

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, May 24, 2021 12:46 PM
To: 'martinezga@nyassembly.gov'; 'enesr@nyassembly.gov'
Cc: 'cruzc@nyassembly.gov'
Subject: Assembly Judiciary Committee Member Cruz' question at the March 23rd meeting with Davis Polk Lawyers, retained for the Committee's impeachment investigation of Gov. Cuomo

TO: Assemblywoman Cruz' Legislative Director Guillermo Martinez & Chief of Staff Robyn Enes

Following up my phone conversation a short time ago with constituent services staffer Jennifer Diaz (518-455-4567), kindly call me, at your earliest convenience, concerning Assemblywoman Cruz' important question about conflicts of interest at the Assembly Judiciary Committee's March 23, 2021 meeting, which she asked of the Davis, Polk lawyers retained for the Committee's impeachment investigation of Governor Cuomo – and their response to her. The exchange was as follows:

[audio, at 35 - 40 minutes]

Committee Member Cruz, ESQ.: “when you talked initially... about conflicts of interest. I have to be honest, I am a lawyer myself and it felt like the biggest lawyer answer and so I would love a little bit of an expansion...in explaining not only how you made sure before that there were no conflicts of interest, and, as we are moving forward with the investigation there is a possibility that a new allegation might come out, a new witness might come out, a new issue might come out where there may be a conflict of interest with an issue within your firm. How is the firm prepared or what steps are set up in place to deal with a new conflict of interest that could arise?...”

Angela Burgess, ESQ.: “With respect to the conflict of interest process, as you can imagine, as any large firm would have, we have a conflict system that information is entered into that searches basically all matters of the firm, both past and present, with respect to identifying any conflicts that could arise. And so, we did that here, on an expedited basis, when we were asked about potentially taking on this role. We also have a management committee and a general counsel group that also reviewed the information and we looked at our contacts and conflicts and determined that there was none. I hope that helps provide a little bit more information, but that's the process that we go through for any matter.

Committee Member Cruz, ESQ.: “And what are you going to do. I'm sorry, my time has expired, but I didn't hear an answer. What happens now if, through the process, a conflict arises, what are the steps that the firm is going to take to safeguard the investigation?”

Angela Burgess, ESQ.: “Yes. Thank you for that. We will have a process in place we do, ordinarily, if there is a different, something should come up where we would think that there is another party, or person or entity that would be relevant in our investigation, we would search our conflicts data base again and go through effectively the same process that we did as we commenced.”

Committee Member Cruz, ESQ.: “Will the Committee be informed, right away if that should arise because I would assume that we, as a committee, would want to have input on what steps you take.

Angela Burgess, ESQ.: “Of course, we would absolutely do that and certainly notify you in the event there was anything at all that was creating a conflict.”

Certainly, I would be so very pleased to speak directly with the Assemblywoman about Davis Polk’s apparent failure to carry through on its assurances -- and about its misrepresentation as to conflicts of interest in the contract with the Assembly that it signed on April 20, 2021 retaining its services. For this reason, I am cc’ing her on this e-mail, with an invitation that she call.

Thank you.

Elena Sassower, Director
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