



**THE STATE OF NEW YORK
INDEPENDENT REVIEW COMMITTEE
FOR NOMINATIONS TO
THE COMMISSION ON ETHICS AND LOBBYING IN GOVERNMENT
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**REMARKS OF
INDEPENDENT REVIEW COMMITTEE CHAIR ANTHONY CROWELL
BEFORE THE COMMISSION ON ETHICS AND LOBBYING IN GOVERNMENT**

MARCH 29, 2023

- Good morning Chair Davie, and all the members of the New York State Commission on Ethics and Lobbying in Government.
- I'm Anthony Crowell, Dean and President of New York Law School, it is our honor to host your hearing on our campus. As you know, I also am the Chair of the Independent Review Committee (known as the IRC) of the State's 15 ABA-accredited law school deans, which reviews nominations to Commission on Ethics and Lobbying in Government.
- Just by way of my background, I teach State and Local Government Law and have substantial experience in government ethics. I served for nearly nine years as a New York City Conflicts of Interest Board member. Prior to that, I served for more than a decade at New York City Hall where I was Counselor to Mayor Michael R. Bloomberg. My role included, among other things, serving as City Hall ethics counsel and providing oversight of the appointments process for all senior administration officials, and board and commission members.
- Before I begin, I want to say how appropriate it is that you are holding your hearing here. NYLS prides its itself on being *New York's law school* and we strive to be the State's leading law school in civic engagement and all things state and local government law, including government ethics.
- Our law school has had many graduates who have helped build modern New York, including four New York City Mayors.
- In fact, one of those Mayors was Jimmy Walker.
- Now I know Jimmy Walker wasn't exactly the model of ethical behavior, but sadly he did create a full employment plan for government ethics attorneys, and Commissions like COELIG.

- I like to mention Jimmy Walker because it's important to never forget his era. While the bad days of Jimmy Walker, and of Tammany Hall are over, the need to guard against corruption and unethical conduct never stops, and we are unfortunately reminded of that all too frequently.
- That's why when the Governor and Legislature established COELIG and gave the State's law deans the important role of reviewing the nominees of the appointing officials. We took very seriously our responsibility to do our part to ensure the State had a body that would provide New Yorkers a government with the highest integrity and ethics.
- My decanal colleagues and I greatly valued the opportunity to meet with all of you during the process, and we appreciate the exceptional seriousness and deep commitment you all have shown to help make our State a gold standard for ethics in government. It will be a process to get there, but our state should have faith in this group to make it so.
- The IRC began to take form in May 2022. Just yesterday we released a summary of our activities to date, providing an overview of how we developed our processes and the effectiveness of the legislation in enabling us to have a meaningful role in reviewing nominations.
- Indeed, the review process was a challenging one which each IRC member took seriously and invested countless hours to get right. We are pleased that the Commission has 10 qualified, independent, representative, and deeply committed members who reflect the great diversity of New York.
- I would like to use this time to share our observations of the process, detailed in our summary, of the first year of the IRC's operations. I would also appreciate any further input on the process you might want to provide to us.
- At the outset, I am proud that prior to our designation as IRC members, the deans enjoyed a collegial working relationship which benefited the IRC process. The IRC members were fully engaged in the development of procedures and the nominee review process. Except when recused, all members participated on interview panels, in reviewing and discussing nominees with the full IRC, and voting on the nominees. Robust dialogue was encouraged at all times, and it was not unusual for there to be disagreement among the deans on the way to reaching a final decision. No dean ever delegated their responsibilities to an associate dean acting as an alternate representative as permitted by law.
- We believe the Ethics Commission Reform Act provided enough clarity and flexibility to ensure the IRC could develop and implement thoughtful and rigorous procedures that both shaped the candidate selection processes of nominating/appointing elected officials and allowed for public participation in the review process.
- The IRC members were able to effectively avoid conflicts of interest or the appearance of them with their protocol for recusals.
- No nominating/appointing elected official or their staff member attempted to influence the IRC's process or communicate with the IRC or an IRC member in a manner other than that which was prescribed by the IRC's procedures.

- In general, almost all nominating/appointing elected officials meticulously followed the IRC's procedures. To the extent any procedure was not precisely followed, the nominating elected official was asked to take corrective action to conform to the procedures, which they did.
- The IRC's relationship with OGS was strong and the IRC was pleased with the professionalism and efficiency with which OGS undertook its role in conducting background investigations. The IRC did not receive any negative feedback about OGS from any of the nominating/appointing elected officials or candidates under review.
- The time frame set out in the IRC's procedure for the background investigation process to take place, end-to-end, was reasonable and provided adequate time for the nominee to complete and submit forms within 10 days, and for OGS and the State Police in nearly all cases to complete a background investigation within 21 days.
- The seven-day public comment period was helpful in allowing the public to offer thoughtful comments and perspectives on the nominees.
- Our only recommendation is that because the backgrounding, nomination, and review process was on an accelerated timetable, future pre-nomination processes would be benefitted by extending the comment period to 15 business days, to ensure fully that all elected officials could engage in a broad level of public outreach. This would allow for additional time for the public and the good government groups to comment. The IRC will amend its procedures to reflect this recommendation.
- The 30-day period for the IRC to review a nominee after formal nomination was adequate for the IRC to complete its work and make a final determination on each candidate.
- While the first phase of our work was to review initial nominations for appointment to COELIG, which will continue, the next phase of our work will be to review nominations for reappointments to the Commission. To ensure that next phase functions as seamlessly as the first, we will be watching your operations and outcomes closely.
- Thank you so much for the opportunity to welcome you, address you, and I would be happy to take any questions or receive comments.