

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Lauren Axelrod <LAXELROD@NYCBAR.org>  
**Sent:** Monday, April 22, 2019 2:15 PM  
**To:** Center for Judicial Accountability, Inc. (CJA)  
**Cc:** Maria Cilenti; Elizabeth Kocienda  
**Subject:** RE: Follow-Up: Request for Amicus Curiae Support -- CJA's second citizen-taxpayer action, with ten causes of action challenging the NYS budget & the "force of law" commission pay raises, etc.

Dear Ms. Sassower,

I can assure you we gave your request for an amicus brief the same consideration that we afford to all such requests. In response to your question, we are not aware of any follow up to the 2003 report "The New York State Budget Process and the Constitution: Defining and Protecting the 'Delicate Balance of Power.'" The report was authored by a now-defunct committee, the Committee on State Affairs, which is why it does not appear on the page that belongs to the Committee on Government Ethics and State Affairs. To list it there would be inaccurate and misleading, since the CGESA did not author the report. This is consistent with how we manage reports of any defunct committees.

Best,  
Lauren

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**From:** Center for Judicial Accountability, Inc. (CJA) [mailto:[elena@judgewatch.org](mailto:elena@judgewatch.org)]  
**Sent:** Wednesday, April 17, 2019 4:35 PM  
**To:** Lauren Axelrod <LAXELROD@NYCBAR.org>  
**Cc:** Maria Cilenti <MCILENTI@NYCBAR.org>; Elizabeth Kocienda <[ekocienda@nycbar.org](mailto:ekocienda@nycbar.org)>  
**Subject:** Follow-Up: Request for Amicus Curiae Support -- CJA's second citizen-taxpayer action, with ten causes of action challenging the NYS budget & the "force of law" commission pay raises, etc.

TO: [New York City Bar Association Counsel Lauren Axelrod](#)

Thank you for your speedy, albeit unacceptable, response.

Please advise:

- (1) whether you alone made the decision, on behalf of the New York City Bar Association, to decline my request for *amicus curiae* support – and the basis thereof;
- (2) whether the City Bar has no written procedures governing *amicus curiae* requests;
- (3) whether you are furnishing my e-mail request for *amicus curiae* support to the chair and members of the City Bar's Committee on Government Ethics and State Affairs – and to the chairs and members of such other appropriate committees as the City Bar's Council on Judicial Administration, State Courts of Superior Jurisdiction Committee, Litigation Committee, Legal History Committee, Committee on Professional Responsibility, and Committee on Professional Ethics so that they can undertake such scholarship and other action with respect to the constitutional, legal,

and ethical issues presented by the record of CJA's citizen-taxpayer action, as is consistent with their professional and ethical responsibilities.

Additionally, as I received no response to my above-attached April 7, 2016 e-mail entitled "Request for the City Bar's Amicus Curiae/Intervention & Other Assistance in Lawsuit Challenge to the Constitutionality of NYS Budget", sent to City Bar Policy Counsel Maria Cilenti, with a cc to Director of Advocacy Elizabeth Kocienda, I request, by this e-mail, cc'ing each of them, confirmation that they did not respond, including to the paragraph reading:

"As discussed, I have been unable to find any report by the City Bar's Committee on State Affairs about the state budget subsequent to its 2003 report '*The New York State Budget Process and the Constitution: Defining and Protecting the 'Delicate Balance of Power'*', (58 The Record 345): [http://www.judgewatch.org/lawsuit-1st-citizentaxpayer/law/58\\_The\\_Record\\_345.pdf](http://www.judgewatch.org/lawsuit-1st-citizentaxpayer/law/58_The_Record_345.pdf) – which concerned the important budget cases of *Pataki v. Assembly & Senate* and *Silver v. Pataki*, then headed to the New York Court of Appeals. Is it possible that notwithstanding the Court of Appeals' splintered and controversial 2004 decision – and the ensuing budget reform activity, including attempts at constitutional amendments – there was no follow-up reports from the Committee on State Affairs about the state budget?"

