

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, April 29, 2021 4:27 PM
To: rgavin@timesunion.com
Cc: sherman@wmlawny.com; jpane@younglawgroup.org
Subject: **Follow-up to your April 27, 2021 Albany Times Union article "Chief Judge Janet DiFiore accused of 'potential conflict'"**
Attachments: [2-7-21-cjc-complaint-superseding.pdf](#); [2-7-21-cjc-ex-a-dec-31-2015-ltr.pdf](#); [2-7-21-cjc-ex-b-jan-15-2016-ltr.pdf](#)

TO: Robert Gavin/Albany Times Union

[Your April 27, 2021 Albany Times Union article "Chief Judge Janet DiFiore accused of 'potential conflict'"](#) – like the April 26, 2021 [New York Law Journal](#) article to which it refers -- quotes former [New York Law Journal](#) reporter-turned Court of Appeals spokesman Gary Spencer as stating Court of Appeals judges “exercise a personal recusal and step off of the case” when they “find they have a conflict of interest” – and that, absent recusal, “they do not discuss whether any potential conflicts were considered”.

It is a LIE for Mr. Spencer to purport – and for you to uncritically repeat -- that when Court of Appeals judges “find they have a conflict of interest”, they “exercise a personal recusal and step off of the case”. Indeed, the most recent PROOF is laid out in a FULLY-DOCUMENTED February 7, 2021 conflict-of-interest/misconduct complaint against the Court of Appeals judges, filed with the Commission on Judicial Conduct, pertaining to their OWN pay raises and the Judiciary budget, challenged by the landmark *CJA v. Cuomo...Schneiderman...DiFiore* citizen-taxpayer action, which came before the Court of Appeals on appeals by right and by leave.

The complaint, also involving the judges’ violation of MANDATORY disclosure rules, is above attached with its two exhibits. The webpage on which the complaint’s referred-to substantiating EVIDENCE is accessible – and on which the Commission on Judicial Conduct’s April 16th acknowledgment letter is posted – is here: <http://www.judgewatch.org/web-pages/searching-nys/cjc/feb-7-21-cjc-complaint-menu-page.htm>.

I am available to be interviewed about the complaint, involving ACTUAL conflict of interest, not “potential conflict” – and about the April 26th supplement to it, filed with the Commission on Judicial Conduct, pertaining to the legislative and executive pay raises, challenged in the *Delgado v. New York State* citizen-taxpayer action, now at the Court of Appeals on an appeal of right.

As “Law Day” is Saturday, May 1st, I will call you on Monday, May 3rd, if I do not hear from you before then. Feel free to forward this e-mail to judicial ethics experts – not one of whom your article identifies or quotes – so that they can apply their expertise to the recusal/disclosure issues presented by the February 7th complaint.

Thank you.

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