

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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February 23, 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) Reconsideration – AGC-1 docket #2021.0488 – CJA’s February 11, 2021 complaint against New York State Solicitor General Barbara Underwood;
(2) Complaint against Chief Attorney Dopico and other AGC-1 attorney staff for conflict of interest and fraud.

The day after [my January 27, 2022 letter to you](#)¹ requesting, by its second branch, your “Supervisory oversight” of what had become of [my February 11, 2021 complaint](#) against New York State Solicitor General Barbara Underwood because I had received “NO acknowledgment, NO notice of disposition, and no response to requests for the assigned docket #” – reiterated at the letter’s page 5² – I received a [January 28, 2022 e-mail from AGC-1 Assistant Court Analyst Lauren Cahill](#) entitled “Matter of Barbara Underwood, Esq. – Docket No. 2021.0488”, stating:

“It was recently brought to our attention that you had not received the Committee’s closing letter. Upon further inquiry, we discovered that the letter was sent to the

¹ To assist you, this letter is hyperlinked to the substantiating EVIDENCE – including as posted on CJA’s webpage for my February 11, 2021 complaint, whose [menu](#) webpage is here: <http://www.judgewatch.org/web-pages/searching-nys/attorney-discipline/menu-feb-11-21-complaint-vs-james-etc.htm>.

² As there stated:

“In fact, the ONLY complaint I actually filed with AGC-1 on February 11, 2021 was against Solicitor General Underwood,^{fn} accompanied by the [required AGC-1 complaint form](#). Chief Attorney Dopico has NOT accounted for it – and despite my repeated inquiries about it, I have received NO docket number assigned to it, NOR specific acknowledgment. **As a matter of proper procedure, this should be greatly concerning to you – and I request your supervisory oversight.**” (p. 5, hyperlinking and bold in the original).

incorrect email address of elena@judgwatch.org, which is attached hereto. We apologize for any inconvenience this may have caused.”

Attached was a [June 17, 2021 e-mail](#) that Ms. Cahill had sent to the incorrect elena@judgwatch.org e-mail address and the [June 17, 2021 letter](#) it had transmitted, signed by Chief Attorney Dopico, whose first two paragraphs read:

“We have completed our review of your complaint against the above named attorney. As explained below, we have concluded that no investigation or action is warranted.

Specifically, you alleged that the Solicitor General of New York, Barbara Underwood, engaged in litigation fraud, corruption, and a conflict of interest based on her personal and professional relationships with AG Schneiderman, Judge Hartman, Governor Cuomo, and other supervisory and managerial attorneys. There is insufficient basis to establish that Ms. Underwood violated the New York Rules of Professional Conduct.” (underlining added).

This was then followed by a third, final paragraph – the longest – reading:

“You may seek review of this decision by submitting a written request for reconsideration to this office addressed to ‘Committee Chair’ at the above email address within thirty (30) days of the date on this letter. Please write in the subject line of your email: ‘Reconsideration Request’ and include the docket number. One of the Committee Chairs will grant or deny your request; or, refer your request to one of the Committees, or a subcommittee thereof, for whatever action it deems appropriate. We will accept regular mail if you do not have a personal email account, but there may be a delay in processing your matter. Thank you.”

Ms. Cahill’s January 28, 2022 e-mail to me also attached a second letter signed by Chief Attorney Dopico, the same as his June 17, 2021 letter, except that it was re-dated January 28, 2022 and corrected my e-mail address to elena@judgwatch.org.

Consequently, pursuant to §1240.7(e)(3) of the Rules for Attorney Disciplinary Matters [22 NYCRR §1240.7(e)(3)], I file this written request for reconsideration of my February 11, 2021 complaint against Solicitor General Underwood, whose disposition I have now been notified of by [Chief Attorney Dopico’s January 28, 2022 letter](#).

Chief Attorney Dopico’s January 28, 2022 letter replicates, virtually identically, the fraud of [his December 30, 2021 letter](#) disposing of my February 11, 2021 complaint against Attorney General Letitia James, particularized by the first branch of my January 27, 2022 letter seeking reconsideration thereof.

Consequently, everything stated by my January 27, 2022 letter is here applicable – and I repeat it, with minor modifications³ by the below, indented to reinforce that it is virtually the SAME:

“Chief Attorney Dopico’s letter is indefensible and fraudulent – readily revealed as such by: (1) the Rules for Attorney Disciplinary Matters – to which he does NOT cite; (2) *the face* of his January 28, 2022 letter; and (3) *the face* of my February 11, 2021 complaint.

