

# EXHIBIT 1



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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*Via email to [ad2-grv9@nycourts.gov](mailto:ad2-grv9@nycourts.gov)*

State of New York Grievance Committee for the  
Ninth Judicial District  
Crosswest Officer Center  
399 Knollwood Road, Suite 200  
White Plains, N.Y. 10603

**Re: May 3, 2021 Grievance Complaints Filed Against Current and Former  
Queens County Assistant District Attorneys**

**Taylor Piscionere, State Bar No. 5212717**

Dear Grievance Committee Members:

As the Chief Legal Officer of the City of New York and as legal counsel to the Office the District Attorney for Queens County, I write to express my deep concern with a series of grievance complaints represented to have been filed with your Committee regarding the conduct of the aforementioned former Queens Assistant District Attorney. With full appreciation of the vital role that the grievance process plays in ensuring the integrity of our profession, I believe that the very public campaign surrounding this and other similar complaints is contrary to both the law and the principles on which the grievance process is based. As your office reviews this complaint, I respectfully request that your Committee consider the manner in which it was filed.

On May 3, 2021, a complainant group of law professors claimed to have filed twenty-one simultaneous complaints with four New York State Judicial District grievance committees—including this Committee—regarding the conduct of twenty-one current and former Queens ADAs. Some of these complaints concern conduct that is over twenty years old.<sup>1</sup> My office became aware

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<sup>1</sup> Each of the complaint letters follow a similar format and note that the complainants do “not have personal knowledge of any of the facts or circumstances of [the ADA] or the cases mentioned” and that the “grievance is based entirely on the court opinions, briefs and other documents.”

of these complaints because the complainants posted the documents to a public website ([www.accountabilityny.org](http://www.accountabilityny.org)), began a social media campaign to “shin[e] a light” on these complaints, engaged the media regarding these complaints, and publicly stated their intent to deploy the same strategy against ADAs from other prosecutorial offices.<sup>2</sup>

As you know, New York State Judiciary Law § 90(10) designates attorney disciplinary records—including the complaint—private and confidential. Only the Appellate Division, upon good cause being shown, is empowered to permit all or any part of such papers, records and documents to be divulged. In holding that attorney disciplinary complaints are made in the context of a judicial proceeding and thus are entitled to absolute immunity, the Court of Appeals specifically found that any risk of prejudice to attorneys by the filing of such complaints is eliminated by Judiciary Law 90(10), which deems all papers private and confidential. *Wiener v. Wientraub*, 22 N.Y.2d 330, 332 (1968).

In *Johnson Newspaper Corp. v. Melino*, 77 N.Y.2d 1 (1990), the Court of Appeals recognized the dual policy purposes served by keeping disciplinary proceedings involving licensed professionals confidential until they are finally determined. It safeguards information a potential complainant may regard as private or confidential, thereby removing any disincentive to filing a complaint. But it also “evinces a sensitivity to the possibility of irreparable harm to a professional’s reputation resulting from unfounded accusations,” recognizing that “a professional reputation ‘once lost, is not easily restored.’” *Id.* at 10-11 (quoting *People ex rel. Karlin v. Culkin*, 248 N.Y. 465, 478 (1928) (citations omitted)). And in *In re Capoccia*, 59 N.Y.2d 549, 554 (1983), the Court made clear that Judiciary Law 90(10)’s confidentiality provisions “were enacted primarily, if not only, for the benefit of the attorney under investigation.”

Yet, in direct contravention of this legal directive and long-established public policy, the complainant law professors not only posted the complaints online, but designed a special website to host these and future grievance complaints. They then took various additional steps to call attention to both their website and the complaints, and even created a “social media toolkit” that can be downloaded to facilitate further sharing of this information on various social media platforms by others. And they further encourage readers to review the grievances and then reach out to their local grievance committees to seek prosecutorial accountability, thus improperly seeking to interject public opinion into the grievance process in response to specific grievances.<sup>3</sup> See *Johnson Newspaper Corp.* 77 N.Y.2d at 7-8 (holding that there has been “no showing that [] public access plays ‘a significant positive role’ in the functioning of [disciplinary] proceedings”) (citation omitted).

