

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, March 18, 2022 4:12 PM
To: 'tspain@spainlawpllc.com'
Cc: 'jricciani@riccianilaw.com'; 'BWang@woh.com';
'information@breedlovenoll.com'; 'ejt@ejtlaw.com'; 'Joe@abdellasise.com';
'scott@cliplaw.com'; 'Mgorgos@cglawoffices.com'; 'jhartmann@delhitel.net';
'rjm@millermayer.com'; 'mphilpott@co.chemung.ny.us'; 'tws@cwspllc.com';
'ad3agc@nycourts.gov'; 'AD3-AGC-IU@nycourts.gov'; 'ig@nycourts.gov'
Subject: Again, STATUS? -- Sept. 20, 2021 request for "full Committee"
reconsideration pursuant to §1240.7(e)(3) of AGC-3 Chief Attorney Duffy's
Aug. 25, 2021 "Notice of Declination to Investigate a Complaint" -- & FOIL
requests
Attachments: 9-20-21-reconsideration-3rd-dept-revised.pdf

TO: Chair Thomas D. Spain, Esq./Third Department Attorney Grievance Committee (AGC-3)

It is now three full weeks since I sent you my below February 25, 2022 e-mail, with its above-attached September 20, 2021 request for "full Committee" reconsideration -- & FOIL requests.

I have received no response from you or anyone else. Please advise what's happening -- including whether you forwarded the e-mail "to the full Committee", as requested. **TIME IS OF THE ESSENCE.**

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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914-421-1200
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, February 25, 2022 4:58 PM
To: 'tspain@spainlawpllc.com' <tspain@spainlawpllc.com>
Cc: 'info@visionpower.com' <info@visionpower.com>; 'daniellejose@riccianijose.com' <daniellejose@riccianijose.com>; 'BWang@woh.com' <BWang@woh.com>;
'information@breedlovenoll.com' <information@breedlovenoll.com>; 'dpeck@nycourts.gov' <dpeck@nycourts.gov>; 'ejt@ejtlaw.com' <ejt@ejtlaw.com>; 'Joe@abdellasise.com' <Joe@abdellasise.com>; 'scott@cliplaw.com' <scott@cliplaw.com>; 'Mgorgos@cglawoffices.com' <Mgorgos@cglawoffices.com>; 'jhartmann@delhitel.net' <jhartmann@delhitel.net>;
'rjm@millermayer.com' <rjm@millermayer.com>; 'mphilpott@co.chemung.ny.us' <mphilpott@co.chemung.ny.us>; 'tws@cwspllc.com' <tws@cwspllc.com>; 'ad3agc@nycourts.gov' <ad3agc@nycourts.gov>; 'AD3-AGC-IU@nycourts.gov' <AD3-AGC-IU@nycourts.gov>; 'ig@nycourts.gov' <ig@nycourts.gov>

Subject: STATUS? -- Sept. 20, 2021 request for "full Committee" reconsideration pursuant to

§1240.7(e)(3) of AGC-3 Chief Attorney Duffy's Aug. 25, 2021 "Notice of Declination to Investigate a Complaint" -- & FOIL requests

TO: Chair Thomas D. Spain, Esq./Third Department Attorney Grievance Committee (AGC-3)

Thank you for your 2:45 pm return call, supplying me with your e-mail address.

As briefly discussed, I am e-mailing you directly because it is now more than five months since I e-mailed AGC-3 my above-attached and here-linked [September 20, 2021 letter](#) requesting reconsideration of [Chief Attorney Duffy's August 25, 2021 "Notice of Declination to Investigate a Complaint"](#) -- and have received NO response. As required by [22 NYCRR §1240.7\(e\)\(3\)](#), my written request was addressed to you and, pursuant thereto, requested that you refer the request "to the full Committee".

On [February 17, 2022](#), I e-mailed AGC-3 to verify that the reason I had received NO response was because NONE had been sent – and to inquire whether Chief Attorney Duffy had even furnished my September 20, 2021 letter to you – and whether you, in turn, had furnished it "to the full Committee". I received NO response and, on [February 22, 2022](#), e-mailed AGC-3 again. STILL received NO response.

