

Center for Judicial Accountability

From: E.J. McMahon <ejm@empirecenter.org>
Sent: Monday, March 28, 2016 2:47 PM
To: Elena Ruth Sassower
Subject: Re: Lawsuit challenge to the constitutionality & lawfulness of NYS budget & "three-men-in-a-room" budget deal-making

Ms. Sassower,

I think it's essential for you to write a concise, plain-language summary distilling this lawsuit to its essence — which, I gather, is that the Legislature and the Governor repeatedly have violated Article 7, the Finance Law and the Legislature's own rules in the course of adopting the legislative and judiciary budgets, notably including but not limited to the provisions creating the pay commission provision, as originally enacted and as amended by the bill rushed through during last year's budget adoption.

I think your "three men in a room" argument is the weakest part of this case. I don't see how a court can stop the leaders from meeting privately out iron out points of disagreement. It would be wiser to focus on how the Legislature's so-called conference meetings are mere window-dressing for behind-the-scenes staff discussions and directives from leaders.

I am not a lawyer but would seriously question whether anyone other than a member of the Legislature has standing to file this case — and, indeed, I would suggest you find one (or more) who will.

EJM

On Mar 28, 2016, at 1:55 PM, Center for Judicial Accountability <elena@judgewatch.org> wrote:

Dear Mr. McMahon,

Following up our brief conversation and your statement to me that, to your knowledge, NY's "three-men-in-a-room" had never been the subject of legal challenge – and your view that such a challenge would not succeed, below is my March 25th e-mail to legislative leadership with the link to the webpage of our legal challenge.

I look forward to your comment on the below three-indicated causes of action, in particular: <http://www.judgewatch.org/web-pages/searching-nys/budget/3-23-16-osc-2nd-supp-complaint.htm>

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200

From: Center for Judicial Accountability [<mailto:elena@judgewatch.org>]
Sent: Friday, March 25, 2016 2:04 PM
To: jd Klein@senate.state.ny.us; jdefranc@nysenate.gov; scousins@nysenate.gov;