

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

April 27, 2025

TO: Appellate Division, Second Department Attorney Grievance Committee
for the Ninth Judicial District (AD2-AGC9)
Chair Susan G. Yellen, Esq.

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

RE: (1) Full Committee Reconsideration – File No. W-231-25 – CJA’s February 27, 2025 conflict-of-interest/corruption complaint against Commission on Legislative, Judicial and Executive Compensation Attorney-Member Jeremy Weinstein, Esq.;

(2) Complaint against Chief Counsel Courtney Osterling and other attorney-staff collusive in her fraud and conflicts of interest;

(3) Oversight & Corrective Action by Committee 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](#), I file this written request for full Committee reconsideration of [CJA’s February 27, 2025 complaint against Commission on Legislative, Judicial and Executive Compensation Attorney-Member Jeremy Weinstein](#), which Chief Counsel Courtney Osterling disposed of by a [March 28, 2025 letter](#).¹

Without revealing my right to seek reconsideration, her letter states:

“This will acknowledge receipt of your complaint on February 27, 2025, regarding a Westchester County attorney.

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 it involves behavior which could constitute professional misconduct by the attorney. An attorney may be found guilty of professional misconduct if it can be proven that an ethical rule or law was violated. If there is a sufficient basis to conduct an investigation, the Committee will do so. However, there are instances where the Committee may decline to pursue an investigation.

¹ CJA’s webpage for this February 27, 2025 complaint to AD2-AGC9 is: <https://www.judgewatch.org/web-pages/searching-nys/attorney-discipline/feb-27-2025-complaint/ad2-agc.htm>.

After careful review, the issues you raise are more appropriate for resolution by a court of law in the first instance. If it is your feeling that your legal rights need protection, we recommend that you consult with an attorney of your own choosing. The Committee is not permitted to give you legal advice or act as your attorney.

Therefore, although we appreciate your efforts, we are unable to assist you. However, at the conclusion of all legal proceedings if a decision is rendered indicating a finding of misconduct on the part of the attorney, you may renew your complaint with our Committee for further consideration.” (underlining added).

Concealed by Chief Attorney Osterling’s use of the word “we”, four times, and of the word “Committee” five times – combined with her failure to cite to ANY legal authority – is that the disposition of the complaint she recites is hers, not, as she misleadingly infers, the “Committee”.

§1240.7(d)(i), entitled “Disposition by the Chief Attorney”, reads:

“The Chief Attorney may, after initial screening, decline to investigate a complaint for reasons including but not limited to the following: (A) the matter involves a person or conduct not covered by these Rules; (B) the allegations, if true, would not constitute professional misconduct; (C) the complaint seeks a legal remedy more appropriately obtained in another forum; or (D) the allegations are intertwined with another pending legal action or proceeding. The complainant shall be provided with a brief description of the basis of any disposition of a complaint by the Chief Attorney.” (underlining added).

Chief Attorney Osterling also conceals that her discretionary disposition is improper in that the “professional misconduct” that is the subject of the February 27, 2025 complaint constitutes penal law violations, including felonies which, upon conviction after a trial or by a plea, result in automatic disbarment, pursuant to Judiciary Law §§90(4)(a) and (e). Among these felonies, Penal Law §175.35: “Offering a false instrument for filing in the first degree”:

“a long-recognized ground for disbarment, In re Chu, 42 NY2d 490 (1977), utilized by this Committee to procure automatic disbarment for analogous federal charges. As illustrative of Appellate Division, Second Department’s decisions granting this Committee’s motion to disbar on that ground:

- *In re Posner*, 60 AD2d 149 (1977);
- *In re Krup*, 136 AD2d 351 (1988);
- *In re Connery*, 157 AD2d 12 (1990);
- *Matter of Levine*, 7 AD3d 4 (2004);
- *Matter of Evans*, 58 AD3d 164 (2008);
- *Matter of Shepherd*, 66AD3d 14 (2008)
- *Matter of Griffiths*, 116 AD3d 117 (2014)”.

You are already familiar with this as I pointed it out to you by my [March 26, 2024 request for full Committee reconsideration](#) of the disposition of [CJA's comparable January 29, 2024 complaint](#) against this same "Westchester attorney" by a [February 26, 2024 letter](#) of then staff attorney Glenn Simpson, whose pretense for dismissing it was that "it has been determined that it does not state a complaint of professional misconduct".

As my March 26, 2024 reconsideration request highlighted (at pp. 3-4), the real reason CJA's January 29, 2024 complaint was not investigated was because Chief Counsel Osterling's "first investigative step, pursuant to §1240.7(b)(2),²" would have been to "direct [Mr. Weinstein] to provide a written response to the complaint". This would seal Mr. Weinstein's fate, as the underlying [January 18, 2024 Opposition Report](#) "establishes the penal law violations by evidence so *prima facie* and open-and-shut that there is NO defense to them". Mr. Weinstein would have "only one viable option: concede the truth of the Opposition Report and accept disbarment."

