

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

PEOPLE OF THE STATE OF NEW YORK, BY
LETITIA JAMES, Attorney General of the State of New
York,

Plaintiff,

vs.

DONALD J. TRUMP, DONALD TRUMP, JR., ERIC
TRUMP, IVANKA TRUMP, ALLEN WEISSELBERG,
JEFFREY MCCONNEY, THE DONALD J. TRUMP
REVOCABLE TRUST, THE TRUMP
ORGANIZATION, INC., TRUMP ORGANIZATION
LLC, DJT HOLDINGS LLC, DJT HOLDINGS
MANAGING MEMBER, TRUMP ENDEAVOR 12
LLC, 401 NORTH WABASH VENTURE LLC,
TRUMP OLD POST OFFICE LLC, 40 WALL STREET
LLC, and SEVEN SPRINGS LLC,

Defendants.

Index No. 452564/2022

Hon. Arthur F. Engoron

**EXPERT AFFIRMATION OF
DAVID DEMAREST, J.S.C. (Ret.)**

STATE OF FLORIDA }
 } ss.:
COUNTY OF HERNANDO }

DAVID DEMAREST, J.S.C. (Ret.), an attorney duly admitted to practice law before the
Courts of the State of New York, hereby affirms the following statements to be true under the
penalty of perjury:

Introduction

1. I have been retained as an expert by Robert & Robert PLLC, which is counsel for
defendants Eric Trump and Donald Trump, Jr., in the above-captioned action. I have been asked
to provide an opinion with respect to the judicial conduct of the Hon. Arthur F. Engoron, J.S.C.
("Justice Engoron") and his Principal Law Clerk Allison Greenfield, Esq. (the "Law Clerk") on
behalf of all defendants.

2. For the reasons set forth below, it is my opinion, to a reasonable degree of legal certainty, that the judicial conduct of Justice Engoron and his Law Clerk in this action has violated the Code of Judicial Conduct.

Professional Qualifications

3. I am an attorney at law duly admitted to practice law in the State of New York.
4. I graduated from St. Lawrence University in 1970, and from Albany Law School in 1973.
5. I was a Commissioned Officer in the United States Army Reserve. I was on active duty attending Quartermaster Officer Basic School from October 1973 to January 1974.
6. Prior to serving on the bench, I was engaged in the general practice of law from 1974 to 1983. During that time, I handled civil and criminal matters, including real estate, domestic relations, and commercial matters. In 1983, I left the general practice of law to serve within the New York State Unified Court System as the Principal Law Clerk to the Hon. Edmund L. Shea, J.S.C. In 1984, I was given the opportunity to serve as the Principal Law Clerk to the Hon. Michael W. Duskas, J.S.C. I served in that position until 1993.
7. I was elected to the Supreme Court of the State of New York for the Fourth Judicial District in 1993, and began my first term in January of 1994. I was re-elected to a second term in 2007. During that time, I presided over a general calendar of civil trials and proceedings, and many of the opinions that I authored were published.
8. After being employed by the New York State Unified Court System for more than 30 years, I retired from the bench in 2015. At that time, having had more than 20 years on the Bench, I was the longest-serving Supreme Court Justice in the history of St. Lawrence

County. Since retiring from the Bench, I have provided, and continue to provide, mediation and arbitration services throughout northern New York, primarily in civil litigation.

9. I have been a Member of the Pattern Jury Instructions (Civil) Committee of the Association of Justices of the Supreme Court of the State of New York since 2003, which consists of active and retired Supreme Court Justices who edit Pattern Jury Instructions (Civil) published by Thompson-Reuters. I was elected Chair of the Committee in 2015, and devote much of my time to that role. The Committee meets fairly regularly, usually in New York City, and is responsible for drafting jury charges and regularly-updated commentaries on the law, providing a new edition of the Pattern Jury Instructions (Civil) each year.

