

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, August 6, 2024 11:57 AM

To: 'stbrown2@buffalo.edu'; 'ccarl@albanylaw.edu';
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'Jenny.Roberts@hofstra.edu'; 'jeffersj@stjohns.edu'; 'tjlau@syr.edu'

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Subject: **Alerting the 7 NEW law school deans of the Independent Review Committee (IRC) to what has been going on -- & IRC's ethical, professional, & civic responsibilities going forward, including by intervention & as amicus curiae in CJA v. JCOPE, et al.**

Attachments: [8-6-24-ltr-new-deans.pdf](#)

**TO: The Seven NEW Law School Deans of the Independent Review Committee (IRC) –
cc: the seven predecessor law school deans and the IRC's other six law school deans**

Above-attached is my letter of today's date, already posted on [CJA's webpage of correspondence with the IRC](#), directly beneath my February 8, 2023 e-mail to Chair Crowell, which had stated: "I leave it to you to forward this e-mail to the IRC's other 14 law school deans."

As my February 8, 2023 e-mail is, in EVERY respect, as relevant today as it was 17 months ago – and I received no confirmation from Chair Crowell that he had forwarded it – it is below.

There must be findings of fact and conclusions of law as to both the e-mail and my attached letter – and each of your law schools has a super-abundance of law professor and law student resources for that to happen.

I am available to answer questions – and under oath.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Wednesday, February 8, 2023 11:54 AM

To: Anthony.Crowell@irc.ny.gov; Anthony.Crowell@nyls.edu

Subject: Thank you -- & more.... IRC, COELIG -- & constitutional, lawful governance, subverted by conflicts-of-interest

Dear Independent Review Committee Chair Crowell,

I thank you for your below yesterday's e-mail, which I was heartened to receive, as it was your first response to any of my communications, all of which have been intended to assist you and the Independent Review Committee (IRC) in discharging your duties.

There must be findings of fact and conclusions of law with respect to my EVIDENCE-based "comment" about Professor Ayers – and it was Attorney General James' duty, as the recipient of that "comment", to have made such findings of fact and conclusions of law, in the first instance. This is obvious from the salutary implementing [procedures the IRC promulgated](#) pursuant to the "ethics commission reform act of 2022", differentiating between "proposed nominees" and a "formal nomination". The IRC procedures confer investigative, fact-finding duties upon the selection members which, plainly, they are NOT discharging in passing on to the IRC publicly proposed nominations they were duty-bound to withdraw, based on public "comment" they were required to solicit and which they received. I have empirically demonstrated this with respect to five selection members and six nominees:

- (1) [Governor Hochul's July 7, 2022 proposed nomination of Attorney Cardozo](#);
- (2) [Senate Minority Leader Ort's July 12, 2022 proposed nomination of Attorney Lavine](#);
- (3) [Comptroller DiNapoli's July 13, 2022 proposed nomination of Attorney Groenwegen](#);
- (4) [Temporary Senate President Stewart-Cousins' July 21, 2022 proposed nomination of Attorney James](#);
- (5) [Governor Hochul's November 23, 2022 proposed nomination of Attorney Whittingham](#);
- (6) [Attorney General James' January 23, 2022 proposed nomination of Attorney/Law Professor Ayers](#).

Ironically, in the original draft of my yesterday's e-mail, I had referred to [my prior December 27, 2022 e-mail to the IRC](#), also a FOIL request – and that, as with my other correspondence to the IRC, there had been no response. I stated:

"Should you ignore this e-mail and approve Law Professor Ayers for membership on COELIG, I request disclosure of 'applicable records', comparable to what my December 27, 2022 e-mail requested for Lawyer Whittingham and all other approved COELIG members, pursuant to FOIL and [Executive Law §94.3\(k\)](#).

To the extent that the 'records access officer' referred to by [Executive Law §94.3\(k\)](#), is COELIG's, rather than that of the Independent Review Committee – and you did not so-

advise me – I am cc'ing 'the commission's records access officer' to secure 'process[ing]' of the [December 27, 2022 FOIL request](#) and this one."

I leave it to you to forward this e-mail to the IRC's other 14 law school deans. Is it the IRC's interpretation that I should direct my December 27, 2022 FOIL request to COELIG's records access officer? I believe it is, but I will await confirmation from you before so-proceeding. Meantime, here's [my yesterday's FOIL correspondence to COELIG](#), reflecting where things now stand.

Again, thank you for your e-mail. May it be the start of important discussion and action by New York's 15 law school deans to get things back on track, constitutionally, statutorily, and pursuant to rules, including statutory and rule provisions governing conflicts of interest and ethics. The situation is dire, as the record of [CJA v. JCOPE, et al.](#) establishes – and as [my written testimony for yesterday's "public protection" budget hearing of the Legislature](#) further reflects. There must be scholarship, based on EVIDENCE, pronto – and New York's 15 law school deans must make that happen.

