

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, June 14, 2022 8:32 AM

To: 'skohlmann@jenner.com'; 'hlevy@foleyhoag.com';
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Cc: 'bparker@nycbar.org'; 'gwofff@nycbar.org'; 'LAXELROD@NYC BAR.org';
'edmurray3@gmail.com'; 'edavis@cgsh.com'; 'mcilenti@nycbar.org';
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Subject: **EMERGENCY ACTION REQUIRED: Request to NYC Bar Association Officers & Board of Directors: Lawsuit to VOID the "ethics commission reform act of 2022" and for TRO -- CJA, et al. v. JCOPE, et al. (Albany Co. #904235-22)**

Attachments: [6-12-22-ltr-to-independent-review-committee.pdf](#)

TO: [The Officers Comprising the Leadership & Governance of the New York City Bar Association](#)

This follows my phone conversation yesterday afternoon with General Counsel Lauren Axelrod, reflected by the below, with the above-attached – and my subsequent phone conversation with Board of Directors Chair Devika Kewalramani, with whom I briefly discussed the catastrophic state of affairs that now exists, resulting from decades of nonfeasance and misfeasance by the New York City Bar Association, acting on self-interest, not the public interest, in its advocacy on issues of state governance, untethered to the law or evidence. Among these issues, the Joint Commission on Public Ethics (JCOPE), the state budget, judicial compensation, and judicial and attorney discipline.

To avert the most immediate catastrophe – the replacement of JCOPE with a Commission on Ethics and Lobbying in Government (CELG) that will operate under a markedly inferior statute – I have commenced a combined Article 78 proceeding/declaratory judgment action/citizen-taxpayer action – as to which oral argument on a TRO is scheduled for this Friday, June 17th in Albany Supreme Court. I am requesting the City Bar's intervention, *amicus curiae*, and other assistance, including a lawyer to represent the presently unrepresented corporate petitioner/plaintiff Center for Judicial Accountability, Inc. (CJA). TIME IS OF THE ESSENCE.

The verified petition/complaint, the OSC, and my moving affidavit in support of a preliminary injunction with TRO are accessible *via* NYSCEF, [here](#). I respectfully request that each of you “eyeball” the case so that you will have no doubt as to what the City Bar's ethical, professional, and civic responsibilities are – including IMMEDIATE endorsement of my above June 12th letter to New York's 15 law school deans comprising the “independent review committee” of the “ethics commission reform act of 2022”.

As I do not have e-mail addresses for all 25 of the individuals listed on the [NYC Bar Association's “Leadership” webpage – these being “Officers & Members of Board of Directors”](#) – I ask that President Susan Kohlmann and Vice Presidents Harlan Levy and Peter J.W. Sherwin ensure that this e-mail is

forwarded to all, including, if they deem appropriate, Vice President Jonathan Lippman, to whom I am not myself sending this e-mail, as his disqualification for interest is direct and absolute.

I am available to answer questions – and would welcome the opportunity to do so.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, June 13, 2022 6:42 PM

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Subject: Request that the NYC Bar Association discharge [] its ethical, professional, & civic responsibilities: Lawsuit to VOID the "ethics commission reform act of 2022" and for TRO -- CJA, et al. v. JCOPE, et al. (Albany Co. #904235-22)

TO: New York City Bar Association General Counsel Lauren Axelrod

Following up our phone conversation earlier this afternoon (212-382-6600 x6674), I herein reiterate my request that the NYC Bar Association discharge its ethical, professional, and civic responsibilities with respect to CJA's *pro bono*, public interest lawsuit to VOID the "ethics commission reform act of 2022" – as to which, on Friday, June 17th, I will be arguing in support of a TRO before Albany County Supreme Court Justice Peter Lynch. I initially made that request by [a June 9th e-mail](#) to Ed Murray, chair of the [City Bar's Government Ethics & State Affairs Committee](#) and to former City Bar President Evan Davis, presumably a member of that committee, but acting, as "manager" of a separate Committee to Reform the State Constitution – both part of a ["JCOPE Must Go" Coalition](#). I received no response from either of them or from City Bar Senior Policy Counsel Maria Cilenti, also cc'd.

I herein request a written response to that June 9th e-mail – and additionally request that the City Bar endorse my above-attached yesterday's letter to New York's 15 law school deans who comprise the "independent review committee" of the "ethics commission reform act of 2022", re-sent today by the below e-mail. The letter also requests that the 15 law school deans discharge their ethical, professional, and civic responsibilities with respect to the lawsuit and TRO – and, as to the endorsement I here seek from the City Bar, I also request a written response.

I will reserve to a later time recitation of the multitude of serious and substantial conflicts of interest that you, other staff, officers, and members of the City Bar have with respect to my requests herein. Suffice to emphasize, as I did when we spoke, that the City Bar has a posted [conflict of interest policy](#). Observance is mandatory – and violation by a City Bar officer or member is grounds for sanction, including expulsion from the Association, and, with regard to staff, grounds for discharge.

