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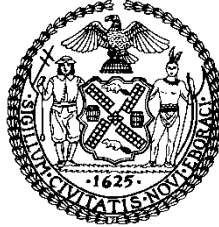
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THE COUNCIL OF THE CITY OF NEW YORK



OFFICE OF THE GENERAL COUNSEL

Jason A. Otaño, General Counsel

COMMITTEE REPORT OF THE
COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

Hon. Keith Powers, Chairperson

August 27, 2024

City Hall Chambers
New York, NY

M 0063-2024

Communication from the Mayor – Submitting the name of Randy Mastro to the City Council for advice and consent regarding his appointment as Corporation Counsel pursuant to Sections 31 and 391 of the New York City Charter.

Topic I: Corporation Counsel – (Candidate for appointment by the Mayor)

- **Randy Mastro [M 0063-2024]**

Pursuant the Sections 31 and 391 of the New York City Charter, and by letter dated July 30, 2024, Mayor Eric Adams presented the name of Randy Mastro to the New York City Council requesting this body’s advice and consent.

Section 391(b) of the Charter provides that the Mayor shall submit a nominee for Corporation Counsel to the City Council for its advice and consent within 60 days of a vacancy.

On June 1, 2024, Judge Sylvia O. Hinds-Radix resigned from the position of Corporation Counsel. Today, the Corporation Counsel receives an annual salary of \$253,000.

Law Department Powers and Duties

Chapter 17 of the Charter outlines the powers of the Corporation Counsel and the New York City Law Department. The Charter dictates that the Corporation Counsel shall be the attorney for the City and all City agencies. The Law Department “shall have the charge and conduct of all the law business of the city and its agencies and in which the city is interested.” New York City Charter, Section 394(a).

This mandate includes the ability to institute legal actions on behalf of the City in any court. New York City Charter, Section 394(c). Any settlement requires the approval of the Comptroller. *Id.* The Corporation Counsel is also charged with preparing certain legal papers for the City, including leases, deeds, contracts, and bonds, among other types of legal papers. New York City Charter, Section 394(b).

Agency Structure

Pursuant to Section 392 of the Charter, the Corporation Counsel is authorized to appoint and assign various positions.

The Corporation Counsel “may appoint a first assistant corporation counsel, and such other assistants as may be necessary” New York City Charter, Section 392(a).

The First Assistant Corporation Counsel “possesses all of the powers” to act as the Corporation Counsel if the Corporation Counsel is absent or disabled, and in case of the death or a vacancy in the office of Corporation Counsel, acts “as the Corporation Counsel until the appointment of a new Corporation Counsel.” New York City Charter, Section 392(b).

Since the resignation of Judge Hinds-Radix, First Assistant Corporation Counsel, Muriel Goode-Trufant, is serving as Acting Corporation Counsel.

Assistant Corporation Counsel possesses the power to perform duties as assigned by the Corporation Counsel, by written authority filed on record at the Law Department. New York City Charter, Section 392(c).

Conclusion

If appointed, Mr. Mastro will fill a recent vacancy and serve for an indefinite term. Mr. Mastro will appear before the New York City Council's Committee on Rules, Privileges, and Elections on August 27, 2024. Copies of Mr. Mastro's résumé and answers to pre-hearing questions are attached to this briefing paper.

Randy M. Mastro

Partner

*Trial and Global Disputes / International Arbitration
and Litigation*

New York: +1 212 827 4019
rmastro@kslaw.com



Randy M. Mastro is a preeminent trial lawyer who represents a wide array of high-profile clients in complex civil cases, securities litigation and white collar matters. He has tried dozens of cases in private practice and as a federal prosecutor, and he has argued more than 100 federal and state court appeals throughout the country.

Randy routinely ranks among the nation's leading litigators and trial lawyers in peer-review publications, including *Chambers*, *The Legal 500*, *Benchmark*, *Lawdragon* and *The National Law Journal*, among others. He was named "Trial Lawyer of the Year" by both *Chambers USA* and *Benchmark*, a "Litigation Trailblazer" by *The National Law Journal*, and a "Trial Lawyer MVP" by *Law360*. *The National Law Journal* named him among the "100 Most Influential Lawyers in America," recognizing him as one of the "100 lawyers in the United States who have shaped the legal world through their work," and noting that "his ease in the courtroom, delivery of arguments and command of the law have made Randy one of the most in-demand attorneys in the country by big-name clients." *The American Lawyer* has named him "Litigator of the Week" six times and described him as among "the best known, most-respected litigators in the country." *City & State* has repeatedly honored him as among the "most influential" and "powerful leaders in New York's legal community." In *Chambers USA*, he is ranked among the nation's top trial lawyers, described as "a world-renowned litigator," and praised for his "exceptional public reputation," who "just owns the courtroom," is "in a class by himself," "masters the facts of a case quicker than anyone I've ever met," "can take on anyone," "shows grace and style under pressure," and is "so persuasive" and "smart," "a force of nature" and "really fearsome advocate." In *The Legal 500*, he has been named to the "Hall of Fame" and featured among the country's "Leading Trial Lawyers," with corporate counsel saying he is "immensely impressive," "simply excellent," "flawless," "captivating," and "deserves an Academy Award" for "bringing a sense of drama and theater to his courtroom appearances." *Benchmark* ranks him a "Litigation Star" among the "Top 100 Trial Lawyers in America," describing him as a "brilliant and effective litigator" who is "perennially revered," with peers noting, "You do not want to meet Randy down a dark alley, but you REALLY don't want to meet him in a lighted courtroom," and "going against him" is "like wrestling an alligator." *Lawdragon* also just named him to its "Hall of Fame." *The New York Times* has called him "the go-to lawyer for companies" suing the government, a "household name," and a "fierce and combative litigator;" and *The New Yorker* has described him as a "merciless litigator," "even by the pugilistic standards of the New York bar," who "is transfixing" in "the courtroom."

Among many high-profile matters, Randy won a two-month RICO trial barring the enforcement of a \$9 billion fraudulent Ecuadorian judgment against Chevron that *The American Lawyer* called “The Case of the Century” and *The Wall Street Journal* labeled “The Legal Fraud of the Century.” Moreover, he won a month-long trial against the SEC, obtaining the dismissal of all charges against high-profile entrepreneur, Lynn Tilton, and thereby defeating the largest individual enforcement action the SEC ever brought before its in-house tribunal, where the SEC typically wins 90 percent of the time. Randy also led the successful effort to defeat New York City’s controversial West Side Stadium project, and he represented the New Jersey Governor’s Office in the high-profile “Bridgegate” investigation. And he won breakthrough Supreme Court victories during COVID, including overturning New York’s fixed-capacity restrictions on “houses of worship.”

Randy has represented such diverse clients as AIG, Chevron, Amazon, Madison Square Garden, Dow Jones, Verizon, Dart, DraftKings, Home Depot, Daimler, JPMorgan, GE Capital, Marsh McLennan, Vale, Estee Lauder, Medallion Financial, Office of New Jersey Governor Chris Christie, Office of New Jersey Governor Phil Murphy, Fareva, Unilever, Quest Diagnostics, IAC, Bear Stearns, Bank of New York Mellon, Lynn Tilton, Peter Kalikow, Related, Vomado, The LeFrak Organization, The Durst Organization, Saks, UBS Financial Services, Octagon, Martina Hingis, Anna Kournikova, and Steffi Graf.

