Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Monday, March 31, 2014 6:08 PM
To: 'ajoyce@nycourts.gov'
Cc: adrienne.kerwin@ag.ny.gov; james.mcgowan@ag.ny.gov
Subject: CJA v. Cuomo/1788-14: What Disciplinary Action will be Taken by Justice Lynch vs the Attorney General Consistent with §100.3D(2) of the Chief Administrator's Rules Governing Judicial Conduct?
Attachments: 3-31-14-letter-to-justice-lynch-2.pdf

Dear Ms. Joyce,

I believe the Court had not yet received my faxed supplemental letter when it rendered its letter denying my request for a telephone conference, which I received by a 4:17 p.m. e-mail only minutes after sending my fax (at 4:22 pm). Indeed, I had not yet had a chance to send my supplemental letter to the Assistant Attorneys General, Adrienne Kerwin & James McGowan – which I herewith furnish to them.

Such supplemental letter makes plain that the Court errs in its prejudgment of "limited likelihood of success on the merits" inasmuch as the merits are proven, *prima facie* – and sufficient for summary judgment – by the documents requested by plaintiffs' March 26th Notice to Furnish Papers to the Court Pursuant to CPLR §2214(c), over and beyond the correspondence annexed to the Verified Complaint as exhibits, including plaintiffs' FOIL/records requests to the Legislature, Governor, and Division of Budget, to which I referred at oral argument. That is why I e-mailed the Notice to the Attorney General on March 26th for production at the oral argument.

As further pointed out in my supplemental letter, the Attorney General denied none of the particularized facts and law I presented at the oral argument in support of the TRO. Likewise, the Court has cited to nothing in support of its bald assertion of plaintiffs' "limited likelihood of success on the merits" Certainly, too, on the issue of "irreparable injury", Article VI, §25(a) of the NYS Constitution does not, by its language, limit diminution of judicial compensation to "legislative act during a judge's term in office".

Inasmuch as §100.3D(2) of the Chief Administrator's Rules Governing Judicial Conduct imposes mandatory "Disciplinary Responsibilities" on the Court, stating: "A judge who receives information indicating a substantial likelihood that a lawyer has committed a substantial violation of the Code of Professional Responsibility shall take appropriate action", can I expect the Court to take some "appropriate action" against New York's most powerful lawyer, the State Attorney General, for the misrepresentations made at the oral argument by Assistant Attorney General Kerwin, in the presence on her superior, Assistant Attorney General McGowan, on which it relied, in denying the TRO on March 28th – and now seemingly again in denying a telephone conference?

Please advise so that I will know how to proceed with respect to the misconduct here by the Attorney General – a named defendant representing other defendants, whose first obligation is to determine "the interest of the state" pursuant to Executive Law §63.1.

Thank you.

Elena Sassower, plaintiff *pro se*

From: Amy Joyce [mailto:ajoyce@nycourts.gov]
Sent: Monday, March 31, 2014 4:17 PM
To: elena@judgewatch.org

Ex 2-5 Ex C-4