Pursuant to §1240.7(d)(1) of the Rules for Attorney Disciplinary Matters, it is the chief attorney who ‘may, after initial screening, decline to investigate a complaint’. There is NO involvement of the Committee in such disposition, contrary to the false impression created by Chief Attorney Dopico’s use of the words ‘we’ and ‘our’, as in ‘We have completed our review of your complaint’ and ‘we have concluded’ (underlining added).^{fn3}

As for his ‘explained below’ for why ‘no investigation or action is warranted’, his letter is fraudulent, *on its face*, by its dissembling prefatory word ‘Specifically’. Although he then states:

“you alleged that the Solicitor General of New York, Barbara Underwood, engaged in litigation fraud, corruption, and a conflict of interest based on her personal and professional relationships with AG Schneiderman, Judge Hartman, Governor Cuomo, and other supervisory and managerial attorneys”,

which is true, there is nothing ‘Specific[]’ about his bald next sentence: ‘There is insufficient basis to conclude that Ms. Underwood violated the New York Rules of Professional Conduct’ – the sole explanation his letter provides. Nor does §1240.7(d)(1) enumerate as a ground for “declin[ing] to investigate a complaint” “insufficient basis to conclude...violat[ions]” for the obvious reason that “sufficient ‘basis’ – in other words, sufficient evidence – would be determined by investigation.

³ Among these: (1) substitution of Solicitor General Underwood’s name for that of Attorney General James; (2) replacing Chief Dopico’s December 30, 2021 letter with his January 28, 2022 letter; (3) adding a reference to Chief Attorney Dopico’s June 17, 2021 letter, sent more than four months after I filed my February 11, 2021 complaint; and (4) inserting Chief Attorney Dopico’s brief summary of my allegations against Solicitor General Underwood, which I state to be true.

^{fn3} I testified about the deceit of grievance committee dismissals of complaints, which, in fact, are not made by committee members, but by staff, on August 11, 2015 before then Chief Judge Lippman’s Commission on Statewide Attorney Discipline, in the presence of AGC-1 member Mark Zauderer, Esq. The VIDEO of my testimony – and the EVIDENCE I furnished in substantiation of my assertion ‘...the attorney disciplinary system cannot survive an evidentiary demonstration...’ – is posted on CJA’s website, [here](#).’

Moreover, Chief Attorney Dopico's bald assertion of 'insufficient basis' is itself a flagrant fraud, obvious from [the face of the complaint](#). Not only does the complaint list and summarize SEVEN specific rules of the [New York Rules of Professional Conduct](#) violated by Solicitor General Underwood, it furnishes the open-and-shut, *prima facie* EVIDENCE establishing these violations – with FURTHER open-and-shut, *prima facie* EVIDENCE supplied by my [April 9, 2021 e-mail](#) and [April 27, 2021 e-mail](#).

Suffice to add that IF Chief Attorney Dopico actually believed that the February 11, 2021 complaint required 'no investigation or action' because of 'insufficient basis to conclude that Solicitor General Underwood violated the New York Rules of Professional Conduct', he would have promptly sent me his letter upon my filing the complaint – not waited more than four months to dispose of it by his June 17, 2021 letter and, thereafter, to have ignored my repeated e-mails. Among these:

- [my May 19, 2021 e-mail](#), stating, in pertinent part:

'I am available to assist you, to the max, in your in your investigation, including by answering questions, under oath – and by replying to such written responses as Solicitor General Underwood and Attorney General James make to the complaint pursuant to §1240.7(b)(2) and §1240.7(c) of the Appellate Division Rules for Attorney Disciplinary Matters or by appearing before the Committee or its investigators pursuant to §1240.7(d)(2).' (underlining in the original).

- [my July 7, 2021 e-mail entitled 'What's happening...'](#), stating:

'I have received no response to my below May 19th e-mail to you, including as to the numbers you have assigned to the complaint.

Haven't you – by now – sent the complaint to Attorney General James and Solicitor General Underwood for their responses pursuant to §1240.7(b)(2) and §1240.7(c) of the Appellate Division Rules for Attorney Disciplinary Matters? And why have you not sent me their responses for reply? Isn't that the normal and customary procedure? Also, did you not wish me to appear before the Committee and its investigators pursuant to §1240.7(d)(2) – or even to be interviewed by your Chief Attorney pursuant to §1240.7(b)(1)?

Please advise without further delay.'

- and [my November 4, 2021 e-mail entitled 'YET AGAIN...'](#), stating:

'I have received no response to my below July 7th e-mail to you regarding my [February 11th complaint against Attorney General Letitia James and Solicitor General Barbara Underwood](#). Haven't you – by now – sent the complaint to them for their responses? And why have you not sent those responses to me for reply? Isn't that the normal and customary procedure when you 'investigate' a complaint?