Randy has also litigated many high-profile public issues on a *pro bono* basis, including representing peaceful racial justice demonstrators assaulted by federal authorities to clear Lafayette Park so President Trump could do a photo-op in mid-2020; winning federal constitutional litigation striking a State law proposed by Governor Cuomo imposing onerous donor disclosure requirements on New York’s “good government” groups; challenging term limits extension legislation and campaign finance law violations on behalf of diverse political coalitions; defending a Long Island public school teacher fired from her job for giving her middle school class an assignment on racism; and successfully advocating for the families of fallen 9/11 firefighter heroes entitled to millions in donations raised by the NYC firefighters union.

Before returning to private practice, Randy served as the Mayor’s Chief of Staff and then as New York City’s Deputy Mayor for Operations from 1994 to 1998. In that capacity, he was responsible for overseeing the City’s operating agencies and budget, served as the Mayor’s chief liaison with elected officials, and was the Acting Mayor in the Mayor’s absence. Randy spearheaded the City’s crackdown on organized crime, for which he received La Cosa Nostra death threats, and shepherded through sweeping domestic partnership protections that *The New York Times* called “historic.” His departure from City Hall prompted accolades from the press. The *New York Post* praised Randy’s “tireless and dynamic” service, “energy and enthusiasm,” and “general good sense.” The *Daily News* declared in an editorial: “When Giuliani wanted to do the impossible . . . it was Randy who led the charge.” And *The New York Times* quoted a colleague describing him as “the administration’s conscience.” For two consecutive years, NY1-TV named Randy one of City government’s “Winners of the Year,” and *Manhattan File* featured him among the “45 Most Powerful New Yorkers 45 and Under.” Moreover, after leaving City Hall, he chaired two Mayoral Charter Revision Commissions.

From 1985 to 1989, Randy served as Assistant United States Attorney and Deputy Chief of the Civil Division in the U.S. Attorney’s Office for the Southern District of New York, where he specialized in organized crime cases and led the federal government’s landmark racketeering suit against the International Brotherhood of Teamsters. During his tenure, Randy received the Attorney General’s Distinguished Service Award, the John Marshall Award for Outstanding Legal Achievement, and the Director’s Award for Superior Performance.

Since then, Randy has been honored many times, receiving, for example, the Simon Rifkind Award from the Jewish Theological Seminary; the Lumbard Bowl, awarded annually by the U.S. Attorney for the Southern District of New York (in consultation with predecessor U.S. Attorneys) to distinguished alumni of that office; and most recently, the University of Pennsylvania Carey Law School’s Alumni Award of Merit. For the past eight years, he has chaired Citizens Union, New York City’s revered “good government” group, steering it

through staff crises and COVID, advocating for electoral reforms, and leading the organization in 2020 to endorse a Presidential candidate for the first time in its 125-year history.

Prior to joining King & Spalding in 2022, Randy was a partner at Gibson, Dunn & Crutcher for three decades, interrupted only by his service in City government. At Gibson Dunn, he co-chaired the Firm's Global Litigation Group, served on its Executive and Management Committees, and also co-headed its New York office, which he helped grow to more than 400 lawyers, making it by far the Firm's largest office. In the early 1980s, Randy was also a litigation associate at Cravath, Swaine & Moore, where he was part of the trial team that successfully defended CBS in a high-profile defamation suit brought by General William Westmoreland.

Randy has also taught as an Adjunct Professor at the University of Pennsylvania Law School and at Fordham Law School, where he taught complex civil litigation and legal writing. He has authored and co-authored articles in the *Fordham Law Review*, *Federal Communications Law Journal*, *University of Michigan Journal of Law Reform*, and *Seton Hall Law Review*, among others. His op-ed pieces have appeared in *The New York Times*, *Daily News*, and *New York Post*, and he wrote for *The Washington Post* and *Time*.

Credentials

EDUCATION

J.D., University of Pennsylvania, Moot Court Champion (1981)

B.A., Yale University, *Cum Laude* (1978)

ADMISSIONS

New York

New Jersey

Federal Courts, including the U.S. Supreme Court

CLERKSHIP

Law Clerk, Justice Alan B. Handler, New Jersey Supreme Court (1981-1982)

ASSOCIATIONS

Chair of Citizens Union of the City of New York

Chair of the Hamptons International Film Festival

Board Member of the University of Pennsylvania Law School

Board Member, Appellate Division, First Department's Advisory Committee on Representing Justice

Board Member of the Garden of Dreams Foundation

Board Member of Literacy Design Collaborative

Board Member of Trusted Riders

Former Vice Chair of the Legal Aid Society of New York City

Former Board Member of the City University of New York

Former Board Member of the YMCA of Greater New York

Former Board Member of the Children's Museum of Manhattan

Former Board Member of the Jewish Children's Museum

Former Board Member of Sanctuary for Families

Former Board Member of Hale House

Recognition

Band 1 in Litigation: General Commercial, New York – described as a “really fearsome advocate” and “a real talent in the courtroom.” “One of the top litigators in the country.”

CHAMBERS USA, 2004-2023

Band 1 in Litigation: Trial Lawyers Nationwide – described as “one of the premier litigators in the country,” who enjoys an “exceptional public reputation” and is “one of the most effective courtroom lawyers I’ve seen.”

CHAMBERS USA AND CHAMBERS GLOBAL, 2014-2023

Named to the 2024 class of The Lawdragon “Hall of Fame”

LAWDRAGON, 2024

Named to The Lawdragon “500 Leading Litigators in America”

LAWDRAGON, 2023-2024

Named among “Top 100 Trial Lawyers in America” and a “Litigation Star”

BENCHMARK, 2015, 2017, 2020-2024

Named to Leading Commercial Litigators List

DAILY JOURNAL, JANUARY 2024

Ranked “Hall of Fame” in Disputes Resolution – International Litigation, General Commercial Disputes; “Leading Trial Lawyers” in the US; and “Leading Lawyers” in Corporate Investigations and White Collar

LEGAL 500 US, 2022-2023

Named “Litigator of the Week” six times, runner-up six more times, and described as among “the best known, most-respected litigators in the country”

THE AM LAW LITIGATION DAILY, 2012-2023

Honored on the Law Power list as one of the “most influential” and “powerful leaders in New York’s legal community”

CITY & STATE, 2021-2023

Received the University of Pennsylvania Carey Law School Alumni Society’s Alumni Award of Merit

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, MAY 2023

Named a “Trial Lawyer MVP”

LAW360, 2017

Named "Business Trial Lawyer of the Year"

CHAMBERS USA, 2017

Named "Trial Lawyer of the Year"

BENCHMARK, 2015

Named "Litigation Trailblazer"

THE NATIONAL LAW JOURNAL, 2014

Named among the "100 Most Influential Lawyers in America," noting that "his ease in the courtroom, delivery of arguments and command of the law have made Randy one of the most in-demand attorneys in the country"

THE NATIONAL LAW JOURNAL, 2013

News

January 23, 2024 • Source: The New York Times

Randy Mastro files New York lawsuit for the Durst Organization, and Douglas and Jonathan Durst, seeking the return of their contributions to No Labels for promoting a third-party Presidential bid

November 2023 • Source: The American Lawyer

King & Spalding named "Law Firm of the Year"

October 3, 2023 • Source: New York Law Journal

The *New York Law Journal* names K&S "Litigation Department of the Year" Finalist and profiles the firm

July 21, 2023 • Source: The New York Times, CBS New York, ABC 7 NY, New York Post and Reuters

Randy Mastro files a federal lawsuit on behalf of New Jersey Governor Phil Murphy and the State of New Jersey challenging adequacy of the environmental review for New York State's congestion pricing scheme