10. I am also a former President of the Association of Justices of the Supreme Court of the State of New York, former President and Director of the St. Lawrence County Bar Association, former Member of the Executive Council of the New York State Conference of Bar Leaders (representing eleven County Bar Associations in Northeastern, New York), former Delegate of the New York State Bar Association House of Delegates, former Member of the Board of Directors of the North County Legal Services, Inc., and former Member of the Board of Directors of the St. Lawrence County Legal Assistance Corporation.

11. I have lectured to various bar association groups on the Uniform Rules for the Trial Courts of the State of New York, and have presented continuing legal education programs for the New York State Academy of Trial Lawyers. I have also been active in community-service organizations.

12. My curriculum vitae is annexed hereto as **Exhibit A**.

Basis for Opinions and Materials Reviewed

13. My opinion and analysis are based upon over 30 years of experience in the New York State Unified Court System, including more than 20 years on the Bench. In forming my opinion and preparing this affirmation, I have considered the documents listed in **Exhibit B**.

Summary of Opinions

14. Set forth below is a summary of the opinions I express herein with respect to the judicial conduct of Justice Engoron and his staff:

- a. Justice Engoron's repeated publication in the Wheatley School Alumni Association Newsletter, as the self-proclaimed Founder and Editor of the Newsletter, of articles about his own decisions in the Special Proceeding (defined *infra*), which articles in some instances disparage the parties and counsel, creates an appearance of impropriety in his judicial activities in contravention of the Code of Judicial Conduct, and could undermine public confidence in the integrity of and impartiality of the judiciary, most especially in a case of worldwide attention and interest.
- b. Justice Engoron's conduct, in permitting his Law Clerk to preside on the Bench with him to his right-hand side during the Special Proceeding (defined *infra*), and all pre-trial proceedings in this action and since the trial began is unprecedented and violates the Code of Judicial Conduct. Justice Engoron's conduct, which creates the appearance that an unelected staff member has a direct role in presiding over and co-judging the trial, creates an appearance of impropriety contrary to the letter and spirit of the Code of Judicial Conduct.

- c. Justice Engoron's *sua sponte* entry of the gag orders reasonably gives rise under the circumstances to the conclusion that they are an apparent effort to shield this unprecedented co-judging arrangement from public scrutiny. Indeed, entering gag orders prohibiting all parties from "posting, emailing, or speaking publicly" about any members of his staff (NYSCEF No. 1619), and all counsel "from making any public statements, in or out of court, that refer to *any* confidential communications, in any form, between [Justice Engoron's] staff and [Justice Engoron]" (NYSCEF No. 1631), plainly augment the appearance of impropriety, and violates the Code of Judicial Conduct.
- d. Justice Engoron's conduct, in permitting his Law Clerk to make political donations in excess of the permitted amount and engage in impermissible partisan activity, violates the Code of Judicial Conduct. The Law Clerk's conduct, including supporting political groups vehemently opposed to President Trump, was singularly partisan and, thus, further violates the Code of Judicial Conduct and Code of Non-judicial Employee Conduct.

Opinions

I. Justice Engoron's Conduct Creates the Appearance of Impropriety in Contravention of the Code of Judicial Conduct, and Could Undermine Public Confidence in the Integrity of and Impartiality of the Judiciary.

15. Part 100 of the Rules of the Chief Administrative Judge (22 NYCRR § 100 *et seq.*) (the "Code of Judicial Conduct") governs the conduct of judges. Section 100.2 of the Code of Judicial Conduct (22 NYCRR § 100.2) is titled, "A Judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities" and states that, "A judge shall respect

and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” 22 NYCRR § 100.2(A). Section 100.3 of the Code of Judicial Conduct (22 NYCRR § 100.2) is titled, “A judge shall perform the duties of judicial office impartially and diligently” and states as follows:

A judge shall not make any public comment about a pending or impending proceeding in any court within the United States or its territories. The judge shall require similar abstention on the part of court personnel subject to the judge's direction and control. This paragraph does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court. This paragraph does not apply to proceedings in which the judge is a litigant in a personal capacity.