Elena Sassower, Director
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From: Crowell, Anthony <Anthony.Crowell@nyls.edu>
Sent: Tuesday, February 7, 2023 9:20 PM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Cc: Anthony Crowell <Anthony.Crowell@irc.ny.gov>

Subject: Re: Did AG James' Jan. 23, 2023 (proposed) nomination of Ava Ayers morph into a formal nomination that she sent to the Independent Review Committee?

Dear Ms. Sassower,

The Independent Review Committee received your comment about Professor Ayers from the Attorney General. All comments will be considered in our review process.

Thank you,
Anthony W. Crowell
IRC Chair

On Feb 7, 2023, at 5:09 PM, Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org> wrote:

TO: COELIG Independent Review Committee Law School Deans (IRC)

SUNY-Buffalo Law School Dean Aviva Abramovsky
CUNY-Queens College Law School Dean Sudha Setty
Albany Law School Dean Alicia Ouellette
Brooklyn Law School Dean Michael T. Cahill
Columbia University Law School Dean Gillian Lester

Cornell University Law School Dean Jens David Ohlin
Fordham Law School Dean Matthew Diller
Hofstra Law School Dean Gail Prudenti
New York Law School Dean Anthony Crowell
New York University Law School Dean Troy McKenzie
Pace University Law School Dean Horace E. Anderson, Jr.
St. John's University Law School Dean Michael A. Simons
Syracuse University Law School Dean Craig M. Boise
Touro College Law School Elena B. Langan
Yeshiva University Cardozo Law School Dean Melanie Leslie

I have received no response from Attorney General James to my January 30, 2023 written comment in opposition to her (proposed) nomination of Albany Law School Associate Professor Ava Ayers to the Commission on Ethics and Lobbying in Government (COELIG). I have also received no response from Associate Professor Ayers to whom I sent the opposition comment the following day, so that she might have the due process opportunity to deny or dispute its accuracy.

In the event Attorney General James "formally nominated" Associate Professor Ayers and did not furnish you with my opposition comment, as she was required to do, and, likewise, that Associate Professor Ayers did not furnish you with the opposition comment and my accompanying e-mail to her, both are below.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, January 31, 2023 1:30 PM
To: 'aayer@albanylaw.edu' <aayer@albanylaw.edu>

Subject: Your (proposed) nomination to the Commission on Ethics & Lobbying in Gov't -- & the "Follow the Evidence" Duty of Scholarship & Research & Teaching Institutes

[TO: AVA AYERS, ESQ./ASSOCIATE PROFESSOR OF LAW – ALBANY LAW SCHOOL](#)

Below is the written comment I submitted yesterday *via* Attorney General James' webportal in opposition to your (proposed) nomination to the Commission on Ethics and Lobbying in Government. I am furnishing it to you so that you can have the due process opportunity to deny or dispute its accuracy.

As the duty of scholarship and of research and teaching institutes is to “follow the evidence” where it leads, NOT cherry-pick out what runs counter to self-interest, please confirm that as a scholar of “ethics and professional responsibility”, “government law and policy”, and the “legal profession”, teaching Albany Law School students in these areas, you will be confronting the CJA v. Cuomo, et al. and CJA v. JCOPE, et al. lawsuit records and the records of CJA’s ethics and criminal complaints based thereon. *Or do you dispute that this primary-source, documentary evidence is DISPOSITIVE of the catastrophic unconstitutionality and lawlessness that prevails in this state’s governance, whose linchpin is the corruption of the Office of the New York State Attorney General, in tandem with New York’s judiciary.*

I am available to assist you in discharging your professional and civic duties – better belated than not at all.

Thank you.

Elena Sassower, Director
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Comment opposing AG James' (proposed) nomination of Ava Ayers to the Commission on Ethics and Lobbying in Government, sent at 2:55 pm on Jan. 30, 2023, via the AG's webportal: <https://ag.ny.gov/press-release/2023/attorney-general-james-announces-nominee-the-commission-ethics-lobbying-and>

Contrary to [AG James' January 23, 2023 press announcement](#) for this appalling (proposed) nomination, Ava Ayers is TOTALLY unfit for any position of public trust, let alone ethics enforcement involving conflicts of interest – as I can attest from direct, first-hand-experience with her, in August 2018, when she was Andrew Ayers, director of [Albany Law School's Government Law Center](#), and used his position to insulate from accountability corrupt public officers with whom he had and has personal and professional relationships and shared interests. She will doubtless do the same at the Commission on Ethics and Lobbying in Government (CELG), whose unconstitutional enactment in the FY2022-23 state budget as a replacement to JCOPE resulted from Attorney General James' litigation fraud in 2019 at the New York Court of Appeals in CJA's citizen-taxpayer action [CJA v. Cuomo, et al.](#), to which former Attorney General Schneiderman was a named defendant, and whose deleterious, post-enactment existence, beginning July 8, 2022, Attorney General James enabled and has perpetuated by her litigation fraud in CJA's successor lawsuit, [CJA v. JCOPE, et al.](#), to which she is a named respondent/defendant.