March 31, 2023 • Source: The AmLaw Litigation Daily

Litigator of the Week: "King & Spalding's Randy Mastro Revives 'Lawyer Ban' for MSG"

February 17, 2023 • Source: The American Lawyer

Randy Mastro cited among "Big Law's Top Lateral Moves of 2022"

November 2, 2022 • Source: Law360, WNYC, New York Law Journal, Reuters and ABA Journal

K&S, represented by Randy Mastro, supports the launch of the New York City Legal Fellows Program, welcoming junior law firm lawyers for one-year Legal Fellowships at City agencies

October 6, 2022 • Source: The American Lawyer

The American Lawyer profiles King & Spalding "Aiming for the Stratosphere" in building a preeminent litigation practice in New York, including recruiting Randy Mastro

**RESPONSES OF RANDY MASTRO
TO THE CITY COUNCIL'S
NEW YORK CITY CORPORATION COUNSEL
PRE-HEARING QUESTIONS**

1. How much did you receive as compensation for each of the last five years you spent at Gibson Dunn & Crutcher?

Response: I was an equity partner at Gibson Dunn & Crutcher in 1993 and, again, from July 1998 to August 2022. While, respectfully, I consider my annual compensation level and personal holdings to be private information to be disclosed on a confidential basis (as I did in financial disclosures submitted to DOI that I understand was already made available to the Council), let it suffice to say that, as a law firm senior partner, I have made substantially more in annual compensation than I would as Corporation Counsel. In other words, I will be making a tremendous personal financial sacrifice to leave my law firm partnership and return to public service, but it is a sacrifice I am ready, willing and able to make for this higher calling to serve the public good.

2. Why do you want to serve as the Corporation Counsel?

Response: I am a passionate advocate in the courtroom and a proud New Yorker who loves this City. So when presented with this opportunity of a lifetime to use my legal skills to harness the power of government to do good and improve New Yorkers' lives, I am answering the call. While I was honored to serve in City Hall three decades ago, this is the one job in City government I aspired to do, and I have been training for it for decades. More than 10 years of my career have been dedicated to public service. And throughout my time in private practice, I have devoted hundreds of hours a year to litigating *pro bono* cases, championing civil rights, constitutional rights and social justice, and doing community service work, including as Chair of Citizens Union, Vice Chair of the Legal Aid Society, and on the boards of CUNY, Sanctuary for Families, the YMCA of Greater New York, and Hale House, among others. As head of the City's 800-lawyer team--the largest law office, public or private, in New York City--I hope to devote more resources to affirmative litigation and bring many such cases (i) to protect and expand New Yorkers' civil liberties and rights, constitutional rights, women's rights, LGBTQ+ rights, worker's rights, tenants' rights, consumers' rights, and environmental protection, and (ii) to promote public safety through affirmative litigation going after illegal guns, organized crime, violent gangs, and illegal smoke shops, among others.

3. Did you make commitments of any nature to the Mayor, including commitments related to how you would interpret the law, if you are confirmed for this role?

Response: None whatsoever. None requested. None given.

4. Please list all positions you have held as an employee of the City. For each position, please list who you reported to, the agencies that reported to you, and the functions and matters for which you were responsible.

Response: From January 1994 to August 1996, I served as the Mayor's Chief of Staff, overseeing all of the offices within the Mayor's Office, reporting directly to the Mayor. From August 1996 to June 1998, I was the Deputy Mayor for Operations, overseeing almost all of the City's operational agencies, the City's budget process, intergovernmental relations, and, for a time, the City's economic development and planning agencies, reporting directly to the Mayor and serving as the Acting Mayor in the Mayor's absence.

5. You've had a significant amount of time to consider the position and how the Law Department was run under Judge Radix. What would you do differently from her if appointed?

Response: First, if I were fortunate enough to serve in this position, I would be standing on the shoulders of giants who served before me, including Judge Hinds-Radix, whom I had the honor of appearing before in a *pro bono* case that I brought on behalf of Letitia James, Bill Thompson and other local elected Democrats that blocked the Bloomberg Administration's attempt to expand the decrepit Brooklyn House of Detention. So the suggestions I make here simply reflect what would be my priorities in overseeing the City's Law Department. As previously explained, I would devote significantly more resources of the Law Department to affirmative litigation protecting and expanding civil rights, constitutional rights, social justice, workers' rights, tenants' rights, consumers' rights, and environmental protection, as well as public safety. In addition, I understand that, since COVID, there has been a lot of turnover at the Law Department. A priority of mine will be recruiting at all levels, while ensuring that the Law Department continues to reflect the diversity of the City it represents. Also, I believe we can increase the legal resources available to expand the City's affirmative litigation capacity by involving the City's major law firms in more *pro bono* work on behalf of the City, in the same way that the City's major law firms devote so much time, money and resources to the Legal Aid Society. Indeed, I served as Vice Chair of the Legal Aid Society's Board for nearly a decade and personally did *pro bono* work defending the Society against a high-profile reverse discrimination case brought by a white lawyer claiming she was the victim of discrimination based on her race that I got dismissed at the outset. I believe our City's major law firms will want to help. I know many of the leaders of those firms, having been part of management of a major law firm myself and having served on boards with so many of them, so I think I am uniquely well situated to call on them for support.

6. When representing a Council Member as a party, do you believe the Law Department has the authority to agree to a settlement on behalf of the City without the authorization of the party Defendant Council Member? Why or why not?

Response: I answer this question from the perspective of someone who was a consumer of the Law Department's services when I was Deputy Mayor and represented by it. I believe it should ultimately be the Defendant client's decision whether to settle a case and on what terms. The Law Department should defend and make recommendations to the Defendant client, but cases that are ethically defensible should ultimately be resolved after consultation with the Defendant client and as authorized by the Defendant client. And I believe that,

where the case is against the City itself but the conduct at issue involves a Council Member, the case should be resolved after consultation with the Council Member.

7. Can you commit that all City agencies and entities, including the City Council, will receive drafts of legal papers at least two business days before they are due? If not, why not?

Response: I commit to have the Law Department do so whenever feasible.

8. Can you commit to implementing a policy that all court papers and filings (even stipulations) will be sent to the appropriate attorneys at City agencies and entities, including the City Council, before they are filed with the Court? If not, why not?

Response: I commit to have the Law Department do so whenever feasible.

9. Can you commit to implementing a policy that requires the Law Department to promptly send all papers filed by any party in an action to the appropriate City attorneys from the relevant agency/entity? If not, why not?

Response: I commit to have the Law Department do so.

10. If confirmed, would you object to the City Council and other non-mayoral City entities filing amicus briefs which are adverse to the position of the Law Department? If not, why not?

Response: I would not anticipate objecting. As a general proposition in litigation, I think it is counterproductive to object to amicus submissions, especially when, in certain matters, both sides are likely to have amici seeking to support their respective positions and courts typically grant such applications.

11. If there is a dispute between the Law Department and the Council's Office of General Counsel regarding litigation strategy or a brief to be filed on behalf of the City Council, a City Council Member, or any other City agency, how do you think such a dispute should be resolved?

- a. Historically, the Law Department has chosen to defend the Mayor whenever there is a conflict between City Council and the Mayor with respect to the enforcement of duly enacted laws. Is this appropriate? Why?
- b. What role if any should the Mayor's desired outcome have in deciding how to resolve such a dispute?
- c. What weight, if any, would you give the opinions of attorneys working for the City Council, the Public Advocate, the Comptroller, and the Borough Presidents when they disagree with a legal position being asserted by the Mayor and the Mayor's counsel?

