

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, June 9, 2022 2:43 PM
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Subject: **NOTICE: Lawsuit vs JCOPE, et al. (#904235-22/Albany County) -- & your ethical & professional responsibilities to the People of the State of NY with respect thereto**

TO: **"JCOPE Must Go" Coalition Members:**
Committee to Reform the State Constitution (a.k.a. Evan Davis, Esq.)
New York City Bar Association/Committee on Ethics & State Affairs
NYPIRG
Reinvent Albany
NYS League of Women Voters
Common Cause-NYS
Citizens Union
Sexual Harassment Working Group
Syracuse University's Campbell Public Affairs Institute,
Maxwell School of Citizenship and Public Affairs

As of this date, I have received no responses from you to:

- (1) my [May 6, 2022 e-mail to JCOPE](#), to which you were cc'd, entitled "Setting the record straight on Executive Law §94 -- as to JCOPE & CELG -- & taking the emergency correcti[ve] action with respect thereto warranted by CJA's April 13, 2022 complaint (#22-052)" and attaching that [April 13, 2022 complaint](#); and
- (2) my [May 16, 2022 e-mail to the New York State Inspector General \(NYS-IG\)](#), to which you were also cc'd, entitled "(1) Your flagrant violations of your own policy, procedure & Executive Law Art. 4-A pertaining to CJA's Nov. 2, 2021 complaint vs JCOPE, etc; (2) Confirmation that you will have no jurisdiction over CELG, in contrast to JCOPE", attaching my comparably-titled [May 16, 2022 letter to NYS-IG Lang](#).

Why is that? In the interest of the transparency and accountability you purport to stand for, can you explain the reason? And can you explain why, instead of confronting the content of those two e-mails and calling upon JCOPE and NYS-IG Lang to do the same – as was your ethical duty to have done – you

instead sent a [June 7, 2022 letter](#) to the appointing authorities of CELG's 11 members, with a cc to "New York State Law School Deans", concealing EVERYTHING those two e-mails alerted you to?

Please be advised that in the absence of responses to my May 6th and May 16th e-mails from JCOPE and NYS-IG Lang – and from you – I was burdened with taking the action that the People of the State of New York would reasonably have supposed you to have taken, on their behalf, namely, suing JCOPE, its statutory partner-the Legislative Ethics Commission (LEC), and the NYS-IG, as well as the statewide and legislative public officers it has protected, these including the appointing authorities of CELG's 11 members to whom you sent your June 7th letter.

The lawsuit – a combined Article 78 proceeding/declaratory judgment action/citizen-taxpayer action – with accompanying order to show cause – was filed, electronically, at 12:22 am on June 7th, in Albany County, [here](#). What is your response to it? And will you forward it the "New York State Law School Deans" for their evaluation? How about the press, which, for years, has uncritically reported your "ethics" and other touted "good-government" advocacy and adopted same as its own editorial positions. Will you alert the press to the lawsuit, urging its investigative coverage, starting with the [Albany Times Union](#), cc'd with you, on my May 6th and May 16th e-mails, and, prior thereto sent directly my [May 5th e-mail](#), to which you were cc'd. Does it concern you that there was no response to any of these three e-mails from the [Albany Times Union](#) – essentially the only news outlet covering JCOPE, whose reporting and editorializing is then largely copied by New York's other press.

In that regard, on [May 3rd](#) the [Albany Times Union](#) announced that it had won a multitude of awards in the New York Press Association's Better Newspaper Contest, followed, on [May 5th](#), with announcement that the New York Press Club had recognized it by the "Gabe Pressman Truth to Power Award" for its "refusal to bow to pressure from the very top of state government while diligently reporting accurate, unfiltered information to its readers". It picked up that latter award on [June 7th](#) – the same day as CJA's lawsuit against JCOPE, et al. was filed and as you sent your letter about CELG appointments.

So there is NO doubt as to what, at this juncture, I consider your ethical and professional responsibilities to be, I herewith expressly invite you to intervene in the lawsuit, either individually or collectively. This includes for respondents/defendants, should you deem the facts and law to be with them, and not the petitioners/plaintiffs.

Suffice to add that inasmuch as the institutional petitioner/plaintiff Center for Judicial Accountability, Inc. (CJA) does not yet have counsel representing it, I also request your assistance in locating counsel for CJA for what is plainly a landmark ethics-enforcing, corruption-eradicating lawsuit. In view of your multitudinous connections and the [23,000-plus membership of the New York City Bar Association](#), which additionally runs a [lawyer-referral service](#), that should not be difficult.

Please advise – and as soon as possible – as oral argument on the TRO sought by petitioners/plaintiffs' order to show cause is scheduled for next Friday, June 17th at 2 pm in Albany Supreme Court. Below is the formal notice I gave thereof to the respondents/defendants.

The [Albany Times Union](#) is here the first of New York's press to be alerted to the lawsuit and next week's oral argument – and certainly should be asking your opinions and inquiring of your intentions with respect thereto.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, June 9, 2022 11:35 AM
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Cc: 'shetman@nycourts.gov' <shetman@nycourts.gov>

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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