

From: elena@judgewatch.org
Sent: Friday, January 2, 2026 9:46 AM
To: 'janebambauer@ufl.edu'
Cc: 'ccalvert@jou.ufl.edu'; 'Julia.Torres@AEI.org'; 'rdr2@psu.edu'; 'volokh@stanford.edu'
Subject: **Your Scholarship, Teaching, & Podcasting -- Federal Lawsuit, in Vindication of the First Amendment, for Judicial Recognition of Causes of Action for "Journalistic Fraud" & "Institutional Reckless Disregard for Truth"**

Attachments: [cja-oct-29-2025-amended-complaint.pdf](#)

TO: [University of Florida Media Law/First Amendment Professor Jane Bambauer](#)
& [Director of The Marion B. Brechner First Amendment Project](#)
& [Co-Host of the Hoover Institution's Free Speech Unmuted Podcast](#)

How disappointing to have received no response from you to my below November 17th and November 21st e-mails pertaining to CJA's federal lawsuit against [The New York Times](#) & 33 other press defendants. Why is that? Is it not germane to your teaching and scholarship at the University of Florida's Levin College of Law and College of Journalism and Communications, where you are the Brechner Eminent Scholar teaching "Torts, First Amendment, Media Law...", to your duties as director of [of The Marion B. Brechner First Amendment Project](#), whose purpose includes "Filing of legal briefs in court cases", and to your co-hosting of the [Free Speech Unmuted podcasts](#), sponsored by the Hoover Institution?

And what are your answers to my straightforward questions about the lawsuit's causes of action for "journalistic fraud" and "institutional reckless disregard for truth", as to which my November 17th e-mail asked:

"Are you familiar with these First Amendment-vindicating causes of action, proposed more than two decades ago by law review articles '[Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Negligence](#)' (2003) and '[Institutional Reckless Disregard for Truth in Public Defamation Actions against the Press](#)' (2004-2005)? Has there been any commentary by legal scholars about these proposed causes of action – and about lawsuits testing them? Certainly, from your October 17, 2024 [Free Speech Unmuted](#) podcast '[Misinformation: Past, Present, and Future](#)', co-hosted with Professor Eugene Volokh, it appears not."

Meantime, I have discovered that [Media Law/First Amendment Professor Clay Calvert](#), co-author, with [Media Law/First Amendment Professor Robert Richards](#), of "[Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Negligence](#)", is Brechner Eminent Scholar *Emeritus* and former director of The Marion B. Brechner First Amendment Project, in other words your predecessor in both positions.

How about inviting Professor Calvert to be a guest on [Free Speech Unmuted](#) to discuss his 2003 proposed “journalistic fraud” cause of action, the scholarship it engendered, and lawsuits based thereon – such as CJA’s unfolding federal lawsuit.

I am cc’ing [Professor Calvert at his University of Florida e-mail address](#) and, additionally, via *his* assistant at the [American Enterprise Institute](#), where he is a [nonresident senior fellow](#). If you have some other e-mail address for him, I request that you forward this e-mail to him, including so that he can forward it on to Professor Richards, whose only e-mail address I could find was at Pennsylvania State University from which he [retired in June 2024](#). My prior correspondence with Professors Calvert and Richards, 20 years ago, when they were at Pennsylvania State University, where they had co-founded its now defunct [Pennsylvania Center for the First Amendment](#), is posted on CJA’s webpage for them, [here](#).

I am also cc’ing Professor Volokh, who has been aware of the “journalistic fraud” and “institutional reckless disregard for truth” causes of action since at least 2020 – and this is recounted by my [November 16, 2025 e-mail](#) to him, which furnished him with the same above-attached and here-linked [October 29, 2025 verified amended complaint in the federal lawsuit](#) that the next day I furnished you. Unlike yourself, Professor Volokh did respond – and our exchange is posted on CJA’s webpage for him, [here](#). In the event Professor Volokh has not kept up with the progress of the lawsuit from the electronic docket he accessed *at that time*, here’s the latest: [plaintiffs’ December 19th affidavit](#) resoundingly demonstrating subject matter jurisdiction for what is plainly a monumental, history-making case on which the future of our constitutional republic depends, exposing, by *prima facie* evidence, how the press/media *actually* operates.