- d. When there is such a dispute, who is the Law Department's client and what responsibilities do you believe the Law Department would have to each client with respect to such conflict?

Response: Such disputes should be resolved through constructive dialogue, communication and conciliation to see if common ground can be found, and I believe it should be the Law Department's role to facilitate that kind of dialogue in the first instance, ultimately acting in the best interest of the City, consistent with what the law requires. I am an independent thinker who would approach such disputes with a fair and open mind, hearing out all sides. What has been done historically is not the ultimate consideration. Acting in the best interest of the City, consistent with what the law requires, is. The opinions of all stakeholders should be accorded equal weight at the outset. Once the Law Department determines which stakeholder has the correct legal position in the best interest of the City, consistent with what the law requires, it should communicate that to all stakeholders, represent going forward the client that the Law Department determines has the correct legal position in the best interest of the City, consistent with what the law requires, and help other stakeholders who may continue to want to take a contrary position find their own legal representation and cooperate in transitioning the representation to their independent counsel.

12. What differentiates the relationship between the Law Department and City agencies from the Law Department's relationship with the City Council and other non-mayoral City entities?

Response: City agencies are all part of the executive branch; therefore, at the end of the day, they shouldn't end up having independent positions from the executive. However, other branches or offices of government, such as the City Council, do have independent disputes and independent positions from the executive. In either situation, the Law Department should be seeking to reconcile differing views on the law, which can arise within the executive branch or between branches of local government, and ultimately determine the correct legal position in the best interest of the City, consistent with what the law requires.

13. The Law Department has previously demanded that the City Council agree to stays of City laws that the mayor opposes. Will you commit that you will not use stays and other legal tactics to delay the implementation of duly enacted local laws? If not, explain why.

Response: I am not personally familiar with the demands referenced above. That said, I commit that I will not consider a mere request for a stay as delaying the implementation of duly enacted local laws, absent the Council's consent to such a stay request while efforts are made by the Law Department to try to mediate and amicably resolve disputes between the two sides of City Hall. As a matter of practice, when the administration questions the legality of a duly enacted law, I believe the best course would typically be for the administration to initiate litigation challenging such a duly enacted law on that legal basis, rather than refrain from implementing that law.

14. When policy differences between the Council and the Mayor result in a mayoral veto of a particular bill, is it appropriate for the Law Department to assist the Mayor in crafting a veto

message, or should the Law Department remain neutral and treat the duly passed bill with the presumption of validity? Please explain your reasoning.

Response: The Law Department should be serving both sides of City Hall when they have legal needs. That should include dedicated teams advising the Council on legislative drafting and enactment to enhance the prospects of the legislation withstanding legal challenge, assisting the Mayor's office in its review of legislation presented to the Mayor for his or her endorsement, and advising the Council on potential legal issues in the event of an override. The Law Department should have dedicated teams representing each side of City Hall on such matters.

15. Is it appropriate for the Law Department to argue that a duly enacted local law is preempted by a state or federal law on grounds other than curtailment of the Mayor's powers? Please explain your reasoning.

Response: I agree with the responses Judge Radix provided to the City Council's similar questions in 2021 -- namely, that "future legal positions shouldn't be prematurely stated," and that I too am "commit[ted] to acting in the city's best interest, ensuring open communication with all stakeholders," and "prefer[] analyzing issues case-by-case, focusing on the city's best interest."

16. Please list all instances in which you have represented a client in a cause of action against the City of New York, the name of the client, a brief summary of the cause of action, the final disposition of the matter, and a citation to any decision or order. If there is no published decision or order, please append a copy of the decision and order to your answers. If you find it easier to attach a spreadsheet with such information, please do so.

Response: Within the past decade, I filed and litigated the following cases against the City (this does not include cases filed against the state or federal government, such as the congestion pricing litigation on behalf of New Jersey Governor Phil Murphy or the G-Max case on behalf of small landlords after the City was dismissed from the case on standing grounds and played no part in the merits disposition of the case, or cases litigated on the same side as the City, such as the Lucerne Hotel case and the litigation defending Bowery Residents Committee):

- In *Restaurant Action Alliance NYC v. City of New York*, 165 A.D.3d 515 (1st Dep't 2018), we represented a consortium of small restaurant owners and manufacturers challenging the NYC Department of Sanitation's determination that expanded polystyrene could not be recycled in an economically efficient and environmentally feasible manner. After we won the first round of litigation, the Department issued a new decision on remand that was ultimately affirmed in court as neither arbitrary nor capricious.

- In *West 58th St. Coalition, Inc. et al. v. City of New York, et al.*, Case No. 156196/2018 (NYSCEF Doc. No. 157) (2018), we represented a neighborhood coalition challenging the opening of a new adult male homeless facility at the site of the old Park Savoy Hotel, 158 West 58th Street, principally based on the owner's failure to conduct an adequate

environmental review and comply with fire safety, building and zoning codes, given the building's change in use. While the project was enjoined at various points in the litigation, it was ultimately permitted to go forward by the New York Court of Appeals, at which time I was no longer representing the coalition.

- In *Cannon Point Preservation Corp. v. City of New York*, N.Y. Slip Op. 02727 (1st Dep't 2020), we represented Sutton Place preservationists seeking to prevent the City from building a bridge link to the East River Esplanade on dedicated neighborhood parkland (Clara Coffey Park). The lower court ultimately found that the claim was time-barred and that the City had not permanently dedicated the site as parkland, even though it had been a park for several decades. On appeal, the Appellate Division, First Department, affirmed.

- In *Glen Oaks Village Owners, Inc. v. City of N.Y.*, 227 A.D.3d 523 (1st Dep't 2024), we represent condominium associations challenging Local Law 97 principally on the basis it is preempted by New York State law (the CLCPA). After the lower court dismissed the case in its entirety, the Appellate Division, First Department, reversed and reinstated the preemption claim, remanding for further proceedings. The City sought leave to appeal to the New York Court of Appeals, and the Appellate Division recently granted the City leave to appeal.

17. Please list all political campaigns in which you have been involved, the name of the candidate and the office, the year(s), the nature of your involvement, and whether your involvement was paid or unpaid.

Response: Over the past decade, I have not been involved in any political campaigns. And I have never been paid for any involvement in any political campaigns.

18. Please list all political campaigns to which you have made monetary or in-kind contributions.

Response: To the best of my recollection, over the past five years, I have contributed to the following political campaigns: Joe Biden for President in 2020, Raphael Warnock for U.S. Senate in 2020, Eric Adams for Mayor in 2021, Kirsten Gillibrand for U.S. Senate in 2022, Adrienne Adams for City Council on 2023, Tom Suozzi for U.S. Congress in 2023, Lauren Myers for Hoboken City Council in 2023, George Grasso for Queens DA in 2023, Eric Adams for Mayor in 2023, Joe Biden for President in 2024, Chis Christie for President in 2024, Tom Suozzi for U.S. Congress in 2024, Tom DiNapoli for State Comptroller in 2024, David Weprin for State Assembly in 2024, Melinda Katz for Queens DA in 2024, John Avlon for U.S. Congress in 2024, and Kamala Harris for President (through Future Forward) in July 2024. Prior to that time, when I first became Chair of Citizens Union, New York City's revered non-partisan "good government" group, nearly a decade ago, it was suggested to me by some board members that I refrain from making political contributions for some period of time. But by 2020, I could no longer forbear, because the fate of our democracy was at stake in our national election, so I contributed to Joe Biden's Presidential campaign and began contributing to other Democrats as well.

