



HOLWELL SHUSTER & GOLDBERG SECURES MAJOR VICTORY FOR FORMER GOVERNOR CUOMO IN CONSTITUTIONAL CHALLENGE

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New York—In a groundbreaking decision secured by Holwell Shuster & Goldberg on behalf of former New York Governor Andrew Cuomo, this week New York Supreme Court Justice Thomas Marcelle declared the state’s newly-created Commission on Ethics and Lobbying in Government unconstitutional. The ethics commission, created by the New York legislature, was investigating Cuomo for a purported violation of the Public Officers Law in connection with the publication of his book, *American Crisis: Leadership Lessons from the COVID-19 Pandemic*. The decision is a complete victory for the firm and strips the ethics body of its investigative and enforcement authority in recognition of the commission’s unconstitutional character.

As part of its legal strategy, the HSG team – led by partner Gregory Dubinsky – filed an action for a declaratory judgment that the ethics commission was unconstitutional on the grounds that its formation violated the separation of powers and Article V of the New York Constitution. Justice Marcelle adopted HSG’s arguments as to the separation of powers violations in full, ruling that provisions of the Act creating the commission and vesting it with investigatory and enforcement authority were unconstitutional, and barring the commission from taking any acts in connection with such authority.

The decision has received widespread media coverage, including in the *New York Law Journal* and *Law360*.

In addition to Greg, the HSG team included counsel Zachary Kerner and associate Sarah Maher. The case is *Andrew M. Cuomo v. New York State Commission on Ethics and Lobbying in Government*, case number 903759-23, in the Supreme Court of the State of New York, County of Albany.

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