Needless to say, please also advise as to whether, in fact, there was no follow-up report by the Committee on State Affairs – renamed the Committee on Government Ethics and State Affairs. Am I correct that such Committee has morphed, seemingly exclusively, to government ethics – with no activity to broader issues of state governance. Why is that? And why is it that there is NO City Bar Committee on the New York State Constitution, examining it, *as written and as applied*, and making recommendations to the Legislature and the Attorney General with respect thereto?

Finally, I note that the 2003 report on "*The New York State Budget Process and the Constitution*" does not appear to be posted on the webpage of the Committee on Government Ethics and State Affairs: <https://www.nycbar.org/member-and-career-services/committees/government-ethics-and-state-affairs-committee> and requires a "search" of the City Bar website to be found: <https://www.nycbar.org/pdf/report/Budget%20Report%209-11.pdf>.

As time is of the essence, please respond expeditiously.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
914-421-1200  
[www.judgewatch.org](http://www.judgewatch.org)  
[elena@judgewatch.org](mailto:elena@judgewatch.org)

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**From:** Lauren Axelrod <[LAXELROD@NYCBAR.org](mailto:LAXELROD@NYCBAR.org)>  
**Sent:** Wednesday, April 17, 2019 12:38 PM  
**To:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Cc:** Maria Cilenti <[MCILENTI@NYCBAR.org](mailto:MCILENTI@NYCBAR.org)>  
**Subject:** RE: Request for Amicus Curiae Support -- CJA's second citizen-taxpayer action, with ten causes of action challenging the NYS budget & the "force of law" commission pay raises, etc.

Dear Ms. Sassower,

I have reviewed the materials you sent me in connection with your pending appeal before the Court of Appeals. After careful consideration, the New York City Bar Association respectfully declines your invitation to participate as an *amicus curiae* in this matter.

Best,  
Lauren

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**From:** Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]  
**Sent:** Monday, April 15, 2019 3:56 PM  
**To:** Lauren Axelrod <[LAXELROD@NYCBAR.org](mailto:LAXELROD@NYCBAR.org)>  
**Cc:** Maria Cilenti <[MCILENTI@NYCBAR.org](mailto:MCILENTI@NYCBAR.org)>

**Subject: Request for Amicus Curiae Support -- CJA's second citizen-taxpayer action, with ten causes of action challenging the NYS budget & the "force of law" commission pay raises, etc.**

**TO: Lauren Axelrod/Senior Legal Counsel – New York City Bar Association**

Thank you for your call – and for giving me the opportunity to furnish you with the background to CJA’s second citizen-taxpayer action, NOW before the Court of Appeals on an appeal of right – for which I am requesting an *amicus curiae* brief from the City Bar Association, from the New York State Bar Association, and from other bar associations.

As you saw, everything is accessible from CJA’s website, [www.judgewatch.org](http://www.judgewatch.org), by its prominent center link: “CJA’s Citizen-Taxpayer Actions to End NYS’ Corrupt Budget ‘Process’ and Unconstitutional ‘Three-Men-in-a-Room’ Governance”. For your convenience, the direct link to CJA’s webpage for my March 26, 2019 letter to the Court of Appeals, in support of our appeal of right in CJA’s second citizen-taxpayer action is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/ct-appeals/3-26-19-ltr.htm>. As discussed, the letter highlights the City Bar’s 2007 devastating *amicus curiae* brief in the *McKinney* case – and transmitted a copy to the Court of Appeals, together with such other parts of the *McKinney* record as I was able to recover: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/ct-appeals/inventory-mckinney-st-joseph.htm>.

As soon as I can, I will furnish a further presentation to you. However, I did want you to have the above direct links now – as they are the starting point for my request to the City Bar for what you will rapidly conclude to be a monumental case, worthy of the scholarship and advocacy I sought three years ago in the context of CJA’s March 23, 2016 verified second supplemental complaint in our first citizen-taxpayer action: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/outreach-good-gov-academia.htm>. As discussed, the second citizen-taxpayer action arises from that March 23, 2016 verified second supplemental complaint.

Thank you, earnestly.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
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