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CELIA A. ZAHNER
CLERK

CONFIDENTIAL

March 24, 2026

Ms. Elena Sassower
P.O. Box 8101
White Plains, New York 10602

Re: File Nos. 2025/A-0213, 0214

Dear Ms. Sassower:

The Commission has asked me to respond to your February 9, 2026, email concerning the disposition of your complaint dated April 30, 2025. As indicated in our previous letter, your complaint was dismissed. The entire Commission considered your complaint and it was dismissed at the August 2025 meeting.

The Commission dismissed your complaint pursuant to its authority under Judiciary Law, §44(1), which states in pertinent part:

Upon receipt of a complaint (a) the commission shall conduct an investigation of the complaint; or (b) the commission may dismiss the complaint if it determines that the complaint on its face lacks merit.

The Commission's exercise of discretion to determine whether to investigate or dismiss a complaint has been upheld by the courts. *See, Mantell v. Commn on Jud Conduct*, 277 AD2d 96 (1st Dept 2000); *Sassower v. Commn on Jud Conduct*, 289 AD2d 119 (1st Dept 2001).

Elena Sassower

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The New York State Constitution and the Commission's governing statute (Judiciary Law §40 *et seq.*) do not provide for appeal of a decision by the Commission dismissing a complaint. Section 2.12 of the Commission's Policy Manual, which you referenced, is inapplicable to a complainant's request for reconsideration. Additional information submitted regarding a complaint that has been dismissed will be reviewed. With respect to your reference to Section 2.10 of the Policy Manual, the Commission dismissed your complaint and did not authorize the referral of the complaint.

The Commission's records and proceedings are confidential by statute (Judiciary Law, §45), with strictly limited exceptions that do not apply to dismissed complaints. Accordingly, I am unable to provide any additional information concerning the Commission's consideration of your complaint.

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. Zahner', written over the printed name.

Celia A. Zahner
Clerk of the Commission