So, too, with respect to CJA's February 27, 2025 complaint and its underlying [February 3, 2025 Opposition Report](#). Were Mr. Weinstein to be "direct[ed] to provide a written response", his only viable option would be to concede its truth and accept disbarment.

Echoing my March 26, 2024 reconsideration request (at p. 4), I would have no objection to the Committee referring the February 3, 2025 Opposition Report to Attorney General Letitia James, Westchester County District Attorney Susan Cacace, or Albany County District Attorney Lee Kindlon for purposes of securing the criminal conviction or guilty plea for the automatic disbarment the Opposition Report mandates. Presumably, the Committee's procedure is to make such criminal referrals AFTER receipt of Mr. Weinstein's "written response" to the Opposition Report.

Referral would certainly be in keeping with what you stated last year in your [June 27, 2024 letter](#) denying my [March 26, 2024 request for full Committee reconsideration of CJA's January 29, 2024 complaint](#) wherein you stated:

"In your original complaint, you alleged that the respondent in his capacity as a member of the Commission on Legislative, Judicial and Executive Compensation, violated numerous provisions within the New York Penal Law. As such, your complaint would more appropriately be directed to criminal law enforcement authorities. (underlining added).

Strangely, Chief Counsel Osterling now inconsistently says, by her [March 28, 2025 letter](#):

"After careful review, the issues you raise are more appropriate for resolution by a court of law in the first instance." (underlining added).

² §1240.7(b)(2) authorizes the Chief Attorney to "direct the respondent to provide a written response to the complaint, and to appear and produce records before the Chief Attorney or a staff attorney for a formal interview or examination under oath".

Chief Counsel Osterling provides not the slightest explanation for this – and, tellingly, such bald pretext for not investigating CJA’s February 27, 2025 complaint against Mr. Weinstein was not put forward last year by Mr. Simpson’s [February 26, 2024 letter](#) as the reason for not investigating CJA’s comparable [January 29, 2024 complaint](#) – a letter presumably directed by Chief Counsel Osterling.

In any event, I would have no objection to the Committee making application to “a court of law in the first instance” so that it can make the “more appropriate...resolution” of “the issues” identified by [CJA’s complaint form](#), as Mr. Weinstein’s:

“violations of [New York’s Rules of Professional Conduct](#) and, specifically, Rule 8.4 ‘Misconduct’ and Rule 8.3 ‘Reporting Professional Misconduct’, over which the Appellate Division Attorney Grievance Committees have jurisdiction”,

arising from his “knowing and deliberate violations of, *inter alia*:

- [Public Officers Law §74](#) ‘Code of Ethics’;
- [Penal Law §175.35](#): ‘Offering a false instrument for filing in the first degree’;
- [Penal Law §195](#): ‘Official misconduct’;
- [Penal Law §105.15](#): ‘Conspiracy in the second degree’;
- [Penal Law §20.00](#): ‘Criminal liability for conduct of another’;
- [Penal Law Article 496: ‘PUBLIC TRUST ACT’](#) –
 - [§496.06](#): ‘Public corruption’;
 - [§496.05](#): ‘Corrupting the government in the first degree’”.

That being said, there is NOTHING less “appropriate” in the Committee making its *own* findings of fact and conclusions of law as to Mr. Weinstein’s violations of New York’s Rules of Professional Conduct. Based on the irrebuttable, rock-solid evidence of [CJA’s February 3, 2025 Opposition Report](#), nothing could be simpler – and “direct[ing Mr. Weinstein] to provide a written response...and to appear and produce records...for a formal interview or examination under oath”, pursuant to §1240.7(b)(2), will only reinforce this.

I incorporate by reference my [March 26, 2024 reconsideration request](#) including in support of my complaint herein against Chief Counsel Osterling and collusive attorney-staff and for oversight and corrective action by the Committee members.

As ALL Committee members are responsible for the frauds perpetrated in its name, I request that you promptly forward this letter to ALL members so that they can discharge their duties, including pursuant to [Rule 8.3\(a\) of New York’s Rules of Professional Conduct](#),³ which you and they are charged with enforcing.

³ Rule 8.3, entitled “Reporting Professional Misconduct”, states, in mandatory terms, by its paragraph (a):

“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,

I am available to answer questions under oath. Meantime, please deem the foregoing as sworn by me as true under penalties of perjury.

By copy of this letter to [UCS Inspector General Kay-Ann Porter Campbell](#), whose office has jurisdiction over the Appellate Division Attorney Grievance Committees, I call on her to take belated investigative and corrective action, as is her duty.

Thank you.

s/Elena Ruth Sassower

cc: UCS Inspector General Kay-Ann Porter Campbell