Below are all the referred-to e-mails I sent.

Please advise whether you and "the full Committee" know anything about my September 20, 2021 letter.

Additionally, please respond to my two included FOIL requests which AGC-3 has also ignored – the first at footnote 4 of my September 20, 2021 letter and the second particularized by my February 17, 2022 e-mail.

I also herein make a third FOIL request for:

(1) records pertaining to the specific responsibilities of an AGC-3 chair for the proper functioning of the Committee, beyond what is set forth in [§806](#) and [§1240](#), including with respect to initiating a misconduct complaint against the chief attorney and applying to the Appellate Division, Third Department for the chief attorney's removal for cause;

(2) records reflecting the name of the Committee's current "vice-chairperson", required, like yourself, to have been appointed, pursuant to §806.4(a), by the Appellate Division, Third Department "from among the Committee membership after considering the recommendations of the Committee" – inasmuch as the [posted roster of "Committee Members" for 2021-2022](#) does NOT indicate a vice-chair; and

(3) records reflecting the Appellate Division, Third Department's compliance with §806.4(a) by its annual appointments of the Committee's chair and vice-chair, from 2012 to the present.

As I mentioned, I had not intended to send this e-mail to AGC-3's other members *before* giving you a chance to respond. However, because in the hours since my 9:20 am voice message for you and [my](#)

[10:05 am written message for you, via your law firm's "contact" webpage](#) I had begun to despair that you would be supplying me with your e-mail address that I was requesting, I had – from about 2 pm – telephoned six AGC-3 members for their e-mail addresses, explaining, mostly in voice messages, that because I had been unable to obtain from you your e-mail address I was reaching out to them. In any event, I trust you will agree that each AGC-3 member bears responsibility for the Committee's proper functioning, not just you, as chair.

Not all AGC-3 members are here cc'd because I could not find their e-mail addresses on the internet and was unable to obtain them. I respectfully request that you yourself forward this e-mail "to the full Committee" for determination with my September 20, 2021 reconsideration request and initiate discussion of the threshold issue of disqualification, for financial and other interests, and bias arising from relationships, of specific AGC-3 members. I trust you will ask each member to make appropriate disclosure.

Finally, this e-mail – and the record of my February 11, 2021 attorney misconduct complaint to AGC-3 that underlies is – is posted on CJA's webpage for the complaint, at AGC-3, here: <https://www.judgewatch.org/web-pages/searching-nys/attorney-discipline/feb-11-21-complaint-3rd-dept.htm>.

Thank you.

Elena Sassower, Director
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elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, February 22, 2022 3:27 PM
To: 'ad3agc@nycourts.gov' <ad3agc@nycourts.gov>; 'AD3-AGC-IU@nycourts.gov' <AD3-AGC-IU@nycourts.gov>
Cc: 'ig@nycourts.gov' <ig@nycourts.gov>

Subject: AGAIN: STATUS & 2nd FOIL request -- CJA's Sept. 20, 2021 request for reconsideration of Aug. 25, 2021 "Notice of Declination to Investigate a Complaint", plus FOIL request

TO: Third Department Attorney Grievance Committee Chief Attorney Duffy

I have received no response to my below, straight-forward, EASY-TO-ANSWER February 17, 2022 e-mail. Did I miss something? Please advise, so that I may be guided accordingly.

Thank you.

Elena Sassower

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Thursday, February 17, 2022 4:24 PM

To: 'ad3agc@nycourts.gov' <ad3agc@nycourts.gov>; 'AD3-AGC-IU@nycourts.gov' <AD3-AGC-IU@nycourts.gov>

Cc: 'ig@nycourts.gov' <ig@nycourts.gov>

Subject: STATUS & 2nd FOIL request -- CJA's Sept. 20, 2021 request for reconsideration of Chief Attorney Duffy's August 25, 2021 "Notice of Declination to Investigate a Complaint", plus FOIL request

TO: Third Department Attorney Grievance Committee Chief Attorney Duffy

Above-attached & here linked is my [September 20, 2021 letter addressed to Committee Chair Thomas Spain](#), requesting reconsideration of your [August 25, 2021 "Notice of Declination to Investigate a Complaint"](#) and additionally containing a FOIL request.

