

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, July 18, 2022 8:12 AM

To: 'aabramov@buffalo.edu'; 'Sudha.Setty@law.cuny.edu';
'deansoffice@law.cuny.edu'; 'aouel@albanylaw.edu';
'michael.cahill@brooklaw.edu'; 'glester@law.columbia.edu';
'law.dean@cornell.edu'; 'DeanMatthewDiller@law.fordham.edu';
'lawdean@hofstra.edu'; 'anthony.crowell@nyls.edu';
'mckenzie@exchange.law.nyu.edu'; 'DeansOffice@mercury.law.nyu.edu';
'handerson@law.pace.edu'; 'simonsm@stjohns.edu'; 'cmboise@syr.edu';
'vaottman@syr.edu'; 'elangan@tourolaw.edu'; 'deansoffice@law.cuny.edu';
'info@irc.ny.gov'

Cc: 'eduardo.capulong@law.cuny.edu'

Subject: **Updating your IRC website to facilitate public comment on the selection members' nominations to CELG -- and FOIL request**

Attachments: 7-7-22-acknowledgment of foil-to-ag-G000375-070722.pdf

TO: CELG Independent Review Committee Law School Deans

SUNY-Buffalo Law School Dean Aviva Abramovsky
CUNY-Queens College Law School Dean Sudha Setty
Albany Law School Dean Alicia Ouellette
Brooklyn Law School Dean Michael T. Cahill
Columbia University Law School Dean Gillian Lester
Cornell University Law School Dean Jens David Ohlin
Fordham Law School Dean Matthew Diller
Hofstra Law School Dean Gail Prudenti
New York Law School Dean Anthony Crowell
New York University Law School Dean Troy McKenzie
Pace University Law School Dean Horace E. Anderson, Jr.
St. John's University Law School Dean Michael A. Simons
Syracuse University Law School Dean Craig M. Boise
Touro College Law School Elena B. Langan
Yeshiva University Cardozo Law School Dean Melanie Leslie

According to your Independent Review Committee (IRC) [website](#),

“As stewards of a profession built on the highest ethical and professional standards, the Deans’ work as members of the IRC will be conducted as **transparently**, independently, and objectively as possible under the law. Accordingly, **the IRC is committed to providing up-to-date information on this website concerning its procedures, activities, and other news.**” (bold added).

However, there has been **ZERO** updating of your website since it went live in conjunction with your [June 15, 2022 press release](#) *“Independent Review Committee of New York’s Law Deans Issues Procedures to Review Nominations to the New Commission on Ethics and Lobbying in Government”*, which is the **ONLY** press release the website posts in its **“News”** section, which is otherwise empty. Indeed, your listing of the 15 law school deans that comprise the IRC still

includes, for CUNY Law School, Eduardo Capulong, who ceased being interim dean on July 1, 2022, when [Dean Sudha Setty](#) began her tenure.

Don't you think it would be a good idea to post, **in real time**, aggregated on the IRC website, the announcements of prospective nominees to CELG that the selection members have made – especially as none of the selection members' separate websites have created any fixed links reasonably titled "Prospective Nominations/Nominations to the Commission on Ethics and Lobbying in Government". Certainly, if the selection members have been complying with IRC procedural requirements for prospective nominations – to which my below July 7th e-mail alerted them and you:

"• Prior to any nomination being sent to the IRC, the Selection Members shall publish the name(s) of the individual(s) they intend to nominate at least seven business days before making such formal nomination. This information shall, at a minimum, be prominently posted on the Selection Member's website, provide a link by which the public may offer comments on the proposed nominee, and also be transmitted via a media advisory. **At the time of publication, such information also shall be e-mailed directly to the IRC Chair**" (bold added),

Chair Anthony Crowell should have these announcements. Does he?

The announcements that the selection members have thus far made, as posted on their websites – whose posting on IRC's website is the most minimal of what the IRC should do – are, as follows:

- [Governor Hochul's July 7th announcement, at 8:21 p.m., of two of her three prospective nominations](#);
- [Assembly Minority Leader Barclay's July 8th announcement of his one prospective nomination](#);
- [Senate Minority Leader Ortt's July 12th announcement of his one \(prospective\) nomination](#);
- [Comptroller DiNapoli's July 13th announcement of his one prospective nomination](#);
- [Assembly Speaker Heastie's July 14th announcement of his two prospective nominations](#).

As should be immediately obvious, not all these announcements identify that they are being posted for purposes of soliciting comments on proposed nominees, the time period within which comments must be submitted – and an e-mail address/website portal for doing so.

Pursuant to FOIL – and especially if you are not intending to post same on the IRC website – this is to request ALL "such information" as each of the selection members has thus far "emailed directly to the IRC Chair" – including the transmitting e-mails.

Thank you.

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

www.judgewatch.org

914-421-1200

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

Sent: Thursday, July 7, 2022 6:30 PM

To: aabramov@buffalo.edu; deansoffice@law.cuny.edu; eduardo.capulong@law.cuny.edu; aouel@albanylaw.edu; michael.cahill@brooklaw.edu; glester@law.columbia.edu; law.dean@cornell.edu; DeanMatthewDiller@law.fordham.edu; lawdean@hofstra.edu; anthony.crowell@nyls.edu; mckenzie@exchange.law.nyu.edu; DeansOffice@mercury.law.nyu.edu; handerson@law.pace.edu; simonsm@stjohns.edu; cmboise@syr.edu; vaottman@syr.edu; elangan@tourolaw.edu; deansofficecardozo@yu.edu; info@irc.ny.gov

Subject: Nominations to the Commission on Ethics & Lobbying in Government, whose operations are to begin tomorrow, July 8, 2022