19. Please list all boards on which you have sat at any time during the last 10 years. For each organization, please provide the following additional information: the name of the organization, your dates of service (include dates more than 10 years ago when applicable),

any officer positions you held on such boards and the years of service in those positions, the minimum write/raise commitments for board members of the organization, the total amount of money you have donated to the organization, and the total amount of money you have raised for the organization. You may append your answers in a spreadsheet.

Response: Please see spreadsheet attached as Appendix A.

20. You informed the Department of Investigations that your former employer, Gibson, Dunn & Crutcher, has brought claims against you in arbitration, but that you cannot disclose the nature of those claims without seeking permission from the Arbitrator. Please seek permission from the Arbitrator to disclose the nature of the claims made against you and provide with your answers to these questions a copy of your written request, the Arbitrator's response, and the requested information to the extent the Arbitrator permits such disclosure.

Response: That is incorrect. I have already sought such permission from the Arbitrator in that confidential arbitration, in which there are competing claims over the terms of my departure. Most recently, in response to "Mr. Mastro's request" to make "disclosure," the Arbitrator ruled on March 13, 2024, as follows: "Mr. Mastro may make the following further disclosure as part of the public vetting and confirmation process he will undergo for the New York City Corporation Counsel position: 'I am a party to a confidential arbitration with my former law firm in which we have competing claims over the terms of my departure.'"

21. You informed the Department of Investigations that if appointed as Corporation Counsel, you intend to remain as chairman of the board of Citizens Union, an organization that frequently appears before the City, that lobbies local lawmakers, and that makes endorsements in elections. Please seek guidance from the Conflicts of Interest Board (COIB) about your involvement in this organization and append such guidance to your responses to these questions.

Response: That is incorrect. Attached as Appendix B please find the April 23 letter I wrote to the COIB that "I intend to resign from my other board positions," including Citizens Union, besides a film festival board I chair and the board of the University of Pennsylvania Carey Law School.

22. Please seek guidance from COIB about all litigation in which you have an interest, and all representations past and present that may raise conflicts with the role of Corporation Counsel. Append such guidance to your responses.

Response: Attached as Appendix C please find the COIB's April 30 letter to me, confirming I "will recuse [my]self at the Law Department from any matters involving" my current or former law firm, which includes "all litigation . . . and all representations."

Pre-Hearing Questions Version 2

**RESPONSES OF RANDY MASTRO
TO THE CITY COUNCIL'S
NEW YORK CITY CORPORATION COUNSEL
PRE-HEARING QUESTIONS**

1. How much did you receive as compensation for each of the last five years you spent at Gibson Dunn & Crutcher?

Response: I was an equity partner at Gibson Dunn & Crutcher in 1993 and, again, from July 1998 to August 2022. While, respectfully, I consider my annual compensation level and personal holdings to be private information to be disclosed on a confidential basis (as I did in financial disclosures submitted to DOI that I understand was already made available to the Council), let it suffice to say that, as a law firm senior partner, I have made substantially more in annual compensation than I would as Corporation Counsel. In other words, I will be making a tremendous personal financial sacrifice to leave my law firm partnership and return to public service, but it is a sacrifice I am ready, willing and able to make for this higher calling to serve the public good.

2. Why do you want to serve as the Corporation Counsel?

Response: I am a passionate advocate in the courtroom and a proud New Yorker who loves this City. So when presented with this opportunity of a lifetime to use my legal skills to harness the power of government to do good and improve New Yorkers' lives, I am answering the call. While I was honored to serve in City Hall three decades ago, this is the one job in City government I aspired to do, and I have been training for it for decades. More than 10 years of my career have been dedicated to public service. And throughout my time in private practice, I have devoted hundreds of hours a year to litigating *pro bono* cases, championing civil rights, constitutional rights and social justice, and doing community service work, including as Chair of Citizens Union, Vice Chair of the Legal Aid Society, and on the boards of CUNY, Sanctuary for Families, the YMCA of Greater New York, and Hale House, among others. As head of the City's 800-lawyer team--the largest law office, public or private, in New York City--I hope to devote more resources to affirmative litigation and bring many such cases (i) to protect and expand New Yorkers' civil liberties and rights, constitutional rights, women's rights, LGBTQ+ rights, worker's rights, tenants' rights, consumers' rights, and environmental protection, and (ii) to promote public safety through affirmative litigation going after illegal guns, organized crime, violent gangs, and illegal smoke shops, among others.

3. Did you make commitments of any nature to the Mayor, including commitments related to how you would interpret the law, if you are confirmed for this role?

Response: None whatsoever. None requested. None given.

4. Please list all positions you have held as an employee of the City. For each position, please list who you reported to, the agencies that reported to you, and the functions and matters for which you were responsible.

Response: From January 1994 to August 1996, I served as the Mayor's Chief of Staff, overseeing all of the offices within the Mayor's Office, reporting directly to the Mayor. From August 1996 to June 1998, I was the Deputy Mayor for Operations, overseeing almost all of the City's operational agencies, the City's budget process, intergovernmental relations, and, for a time, the City's economic development and planning agencies, reporting directly to the Mayor and serving as the Acting Mayor in the Mayor's absence.

5. You've had a significant amount of time to consider the position and how the Law Department was run under Judge Radix. What would you do differently from her if appointed?

Response: First, if I were fortunate enough to serve in this position, I would be standing on the shoulders of giants who served before me, including Judge Hinds-Radix, whom I had the honor of appearing before in a *pro bono* case that I brought on behalf of Letitia James, Bill Thompson and other local elected Democrats that blocked the Bloomberg Administration's attempt to expand the decrepit Brooklyn House of Detention. So the suggestions I make here simply reflect what would be my priorities in overseeing the City's Law Department. As previously explained, I would devote significantly more resources of the Law Department to affirmative litigation protecting and expanding civil rights, constitutional rights, social justice, workers' rights, tenants' rights, consumers' rights, and environmental protection, as well as public safety. In addition, I understand that, since COVID, there has been a lot of turnover at the Law Department. A priority of mine will be recruiting at all levels, while ensuring that the Law Department continues to reflect the diversity of the City it represents. Also, I believe we can increase the legal resources available to expand the City's affirmative litigation capacity by involving the City's major law firms in more *pro bono* work on behalf of the City, in the same way that the City's major law firms devote so much time, money and resources to the Legal Aid Society. Indeed, I served as Vice Chair of the Legal Aid Society's Board for nearly a decade and personally did *pro bono* work defending the Society against a high-profile reverse discrimination case brought by a white lawyer claiming she was the victim of discrimination based on her race that I got dismissed at the outset. I believe our City's major law firms will want to help. I know many of the leaders of those firms, having been part of management of a major law firm myself and having served on boards with so many of them, so I think I am uniquely well situated to call on them for support.

6. When representing a Council Member as a party, do you believe the Law Department has the authority to agree to a settlement on behalf of the City without the authorization of the party Defendant Council Member? Why or why not?

Response: I answer this question from the perspective of someone who was a consumer of the Law Department's services when I was Deputy Mayor and represented by it. I believe it should ultimately be the Defendant client's decision whether to settle a case and on what terms. The Law Department should defend and make recommendations to the Defendant client, but cases that are ethically defensible should ultimately be resolved after consultation with the Defendant client and as authorized by the Defendant client. And I believe that, where the case is against the City itself but the conduct at issue

involves a Council Member, the case should be resolved after consultation with the Council Member.

