



JOHN P. CONNORS, JR., ESQ.
Chairman

State of New York
Grievance Committee for the
Second, Eleventh and
Thirteenth Judicial Districts

Renaissance Plaza
335 Adams Street – Suite 2400
Brooklyn, New York 11201-3745
(718) 923-6300

DIANA MAXFIELD KEARSE
Chief Counsel

MARK F. DEWAN
Deputy Counsel

MELISSA D. BRODER
SUSAN KORENBERG
COLETTE M. LANDERS
SHARON GURSEN ADES
SUSAN B. MASTER
KATHRYN DONNELLY GUR-ARIE
THOMAS GRAHAM AMON
SASHA N. HOLGUIN
DAVID W. CHANDLER
Assistant Counsel

November 30, 2016

PERSONAL AND CONFIDENTIAL

Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
P.O. Box 8101
White Plains, New York 10602

**Re: File Nos: K-1827-16, Q-1828-16,
R-1829-16**

Dear Ms. Sassower:

We have received a copy of your complaint dated October 14, 2016, filed against, inter alia, three (3) attorneys within the jurisdiction of this Committee.

Please be advised that the function of this Committee is to investigate and prosecute acts of professional misconduct committed by attorneys. When a complaint is received, we review it to determine if there is a sufficient basis to conduct an investigation. Pursuant to the Rules for Attorney Disciplinary Matters (formally cited as 22 NYCRR part 1240), the Committee is vested with discretion to decline to undertake an investigation of any complaint for appropriate reasons. Such reasons include, but are not limited, to the following: the allegations, if true, would not constitute professional misconduct; the complaint seeks a legal remedy more appropriately obtained in another forum; or the allegations are intertwined with another pending legal proceeding.

After careful review, it has been determined that your complaint does not provide a sufficient basis to conduct an investigation. The substance of your complaint alleges that the subject attorneys, acting, in their respective capacities as a District Attorney, either elected, appointed, or acting 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. It is not the function of the Committee to serve as a review mechanism over the actions and decisions within the discretion of a duly constituted District Attorney and made in the ordinary course of the performance of duties vested in that office by law. Clearly among such duties is the determination of whether or not to conduct a criminal investigation or prosecution. Further, it is beyond the power of the Committee to determine the propriety of a District Attorney’s acceptance of a salary increase

Elena Ruth Sassower
November 30, 2016

paid to him in his official capacity. Whether or not such increase was “unlawful” is an issue that must be addressed and resolved in another more appropriate forum. Moreover, it appears from your complaint that this issue is the subject of a pending legal proceeding.

Accordingly, for the reasons stated above, the Committee is unable to assist you. This determination does not preclude you from pursuing any other legal remedies that may be available.

Very truly yours,



Diana Maxfield Kearse
Chief Counsel

DMK/cc