22 NYCRR § 100.3(B)(8) (emphasis added); *see also* 22 NYCRR § 100.4(A) (“A judge shall conduct all of the judge’s extra-judicial activities so that they do not . . . cast reasonable doubt on the judge’s capacity to act impartially as a judge.”)

16. Based upon my review of the website for The Wheatley School Alumni Association (www.wheatleyalumni.org), including The Wheatley School Alumni Association Newsletters, it is apparent that Justice Engoron, in his private capacity as a Wheatley School alumnus and self-proclaimed “Founder and Editor of the Wheatley School Alumni Association Newsletter,” has publicly posted links in the Wheatley Newsletters to articles disparaging certain parties and their counsel, including President Donald J. Trump, Eric Trump, Alina Habba, Esq., and Cushman and Wakefield, and covering his own decisions. A sampling of the Newsletters is set forth below:

- a. October 2, 2020, Newsletter: Justice Engoron included links to articles from CNBC, Law360, and *The New York Times* about Eric Trump being compelled to testify in the proceeding over which he is presiding captioned

People of the State of New York, by Letitia James, Attorney General of the State of New York v. The Trump Organization, et al., Index No. 451685/2020 (Sup. Ct. N.Y. County) (the “Special Proceeding”). The foregoing links were included in a subsection of the Newsletter entitled “1967- Art Engoron – Articles about Decisions.”

- b. December 28, 2020, Newsletter: Justice Engoron included links to articles from Bloomberg, Law & Crime, ABC News, CNN, Salon, and *The Washington Post* about his decision in the Special Proceeding about the Trump Organization’s claims of privilege. The foregoing links were included in a subsection of the Newsletter entitled “1967 – Art Engoron – In the News” and included a picture of Justice Engoron.
- c. February 16, 2021, Newsletter: Justice Engoron included links to articles from *The New York Times* and Above the Law about his decision in the Special Proceeding, characterizing one article as a “humorous, irreverent take” and touting the other as “another time (in the New York Times).” The foregoing links were included in a subsection of the Newsletter entitled “1967 – Art Engoron – In the News (the Daily News).”
- d. October 7, 2021, Newsletter: Justice Engoron included links to articles from *The Washington Post*, *The Wall Street Journal*, Bloomberg, CNN, and the Central Recorder about his decision in the Special Proceedings compelling defendants to turn over certain documents to the Attorney General. The foregoing links were included in a subsection of the Newsletter entitled “1967 – Man in the News.”

- e. March 14, 2022, Newsletter: Justice Engoron included links to articles from *The New York Times*, *Newsweek*, the *New York Post*, Politico, Reuters, and *The Washington Post* about his decision in the Special Proceeding ordering President Trump and his children to testify in that proceeding. The foregoing links were included in a subsection of the Newsletter entitled “1967 – Arthur Engoron – graduate in the News.”
- f. May 8, 2022, Newsletter: Justice Engoron included links to articles from *The New York Times* and *Newsweek* about his decision in the Special Proceeding to hold President Trump in contempt of court. The foregoing links were included in a subsection of the Newsletter entitled “1967 – Art Engoron – In the News.”
- g. June 20, 2022, Newsletter: Justice Engoron included a link to an article from National Public Radio about the Appellate Division’s affirmance of his decision in the Special Proceeding ordering President Trump and his children to testify in that proceeding. The foregoing link was included in a subsection of the Newsletter entitled “1967 – Art Engoron – In the News.”
- h. July 3, 2022, Newsletter: Justice Engoron included a link to an article from *Business Insider* about the Attorney General’s application in the Special Proceeding to enforce Cushman & Wakefield’s compliance with a subpoena; two days later Justice Engoron held Cushman & Wakefield in contempt of court. The foregoing link was included in a subsection of the Newsletter entitled “1967 – Art Engoron – In the News.”

