

# **EXHIBIT 1**

**State of New York**  
Supreme Court, Appellate Division  
Third Judicial Department  
Committee on Professional Standards  
40 Steuben Street, Suite 502  
Albany, NY 12207-2109

<http://www.nycourts.gov/ad3/cops>



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April 30, 2008

Daniel A. Elia  
397 Foxpoint Circle  
Youngstown, NY 14174

Dear Mr. Elia:

Our staff has completed its investigation of your inquiry.

Upon analysis and report by the staff, and review by the Committee, the Committee has determined that there is an insufficient basis for a finding of professional misconduct by the attorneys in question and, therefore, we are closing our file in this matter.

We appreciate the fact that you have taken the time and effort to file your inquiry.

Very truly yours,

Thomas C. Emerson, Chairperson  
Committee on Professional Standards  
Third Judicial Department  
TCE/MGG/cma

**Daniel A. Elia**  
397 Foxpoint Circle, Youngstown, NY 14174 (716) 745-7629

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May 29, 2008

Committee on Professional Standards  
Third Judicial Department  
40 Steuben Street, Suite 502  
Albany, NY 12207-2109

Attn.: Mr. Thomas C. Emerson, Chairperson

Re.: Damon & Morey, LLP, William F. Savino, Daniel F. Brown & Lawrence C. DiGuilio, Bk. No. 94-10866K, Grievance No. 1 (Conflict-of-Interest), Grievance No. 2 (Conflict-of-Interest Concealment), Grievance No. 3 Fraudulent Accounting & Billing Practices, Grievance No. 4 (Willful Neglect of Duties)

Dear Mr. Emerson:

Concerning your letter dated April 30, 2008, you may be interested to know that a study conducted in New York State found that, "most lawyer misconduct is not prosecuted - ... only 2 percent of lawyers who violate accepted norms are processed, and that less than 1 percent of these cases are officially sanctioned."  
[1] For supporting documentation [www.damon-moreymisconduct.com](http://www.damon-moreymisconduct.com).

Tom, you and I know that the finding contained in your April 30<sup>th</sup> letter is a lie and does nothing more than support the conclusions found in the aforementioned study.

Very truly yours,

  
Dan Elia

cc: Phil Caponera, John Casey, Bill Keniry, Al Mainetti, Pete Platt, Gail  
Gail Rubenfeld – Third Judicial Department, File

[1] Gilbert Geis, Robert F. Meier and Lawrence M. Salinger, "White-Collar Crime", 3<sup>rd</sup> ed., New York: Simon & Schuster, 1995., p. 260