TO: The “independent review committee” of the “ethics commission reform act of 2022”

SUNY-Buffalo Law School Dean Aviva Abramovsky
CUNY-Queens College Law School Dean Sudha Setty
Albany Law School Dean Alicia Ouellette
Brooklyn Law School Dean Michael T. Cahill
Columbia University Law School Dean Gillian Lester
Cornell University Law School Dean Jens David Ohlin
Fordham Law School Dean Matthew Diller
Hofstra Law School Dean Gail Prudenti
New York Law School Dean Anthony Crowell
New York University Law School Dean Troy McKenzie
Pace University Law School Dean Horace E. Anderson, Jr.
St. John’s University Law School Dean Michael A. Simons
Syracuse University Law School Dean Craig M. Boise
Touro College Law School Elena B. Langan
Yeshiva University Cardozo Law School Dean Melanie Leslie

The below is self-explanatory. What kind of public integrity safeguard are you?

No wonder the “ethics commission reform act of 2022” expressly provides you with “representation, indemnification, and to be held harmless to the same extent as any other person employed in service of the state and entitled to such coverage under sections seventeen and nineteen of the public officers law...”

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

Sent: Thursday, July 7, 2022 5:58 PM

To: 'scousins@nysenate.gov' <scousins@nysenate.gov>; 'Ortt@nysenate.gov' <Ortt@nysenate.gov>; 'Speaker@nyassembly.gov' <Speaker@nyassembly.gov>; 'BarclaW@nyassembly.gov'

<BarclaW@nyassembly.gov>

Subject: Your nominations to the Commission on Ethics & Lobbying in Government, whose operations are to begin tomorrow, July 8, 2022

**TO: Temporary Senate President Andrea Stewart-Cousins
Senate Minority Leader Robert Ort
Assembly Speaker Carl Heastie
Assembly Minority Leader William Barclay**

The below was sent to your FOIL officers earlier today – and now sent directly to you. Next step is the 15 law school deans comprising the “independent review committee” – and then the press. Please forward to the other “selection members” whose direct e-mail addresses you assuredly have – Governor Hochul, Attorney General James, and Comptroller DiNapoli.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, July 7, 2022 10:19 AM
To: 'records.access@exec.ny.gov' <records.access@exec.ny.gov>; 'foil@nysenate.gov' <foil@nysenate.gov>; 'marillar@nyassembly.gov' <marillar@nyassembly.gov>; 'kleinf@nyassembly.gov' <kleinf@nyassembly.gov>; 'FOIL@osc.ny.gov' <FOIL@osc.ny.gov>

Subject: FOIL/records request -- Your nominations to the Commission on Ethics & Lobbying in Government, whose operations are to begin tomorrow, July 8, 2022

“selection members” of the “ethics commission reform act of 2022”

**Governor Kathy Hochul
Temporary Senate President Andrea Stewart-Cousins
Senate Minority Leader Robert Ort
Assembly Speaker Carl Heastie
Assembly Minority Leader William Barclay
Attorney General Letitia James
Comptroller DiNapoli**

Pursuant to [Part QQ of Education, Labor, Housing, and Family Assistance Budget Bill #S.8006-C/A.9006-C – the “ethics commission reform act of 2022”](#), you are the “selection members” whose nominations of the 11 members of the Commission on Ethics and Lobbying in Government are supposed to be vetted by the 15 law school deans comprising the “independent review committee”. The Governor has three nominations, the Temporary Senate President and Assembly Speaker each have two nominations, and the Senate and Assembly Minority Leaders, the Attorney General and Comptroller each have one nomination.

In pertinent part, the [procedures](#) promulgated by the “independent review committee”, which it [publicly announced on June 15th](#) and posted on its [website](#) state:

"•Prior to any nomination being sent to the IRC, **the Selection Members shall publish the name(s) of the individual(s) they intend to nominate at least seven business days before making such formal nomination. This information shall, at a minimum, be prominently posted on the Selection Member's website, provide a link by which the public may offer comments on the proposed nominee, and also be transmitted via a media advisory. At the time of publication, such information also shall be e-mailed directly to the IRC Chair.**

• **When making a formal nomination, each Selection Member shall provide to the IRC:** the name(s) and contact information of those nominated to serve on the Commission, the background investigation findings reported to them by the State Police and OGS for each nominee, **any written comments received by mail or electronically in support of or in opposition to the nomination**, along with any written materials a nominee may have submitted to the Selection Members, including but not limited to a complete resume or curriculum vitae, and any written statements regarding a nominee's qualifications from a Selection Member." (bold added).

The Commission on Ethics and Lobbying in Government is supposed to begin its operations tomorrow, July 8, 2022 – which is the 90th day after [Part QQ](#) became “a law”.

Have none of you yet formally nominated members to the Commission? I see nothing about your nominations on ANY of your websites, let alone “prominently posted” – and no “link by which the public may offer comments” on your “proposed nominee(s)”, whose names you were required to “publish” “at least seven days before making such formal nomination(s)”.

As for the [“independent review committee” website](#), I see no information posted about any announced nominees, or links to your websites pertaining thereto and to your media advisories.

Pursuant to FOIL (Public Officers Law Article VI), Senate Rule XIV (“Freedom of Information”), and Assembly Rule VIII (“Public Access to Records”), please furnish ALL publicly available records pertaining to:

- (1) your formal nominations – and the dates they were made;
- (2) where the nominations are “prominently posted” on your websites;
- (3) the links on your websites for public comment about your “proposed nominee(s)” – and when you “published” their names;
- (4) your “media advisor(ies)” – and the list of “media” to whom you sent the “advisories”, or where they are posted on your websites.

Thank you.

Elena Sassower, Director
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