



State of New York
Supreme Court, Appellate Division
Third Judicial Department
Attorney Grievance Committee
100 Great Oaks Boulevard, Suite 129
Albany, NY 12203-7919
<http://www.nycourts.gov/ad3/agc>

Andrew B. Howard, Esq.
Committee Chair

Phone: (518) 285-8350
Fax: (518) 453-4643
Email: ad3agc@nycourts.gov
(Service by email/facsimile is accepted/preferred)
CONFIDENTIAL

Monica A. Duffy
Chief Attorney

Alison M. Coan
Deputy Chief Attorney

August 26, 2026

VIA: EMail

Sean M. Morton, Deputy Clerk
Office of the Legal Profession
Appellate Division, Third Department
P.O. Box 7288, Capitol Station
Albany, NY 12224
Email: ad3-olp@nycourts.gov

Re: Matter of the Application of Campaign for Accountability

Dear Mr. Morton:

This letter is submitted in support of the Attorney Grievance Committee for the Third Judicial Department's (the "Committee") request for an order sealing the proceeding commenced by petitioner, Campaign for Accountability ("CfA"), to unseal and divulge the private attorney disciplinary proceeding involving attorney John A Sarcone, III, until such time as the Court has rendered a decision in the matter. CfA describes itself as a "501(c)(3) national nonpartisan ethics watchdog organization based in Washington, D.C." (*see*, CfA's Verified Petition to Unseal Disciplinary Proceeding, ¶9). Its interest in this disciplinary proceeding is that of a member of the public; CfA is not a law enforcement agency or another jurisdiction's attorney grievance committee. Under the circumstances, the Committee respectfully requests that the Court order sealed until final disposition of this matter all papers, records and documents filed in this matter, and that oral argument be closed, to prevent the premature disclosure or improper use of confidential information and/or documents by CfA or another other interested member of the public.¹ Upon information and belief, this is an issue of first impression for the Court.

¹ The Committee is aware that Advance Publications, Inc., The Associated Press, Dow Jones & Company, Inc., USA TODAY Co., Inc., Hearst Corporation, The New York News Publishers Association, The New York Times Company, and Pro Publica, Inc. have made a motion for permission to appear as *amici curiae* in the above-captioned case and file an *amici curiae* brief in support of CfA.

Pursuant to Judiciary Law §90(10), "all papers, records and documents ... upon any complaint, inquiry, investigation or proceeding relating to the conduct or discipline of an attorney or attorneys, shall be sealed and deemed private and confidential." Similarly, Rules for Attorney Disciplinary Matters ("Atty. Disc. Rules") [22 NYCRR] §1240.18(a)-(c) provides as follows:

- (a) All disciplinary investigations and proceedings shall be kept confidential by Court personnel, Committee members, staff, and their agents.
- (b) All papers, records and documents upon any complaint, inquiry, investigation or proceeding relating to the conduct or discipline of any respondent under these Rules are sealed and deemed private and confidential pursuant to Judiciary Law §90(10).
- (c) All proceedings before a Committee or the Court shall be closed to the public absent a written order of the Court opening the proceedings in whole or in part.

See also, Practice Rules of the Appellate Division [22 NYCRR] §1250.1(e)(1) [Records, briefs and other submissions filed in matters deemed confidential by law shall not be available to the public except as provided by statute or rule] and (2)(viii) [Appeals and proceedings that are confidential by law include, but are not limited to: (viii) Proceedings pursuant to Judiciary Law §90(10).].

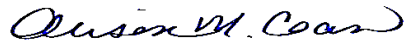
Judiciary Law §90(10) only allows for the disclosure of any or all parts of the disciplinary record "upon good cause shown." To establish good cause, the applicant must explain why disclosure is requested, identify the records or proceedings sought, and detail why other methods for obtaining the information are unavailable or impractical. *See*, Atty. Disc. Rules §1240.18(d). At present, CfA seeks, without limitation, the unsealing of "**all** records, papers and documents concerning the disciplinary proceeding against John A. Sarcone, III... (emphasis added)."

Notably, the Second Circuit Court of Appeals, in C.R. Corps. v. LaSalle, 741 F.Supp.3d 112, 168 (S.D.N.Y. 2024) *aff'd* 2026 U.S.App.LEXIS 22564 (2nd Cir. 2026) has limited the presumptive First Amendment right of access to the Committee's final dispositions of grievance complaints, not its internal reports and/or work or its investigatory work product.

Unless and until the Court finds that CfA has a compelling need for and has established good cause for the divulgence of the confidential records, papers and documents of the Committee in this matter, it is requested that a sealing order be granted to prevent the premature disclosure or improper use of confidential information and/or documents, together with such other further and different relief as this Court deems just and proper.

Thank you for the Court's consideration of this request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alison M. Coan". The signature is fluid and cursive, with the first name "Alison" being more prominent than the last name "Coan".

Alison M. Coan
Deputy Chief Attorney
AMC/all

cc: Faust P. Petkovich, Esq.
Attorney for Petitioner
(VIA EMail: fpetkovich@pbwt.com)

Michael J. Hutter, Esq.
Attorney for Respondent John A. Sarcone, III, Esq.
(VIA EMail: mhutter@powers-santola.com)

Paul J. DerOhannesian, II, Esq.
Attorney for Respondent John A. Sarcone, III, Esq.
(VIA EMail: paul@derolaw.com)