

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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June 14, 2024

TO: Scott J. Clippinger, Esq./Chair
Attorney Grievance Committee for the Third Judicial Department (AD3-AGC)

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: (1) Full Committee Reconsideration of CJA's October 25, 2023 complaint of professional misconduct by Appellate Division, Fourth Department attorney staff;
(2) Complaint against Chief Attorney Duffy for fraud by her May 16, 2024 "Notice of Declination to Investigate [the] Complaint", purporting it did "not state...professional misconduct";
(3) Oversight & Corrective Action by AD3-AGC Members, including pursuant to Rule 8.3(a) of New York's Rules of Professional Conduct.

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 [Chief Attorney Monica Duffy's May 16, 2024 letter entitled "Notice of Declination to Investigate a Complaint"](#).

Concealed by Chief Attorney Duffy's letter is that the complaint, which she identifies as "dated October 25, 2023, and received in this Office April 4, 2024, concerning the professional conduct of certain attorneys (AO, AR, AF, JAM, LK)", was filed with the Appellate Division, Fourth Department Attorney Grievance Committee (AD4-AGC) and, thereafter, "transferred for review and determination" by the Appellate Division, Third Department Attorney Grievance Committee with respect to the complained-against "attorney staff of the Appellate Division, Fourth Department" – of which AD4-AGC Chief Counsel Kelly apprised me by a [March 29, 2024 letter](#), to which Chief Attorney Duffy was cc'd.

The complained-against Appellate Division, Fourth Department attorney staff is listed, chronologically, by the [October 25, 2023 complaint](#), as:

- (1) AD-4 Deputy Clerk Alan Ross;
- (2) AD-4 Clerk Ann Dillon Flynn;
- (3) AD-4 Principal Appellate Court Attorney Adam Oshrin;
- (4) AD-4 Attorneys for Children Program Director Linda Kostin;
- (5) AD-4 Attorneys for Children Program Deputy Director Jennifer McLaren.

The sole basis for Chief Attorney Duffy's "Notice of Declination to Investigate a Complaint" is its bald assertion that the complaint "does not state a complaint of professional misconduct" – a fraud readily verifiable from the complaint, whose allegations of "professional misconduct" by the above five AD4 attorney staff, abetting corrupt judges and judicially-appointed attorneys for the child, are both "fact-specific" AND fully-substantiated by the complaint's cited-to and quoted record references.

As for Chief Attorney Duffy's assertion, in bold, that a written request for reconsideration pursuant to §1240.7(e)(3) is to be addressed to you as "Chair of the Committee" and "**should include additional information and/or argument not previously submitted with [the] complaint**", this is also fraud, as the determination not to investigate a complaint pursuant to [§1240.7\(d\)\(1\)\(i\)](#) – such as here, by Chief Attorney Duffy – is *without* the complaint having been presented to you, as chair, in the first place.

Pursuant to §1240.7(e)(3), you have discretion as Committee chair to refer this written reconsideration request "to the full Committee, or a subcommittee thereof, for whatever action it deems appropriate." Full Committee reconsideration is here required and necessitated because "appropriate" action must include an application to the justices of the Appellate Division, Third Department that Ms. Duffy be removed as chief attorney for this latest demonstration that she corrupts her office.

As to Chief Attorney Duffy's prior corrupting of her office, I have previously given you and other Committee members particularized notice, most recently, by my [April 11, 2024 e-mail](#) entitled:

"Corruption at AD3-AGC – Chief Attorney Duffy's 'Notice...Not to Investigate a Complaint' vs two-attorney members of the Commission on Legislative, Judicial & Executive Compensation for penal law violations that are automatically disbarable",

attaching my [April 11, 2024 letter](#) for full Committee reconsideration of her two March 19, 2024 "Notice[s] of Determination Not to Investigate a Complaint" – a letter that was also, expressly, a complaint against Chief Attorney Duffy "and other attorney staff collusive in her fraud and conflict of interest" and expressly a request for "Oversight & Corrective Action by AD3-AGC Members, including pursuant to Rule 8.3(a) of New York's Rules of Professional Conduct" – and which furnished, in further support (at p. 5), the record of her prior fraudulent "Notice[s] of Declination to Investigate" my prior complaints, all of which were against government attorneys and exposed judicial corruption.

I received no response to that dispositive April 11, 2024 letter and assume it is still pending.¹ Do you not agree that this apparent pendency, including of its complaint and request for oversight, reinforces Chief Attorney Duffy's duty to have recused herself from my October 25, 2023 complaint

¹ As for the April 11, 2024 e-mail, I received only an auto e-mail acknowledgment from Committee Member Payne and a bounce-back from Committee Member Peck, seemingly due to an erroneous e-mail address.

against AD4 attorney staff and to have referred it to the Committee for the investigative disposition it mandates. And isn't this what must now happen with respect to my [March 29, 2024 complaint against AD4-AGC Chief Counsel Kelly](#) and my [April 10, 2024 complaint against Chief Counsel Kelly and her AD4-AGC7 Principal Counsel Eftihia Bourtis](#), both arising from my October 25, 2023 complaint, which Chief Counsel Kelly apprised me had been transferred to this Committee for "review and determination" by a [May 30, 2024 letter](#), cc'ing Chief Attorney Duffy.

Suffice to say, [Chief Attorney Duffy's May 16, 2024 "Notice of Declination to Investigate a Complaint"](#) is identical to her two March 19, 2024 "Notice[s] of Declination to Investigate a Complaint", each of which baldly purported that I had "not state[d] a complaint of professional misconduct" ([here](#) & [here](#)), when I resoundingly had, substantiated by [open-and-shut, prima facie EVIDENCE](#) mandating disbarment, *as a matter of law*, of the complained-against two attorney-members of the (3rd) Commission on Legislative, Judicial and Executive Compensation and referral of their flagrant penal law violations to criminal authorities, presumably the Albany County district attorney and New York State attorney general.

As always, I am available to answer questions, including under oath – and ask that the foregoing be deemed as sworn by me as true under the penalties of perjury.

For your convenience, the record of my October 25, 2023 complaint to AD4-AGC, encompassing the transfers by its Chief Counsel Kelly to AD3-AGC, is [here](#).

Thank you.

s/Elena Ruth Sassower

cc: Unified Court System/OCA Inspector General Kay-Ann Porter Campbell