7. Can you commit that all City agencies and entities, including the City Council, will receive drafts of legal papers at least two business days before they are due? If not, why not?

Response: I commit to have the Law Department do so whenever feasible.

8. Can you commit to implementing a policy that all court papers and filings (even stipulations) will be sent to the appropriate attorneys at City agencies and entities, including the City Council, before they are filed with the Court? If not, why not?

Response: I commit to have the Law Department do so whenever feasible.

9. Can you commit to implementing a policy that requires the Law Department to promptly send all papers filed by any party in an action to the appropriate City attorneys from the relevant agency/entity? If not, why not?

Response: I commit to have the Law Department do so.

10. If confirmed, would you object to the City Council and other non-mayoral City entities filing amicus briefs which are adverse to the position of the Law Department? If not, why not?

Response: I would not anticipate objecting. As a general proposition in litigation, I think it is counterproductive to object to amicus submissions, especially when, in certain matters, both sides are likely to have amici seeking to support their respective positions and courts typically grant such applications.

11. If there is a dispute between the Law Department and the Council's Office of General Counsel regarding litigation strategy or a brief to be filed on behalf of the City Council, a City Council Member, or any other City agency, how do you think such a dispute should be resolved?

- a. Historically, the Law Department has chosen to defend the Mayor whenever there is a conflict between City Council and the Mayor with respect to the enforcement of duly enacted laws. Is this appropriate? Why?
- b. What role if any should the Mayor's desired outcome have in deciding how to resolve such a dispute?
- c. What weight, if any, would you give the opinions of attorneys working for the City Council, the Public Advocate, the Comptroller, and the Borough Presidents when they disagree with a legal position being asserted by the Mayor and the Mayor's counsel?

- d. When there is such a dispute, who is the Law Department's client and what responsibilities do you believe the Law Department would have to each client with respect to such conflict?

Response: Such disputes should be resolved through constructive dialogue, communication and conciliation to see if common ground can be found, and I believe it should be the Law Department's role to facilitate that kind of dialogue in the first instance, ultimately acting in the best interest of the City, consistent with what the law requires. I am an independent thinker who would approach such disputes with a fair and open mind, hearing out all sides. What has been done historically is not the ultimate consideration. Acting in the best interest of the City, consistent with what the law requires, is. The opinions of all stakeholders should be accorded equal weight at the outset. Once the Law Department determines which stakeholder has the correct legal position in the best interest of the City, consistent with what the law requires, it should communicate that to all stakeholders, represent going forward the client that the Law Department determines has the correct legal position in the best interest of the City, consistent with what the law requires, and help other stakeholders who may continue to want to take a contrary position find their own legal representation and cooperate in transitioning the representation to their independent counsel.

12. What differentiates the relationship between the Law Department and City agencies from the Law Department's relationship with the City Council and other non-mayoral City entities?

Response: City agencies are all part of the executive branch; therefore, at the end of the day, they shouldn't end up having independent positions from the executive. However, other branches or offices of government, such as the City Council, do have independent disputes and independent positions from the executive. In either situation, the Law Department should be seeking to reconcile differing views on the law, which can arise within the executive branch or between branches of local government, and ultimately determine the correct legal position in the best interest of the City, consistent with what the law requires.

13. The Law Department has previously demanded that the City Council agree to stays of City laws that the mayor opposes. Will you commit that you will not use stays and other legal tactics to delay the implementation of duly enacted local laws? If not, explain why.

Response: I am not personally familiar with the demands referenced above. That said, I commit that I will not consider a mere request for a stay as delaying the implementation of duly enacted local laws, absent the Council's consent to such a stay request while efforts are made by the Law Department to try to mediate and amicably resolve disputes between the two sides of City Hall. As a matter of practice, when the administration questions the legality of a duly enacted law, I believe the best course would typically be for the administration to initiate litigation challenging such a duly enacted law on that legal basis, rather than refrain from implementing that law.

14. When policy differences between the Council and the Mayor result in a mayoral veto of a particular bill, is it appropriate for the Law Department to assist the Mayor in crafting a veto message, or should the Law Department remain neutral and treat the duly passed bill with the presumption of validity? Please explain your reasoning.

Response: The Law Department should be serving both sides of City Hall when they have legal needs. That should include dedicated teams advising the Council on legislative drafting and enactment to enhance the prospects of the legislation withstanding legal challenge, assisting the Mayor's office in its review of legislation presented to the Mayor for his or her endorsement, and advising the Council on potential legal issues in the event of an override. The Law Department should have dedicated teams representing each side of City Hall on such matters.

15. Is it appropriate for the Law Department to argue that a duly enacted local law is preempted by a state or federal law on grounds other than curtailment of the Mayor's powers? Please explain your reasoning.

Response: I agree with the responses Judge Radix provided to the City Council's similar questions in 2021 -- namely, that "future legal positions shouldn't be prematurely stated," and that I too am "commit[ted] to acting in the city's best interest, ensuring open communication with all stakeholders," and "prefer[] analyzing issues case-by-case, focusing on the city's best interest."

16. Please list all instances in which you have represented a client in a cause of action against the City of New York, the name of the client, a brief summary of the cause of action, the final disposition of the matter, and a citation to any decision or order. If there is no published decision or order, please append a copy of the decision and order to your answers. If you find it easier to attach a spreadsheet with such information, please do so.

Response: Within the past decade, I filed and litigated the following cases against the City (this does not include cases filed against the state or federal government, such as the congestion pricing litigation on behalf of New Jersey Governor Phil Murphy or the G-Max case on behalf of small landlords after the City was dismissed from the case on standing grounds and played no part in the merits disposition of the case or the Bathhouse Restaurant Concession litigation on which we filed suit but then withdrew, or cases litigated on the same side as the City, such as the Lucerne Hotel case and the litigation defending Bowery Residents Committee):

- In *Restaurant Action Alliance NYC v. City of New York*, 165 A.D.3d 515 (1st Dep't 2018), we represented a consortium of small restaurant owners and manufacturers challenging the NYC Department of Sanitation's determination that expanded polystyrene could not be recycled in an economically efficient and environmentally feasible manner. After we won the first round of litigation, the Department issued a new decision on remand that was ultimately affirmed in court as neither arbitrary nor capricious.

- In *West 58th St. Coalition, Inc., et al. v. City of New York, et al.*, Case No. 156196/2018 (NYSCEF Doc. No. 157) (2018), we represented a neighborhood coalition challenging the opening of a new adult male homeless facility at the site of the old Park Savoy Hotel, 158 West 58th Street, principally based on the owner's failure to conduct an adequate environmental review and comply with fire safety, building and zoning codes, given the building's change in use. While the project was enjoined at various points in the litigation, it was ultimately permitted to go forward by the New York Court of Appeals, at which time I was no longer representing the coalition.
- In *Cannon Point Preservation Corp. v. City of New York*, N.Y. Slip Op. 02727 (1st Dep't 2020), we represented Sutton Place preservationists seeking to prevent the City from building a bridge link to the East River Esplanade on dedicated neighborhood parkland (Clara Coffey Park). The lower court ultimately found that the claim was time-barred and that the City had not permanently dedicated the site as parkland, even though it had been a park for several decades. On appeal, the Appellate Division, First Department, affirmed.
- In *Glen Oaks Village Owners, Inc. v. City of N.Y.*, 227 A.D.3d 523 (1st Dep't 2024), we represent condominium associations challenging Local Law 97 principally on the basis it is preempted by New York State law (the CLCPA). After the lower court dismissed the case in its entirety, the Appellate Division, First Department, reversed and reinstated the preemption claim, remanding for further proceedings. The City sought leave to appeal to the New York Court of Appeals, and the Appellate Division recently granted the City leave to appeal.