Please advise without further delay, furnishing me, as well, with the two docket numbers you have assigned for the complaint against each of them.

Please also advise why, on September 29th, your Administrative Assistant, Celina M. Nelson, sent me three e-mails, apprising me that because three attorneys, [Frederick Brodie, Esq. \('Docket No. 2021.0846'\)](#), [Christopher Liberati-Conant, Esq. \('Docket No. 2021.0845'\)](#), and [Helena Lynch, Esq. \('Docket No. 2021.0847'\)](#) are not within your geographic jurisdiction, you, therefore, would be taking 'no further action' on my 'complaint' against them, when:

- (1) the unidentified 'complaint' – that of February 11th – had not been filed with you against these three attorneys for that very reason;
- (2) there was no basis for your assigning to these three attorneys docket numbers for a February 11th complaint I had never filed with you against them; and
- (3) there was no need for you to inform me that you did not have jurisdiction over them because – as clear from my February 11th complaint (fn. 1) and your complaint form, which I had completed – I knew that already.

As Ms. Nelson's three September 29th e-mails may have been prompted by my [September 28th e-mail to Unified Court System Inspector General Sherrill Spatz](#) entitled 'UPDATE & RECORDS REQUEST – CJA's unresponded-to Aug. 27, 2021 complaints vs 1st & 3rd Dept. Appellate Division Attorney Grievance Committee Chief Attorneys Dopico & Duffy' – to which Unified Court System Assistant Deputy Counsel/

Records Access Officer Shawn Kerby was cc'd – I am cc'ing both of them on this e-mail to further reinforce Inspector General Spatz' duty to investigate what the 1st Dept. Attorney Grievance Committee has been doing, over the past nearly nine months, with my open-and-shut, FULLY-DOCUMENTED February 11th complaint against Attorney General James and Solicitor General Underwood and as a reminder that I have received no response from either of them to the September 28th e-mail, whose three attachments are [here](#), [here](#), and [here](#).'

...

Finally, and based on the foregoing, I initiate a conflict-of-interest/misconduct complaint against Chief Attorney Dopico and all subordinate AGC-1 attorneys who aided and abetted his corrupting of his office with respect to my February 11, 2021 complaint.

The Committee's letterhead indicates that AGC-1 has four deputy chief attorneys and 16 staff attorneys. In view of the nature and ramifications of the February 11, 2021 complaint, it would not surprise me if all 20 were aware of it: a complaint against New York's top state attorneys – the state attorney general and state solicitor general – detailing violations of New York's Rules of Professional Conduct undermining the very integrity and constitutionality of state governance, involving the state budget and the larceny of billions of taxpayer dollars, all substantiated by EVIDENCE that is, as stated by the complaint (at p. 6):

'open-and-shut and *prima facie*, establishing that the complained-against attorneys must not only be disbarred for their wilful and flagrant violations of New York's Rules of Professional Conduct, but referred to criminal authorities for prosecution of penal law violations including:

Penal Law §175.35: 'Offering a false instrument
for filing in the first degree';
Penal Law §195.20: 'Defrauding the government';
Penal §190.65: 'Scheme to defraud in the first degree';
Penal Law §496.05 ('Public Trust Act'):
'Corrupting the government in the first degree';
Penal Law §496.06 ('Public Trust Act'): 'Public corruption';
Penal Law §155.42: 'Grand larceny in the first degree';
Penal Law §460.20: 'Enterprise corruption';
Penal Law §110.00: 'Attempt to commit a crime';
Penal Law §195: 'Official misconduct';
Penal Law §105.15: 'Conspiracy in the second degree';
Penal Law §20.00: 'Criminal liability for conduct of another'.

Obvious from the EVIDENCE is that it mandates many, many more disbarments and criminal prosecutions – New York’s top judges, among them – and that the long, long list includes the attorneys of the attorney grievance committees involved in dumping my related prior [October 14, 2016 complaint](#) and my related prior [September 16, 2017 complaint](#) which they did by the lies and deceit summarized by my February 11, 2021 complaint as ‘BACKGROUND’ (at pp. 4-6).

Pursuant to §1240.7(e)(3), you have discretion as the Committee’s chairs, to refer this written request for reconsideration of my February 11, 2021 complaint ‘to the full Committee, or a subcommittee thereof, for whatever action it deems appropriate.’ In view of the magnitude of what is here at issue and the HUGE financial and other interests of the justices of the Appellate Division, First Department, who appoint Chief Attorney Dopico and AGC-1 staff^{fn6}, ALL committee members of AGC-1 and yourselves as chairs^{fn7}, I respectfully submit that this reconsideration request...and my instant complaint against Chief Attorney

^{fn6} §1240.5 entitled ‘Committee Counsel and Staff’ states: ‘Each Department of the Appellate Division shall appoint to a Committee or Committees such chief attorneys and other staff as it deems appropriate.’

