

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.*

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December 17, 2014

TO: Records Access Officer of NYS Comptroller Thomas DiNapoli

RE: FOIL REQUEST: Records Pertaining to the Comptroller's Approvals
of Amendments & Contracts for Services by:

- (1) Kasowitz, Benson, Torres, Friedman LLP
- (2) Kirkland & Ellis LLP
- (3) Loeb & Loeb LLP

Enclosed is Capital New York's December 16, 2014 article "*Moreland defense fees set to top \$1 million*", by Jimmy Vielkind, with its three "Open Book" links to the Comptroller's website pertaining to "Contract Transactions".

Pursuant to Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], request is made for all publicly-available records pertaining to:

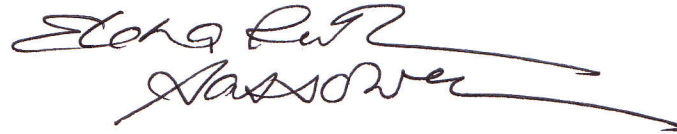
- (1) the \$490,000 "Amendment to Extend Contract through 12/31/15 and Increase Contract Amount" for contract #C111945 between the Assembly and the law firm Kasowitz, Benson, Torres & Friedman LLP, whose "Transaction Approved/Filed Date" is 11/10/2014;
- (2) the \$150,000 "Original Contract" for "Legal Services and special counsel related to the Moreland Commission for Temporary President" for contract #C150037 between the Senate and the law firm Kirkland & Ellis LLP, whose "Transaction Approved/Filed Date" is 11/10/2014;
- (3) the \$150,000 "Original Contract" for "Legal Services including special counsel related to the Moreland Commission for the IDC" for contract #C150038 between the Senate and the law firm Loeb & Loeb LLP, whose "Transaction Approved/Filed Date" is 11/10/2014.

Please be sure to include any "Justifications" and supporting proposals/memoranda, approved by the Comptroller for these contracts and amendments.

* **Center for Judicial Accountability, Inc.** (CJA) is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

Pursuant to Public Officers Law §89.3, your response is required "within five business days" of your receipt of this request. Please e-mail it to me at elena@judgewatch.org.

Thank you.

A handwritten signature in black ink, appearing to read "Elena Russo". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Enclosures

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Moreland defense fees set to top \$1 million

By Jimmy Vielkind 1:18 p.m. | Dec. 16, 2014

ALBANY—New York taxpayers are on track to spend over \$1 million to help state lawmakers keep details of their outside jobs secret.

According to data released by the state comptroller's office, a firm hired by Assembly Speaker Sheldon Silver was paid an additional \$397,000 in November for its work to quash subpoenas originally issued by the now-defunct Moreland Commission to Investigate Public Corruption. Leaders of the State Senate's Republican and Independent Democratic Conference also filed legal contracts for the same purpose totaling \$300,000.

Silver, a Democrat who represents Lower Manhattan, hired Kasowitz, Benson, Torres & Friedman to support several private law firms—including Weitz & Luxenberg, where he is of counsel—that employ legislators as they resisted the Moreland Commission's subpoenas.

Commission investigators sent subpoenas to 30 businesses—ranging from big law firms to a Rochester coffee shop—saying that outside employment raised the “risk of criminal behavior” by the state's 213 legislators, whose official duties are technically part-time. Since 2011, lawmakers have disclosed their outside earnings within narrow bands, but lawyer-legislators do not need to list their clients. (Clients with business before the state are required to declare any business relationships.)

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The businesses banded together to fight the subpoenas, which sought client lists, time cards and other details that investigators wanted in order to gauge exactly what work lawmakers were doing in exchange for their outside earnings. The firms argued that Moreland's efforts violated the constitutional separation of powers and would breach attorney-client privilege.

There's a line between highly-compensated labor and a sham consulting agreement, though exactly where it exists in the eyes of the law as opposed to the public was complicated by the exoneration of former Senate Majority Leader Joe Bruno earlier this year.

And state lawmakers rushed to join their employers' fight to evade disclosure, filing

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briefs in support of efforts to keep details of their side jobs secret. (Some, including Assembly members Harry Bronson, Aravella Simotas and Tony Jordan as well as State Senator Mark Grisanti and the chamber's mainstream Democrats, complied with the subpoenas.)