Since my original response, you have requested that I report any cases I can recall representing any client against the City ever. To the best of my recollection, and without the benefit of access to my old case files (having left my prior law firm two years ago), and noting such information is a matter of public record available to you and I previously provided such information for the past decade, I now provide this supplemental response:

- Criminal Trespass Case (1992) -- Got criminal charges dismissed against Roland Eanes, a black newspaper delivery man who was falsely charged with trespass after white neighbors in an apartment complex complained about him being in the building's lobby.
- Chelsea Property Owners Association Case (2002) -- Litigated in NY state court on behalf of the Chelsea Property Owners Association over the status of an abandoned, above-ground rail line, and won a ruling from the Appellate Division, First Department, in my client's favor.
- Westside Stadium Cases (2005) -- Litigated multiple cases in NY state courts for the Hell's Kitchen Neighborhood Association and Madison Square Garden to stop the Bloomberg administration's Westside stadium proposal.

- Fulton Fish Market Case (2005) -- Litigated in NY state court on behalf of Laro Services to get it reinstated as the City-licensed unloader at the Fulton Fish Market after the Bloomberg administration cut a deal with wholesalers to try to eliminate Laro's role.
- Hunts Point Produce Cooperative-Baldor (2006) -- Challenged in NY state court the City's award of a contract to Baldor to operate out of a property adjoining the Hunts Point Produce Market that the Cooperative bid to acquire as well.
- Bus Stop Shelter Advertising Franchise-Clear Channel (2006) -- Represented Clear Channel in challenging in NY state court the City's award of that franchise to Cemusa.
- Term Limits City Council (2006) -- Challenged in NY state court the Council's legislative overturning of voter-ratified term limits as they affected certain Council seats.
- UFT Class Size Litigation (2006) -- Represented as Intervenors City Councilman Robert Jackson and the Hispanic Federation supporting the UFT's litigation in NY state court to try to get a referendum on the ballot to compel the City administration to reduce class size in NYC public schools.
- Term Limits Bloomberg & City Council (2008) -- Challenged in federal and state court the Mayor's legislative initiative to overturn the two-term limit twice ratified by voters to permit himself a third term on behalf a political coalition that included Bill de Blasio, Bill Thompson, Betsy Gotbaum and Joann Simon.
- Brooklyn House of Detention Expansion Case (2009) -- Blocked the Bloomberg administration's plan to expand the decrepit Brooklyn House of Detention on behalf of a political coalition that included Letitia James and Bill Thompson.
- Outdoor Advertising Case-Contest Promotions (2010) -- Represented Contest Promotions in challenging City regulations of outdoor advertising as applied to contests on the front of stores encouraging patrons to enter and win prizes on before.
- Park Slope Bike Lane Case (2011) -- While not the lead lawyer on the original filing, successfully argued appeal reinstating this challenge in NY state court to the City locating a bike lane directly along the south side of Prospect Park on one of Park Slope's busiest streets on behalf of a coalition of neighbors.
- NADAP Contract Renewal Dispute (2012) -- Represented NADAP, a leading social services provider, before the Mayor's Office of Contracts challenging the award of its existing services contract to a hospital system, in violation of applicable rules, and ultimately obtaining renewal of NADAP's contract on that legal ground.

- Street Vendor Licensing Case-Skyline (2012) -- Represented Skyline and its street ticket sellers in NY state court in successfully barring the City from sanctioning them as illegal street vendors.
- NYU Expansion Plan Litigation (2012) -- Represented a coalition of preservationist groups, faculty groups and Assembly member Deborah Glick in challenging in NY state court NYU's massive expansion plan in the heart of Greenwich Village using public park land that was approved by the NYC Planning Commission.
- State-Authorized Taxi Medallions Case-Greater New York Taxi Association (2013) -- Represented the Greater New York Taxi Association in challenging the Bloomberg administration's end-run around the City Council in getting the State legislature to enact a law giving it the right to sell new taxi medallions.
- Medallion Taxi Hail Apps Case-Livery Car Services (2013) -- Represented a coalition of livery car services challenging in NY state court the City's decision to authorize medallion taxis to use hail apps.

17. Please list all political campaigns in which you have been involved, the name of the candidate and the office, the year(s), the nature of your involvement, and whether your involvement was paid or unpaid.

Response: Over the past decade, I have not been involved in any political campaigns. And I have never been paid for any involvement in any political campaigns. Per your subsequent request to include in this response any political campaigns in which I have been involved ever, the only campaigns in which I have ever been involved, entirely on a voluntary *pro bono* basis, were Rudy Giuliani's for Mayor in 1993 and President in 2008.

18. Please list all political campaigns to which you have made monetary or in-kind contributions.

Response: To the best of my recollection, over the past five years, I have contributed to the following political campaigns: Joe Biden for President in 2020, Raphael Warnock for U.S. Senate in 2020, Eric Adams for Mayor in 2021, Kirsten Gillibrand for U.S. Senate in 2022, Adrienne Adams for City Council on 2023, Tom Suozzi for U.S. Congress in 2023, Lauren Myers for Hoboken City Council in 2023, George Grasso for Queens DA in 2023, Eric Adams for Mayor in 2023, Joe Biden for President in 2024, Chris Christie for President in 2024, Tom Suozzi for U.S. Congress in 2024, Tom DiNapoli for State Comptroller in 2024, David Weprin for State Assembly in 2024, Melinda Katz for Queens DA in 2024, John Avlon for U.S. Congress in 2024, and Kamala Harris for President (through Future Forward) in July 2024. Prior to that time, when I first became Chair of Citizens Union, New York City's revered non-partisan "good government" group, nearly a decade ago, it was suggested to me by some board members that I refrain from making political contributions for some period of time. So I did so from 2016 through 2019. But by 2020, I could no longer forbear, because the fate of our democracy was at stake in our national election, so I contributed to Joe Biden's Presidential campaign and began contributing to other Democrats as well.

Since my original response, you have requested that I identify any other campaigns to which I made political contributions ever. I recall some but not all of the political contributions I have ever made. While such information is a matter of public record available to you, and I previously informed you I made no such contributions at all for several years (from 2016-2019), and I previously provided such information for the period 2020 to the present, I now provide this supplemental list, collected from publicly-available federal, state and local data bases, of political contributions I am reported to have made prior to 2016, listed by candidate in alphabetical order: Robert Abrams, Jim Alesi, Susan Alter, Tony Avella, Herman Badillo, Didi Barrett, Max Baucus, Michael Bennett, Brian Bilbray, Eric Cantor, Chris Christie, David Cornstein, Elizabeth Crowley, Andrew Cuomo, Al Curtis, Bill de Blasio, Dan Donovan, Colleen Duffy, Ken Fisher, Tom Gallagher, Dan Garodnick, Kirsten Gillibrand, Eric Gioia, Rudy Giuliani, Marty Golden, Betsy Gotbaum, Alan Hevesi, Gail Hilson, Steve Israel, Letitia James, Joe Kennedy, Bob Kerrey, Lee Kindion, Joe Lhota, Vito Lopez, Carl McCall, Rosemarie O'Keefe, George Pataki, Adam Clayton Powell, Jr., John Ravitz, Stephen Saland, Julian Schreiber, Chuck Schumer, Tony Seminerio, Elliot Spitzer, John Sweeney, Bill Thompson, Ed Towns, Paul Tsongas, Cy Vance, Sheldon Whitehouse, David Yassky, and Dick Zimmer. I, like most other Gibson Dunn partners, also contributed to a law firm fund that an internal committee on which I did not serve decided whether and how to distribute to particular candidate campaigns.

