

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Monday, August 13, 2018 3:50 PM  
**To:** 'lyeager@cbcny.org'  
**Cc:** 'dfriedfel@cbcny.org'; 'lcolacurcio@cbcny.org'; 'mdoulis@cbcny.org'  
**Subject:** FW: Achieving our Shared Goal of an Accountable & Transparent State Budget Process & Budget -- Request for Your Amicus Curiae Participation & Other Assistance for Perfected Appeal -- Citizen-Taxpayer Action  
**Attachments:** 8-13-18-ltr-to-organizations-amicus.pdf

### TO: Citizens Budget Commission External Relations & Development Associate Liesel Yeager

As discussed, below is the e-mail I received from Mr. Friedfel – and beneath it the e-mail transmitting my attached letter. Kindly promptly furnish this to President Kellermann.

Based on my brief phone conversation with Mr. Friedfel, following receipt of his below e-mail, it would appear he did not inform President Kellermann that he suffers from significant conflicts of interest with respect to CJA's citizen-taxpayer action, not the least reason because he served as "Deputy Director of Fiscal Studies for the Ways and Means Majority in the New York State Assembly". In that position, he could not have been unaware of the Legislature's flagrant violation of the NYS Constitution – unless he never read Article VII, Sections 1-7 – and, likewise, its flagrant violations of statutory requirements and legislative rules – such as are chronicled by CJA's verified pleadings. Rather than disqualifying himself from any consideration of my request for *amicus curiae* and other support on the perfected appeal – or even revealing his conflicts of interest -- he apparently made a recommendation to President Kellermann that the Citizens Budget Commission not provide any assistance – and she, in reliance upon him and not reviewing anything herself, accepted the recommendation.

As President Kellermann is not only a lawyer, but a Harvard Law School graduate, I request that she personally review my appellants' brief and the substantiating record on appeal – a hard copy of which I will send to the New York office. Following her review – and her interrogation of Mr. Friedfel, including as to his personal knowledge of the violations recited by the verified pleadings -- I wish to speak with President Kellermann, directly, as to who will be making the decision on my request for the Citizen Budget Commission's *amicus curiae* participation and other assistance on the appeal.

Thank you.

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

**From:** Dave Friedfel <dfriedfel@cbcny.org>  
**Sent:** Monday, August 13, 2018 12:17 PM  
**To:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>; ejm@empirecenter.org; thoefer@empirecenter.org; lawrence.norden@nyu.edu; deutsch@fiscalpolicy.org; laura@lwvny.org; bhorner@nypirg.org; rhaven@nypirg.org; slerner@commoncause.org; egeringersameth@citizensunion.org; rbloom@citizensunion.org; jkaehny@reinventalbany.org; bcohen@citizenaction.org; [bmuir@reclaimnewyork.org](mailto:bmuir@reclaimnewyork.org)

**Subject: Re: Achieving our Shared Goal of an Accountable & Transparent State Budget Process & Budget -- Request for Your Amicus Curiae Participation & Other Assistance for Perfected Appeal -- Citizen-Taxpayer Action**

Hi Elena,

Thank you for reaching out to us. I have confirmed with our President, and we will not be participating. Wishing you the best. -Dave

David J. Friedfel

Director of State Studies

Citizens Budget Commission

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

**Sent:** Monday, August 13, 2018 11:16:26 AM

**To:** [ejm@empirecenter.org](mailto:ejm@empirecenter.org); [thoefer@empirecenter.org](mailto:thoefer@empirecenter.org); [lawrence.norden@nyu.edu](mailto:lawrence.norden@nyu.edu); [deutsch@fiscalpolicy.org](mailto:deutsch@fiscalpolicy.org); Dave Friedfel; [laura@lwwny.org](mailto:laura@lwwny.org); [bhorner@nypirg.org](mailto:bhorner@nypirg.org); [rhaven@nypirg.org](mailto:rhaven@nypirg.org); [slerner@commoncause.org](mailto:slerner@commoncause.org); [egeringersameth@citizensunion.org](mailto:egeringersameth@citizensunion.org); [rbloom@citizensunion.org](mailto:rbloom@citizensunion.org); [jkaehny@reinventalbany.org](mailto:jkaehny@reinventalbany.org); [bcohen@citizenaction.org](mailto:bcohen@citizenaction.org); [bmuir@reclaimnewyork.org](mailto:bmuir@reclaimnewyork.org)

**Subject: Achieving our Shared Goal of an Accountable & Transparent State Budget Process & Budget -- Request for Your Amicus Curiae Participation & Other Assistance for Perfected Appeal -- Citizen-Taxpayer Action**

Following up my phone conversations and messages for you last week, requesting that, individually or collectively, your organizations file an *amicus curiae* brief in the perfected appeal of CJA's second citizen-taxpayer action pertaining to the state budget, attached is my letter to you of today's date, being mailed with our appellants' brief and three-volume reproduced record on appeal. The webpage on which the brief and three-volume record are posted is here:

<http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/appeal/7-4-18-appellants-brief.htm>.

Kindly confirm that my letter will be promptly furnished to all those responsible for making *amicus curiae* decisions at your organizations – and the time frame within which I can expect a response, hopefully, positive and enthusiastic.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)

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