The facts are as follows:

On August 2, 2018, in an effort to build what did not then and does not now exist, evidence-based scholarship about the unconstitutionality and flagrant dysfunctioning of

New York state governance – and to obtain expert opinion and *amicus curiae* support – I hand-delivered to the Government Law Center, which purports to do “nonpartisan legal research and analysis” pertaining to state governance, including court decisions, a copy of the [three-volume record on appeal and appeal brief](#) in *CJA v. Cuomo, et al.*, then at the Appellate Division, Third Department, where it was being defended by then Attorney General/Solicitor General Underwood. Its ten causes of action against New York’s three government branches chronicled their collusion in an “OFF THE CONSTITUTIONAL RAILS” state budget, embedding judicial pay raises for New York’s unaccountable and systemically corrupt state judiciary, procured through two statutorily-violative, fraudulent, and unconstitutional “force of law” reports of compensation commissions – as to which former Attorney General Schneiderman, in the absence of ANY legitimate defense, had corrupted the judicial process with litigation fraud and was rewarded by fraudulent judicial decisions. This was the same three-volume record on appeal and appeal brief that 2-1/2 weeks earlier, on July 16, 2018, I had given, *in hand*, to then New York City Public Advocate James, running for the democratic nomination for attorney general, so that she could show herself worthy of election by “blowing the whistle” and repudiating the *modus operandi* of litigation fraud by which the attorney general operates.

Mr. Ayers’ response, as director of the Government Law Center, to this record proof of corruption by the attorney general and an acting supreme court justice who, in addition to being a direct beneficiary of the challenged judicial pay raises, had, for 30 years, worked in the attorney general’s office, including under Cuomo, who then, as governor, appointed her to the bench – was to castigate me for having delivered the three-volume record and brief to the Government Law Center, refusing to opine about it, refusing to forward it to scholars who would, and refusing to make it available to students so that they might examine what the judicial process looks like in lawsuits challenging open-and-shut, *prima facie* lawlessness and unconstitutionality at the highest levels of New York state government. Indeed, Mr. Ayers was not ashamed to tell me – in response to my entreaty for the return of the three-volume record on appeal and brief – that they may have already been discarded.

Thereafter, without a coverletter, Mr. Ayers did return to me the three-volume record and brief, which I had told him cost nearly \$100 to copy and bind. Photos of the August 20, 2018 postage label, of the box from the Government Law Center to which it was and is affixed, and of the returned contents are posted on CJA’s webpage for Mr. Ayers’ unworthy nomination: <https://www.judgewatch.org/web-pages/searching-nys/celg/ayers-webpage.htm>. There also posted are links to webpages and pdfs of the three-volume record and brief – and of the subsequent record of *CJA v. Cuomo, et al.* at the Appellate Division and at the Court of Appeals – thereafter embodied in CJA’s complaints to appropriate authorities, including, with respect to Attorney General James, Solicitor General Underwood, and their underling staff attorneys:

1. [CJA’s February 11, 2021 complaint to New York’s attorney grievance committees](#) – and, pertaining to Attorney General James’ litigation fraud in *CJA v. JCOPE, et al.*,

[CJA's October 10, 2022 complaint to the First Department Attorney Grievance Committee,](#)

2. [CJA's March 5, 2021 complaint to JCOPE, resting, *inter alia*, on CJA's June 4, 2020 grand jury/public corruption complaint to Albany County District Attorney Soares](#)
3. [CJA's July 8, 2022 "DAY ONE" complaint to CELG and October 6, 2022 supplement thereto,](#)
pertaining to Attorney General James' litigation fraud in *CJA v. JCOPE, et al.*

Why don't you ask Ms. Ayers whether, during our August 2018 phone conversation, he disclosed his conflicts of interest that accounted for his indefensible behavior to me and betrayal of his academic responsibilities, as, for instance, that he "[worked for nine years in the office of the New York Attorney General, where \[he was a Senior Assistant Solicitor General\]](#)", in other words, working with and under the very persons whose flagrant corruption the three-volume record on appeal in *CJA v. Cuomo, et al.* documentarily proved and who were then just as flagrantly corrupting the judicial process at the Appellate Division, as I surely told him – perhaps even guiding him to the [VIDEO of the August 2, 2018 oral argument](#) at the Appellate Division on the TRO/preliminary injunction sought by [CJA's order to show cause](#) in the case.

So that Ms. Ayers will have an opportunity to respond – and to give her notice of her duty, as a scholar, to embody it into her "[area\[s\] of study](#)" and the courses she teaches at Albany Law School on "[ethics and professional responsibility](#)", "[government law and policy](#)", and the "[legal profession](#)" – I will be sending this message to her tomorrow, as an e-mail.

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