Silver extended the Assembly's defense contract from \$55,000 to \$845,000, most recently in November. Senate Republican leader Dean Skelos and Independent Democratic Conference leader Jeff Klein had previously agreed to contracts that paid Michael Garcia of Kirkland & Ellis a sum of \$150,000 and the firm of Loeb & Loeb \$150,000 for their respective defense.

The Moreland Commission was shuttered in April, but U.S. Attorney Preet Bharara has seized its files and is pushing ahead. He has reportedly issued fresh subpoenas seeking details about Silver, Skelos and Klein's outside income. Silver said this week that the \$650,000 he made doing legal work in 2013 came in part from clients who retained him outside of Weitz & Luxenberg.

Spokespeople for Silver, Skelos and Klein did not immediately say whether the ongoing contracts covered Bharara's probe.

Lawmakers are paid \$79,500 a year for their official services, but legislative leaders receive additional stipends for their positions. They are currently since 1998.

MORE: ALBANY CORRUPTION DEAN SKELOS JEFF KLEIN LAW MORELAND COMMISSION NEW YORK STATE ASSEMBLY NEW YORK STATE SENATE PREET BHARARA SHELDON SILVER

 Author: Jimmy Vielkind

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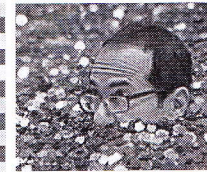
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Open Book New York
Office of the State Comptroller
Thomas P. DiNapoli, State Comptroller
Contract Transactions

Vendor Name: KASOWITZ BENSON TORRES & FRIEDMAN LLP
 Agency Name: Legislature - Assembly
 Department/Facility Name: New York State Assembly
 Contract Number: C111945
 Current Contract Amount: \$845,000.00
 Spending to Date: \$742,021.43
 Contract Type: Consultant

Contract Information

Transaction Type	Transaction Amount	Start Date	End Date	Description	Transaction Approved/Filed Date
Original Contract	\$55,000.00	08/15/2013	08/14/2014	OUTSIDE COUNSEL	10/10/2013

Contract Amendment Information

Transaction Type	Transaction Amount	Amended End Date	Description	Transaction Approved/Filed Date
Amendment	\$300,000.00		Amendment to increase contract value	02/20/2014
Amendment	\$490,000.00	12/31/2015	Amendment to Extend Contract through 12/31/15 and Increase Contract Amount	11/10/2014

**Open Book New York
Office of the State Comptroller
Thomas P. DiNapoli, State Comptroller
Contract Transactions**

Vendor Name: KIRKLAND & ELLIS LLP
 Agency Name: Legislature - Senate
 Department/Facility Name: New York State Senate
 Contract Number: C150037
 Current Contract Amount: \$150,000.00
 Spending to Date: \$147,066.11
 Contract Type: Consultant

Contract Information

Transaction Type	Transaction Amount	Start Date	End Date	Description	Transaction Approved/Filed Date
Original Contract	\$150,000.00	09/06/2013	12/31/2014	Legal services and special counsel related to the Moreland Commission for the Temporary President	11/10/2014

Contract Amendment Information

Transaction Type	Transaction Amount	Amended End Date	Description	Transaction Approved/Filed Date
No Amendments exist for this contract record.				

**Open Book New York
Office of the State Comptroller
Thomas P. DiNapoli, State Comptroller
Contract Transactions**

Vendor Name: LOEB & LOEB LLP
 Agency Name: Legislature - Senate
 Department/Facility Name: New York State Senate
 Contract Number: C150038
 Current Contract Amount: \$150,000.00
 Spending to Date: \$70,119.88
 Contract Type: Consultant

Contract Information

Transaction Type	Transaction Amount	Start Date	End Date	Description	Transaction Approved/Filed Date
Original Contract	\$150,000.00	09/12/2013	12/31/2014	Legal Services including special counsel related to the Moreland Commission for the IDC	11/10/2014

Contract Amendment Information

Transaction Type	Transaction Amount	Amended End Date	Description	Transaction Approved/Filed Date
No Amendments exist for this contract record.				