



SENT VIA EMAIL TO AD1-AGC@nycourts.gov

May 14, 2026

Jorge Dopico-Chief Attorney
Supreme Court, Appellate Division
First Judicial Department
180 Maiden Lane
New York, NY 10038

RE: Appeal and Reconsideration Request of Decision in the Matter of Rebecca M. Sherrill, Esq., Docket No. 2026.0999

Mr. Dopico,

This letter serves as an appeal and request to reconsider your decision to not pursue investigation of Rebecca M. Sherrill, as described in your letter on April 14, 2026.

The reason you gave in the letter for not pursuing an investigation is inconsistent with the law governing the discipline of professional licenses. You stated in your letter that:

[T]his Committee is not the appropriate forum to determine, in the first instance, if Governor Sherrill has committed federal crimes or is liable for defamation. If a court, agency, or other adjudicative body has found that actions of Governor Sherrill constituted a crime or other misconduct, you may forward their decision to our office.

However, license discipline proceedings are not criminal in nature. They apply preponderance of the evidence standards,¹ not beyond a reasonable doubt. “Of course, there is ***no requirement of a criminal conviction*** to sustain a charge in an attorney disciplinary proceeding.”² This logically makes sense, because a higher burden of proof is required for criminal proceedings than for an attorney discipline proceeding. Similarly, for defamation to be proven in a civil suit against a public figure, the burden of proof is a higher standard, requiring clear and convincing evidence.³ By logical extension, the disciplinary process cannot be reliant upon a civil judgment being rendered at a higher standard elsewhere.

Indeed, this interpretation is consistent with the language used in Rule 8.4 of the New York Rules of Professional Conduct. The rules are violated by “illegal conduct that adversely reflects on the lawyer’s honesty, trustworthiness or fitness as a lawyer.” Absent from this language are the

¹ *In re Friedman*, 196 A.D.2d 280, 295 (N.Y. App. Div. 1994).

² *Id.*

³ *Zaidi v. United Bank Ltd.*, 194 Misc. 2d 1, (N.Y. Sup. Ct. 2002).



words “conviction” or “civil judgment.” Rather, the language is inclusive of anything deemed “illegal,” which case law demonstrates is to be reviewed at a preponderance of the evidence standard, not the heightened standards used in criminal or civil proceedings.

New York Statutes are also consistent with this interpretation. “Discipline pursuant to these Rules shall not bar or preclude further or other action by any court, bar association, or other entity with disciplinary authority.”⁴ This demonstrates that bar proceedings are not only independent of the courts, but also implies that they can be conducted before court proceedings have reached a conclusion.

Additionally, our complaint against Sherrill also relied upon Rule 8.4(c), which permits you to discipline an attorney for “conduct involving dishonesty, fraud, deceit or misrepresentation.” This means that illegality is not required at all to open an investigation against Sherrill. This is something that you have already done in other matters. For example, you investigated, and later disciplined, former Mayor Rudy Giuliani.⁵ There, you disciplined Giuliani for “false and misleading statements” related to “illegal aliens” voting in Arizona.⁶ The parallels are strong between those allegations and the ones levied here, in that, in both instances political figures are accused of making false or misleading statements that constitute dishonesty, deceit, or misrepresentation. To treat one differently than the other certainly seems suspect.

Because illegal conduct does not require a separate court adjudication under New York law, you should reconsider your April 14, 2026, determination to not investigate Sherrill or provide legally substantiated reasons not to pursue discipline on the “illegal” grounds. Additionally, even if those reasons are discovered, the Attorney Grievance Committee should follow its own precedent in investigating public figures who make “false and misleading statements” in public settings.

Thank you for your attention to this matter.

Curtis Schube
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⁴ N.Y. Comp. Codes R. & Regs. Tit. 22 §1240.3.

⁵ See *Matter of Giuliani*, 197 A.D.3d 1 (N.Y. App. Div. 2021).

⁶ *Id.* at 19.