I also see from the federal elections data base that I made a contribution to Jamie Harrison for U.S. Senate in 2020.

19. Please list all boards on which you have sat at any time during the last 10 years. For each organization, please provide the following additional information: the name of the organization, your dates of service (include dates more than 10 years ago when applicable), any officer positions you held on such boards and the years of service in those positions, the minimum write/raise commitments for board members of the organization, the total amount of money you have donated to the organization, and the total amount of money you have raised for the organization. You may append your answers in a spreadsheet.

Response: Please see spreadsheet attached as Appendix A.

20. You informed the Department of Investigations that your former employer, Gibson, Dunn & Crutcher, has brought claims against you in arbitration, but that you cannot disclose the nature of those claims without seeking permission from the Arbitrator. Please seek permission from the Arbitrator to disclose the nature of the claims made against you and provide with your answers to these questions a copy of your written request, the Arbitrator's response, and the requested information to the extent the Arbitrator permits such disclosure.

Response: That is incorrect. I have already sought such permission from the Arbitrator in that confidential arbitration, in which there are competing claims over the terms of my departure. Most recently, in response to "Mr. Mastro's request" to make "disclosure," the Arbitrator ruled on March 13, 2024, as follows: "Mr. Mastro may make the following

further disclosure as part of the public vetting and confirmation process he will undergo for the New York City Corporation Counsel position: ‘I am a party to a confidential arbitration with my former law firm in which we have competing claims over the terms of my departure.’” As further requested, writings confirming this response are attached as Appendix D.

21. You informed the Department of Investigations that if appointed as Corporation Counsel, you intend to remain as chairman of the board of Citizens Union, an organization that frequently appears before the City, that lobbies local lawmakers, and that makes endorsements in elections. Please seek guidance from the Conflicts of Interest Board (COIB) about your involvement in this organization and append such guidance to your responses to these questions.

Response: That is incorrect. Attached as Appendix B please find the April 23 letter I wrote to the COIB that “I intend to resign from my other board positions,” including Citizens Union, besides a film festival board I chair and the board of the University of Pennsylvania Carey Law School.

22. Please seek guidance from COIB about all litigation in which you have an interest, and all representations past and present that may raise conflicts with the role of Corporation Counsel. Append such guidance to your responses.

Response: Attached as Appendix C please find the COIB’s April 30 letter to me, confirming I “will recuse [my]self at the Law Department from any matters involving” my current or former law firm, which includes “all litigation . . . and all representations.”

APPENDIX A

Board Service		
Board	Position/Approximate Dates of Service	Donated/Raised w/Firm (\$ and In-Kind)
Citizens Union of the City of New York	Board Member - 12/2010 to present; Chairman since 2016	More than \$800,000
Legal Aid Society of NYC	Board Member - 01/2005 to 01/2021; Vice-Chair 01/2011 to 01/2021	More than \$3,000,000
Appellate Division, First Department's Representation of Justice Advisory Panel	Board Member - 11/2022 to present	\$25,000
University of Pennsylvania Carey Law School Board of Advisors	Board Member - 02/2008 to present	Approximately \$500,000
Hamptons International Film Festival	Board Member - 02/2008 to present; Chairman since 2016	More than \$500,000
Garden of Dreams Foundation	Board Member - 01/2022 to present	Approximately \$75,000
Literacy Design Collaborative	Board Member - 01/2018 to present	Approximately \$75,000
Trusted Riders	Board Member - 09/2023 to present	Approximately \$10,000
Sanctuary for Families	Board Member - 07/2013 to 06/2016	More than \$100,000
YMCA of Greater New York	Board Member - 01/2000 to 01/2015	Approximately \$100,000
Jewish Children's Museum	Board Member - 01/1999 - 01/2015	Approximately \$100,000
City University of New York	Board Member - 07/1999 to 02/2008	Appointment confirmed NY State Senate
Hale House	Board Member - 01/2002 to 01/2006	Appointed by NY Attorney General

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April 23, 2024

Hon. Milton Williams, Chair
New York City Conflicts of Interest Board
2 Lafayette Street, Suite 1010
New York, NY 10007

Dear Chair Williams:

As requested, I write requesting the Board's advice regarding certain voluntary positions and ownership interests I will continue to hold upon returning to City government.

Specifically, as to voluntary positions, I intend to remain Chair of the Hamptons International Film Festival and on the Board of Advisors of the University of Pennsylvania Carey Law School, both of which are pro bono activities and take up a very limited amount of my time. Neither entity has any business dealings with the City as far as I know, and if either ever did, I would recuse myself from any dealings between the City and those entities. I intend to resign from my other board positions about which you asked upon returning to City government, and I would recuse myself from any dealings between the City and those entities in any event.

As for ownership interests as a passive limited partner or investor in North Plaza Restaurant partners, MRB Tour LLC, MRB Musical Liability Company, MR West End LLC, and the Platform Technology Group, none of these entities has any business dealings with the City as far as I know, and if they ever did, I would recuse myself from any dealings between the City and those entities. The Gibson, Dunn & Crutcher Insurance Reserve is a fund into which I was required to make contributions as an insurance reserve against potential law firm liabilities when I was a partner there. And now that I am no longer a partner there, I am entitled to the return of the amount in August 2025. In any event I intend to recuse myself from any matter involving my former law firm.

I welcome the Board's advice on these subjects, stand ready to answer any further questions you may have, and will follow any advice you give me.

Respectfully,



Randy M. Mastro

*Attorneys For Respondent-Counterclaimant
Randy Mastro*

*Attorneys for Respondent-Counterclaimant
Randy Mastro*

JAMS

GIBSON, DUNN & CRUTCHER LLP,

Claimant & Counter-
claim Respondent,

v.

RANDY MASTRO

Respondent & Coun-
terclaimant.

JAMS Ref. No.

**RESPONDENT MASTRO'S MOTION
TO COMPEL LIMITED DISCLOSURE
OF ARBITRATION PROCEEDINGS**

CONFIDENTIAL

precluding disclosures to regulatory body violated public policy). As explained above, Mastro's disclosures to the City Council and other governmental entities are lawful and compelled by the Corporation Counsel vetting and confirmation process. Enforcing a contractual provision limiting such lawful governmental communications is unlawful.

CONCLUSION

For the reasons stated above, the Motion should be granted in its entirety.

Dated: March 1, 2024

*Attorneys for Respondent-Counterclaimant
Randy Mastro*

*Attorneys for Respondent-Counterclaimant
Randy Mastro*

CONFIDENTIAL

From: <____@jamsadr.com>

Sent: Wednesday, March 13, 2024 4:10 PM

To: <>; <>; <>; <>; <>; <>; <>; <>; <>; <>; <>; <>; <>; <>; <>

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Subject: RE: Gibson, Dunn & Crutcher LLP vs. Mastro, Randy - JAMS Ref No.

EXTERNAL EMAIL.

Counsel, as we discussed during yesterday's session,

1. Mr. Mastro's request for limited disclosures: Mr. Mastro may make the following further disclosure as part of the public vetting and confirmation process he will undergo for the New York City Corporation Counsel position: "I am a party to a confidential arbitration with my former law firm in which we have competing claims over the terms of my departure."