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BY E-MAIL

March 11, 2014

TO: New York State Assembly
Robin Marilla, Records Access Officer

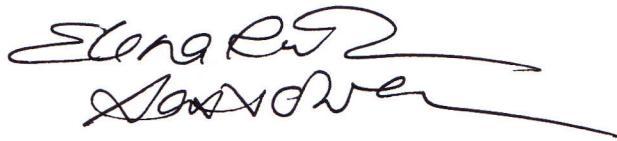
FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: UPDATE: Legal Representation and Litigation
against the Commission to Investigate Public Corruption

Pursuant to Assembly Rule VIII, "Public Access to Records", please furnish any subsequent records germane to our December 16, 2013 FOIL/records request.

For your convenience, enclosed are: (1) the December 16, 2013 FOIL/records request; (2) your December 23, 2013 response; (3) a February 23, 2014 article "*Silver spends more to resist corruption commission*" in Capital New York, by Jimmy Vielkind.

Thank you.



Enclosures

cc: Committee on Open Government
ATT: Robert Freeman, Executive Director
The Public & The Press

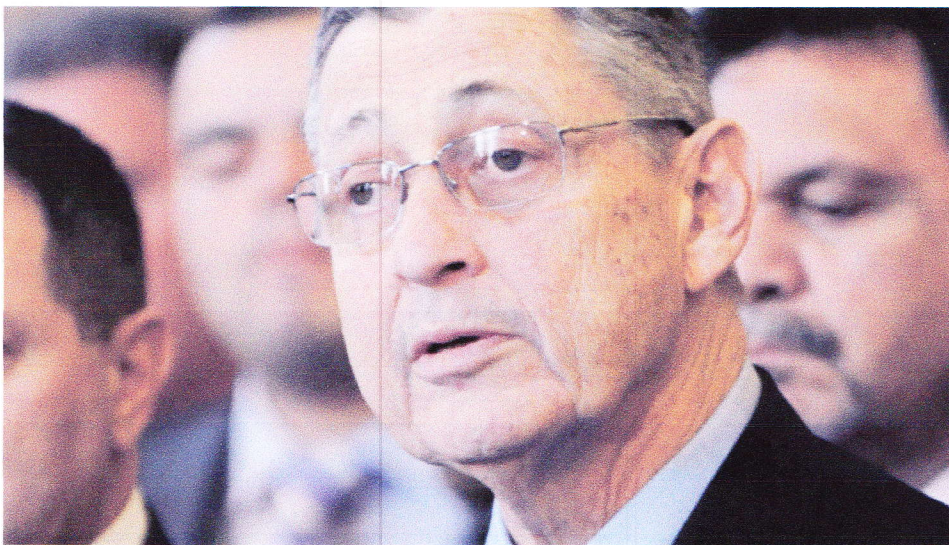
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LOGIN

CITY HALL | ALBANY | MEDIA

Silver spends more to resist corruption commission



Sheldon Silver. (AP Photo/Tim Roske)

By Jimmy Vielkind 10:22 p.m. | Feb. 23, 2014 1

ALBANY—Assembly Speaker Sheldon Silver will spend another \$300,000 of public money to assist several law firms—including the one that employs him—as they fight subpoenas from a state anti-corruption panel, state records show.

The heavily Democratic Assembly, where Silver has been speaker for 20 years, upped its contract with the firm of Kasowitz, Benson, Torres & Friedman [from \\$55,000 to \\$355,000 last week](#).

An amendment was processed by the state comptroller's office on Thursday, the day before the latest round of papers were due in the ongoing legal battle between legislative employers and the Moreland Commission to Investigate Public Corruption, which Governor Andrew Cuomo convened in July. The commission has [issued 20 new subpoenas](#) last month in connection with reimbursement from campaign accounts, a source told the *Wall Street Journal*.

The commission last year subpoenaed [records from 30 businesses that pay legislators](#), saying the outside employment of legislators creates a “[risk of criminal behavior](#)” because their work product is often intangible. Legislators have argued the commission—which does not have a separate budget line—exist to simply browbeat them in negotiations with Cuomo. On Friday, legislative leaders argued the subpoenas should be quashed because it is an “[usurpation](#)” of their constitutional lawmaking powers.

“While the Moreland Commission is conducting an illegitimate fishing expedition, we're

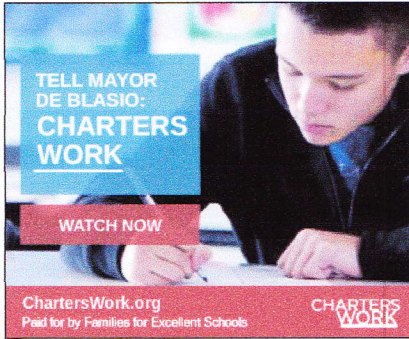
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going to retain counsel,” said Silver spokesman Michael Whyland. “It’s costing the state a lot of money, too.”

Kasowitz’s firm is working in conjunction with lawyers for the Senate Republican conference as well as its Independent Democratic Conference, who control the chamber in a coalition. Republicans have paid at least \$50,000 to Kirkland & Ellis, where former U.S. Attorney Michael Garcia is the lead attorney. The IDC would not say how much it has paid Loeb & Loeb, which represents it in the case against the commission.

The commissioners did not subpoena the legislative leaders; they were granted status as “intervenor” in the challenges brought by the private law firms.

MORE: ALBANY CORRUPTION MORELAND COMMISSION NEW YORK STATE ASSEMBLY SHELDON SILVER

Author: Jimmy Vielkind

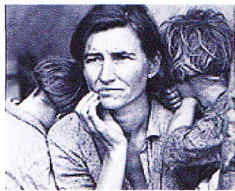
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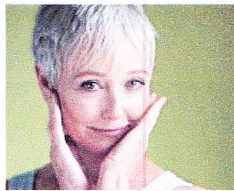
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