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Third District
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Elliott F. Marinstein
Troy

Richard J. Miller
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Joseph C. Buck
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Frank W. Getman
Oneonta

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Peter W. Mitchell
Cazenovia

Sanford P. Tanenhaus
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STATE OF NEW YORK
COMMITTEE ON PROFESSIONAL STANDARDS
THIRD JUDICIAL DEPARTMENT
A.E. SMITH OFFICE BUILDING, 22nd FLOOR
P.O. BOX 7013, CAPITOL STATION ANNEX
ALBANY, NEW YORK 12225-0013
(518) 474-8816



CONFIDENTIAL

February 23, 1989

Charles E. Collins
108 Brunswick Road
Troy, New York 12180

Dear Mr. Collins:

I write to acknowledge receipt of your inquiry dated February 20, 1989 at this office on February 22, 1989. In it you indicate you name one attorney and charge he deliberately filed false petitions, told witnesses not to show up to court, had clients perjure themselves, got others to do the same and this same attorney told another not to represent you properly.

In support of this brief one page statement you provide to us an indexed loose leaf binder with various labels including a table of contents, a reference to proceedings, custody, exhibits and a decision of the Appellate Division, Third Judicial Department. Your numbered pages up to the Appellate Division portion of your inquiry are 373.

Additionally in a separate letter to Chief Administrative Law Judge Albert M. Rosenblatt you charge corruption in the New York State Judiciary.

The inquiry as filed by you can be considered by this office only as it relates to the attorneys you name.

In its present format the inquiry cannot be considered at all because it is required by Section 806.4(b) of the Rules of the Appellate Division, Third Department governing the conduct of attorneys, that before initiating an investigation of a specific complaint against an attorney, the Chief Attorney shall determine whether the allegations, if true, are sufficient to establish a charge of professional

George B. Burke
Chief Attorney

Mark S. Ochs
Michael Philip, Jr.
Brian A. Kelly
Staff Attorneys

Joseph L. Legnard
Grievance Examiner

Charles E. Collins
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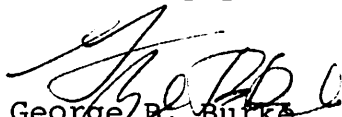
misconduct. Based upon our review of your inquiry, we are unable to make such a determination and accordingly, cannot initiate an investigation.

For example, you charge under a category ATTORNEYS "Telling witness under subpoena not to show up to court." yet a review of that same page shows the attorney did advise a witness not to appear and explained to the Court why he gave those instructions. The attorney in turn was told that if he wished to bring on a motion for contempt he could do so.

In another charge concerning covering up perjury or helping a client to submit you cite in support almost 60 pages.

If you wish to contact Mr. Legnard, our office grievance examiner, to discuss this case you may do so by calling him to arrange for an appointment. His telephone number is 474-8816.

Very truly yours,


George B. Burke
Chief Attorney
gbb/esm

cc: Michael J. Novack, Clerk
Appellate Division, Third Department
cc: State Commission on Judicial Conduct
cc: Jerome Frost, Esq.