Frivolous Conduct In Civil Litigation”;
- [New York’s Rules of Professional Conduct \(22 NYCRR Part 1200\)](#), specifically, [Rule 1.7](#) “Conflict of Interest: Current Clients”; [Rule 3.1](#) “Non-Meritorious Claims and Contentions”; [Rule 3.3](#) “Conduct Before A Tribunal”; [Rule 8.3](#) “Reporting Professional Misconduct”; [Rule 8.4](#) “Misconduct”; [Rule 5.1](#) “Responsibilities of Law Firms, Partners, Managers and Supervisory Lawyers”; and [Rule 5.2](#) “Responsibilities of a Subordinate Lawyer”;
- [Judiciary Law §487 “Misconduct by attorneys”](#).

The relevant legal argument is furnished by my [moving affirmation in support of the December 23, 2024 motion](#) (at fns. 1 & 2, ¶¶6-14) and by my [January 9, 2025 letter](#) in further support (at pp. 2-3). In the interest of economy, appellants rest on same in support of the identical relief requested by this reply pursuant to [Court Rule 500.1\(a\)](#) and [§100.3D\(2\) of the Chief Administrators' Rules Governing Judicial Conduct](#), most importantly:

- disciplinary referrals to the Appellate Division Attorney Grievance Committees of Respondent AG James, Solicitor General Barbara Underwood, Deputy Solicitor General Oser, and Assistant Solicitor General Kiernan for their willful violations of the above provisions of New York's Rules of Professional Conduct;
- ethics referrals to the Commission on Ethics and Lobbying in Government (COELIG) of Respondent AG James, Solicitor General Underwood, Deputy Solicitor General Oser, and Assistant Solicitor General Kiernan for their willful violations of [Public Officers Law §74](#)'s proscriptions on conflict of interest underlying their "frivolous", "fraud on the court" conduct;
- criminal referrals to the Albany County District Attorney of Respondent AG James, Solicitor General Underwood, Deputy Solicitor General Oser, and Assistant Solicitor General Kiernan for their [Judiciary Law §487](#) crime of "deceit...with intent to deceive the court" and their violations of penal laws including [Penal Law §175.35](#) "Offering a false instrument for filing in the first degree"; [Penal Law 496.05](#) "Corrupting the government in the first degree"; [Penal Law §496.06](#) "Public corruption"; [Penal Law §195.20](#) "Defrauding the government"; [Penal Law §190.65](#): "Scheme to defraud in the first degree"; [Penal Law §155.42](#) "Grand larceny in the first degree"; [Penal Law §105.15](#) "Conspiracy in the second degree; [Penal Law §20](#) "Criminal liability for conduct of another"; [Penal Law §195](#) "Official misconduct".

Suffice to add that the latest excuse of the First Department Attorney Grievance Committee's chief attorney for his inaction on appellants' fully-documented October 24, 2024 and October 25, 2024 complaints against AG James and Solicitor General Underwood for their conflict-of-interest-driven litigation fraud in *CJA v. JCOPE, et*

al. and *CJA v. Commission on Legislative, Judicial and Executive Compensation, ...Wilson, Zayas, et al.* is that action on the complaints requires a court “finding of wrongdoing by the attorneys”, not made by the Court’s March 18, 2025 Order. As stated by his [May 1, 2025 letter](#):

“Specifically, your allegations against Solicitor General Barbara Underwood and Attorney General Letitia James have been conclusively litigated in court and there has been no finding of wrongdoing by the attorneys. Therefore, we have concluded that no further investigation or action is warranted. We note that you have filed a motion for reargument of the March 18, 2025 Court of Appeals order.”

Appellants incorporate by reference the record of their underlying October 24, 2024 and October 25, 2024 complaints to the First Department Attorney Grievance Committee, [here](#) and [here](#), from which is also accessible the record of their companion complaints against Deputy Solicitor General Oser and Assistant Solicitor General Kiernan to the Third Department Attorney Grievance Committee.

There is no [Judiciary Law §14](#) jurisdictional bar to the Court’s upholding the integrity of proceedings before it by the requested and mandated referrals to disciplinary and criminal authorities. To the contrary. Failing to confront this latest instance of AG James’ litigation fraud, starting with the threshold Judiciary Law §14 jurisdictional issue and transfer/certification to federal court pursuant to Article IV, §4 of the U.S. Constitution, would itself be grounds for disciplinary and criminal proceedings against the Associate Judges.¹

I herein attest to the truth of the foregoing, under penalties of perjury, as if stated in an affirmation pursuant to [CPLR §2106](#).

¹ As stated 121 years ago by the Appellate Division, First Department in [Matter of Bolte](#), 97 AD 499, 512 (1904) – a case cited to more than 25 years ago by the Commission on Judicial Conduct’s then administrator and counsel, Gerald Stern, in his August 20, 1998 [New York Law Journal](#) column “*Judicial Independence is Alive and Well*”:

“...Favoritism in the performance of judicial duties constitutes corruption as disastrous in its consequence as if the judicial officer received and was moved by a bribe.”

Thank you.

A handwritten signature in black ink, appearing to read "Barbara Underwood", followed by a horizontal line.

cc: Assistant Solicitor General Beezly Kiernan
for himself & for:
Attorney General Letitia James
Solicitor General Barbara Underwood
Deputy Solicitor General Andrea Oser

NEW YORK COURT OF APPEALS

MOTION #2025-317

Appellants' April 17, 2025 Motion for Reargument/Transfer-Certification

APL 2024-150 – Appeal of Right

CJA, et al. v. Joint Commission on Public Ethics, et al.

APL 2024-149 & APL 2024-175 -- Direct Appeal of Right

*CJA, et al. v. Commission on Legislative, Judicial and Executive Compensation...
Wilson, Zayas, et al....*

Motion #2025-25

Appellants' December 23, 2024 motion for enforcement of Court Rule 500.1(a)

AFFIRMATION OF SERVICE

ELENA RUTH SASSOWER, affirms the following to be true
under penalties of perjury, pursuant to CPLR §2106:

On the 10th day of May 2025, I served:

Appellants' May 10th letter to Clerk Heather Davis

upon respondents, by their attorney, Respondent Attorney General Letitia James, by e-mail to Assistant Solicitor General Beezly Kiernan. The e-mail is attached.



Elena Ruth Sassower, unrepresented appellant

Dated: May 10, 2025
White Plains, New York

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Saturday, May 10, 2025 12:11 PM
To: 'Kiernan, Beezly'
Subject: Appellants' Reply in Further Support of Reargument/Transfer-Certification Motion (Mo. No. 2025-317) -- CJA v. JCOPE, et al. (APL 2024-150) & CJA v. Compensation Commission...Wilson, Zayas, et al. (APL-2024-149/175)
Attachments: 5-10-25-reply-2025-317.pdf

TO: Assistant Solicitor General Kiernan

Above-attached is appellants' reply to the May 5, 2025 letter you signed. Please forward to Attorney General James, Solicitor General Underwood, and Deputy Solicitor General Oser.

Thank you.

Elena Sassower, unrepresented individual petitioner-appellant,
acting on her own behalf and on behalf of the People of the State of New York & the Public Interest

914-421-1200