

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, July 27, 2022 10:22 AM
To: 'jgross@law.pace.edu'
Cc: 'jchin2@law.pace.edu'
Subject: **IMMEDIATE CLARIFICATION REQUIRED: Which, if any, proposed nominees to CELG have been formally nominated by selection members – as no selection members have announced formal nominations, following public comment**
Attachments: [6-12-22-ltr-to-independent-review-committee.pdf](#);
[7-2-22-email-to-law-school-deans.pdf](#)

TO: PACE LAW SCHOOL SENIOR ASSOCIATE DEAN JILL GROSS

In response to my below e-mail to Dean Anderson, I received an e-mail response, a minute after, stating:

“Thank you for your email. I am out of the office until Thursday, August 4, with limited internet access. I will reply to your message as soon as I can. For urgent matters, please contact Senior Associate Dean Jill Gross at jgross@law.pace.edu, or Senior Staff Associate Jennifer Chin at jchin2@law.pace.edu.”

The below is “urgent”. Please review, on behalf of Dean Anderson, until his return – and, in the interim, take appropriate action, consistent therewith.

I take this opportunity to bring to your attention that I have received no response from Dean Anderson or any of the other 14 law school deans of the Independent Review Committee to my above attached June 12th letter and subsequent July 2nd e-mail.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, July 27, 2022 7:44 AM

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'simonsm@stjohns.edu' <simonsm@stjohns.edu>; 'cmboise@syr.edu' <cmboise@syr.edu>;
'vaottman@syr.edu' <vaottman@syr.edu>; 'elangan@tourolaw.edu' <elangan@tourolaw.edu>;
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<eduardo.capulong@law.cuny.edu>; 'dortega3@buffalo.edu' <dortega3@buffalo.edu>;
'delaney1@buffalo.edu' <delaney1@buffalo.edu>; 'mcook@buffalo.edu' <mcook@buffalo.edu>
Cc: 'info@irc.ny.gov' <info@irc.ny.gov>

Subject: IMMEDIATE CLARIFICATION REQUIRED: Which, if any, proposed nominees to CELG have been formally nominated by selection members – as no selection members have announced formal nominations, following public comment

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

Based on yesterday's Albany Times-Union's web-posted article "[Secrecy at issue for new ethics panel](#)" by Chris Bragg, presumably appearing in today's newspaper, it appears you have begun screening nominations to the Commission on Ethics and Lobbying in Government (CELG) – or at least the nomination of former JCOPE member, Gary Lavine, ESQ. Apparently Mr. Lavine has submitted to you his responses to your pre-interview questionnaire.

Is this correct? And, if so, how is this reconciled with your screening procedures? Which, if any, of the thus far ten proposed nominees have been formally nominated by selection members? The seven selection members have made NO announcements of formal nominations, following expiration of the period for public comment on their proposed nominees. Nor does your [IRC website](#) post any announcements of formal nominations made by selection members, following public comment.

According to [your June 15, 2022 announced procedures](#):

“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...”

“When making a formal nomination, each Selection Member shall provide to the IRC:...any written comments received by mail or electronically in support of or in opposition to the nomination...” [underlining added].

Consistent therewith, your IRC website reflects this bifurcated proposed nomination/formal nomination status, stating:

“Nominee Review Procedure

The IRC has developed a rigorous pre-nomination process that requires nominating elected officials to assess a broad array of critical information, including professional experience, findings from a thorough background check, and results of a seven-day public comment period on their proposed nominee to help determine the qualifications, suitability, and fitness of the candidates they will nominate. When the nominating elected officials have reviewed and considered this information, they will be able to make an informed choice of whether or not to formally nominate the candidate to the IRC for review.

After the IRC receives a formal nomination of a candidate, it will review the candidate’s professional experience and full history, background investigation findings, public comments, check references as needed, and conduct a personal interview with them. ...

Here are the [official procedures of the Independent Review Committee](#).” [underlining added, hyperlinking in the original]

....

“Requirements of Proposed Nominees

Proposed nominees will have 10 days to complete their background investigation forms, releases, and fingerprinting and submit them to the State. The State Police and OGS will then have 21 days to complete the background investigation, and report findings to the nominating elected officials. Once a formal nomination is received by the IRC, the Deans will have up to 30 days to determine whether or not to confirm the nominee.

Candidates who are formally nominated for appointment will be asked to complete the [pre-interview questionnaire](#) and submit it to the Independent Review Committee in advance of their formal interview.... “ [underlining added, hyperlinking in the original]

...

“News

Under the Procedures established by the Independent Review Committee (IRC), elected officials making appointments to the Commission on Ethics and Lobbying in Government are required to make public the names of their proposed nominees and solicit public comment before making a formal nomination to the IRC. Press Releases containing the names of proposed nominees can be found below. The public may make comments ***directly to each elected official*** as provided for in the press releases.” [underlining added, except to final underlining, which is on the IRC website, also bolded and italicized.]

Please immediately clarify the situation, so as to avoid your wasting time with proposed nominees who could NOT have been formally nominated, following public comment, unless investigation of EVIDENCE of their unfitness was TOTALLY DISPENSED WITH.

Thank you.

Elena Sassower, Director
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