Finally, I again reiterate my request for the names of the members of the Government Ethics & State Affairs Committee that you refused to provide and which, as I stated to you, I have not found identified on any of its reports and testimony, by contrast to the names of the members of the predecessor Committee on Government Ethics, appearing on the last page of the City Bar's March 14, 2014 "Hope for JCOPE" report (p. 64) that [the City Bar submitted to the JCOPE/LEC Review Commission](#) in connection with Mr. Davis' testimony before it on October 14, 2015, which was in tandem with that of fellow committee member Daniel Karson.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
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Subject: Lawsuit to VOID the "ethics commission reform act of 2022", TRO to stay the statute from taking effect on July 8th -- & your ethical, professional, & civic responsibilities with respect thereto -- CJA, et al. v. JCOPE, et al. (Albany Co. #904235-22)

TO: The "independent review committee" of the "ethics commission reform act of 2022"

SUNY-Buffalo Law School Dean Aviva Abramovsky
CUNY-Queens College Law School Interim Dean Eduardo R.C. Capulong
Incoming Dean Sudha Setty (July 1, 2022)
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

Following up my yesterday's e-mailing to you of the above attached, [here](#) & [here](#), inadvertently omitting SUNY-Buffalo Law School Dean Abramovsky, I am sending it again to you this morning – Monday, June 13th – to further ensure that it is not overlooked, again sending it to the other cc's, from which I yesterday also inadvertently omitted Albany County Supreme Court Justice Lynch.

Below is my June 9th e-mail giving notice to respondents/defendants of the Friday, June 17th oral argument before Justice Lynch on the TRO.

Thank you.

Elena Sassower, individual petitioner/plaintiff *pro se*
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
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Subject: June 17, 2022 oral argument on TRO -- CJA, et al. v. JCOPE, et al. (#904235-22/Albany County)

TO: New York State Joint Commission on Public Ethics (JCOPE) –

ATT: Sanford Berland/Executive Director
Emily Logue/Director of Investigations & Enforcement
Chair Jose Nieves
Commissioners: Gary Lavine, Sharon Gerstman,
Marvin Jacob, David McNamara

Legislative Ethics Commission (LEC) – ATT: Lisa Reid/Executive Director

New York State Inspector General (NYS-IG) – ATT: Lucy Lang/NYS-IG

Governor Kathy Hochul – ATT: [FOIL officer](#)

Temporary Senate President Andrea Stewart-Cousins & Senate –

ATT: Jellisa Joseph/Counsel to Secretary of the Senate

Assembly Speaker Carl Heastie & Assembly – ATT: Brian Haak/Counsel

Attorney General Letitia James – ATT: [AG-press](#); [Westchester Bureau Chief Andy Aujla](#)

Comptroller Thomas DiNapoli – ATT: Mike Kogut/Associate Counsel

This follows my phone and e-mail communications with you and/or your offices on Tuesday, Wednesday, and today concerning the lawsuit against you, *Center for Judicial Accountability, Inc., et al. v. New York State Joint Commission on Public Ethics, et al.*, filed in Albany County (#904235-22).

Next Friday, June 17th, at 2 p.m., oral argument will be had, in Albany County Supreme Court at 16 Eagle Street, before Justice Peter Lynch, on petitioners/plaintiffs' request for a TRO to stay the "ethics commission reform act of 2022" – Part QQ of Education, Labor, Housing, and Family Assistance Budget Bill #S.8006-C/A.9006-C – from taking effect on July 8, 2022 and to enjoin JCOPE from closing, pending final determination of the lawsuit's June 6, 2022 verified petition/complaint and its accompanying order to show cause. At issue is the sixth cause of action (¶¶78-85) that Part QQ was enacted unconstitutionally, unlawfully, and by fraud.

On June 17th, I will serve you with hard copies of the papers. In the meantime, you will not be hampered in the slightest in preparing, **fully**, for the oral argument, as all the papers are available electronically, *via* NYSCEF (New York State Courts Electronic Filing). The direct link to the electronic docket of the case is [here](#). You can also access the verified petition/complaint, the order to show cause, and my accompanying affidavit from CJA's website, www.judgewatch.org – and the direct link is [here](#). Indeed, accessing the case *via* NYSCEF and CJA's website will enable you to access the scores, if not hundreds, of substantiating links petitioners/plaintiffs' papers contain, not accessible from the hard copies.

So that I might be guided accordingly in the number of copies to reproduce – a not inconsiderable expense – please advise if you will waive service of the hard copies, as superfluous.

Justice Lynch's principal law clerk, Stehle Hetman-Mika, is herewith cc'd, as discussed with her.

Thank you.

Elena Sassower, individual petitioner/plaintiff *pro se*
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