Rather than respect the integrity of the process or seek reform through proper means, the complainant law professors are engaging in an orchestrated campaign to upend the attorney grievance process to advance their stated goal of holding prosecutors accountable. Their misuse and

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<sup>2</sup> George Joseph, *Prosecutors Wrongfully Convicted Three Men Who Spent 24 Years Behind Bars. Will They Be Disbarred?* Gothamist, May 6, 2021, <https://gothamist.com/news/prosecutors-wrongfully-convicted-three-men-who-spent-24-years-behind-bars-will-they-be-disbarred>. For other media references, please visit [www.accountabilityny.org](http://www.accountabilityny.org).

<sup>3</sup> <https://accountabilityny.org/complaints/>

indeed abuse of the grievance process to promote a political agenda is harmful to the profession and the process and should not be countenanced.

Whereas the stated purpose of the grievance process is for the Committee to review and determine complaints of *individual* professional misconduct, the contents of and manner in which these complaints were filed make clear that the complainants have other motives. The complaints, as written, are more an attack on prosecutors generally. The complainants are not the aggrieved parties. Nor do they purport to be discharging any reporting obligation under Rule 8.3 of the New York Rules of Professional Conduct. Rather, they readily concede that they have no first-hand knowledge of any of the conduct alleged in their complaints, but instead have obtained their information from court decisions and other documents that were already before the courts. Moreover, the complainants' website demonstrates that their broader mission is to promote prosecutorial accountability generally and make the attorney disciplinary process public.

As a former federal prosecutor, I fully appreciate the push to ensure that our prosecuting authorities operate at the highest levels of integrity. That said, as the law professor complainants should well know, the grievance process is not the proper venue for achieving such industry-wide policy goals. Such systemic reforms should be addressed to the legislature, the courts, and the Bar at large as opposed to through improperly publicized complaints regarding individual prosecutors. *See Doe v. Office of Prof'l Med. Conduct*, 81 N.Y.2d 1050, 1052-53 (1993) (recognizing that "there are substantial reasons favoring open disciplinary proceedings," but that "the Legislature is in the best position to weigh conflicting policy values represented by these two approaches as they affect the various professions and enact consistent provisions for them giving appropriate protection to the interests of the parties and witnesses and the public interest"). No matter how well-intentioned their objectives, the law professors' approach is both abusive and wrong.

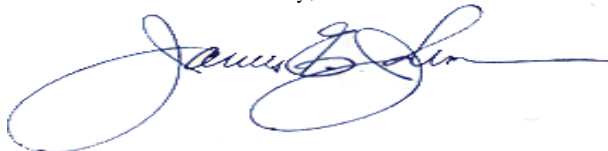
To be clear, in sending this letter I am taking no position on the substance of the allegations involving the individual ADAs.<sup>4</sup> Rather, at this juncture, I am writing to make sure that the Committee is aware that this complaint is part of a broader and very public campaign involving multiple grievances sent *en masse* to four different committees, and a campaign which, I submit, runs

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<sup>4</sup> However, this letter is sent in response to specific grievances and, thus, is private and confidential under Judiciary Law 90(10). As such, any disclosure of this letter by complainants without proper court permission would be unlawful under the Judiciary Law.

afoul of the confidentiality provisions of the law and the purpose of the grievance process. Respectfully, I request that you consider this broader context as you evaluate this complaint.<sup>5</sup>

Sincerely,



James E. Johnson

cc: Cynthia Godsoe  
Professor of Law  
Brooklyn Law School

Steven Zeidman  
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<sup>5</sup> As mentioned above, this letter is submitted on behalf of the City of New York and the Queens District Attorney's Office. Should the complainants continue on their quest to publicly disclose grievance complaints involving the City's other prosecuting offices, as their website suggests, this Office may be compelled to send a similar letter on behalf of those offices. New York City's five district attorneys and the Special Narcotics Prosecutor are concerned about this abuse of the grievance process, as all members of the legal profession should be.