

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

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Center for Judicial Accountability, Inc. (CJA) <eiena@judgewatch.org>  
**Sent:** Monday, May 24, 2021 4:15 PM  
**To:** 'torreys@nyassembly.gov'  
**Cc:** 'walshm@nyassembly.gov'; 'agostinos@nyassembly.gov'  
**Subject:** Assembly Judiciary Committee Member Walsh's question at the March 23rd meeting with Davis Polk Lawyers. retained for the Committee's impeachment investigation of Gov. Cuomo

**TO: Assemblywoman Walsh's Legislative Director/Chief of Staff Samantha Torrey**

This follows my phone conversation a short time ago with District Office Manager Stacie Agostino (518-884-8010). Kindly call me, at your earliest convenience, concerning Assemblywoman Walsh's important question at the Assembly Judiciary Committee's March 23, 2021 meeting with the Davis Polk lawyers retained for the Committee's impeachment investigation of Governor Cuomo. Her question and the response were as follows:

(audio, at 51-53 mins)

Assemblywoman Mary Beth Walsh: "My experience shows that one of the most important things in an investigation is properly scoping it. So I wanted to pick up on a comment that was made a little bit earlier, just kind of dig into that a little bit more. We've talked about the idea that everything is on the table, but we've also identified that we're dealing with the sexual harassment piece, the nursing home piece. What, if there is something, obviously if another complainant comes forward alleging sexual harassment, obviously, that would be considered as part of the scope. If there is some other indication that there's been an interference with an investigation perhaps that's not the nursing home investigation, but something else, for example, could that be, would that be, part of what this investigation would take a look at. Something that is completely separate. This governor has been in office for a period of time, from the Moreland Commission to JCOPE, there have been other issues that have arisen with regard to the governor perhaps. Will that, could that be, part of this investigation as my colleague Mr. Montesano said 'everything is on the table'. I want to make sure that it really is. ..."

Davis Polk Partner Greg Andres, ESQ.: "The short answer is that the mandate that we've been given is including, but not limited to, specific allegations and issues. And so our practice would be if there were

new investigative streams or additional allegations that went into new areas we would expect to bring those issues to the Committee and have a discussion and work at the direction of the Committee about whether to pursue those, as well. Again, we view this as a completely iterative process and, as counsel to the Assembly, we will be advising on any new developments and take direction on that.”

Certainly, I would be so very pleased to speak directly with Assemblywoman Walsh about what I believe to be Davis Polk’s failure to adhere to its mandate, failure to inform Judiciary Committee members of what it has had “on the table”, presented to it, as to Governor Cuomo’s impeachable conduct, and its conflicts-of-interest with respect thereto. I would also like to know whether – since there was no discussion of it at the March 23, 2021 meeting – the Assemblywoman was aware of what the financial terms of the contract with Davis Polk were and that partners and associates would be paid \$600/per hour, with paralegals paid \$250/per hour, up to \$250,000, for work commencing March 17, 2021.

Thank you.

Elena Sassower, Director  
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