

Center for Judicial Accountability, Inc. (CJA)

From: FOIL <FOIL@nycourts.gov>
Sent: Thursday, April 29, 2021 11:09 AM
To: Center for Judicial Accountability, Inc. (CJA)
Subject: RE: FOIL: "Why Didn't She Recuse Herself? NY's Top Judge Sided With Her Own Greenberg Traurig Lawyer" (NYLJ, April 26, 2021)
Attachments: Certificate of Payment to Private Counsel - Judge DiFiore.pdf; Certification Letter Chief Judge DiFiore 11.30.20.pdf

Dear Ms. Sassower:

Please be advised that the representation of Judge DiFiore in Gesmer et al. v. Administrative Board et al. [Index No. 616980/20] and In the Matter of Supreme Court Justices Assoc. et al. v. Administrative Board et al. [Index No. 618314/20]) is being handled directly between the Comptroller's Office and Greenberg Traurig (GT) pursuant to NYS Public Officers Law § 17. You should direct your request to the State Comptroller for copies of records related to your request. Attached please find the existing records maintained by this Office, pertaining to the Attorney General's certification of outside counsel pursuant to section 17 and the certificate of payment.

Very truly yours,
Shawn Kerby
Assistant Deputy Counsel

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, April 28, 2021 7:34 PM
To: FOIL <FOIL@nycourts.gov>; Shawn Kerby <skerby@nycourts.gov>; FOIL@osc.ny.gov
Subject: FOIL: "Why Didn't She Recuse Herself? NY's Top Judge Sided With Her Own Greenberg Traurig Lawyer" (NYLJ, April 26, 2021)

TO: FOIL/Records Access Officers for the Attorney General*, Judiciary, and Comptroller

According to the April 26, 2021 New York Law Journal article 'Why Didn't She Recuse Herself? NY's Top Judge Sided With Her Own Greenberg Traurig Lawyer', the Attorney General declined to represent Chief Judge Janet DiFiore and Chief Administrative Judge Marks, in their official capacities, and the Judiciary's Administrative Board, sued in two lawsuits challenging the Judiciary's cost-saving decision not to recertify judges who had reached the age of 70 – and certified that they could be represented by private counsel. The law firm selected by the Judiciary for that representation was Greenberg Traurig – and a one-year contract was submitted to the Comptroller for approval.

Pursuant to Public Officers Law Article VI (FOIL) and §124 of the Rules of the Chief Administrator ("Public Access to Records"), this is to request all publicly-available records pertaining to: (1) the Attorney General's reason(s) for declining to represent Chief Judge DiFiore, Chief Administrative Judge Marks and the Administrative Board in the lawsuits – and for certifying that the Judiciary was, therefore, permitted to obtain private counsel; (2) the process, if any, by which the Judiciary selected Greenberg Traurig; (3) the contract retaining Greenberg Traurig; (4) the Comptroller's approval of the contract; (5) payments to Greenberg Traurig pursuant to the contract.

Thank you.

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