I have received no acknowledgement or response, including to the FOIL request, sent by my below three e-mails. What is the status of each?

Most importantly, did you furnish my September 20, 2021 letter to Chair Spain – and did he present it to the “FULL Committee”, as requested by my letter’s page 1 “RE: clause” and at pages 5-6.

Although your August 25, 2021 Notice states: “If you seek reconsideration, please allow us up to ninety days for processing your request”, it is now two months beyond that “ninety days”.

Finally, and pursuant to FOIL, please furnish me with: (1) the names of the Committee’s current Executive Committee members; and (2) the date the Appellate Division, Third Department appointed “Alejandra N. Paulino, Esq. (Albany County)” to the Committee – making her the Committee’s 21st member and rectifying the deficiency that my September 20, 2021 letter noted (at fn. 7) in the Committee’s then roster of only 20 members.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Tuesday, September 21, 2021 11:01 AM

To: ad3agc@nycourts.gov; AD3-AGC-IU@nycourts.gov

Subject: Ooops! -- REVISED & SUPERSEDING -- written request for reconsideration of Chief Attorney Duffy's August 25, 2021 "Notice of Declination to Investigate a Complaint", plus FOIL request

Apologies again. I inadvertently left an exhibit reference on the 3rd page, here corrected -- & now posted.

Thank you.

Elena Sassower

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Tuesday, September 21, 2021 7:59 AM

To: 'ad3agc@nycourts.gov' <ad3agc@nycourts.gov>; 'AD3-AGC-IU@nycourts.gov' <AD3-AGC-IU@nycourts.gov>

Subject: REVISED & SUPERSEDING -- written request for reconsideration of Chief Attorney Duffy's August 25, 2021 "Notice of Declination to Investigate a Complaint", plus FOIL request

TO: Third Department Attorney Grievance Committee –

Above attached – and already posted on CJA’s EVIDENTIARY webpage:

<http://www.judgewatch.org/web-pages/searching-nys/attorney-discipline/feb-11-21-complaint-3rd-dept.htm> -- is a SUPERSEDING revision of my reconsideration/FOIL request, sent yesterday by the below e-mail. It is essentially the same, but restores to prominence the February 11, 2021 complaint, to which the April 3, 2021 particularizing complaint forms for Senior Assistant Solicitor General Paladino, Assistant Solicitor General Brodie, and Assistant Attorney General Liberati-Contant are just that – specifications of the complaint, as required by Chief Attorney Duffy.

I have additionally eliminated the exhibit references, hyperlinking instead directly to the referred-to documents, and slightly expanded footnote 4.

Apologies for the inconvenience.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Monday, September 20, 2021 4:07 PM

To: 'ad3agc@nycourts.gov' <ad3agc@nycourts.gov>; 'AD3-AGC-IU@nycourts.gov' <AD3-AGC-IU@nycourts.gov>

Subject: written request for reconsideration of Chief Attorney Duffy's August 25, 2021 "Notice of Declination to Investigate a Complaint", plus FOIL request

TO: Third Department Attorney Grievance Committee –

Following up my phone conversation with Chief Attorney Duffy earlier this afternoon – for which I thank her – attached is my written request for reconsideration of her August 25, 2021 "Notice of Declination to Investigate a Complaint", plus FOIL request.

In addition to the LIVE links contained in the written request – including for its Exhibits A through G – the webpage from which ALL the mountain of *prima facie*, open-and-shut substantiating EVIDENCE is accessible is here: <http://www.judgewatch.org/web-pages/searching-nys/attorney-discipline/feb-11-21-complaint-3rd-dept.htm>.

Thank you.

Elena Sassower, Director
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