So that I may be guided accordingly, please confirm that you will be embodying the federal lawsuit in your scholarship, teaching, and podcasting – and, if not, the reason. I herewith request the same of Professors Volokh, Calvert, and Richards.

Thank you.

Elena Sassower, Director
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From: elena@judgewatch.org <elena@judgewatch.org>
Sent: Friday, November 21, 2025 11:23 AM
To: 'janebambauer@ufl.edu' <janebambauer@ufl.edu>

Subject: UPDATE: Paid or Pro Bono Counsel Needed to Represent CJA in Federal Lawsuit vs the NYT & 33 Other Press Defendants, in Vindication of the First Amendment & Constitutional, Lawful Governance

Dear Professor Bambauer,

Following up my below e-mail concerning [CJA's federal lawsuit](#), suing the [NYT](#) & 33 other media defendants for “journalistic fraud” and “institutional reckless disregard for truth”, I would appreciate if you would let me know by Monday, November 24th, whether you would be interested in serving as CJA's paid or *pro bono* counsel.

Two hours after sending you my e-mail, I received a *sua sponte* order from the federal district court judge assigned to the case directing that I show cause with respect to subject matter jurisdiction, noting, as “a threshold matter”, the absence of counsel representing CJA – to which I responded by a [November 19th letter](#).

If you are not interested or able to represent CJA in this important case, won't you kindly recommend other law professors or lawyers with First Amendment/constitutional law expertise for me to contact – or make referral, on my behalf?

Thank you.

Elena Sassower
914-421-1200

From: elena@judgewatch.org <elena@judgewatch.org>

Sent: Monday, November 17, 2025 8:14 AM

To: 'janebambauer@ufl.edu' <janebambauer@ufl.edu>

Subject: Your First Amendment Scholarship -- & Participation, as Amicus Curiae or Counsel, in Federal Lawsuit vs the NYT & 33 Other Press Defendants, in Vindication of the First Amendment & Constitutional, Lawful Governance

**TO: [University of Florida Law Professor Jane Bambauer](#)
 Brechtner Eminent Scholar Chair at the Levin College of Law
 & the College of Journalism & Communications**

I am director and co-founder of the non-partisan, non-profit citizens' organization [Center for Judicial Accountability, Inc. \(CJA\)](#), with decades of first-hand experience and primary-source, documentary evidence germane to your scholarship about the press and its discharge of its First Amendment responsibilities.

This is reflected by a monumental federal lawsuit that CJA has brought “*on behalf of the People of the State of New York & the Public Interest*” against [The New York Times](#) and 33 other press defendants for their *knowingly* false, corruption-abetting, election-rigging journalism—chronicling, in particular, their rigging of Zohran Mamdani's electoral win as New York City mayor and other top NYC and state races. Above-attached and here-linked is the [October 29th verified amended complaint](#) for the lawsuit, commenced October 8th in the U.S. District Court for the Southern District of New York (25-CV-8370).

The lawsuit seeks judicial recognition of causes of action for “journalistic fraud” and “reckless institutional disregard for truth”. Are you familiar with these First Amendment-vindicating causes of action, proposed more than two decades ago by law review articles “[*Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Negligence*](#)” (2003) and “[*Institutional Reckless Disregard for Truth in Public Defamation Actions against the Press*](#)” (2004-2005)? Has there been any commentary by legal scholars about these proposed causes of action – and about lawsuits testing them? Certainly, from your October 17, 2024 [Free Speech Unmuted](#) podcast “[*Misinformation: Past, Present, and Future*](#)”, co-hosted with Professor Eugene Volokh, it appears not.

I look forward to discussing the foregoing with you at your earliest convenience – and whether, apart from your First Amendment scholarship, you would be interested in participating in the lawsuit, either as *amicus curiae* in support of plaintiffs or as counsel to the unrepresented corporate plaintiff CJA, which I cannot represent as I am not a lawyer.

My opinion, as the non-lawyer individual plaintiff, is that the lawsuit is a summary judgment case, as there is NO defense to it factually or legally. The SOLE issue is the magnitude of compensatory, presumed, and punitive damages – a jury determination that will reasonably be many tens of billions of dollars. What is your opinion as a lawyer, law professor, and First Amendment scholar?

Thank you.

Elena Sassower, Director
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