

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Monday, January 30, 2023 3:01 PM
To: elena@judgewidth.org

Subject: **Comment opposing AG James' (proposed) nomination of Ava Ayers to the Commission on Ethics & Lobbying in Government, sent via the AG's webportal, at 2:55 pm on Jan. 30, 2023**

Comment opposing AG James' (proposed) nomination of Ava Ayers to the Commission on Ethics & Lobbying in Government, sent at 2:55 pm on Jan. 30, 2023, via the AG's webportal: <https://ag.ny.gov/press-release/2023/attorney-general-james-announces-nominee-the-commission-ethics-lobbying-and>

Contrary to [AG James' January 23, 2023 press announcement](#) for this appalling (proposed) nomination, Ava Ayers is TOTALLY unfit for any position of public trust, let alone ethics enforcement involving conflicts of interest – as I can attest from direct, first-hand-experience with her, in August 2018, when she was Andrew Ayers, director of [Albany Law School's Government Law Center](#), and used his position to insulate from accountability corrupt public officers with whom he had and has personal and professional relationships and shared interests. She will doubtless do the same at the Commission on Ethics and Lobbying in Government (CELG), whose unconstitutional enactment in the FY2022-23 state budget as a replacement to JCOPE resulted from Attorney General James' litigation fraud in 2019 at the New York Court of Appeals in CJA's citizen-taxpayer action [CJA v. Cuomo, et al.](#), to which former Attorney General Schneiderman was a named defendant, and whose deleterious, post-enactment existence, beginning July 8, 2022, Attorney General James enabled and has perpetuated by her litigation fraud in CJA's successor lawsuit, [CJA v. JCOPE, et al.](#), to which she is a named respondent/defendant.

The facts are as follows:

On August 2, 2018, in an effort to build what did not then and does not now exist, [evidence-based scholarship about the unconstitutionality and flagrant dysfunctioning of New York state governance](#) – and to obtain expert opinion and *amicus curiae* support – I hand-delivered to the Government Law Center, which purports to do “nonpartisan legal research and analysis” pertaining to state governance, including court decisions, a copy of the [three-volume record on appeal and appeal brief](#) in *CJA v. Cuomo, et al.*, then at the Appellate Division, Third Department, where it was being defended by then Attorney General/Solicitor General Underwood. Its ten causes of action against New York's three government branches chronicled their collusion in an “OFF THE CONSTITUTIONAL RAILS” state budget, embedding judicial pay raises for New York's unaccountable and systemically corrupt state judiciary, procured through two statutorily-violative, fraudulent, and unconstitutional “force of law” reports of compensation commissions – as to which former Attorney General Schneiderman, in the absence of ANY legitimate defense, had corrupted the judicial process with litigation fraud and was rewarded by fraudulent judicial decisions. This was the same three-volume record on appeal and appeal brief that 2-1/2 weeks earlier, on July 16, 2018, I had given, *in hand*, to then New York City Public Advocate James, running for the democratic nomination for attorney general, so that she could show herself worthy of election by “blowing the whistle” and repudiating the *modus operandi* of litigation fraud by which the attorney general operates.

Mr. Ayers' response, as director of the Government Law Center, to this [record proof](#) of corruption by the attorney general and an acting supreme court justice who, in addition to being a direct beneficiary of the

challenged judicial pay raises, had, for 30 years, worked in the attorney general's office, including under Cuomo, who then, as governor, appointed her to the bench – was to castigate me for having delivered the three-volume record and brief to the Government Law Center, refusing to opine about it, refusing to forward it to scholars who would, and refusing to make it available to students so that they might examine what the judicial process looks like in lawsuits challenging open-and-shut, *prima facie* lawlessness and unconstitutionality at the highest levels of New York state government. Indeed, Mr. Ayres was not ashamed to tell me – in response to my entreaty for the return of the three-volume record on appeal and brief – that they may have already been discarded.

Thereafter, without a coverletter, Mr. Ayers did return to me the three-volume record and brief, which I had told him cost nearly \$100 to copy and bind. Photos of the August 20, 2018 postage label, of the box from the Government Law Center to which it was and is affixed, and of the returned contents are posted on CJA's webpage for Mr. Ayers' unworthy nomination: <https://www.judgewatch.org/web-pages/searching-nys/celg/ayers-webpage.htm>. There also posted are links to webpages and pdfs of the three-volume record and brief – and of the subsequent record of *CJA v. Cuomo, et al.* at the Appellate Division and at the Court of Appeals – thereafter embodied in CJA's complaints to appropriate authorities, including, with respect to Attorney General James, Solicitor General Underwood, and their underling staff attorneys:

- (1) [CJA's February 11, 2021 complaint to New York's attorney grievance committees](#) – and, pertaining to Attorney General James' litigation fraud in *CJA v. JCOPE, et al.*, [CJA's October 10, 2022 complaint to the First Department Attorney Grievance Committee](#),
- (2) [CJA's March 5, 2021 complaint to JCOPE](#), resting, *inter alia*, on [CJA's June 4, 2020 grand jury/public corruption complaint to Albany County District Attorney Soares](#)
- (3) [CJA's July 8, 2022 "DAY ONE" complaint to CELG and October 6, 2022 supplement thereto](#), pertaining to Attorney General James' litigation fraud in *CJA v. JCOPE, et al.*

Why don't you ask Ms. Ayres whether, during our August 2018 phone conversation, he disclosed his conflicts of interest that accounted for his indefensible behavior to me and betrayal of his academic responsibilities, as, for instance, that he "[worked for nine years in the office of the New York Attorney General, where \[he was a Senior Assistant Solicitor General\]](#)", in other words, working with and under the very persons whose flagrant corruption the three-volume record on appeal in *CJA v. Cuomo, et al.* documentarily proved and who were then just as flagrantly corrupting the judicial process at the Appellate Division, as I surely told him – perhaps even guiding him to the [VIDEO of the August 2, 2018 oral argument](#) at the Appellate Division on the TRO/preliminary injunction sought by [CJA's order to show cause](#) in the case.

So that Ms. Ayers will have an opportunity to respond – and to give her notice of her duty, as a scholar, to embody it into her "[area\[s\] of study](#)" and the courses she teaches at Albany Law School on "[ethics and professional responsibility](#)", "[government law and policy](#)", and the "[legal profession](#)" – I will be sending this message to her tomorrow, as an e-mail.

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