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**Sent:** Monday, August 22, 2022 12:29 PM

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**Subject:** **UPDATE: CJA v. JCOPE, et al -- AG James has NO defense to the 6th cause of action that the "ethics commission reform act of 2022" was unconstitutionally & unlawfully enacted -- & also none to the other 9 causes of action.**

**Attachments:** [Ex-A-5-March-18-2020-ltr.pdf](#); [Ex-M-1-March-9-2017-to-coog.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

I have already alerted you to Attorney General James' litigation fraud in [CJA v. JCOPE, et al.](#) to prevent the granting of a TRO/preliminary injunction to enjoin the "ethics commission reform act of 2022" from taking effect on July 8<sup>th</sup>, to which petitioners had *a matter of law* entitlement – and as to which I filed a [July 8<sup>th</sup> ethics complaint against AG James with CELG](#) – its first complaint.

I believe you should now see, in real time, the fraudulent August 18<sup>th</sup> cross-motion to dismiss the lawsuit that AG James has made, whose particulars I will be setting forth in [opposition papers, due September 15<sup>th</sup>](#), which I will be combining with a request for summary judgment pursuant to CPLR §3211(c). AG James' cross-motion is accessible [via NYSCEF](#) (##79-83).

Of greatest relevance to you, of course, is the [verified petition's sixth cause of action \(¶¶78-85\)](#) for a declaration that the "ethics commission reform act of 2022", of which you are part, was unconstitutionally and unlawfully enacted. It was as to this sixth cause of action that [my June 12<sup>th</sup> letter to you](#) expressly sought your expert opinion, alerting you to the "starting point" of such declaration, so-stated by the sixth cause of action itself (¶82): my March 18, 2020 letter to then Governor Cuomo, also sent to Legislative Leaders and the Division of the Budget Director. The letter, [Exhibit A-5 to the petition](#) and above-attached, constitutes an analysis of the [Court of Appeals' 2004 plurality, concurring, and dissenting opinions in Pataki v. Assembly/Silver v. Pataki, 4 NY3d 75](#), focused on the unconstitutionality of "non-appropriation" budget bills – such as the one to which the "ethics commission reform act of 2022" was inserted. That letter being dispositive, [AG James' August 18<sup>th</sup> memorandum of law \(at pp. 21-22\)](#) conceals it entirely, not disputing its accuracy in any respect, while making superficial and false argument which the letter rebuts.

Isn't it obvious that the Court would benefit from expert opinion as to that March 18, 2020 letter? Please furnish me with the names of your faculty who are scholars of Article VII of the NYS Constitution pertaining to the state budget and necessarily familiar with *Pataki v. Assembly/Silver v. Pataki*.

Surely, too, the Court would benefit from your expert opinion as to the verified petition's nine other causes of action – which I here request.

In particular, I am eager to have expert opinion as the [tenth cause of action \(¶¶106-114\)](#) as to the unconstitutionality of Public Officers Law §108.2(b), whose exemption of the Legislature from the "open meetings Law" to enable it to discuss "public business" in closed-door party conferences plainly disregards and violates Article III, §10 of the NYS Constitution. This tenth cause of action rests on the analysis presented by my March 9, 2017 e-mail to the Committee on Open Government's then executive director for an advisory opinion, [Exhibit M-1 to the petition](#) and above-attached. Here, too, because the analysis is dispositive, [AG James' August 18<sup>th</sup> memorandum of law \(at pp. 22-23\)](#) conceals it and all allegations of the tenth cause of action, in favor of three irrelevant cases, the first not indicating any Article III, §10 challenge to POL §108.2(b), the second, not pertaining to the Legislature and, therefor, not involving Article III, §10, and the third, not pertaining to the Legislature or POL §108.2(b). As to this, as well, please furnish me with the names of your relevant scholars of the NYS Constitution.

Finally, as the threshold issues in *CJA v. JCOPE, et al.* pertain to the disqualification, for interest, of both AG James and the Court, I ask that you furnish me with the names of your faculty having an expertise on these issues so that I might consult with them as to the appropriate protective steps to ensure the integrity of the proceedings.

I am available to discuss with you the foregoing – and any of the other matters presented by my prior correspondence to you, posted on CJA's website, [here](#), in discharge of your ethical, professional, and civic responsibilities.

Thank you.

Elena Sassower, Director  
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