^{fn7} §1240.4 entitled ‘Appointment of Committees’ states, in pertinent part:

‘Each Department of the Appellate Division shall appoint such Attorney Grievance Committee or Committees (hereinafter referred to as ‘Committee’) within its jurisdiction as it may deem appropriate. Each Committee shall be comprised of at least 21 members, of which no fewer than 3 members shall be non-lawyers. A lawyer member of a Committee shall be appointed to serve as Chairperson. All members of the Committee shall reside or maintain an office within the geographic jurisdiction of the Committee...’

22 NYCRR §603.4(a) entitled ‘Attorney Grievance Committees’ states, in pertinent part:

(1) The Court shall appoint two attorney grievance committees for the First Judicial Department, each committee consisting of 21 members, all of whom shall be appointed by the Court. Each grievance committee shall have the power to appoint its members to subcommittees. Each committee may act through its chairperson, vice-chairperson or subcommittee...

...

(3) Each grievance committee shall have a chairperson and a vice-chairperson who shall be lawyer members appointed by the Court. The chairperson and vice-chairperson shall serve in that capacity for a term of three years and shall be eligible for reappointment for not more than one additional term of three years.

Dopico and staff attorneys must be referred to the FULL Committee,^{fn8} so that ALL members may be held accountable, including criminally, for the frauds being perpetrated in its name.

Of course, the Committee is authorized to undertake investigations, ‘sua sponte’ pursuant to §1240.7(a)(1) – and this, after all, is consistent with Rule 8.3(a) of the Rules of Professional Conduct, applicable to ALL lawyer Committee members:

‘A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer’s honesty, trustworthiness or fitness as a lawyer shall report such knowledge to a tribunal or other authority empowered to investigate or act upon such violation.’

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.”

(bold, capitalization, italics, underlining, hyperlinking in the original).

* * *

The ONLY response I received from AGC-1 to my near identical January 27, 2022 letter, apart from Ms. Cahill’s January 28, 2022 e-mail, which made no mention of it, was [a January 27, 2022 e-mail from AGC-1 Administrative Assistant Nelson](#) entitled “MATTER OF MONICA A. DUFFY, ESQ. – DOCKET NO. 2021-2411”. It, too, made no mention of my January 27, 2022 letter. Instead, it purported that I had filed a complaint against Ms. Duffy with AGC-1 – which I had NOT – and that because her “primary address for the practice of law” is not in Manhattan or the Bronx, AGC-1 would be taking “no further action in this matter”.

In other words, I have yet to receive any acknowledgment from AGC-1 of my January 27, 2022 letter – either as a request for reconsideration of my February 11, 2021 complaint against Attorney

^{fn8} AGC-1 members who are unable to rise above their conflicts of interest and be fair and impartial must disqualify themselves. That being said, the disqualification of Vice Chair Milton L. Williams, Jr. is absolute by virtue of his participation as co-chair of the Commission to Investigate Public Corruption in the corruption that directly underlies and is exposed by this complaint. CJA’s website posts the documentary EVIDENCE of his corruption in that capacity, including the VIDEO of my September 17, 2013 testimony before him and the Commission, all my prior and subsequent correspondence to the Commission, including sent directly to him – and my intervention in the Legislature’s declaratory judgment action against the Commission, laying out the particulars of how it operated and the fraud of its December 2, 2013 report, [here](#).’

General James, dumped by Chief Attorney Dopico's December 30, 2021 letter, or as a complaint against Chief Attorney Dopico and other culpable AGC-1 attorneys.

ALL members of AGC-1 are responsible for the Committee's proper functioning – and it is flagrantly dysfunctioning, as hereinabove particularized and by my January 27, 2021 reconsideration/complaint letter.

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.

I respectfully request your prompt confirmation that you will be furnishing this reconsideration/complaint letter to all AGC-1 members for their appropriate action, consistent with your duties and theirs – and that such was done or will be done with respect to my January 27, 2022 reconsideration/complaint letter, whose explosive electoral significance – as, for instance, to Attorney General James' run for re-election – was assuredly evident to you, upon your initial read.

TIME IS OF THE ESSENCE.

Thank you.

s/ELENA RUTH SASSOWER

cc: Unified Court System Inspector General Sherrill Spatz