

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, April 18, 2019 4:04 PM
To: 'mclair@nysba.org'
Subject: FW: Request for Amicus Curiae Support & Scholarship: Citizen-taxpayer action challenging NYS budget -- NOW at the NY Court of Appeals on an appeal of right on the issues of constitutional construction directly involved
Attachments: 4-15-16-email-from-baxter.pdf; 4-25-16-email-nysba.pdf

TO: Melissa O'Clair/Senior Assistant, Counsel's Office – New York State Bar Association

Apologies for inadvertently omitting you from the below, just-sent, e-mail.

Elena Sassower

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, April 18, 2019 3:56 PM
To: 'kbaxter@nysba.org' <kbaxter@nysba.org>
Cc: 'rkennedy@nysba.org' <rkennedy@nysba.org>; 'kmchargue@nysba.org' <kmchargue@nysba.org>; 'rrifkin@nysba.org' <rrifkin@nysba.org>; 'richardrifkin54@gmail.com' <richardrifkin54@gmail.com>; 'kkerwin@nysba.org' <kkerwin@nysba.org>; 'bmahan@nysba.org' <bmahan@nysba.org>
Subject: Request for Amicus Curiae Support & Scholarship: Citizen-taxpayer action challenging NYS budget -- NOW at the NY Court of Appeals on an appeal of right on the issues of constitutional construction directly involved

TO: Kathleen Baxter, General Counsel – New York State Bar Association

This follows up my phone conversation a short time ago with Barbara Mahan, to whom my call was routed when I phoned the State Bar to verify whether Kevin Kerwin was still the State Bar's Deputy Director for Government Relations – and whether Richard Rifkin was still Special Counsel. Ms. Mahan identified that Mr. Kerwin had recently left the State Bar to work with a lobbying firm and that Mr. Rifkin continues in something of a consultant capacity. The reason I was inquiring was because both Messrs. Kerwin and Rifkin had been recipients of my above-attached April 25, 2016 e-mail – and I wanted to include them as cc's to this e-mail. I recounted to Ms. Mahan much of what the below e-mail summarizes – and now I am furnishing her, you, and the other cc's with it.

The reason for this e-mail is that it is now three days since I left a voice mail message for you – on Monday, April 15, 2019, at approximately 1:45 p.m. – asking to speak with you about my request for the State Bar's *amicus curiae* support for an appeal of right to the New York Court of Appeals in CJA's citizen-taxpayer action challenging the constitutionality and lawfulness of the state budget. In so doing, I identified that I had already left two prior messages on the voice mail of your senior assistant, Melissa O'Clair, to which I had received no call-back. These were on Thursday, April 4th, at approximately 3:40 pm, and on Friday, April 5th, at approximately 3:30 pm. Did you or she call me back?

Three years ago, I also received no call back from you – or anyone else – when I phoned seeking the State Bar's *amicus curiae* assistance and intervention in Supreme Court/Albany County for CJA's March 23, 2016 order to show cause and verified second supplemental complaint in our prior citizen-taxpayer action. Instead, following phone messages I left for you, for Ronald Kennedy, and for Mr. Kerwin – after leaving several voice mail messages for Kim McHargue, all unreturned – you sent me an April 15, 2016 e-mail entitled "Telephone Message", stating:

"Ms. Sassower – I received your message. The Association does not have a committee that is charged with reviewing state budget issues."