- i. September 11, 2022, Newsletter: Justice Engoron included a link to an article from Above the Law criticizing Ms. Habba; this Newsletter was published a mere 10 days before this action was commenced by the Attorney General. The foregoing link was included in a subsection of the Newsletter entitled “1967 – Art Engoron – In the News.”

17. It is my opinion that Justice Engoron’s conduct, as the self-proclaimed Founder and Editor of the Wheatley School Alumni Association Newsletter, creates an appearance of impropriety in his judicial activities in contravention of the Code of Judicial Conduct. Regardless of the venue, and the fact that the links were often posted without comment, Justice Engoron’s repeated publication of articles about his own decisions in the Special Proceeding, which in some instances disparage the parties and their counsel, creates an appearance of impropriety in his judicial activities, and could undermine public confidence in the integrity of and impartiality of the judiciary, most especially in a case of worldwide attention and interest.

II. Justice Engoron Violated the Code of Judicial Conduct by Permitting His Law Clerk to Preside on the Bench with Him and *Sua Sponte* Issuing Gag Orders to Shield this Unprecedented Co-Judging Arrangement from Public Scrutiny.

18. The duties of a law clerk primarily include but not are not limited to the following tasks: researching and analyzing legal issues and questions; drafting decisions, orders, correspondence, and other written materials; proofreading written materials and checking citations, conferring with and advising the judge on legal issues; arranging the judge’s calendar and scheduling meetings and conferences; and conducting discovery, pre-trial, and settlement conferences. These duties are all performed to assist the judge in maintaining a well-run Chambers and fulfilling the judge’s judicial responsibilities.

19. Law clerks do not usually attend pre-trial proceedings or trials because they work behind the scenes performing other activities relating to the case at issue, or other cases that require their attention. In the event that law clerks are called upon to attend pre-trial proceedings or trials, their duties primary include but are not limited to the following tasks: listening to and taking notes on testimony, researching legal issues that arise during the course of a trial, and in non-jury cases, assisting the judge in drafting findings of fact and conclusions of law.

20. In my 30-plus years of experience in the New York State Unified Court System, including more than 20 years on the Bench, I have never seen, or heard of, a law clerk presiding on the Bench with the judge during pre-trial proceedings or during trials actively engaged as a *de facto* co-judge.

21. Based upon my review of the transcripts of the proceedings, and photographs published by Getty Images and the Associated Press, it is apparent that Justice Engoron has permitted his Law Clerk to preside on the Bench with him to his right-hand side during the Special Proceeding, and all pre-trial proceedings in this action and since the trial began acting as a *de facto* co-judge. I also understand Justice Engoron has repeatedly and frequently paused the trial proceedings before ruling on evidentiary objections and *in limine* issues to consult with his Law Clerk or read contemporaneous hand-written notes from her.

22. Based upon my review of a public video of the Law Clerk during a candidate forum in connection with her erstwhile campaign for Manhattan Civil Court, the Law Clerk herself framed her role as co-equal, describing her participation in a high-profile real estate case as follows: “*we* were incredibly active in that case” and “*we* tried to stop the two towers.” See <https://youtu.be/3Ug0lo7cYxo?feature=shared&t=2968> at 57:35 - 57:50. During that same forum, the Law Clerk described her judicial philosophy as driven not by the facts and the law but

by political considerations: “[o]ne thing that I think is incredibly important to consider, *what would the people who elected me want me to do* and is there any precedent . . . that would allow me to achieve that outcome.” *Id.* at 53:51-54:30.

23. It is my opinion that by granting his Law Clerk unprecedented status and inappropriate latitude, Justice Engoron violated the Code of Judicial Conduct. Although a Justice of Supreme Court has ample discretion to consult with his law clerk, this unprecedented arrangement exceeds the outer limits of such discretion. At a minimum, the appearance of “co-judging” is manifest, and the public (and litigants) may conclude fairly that an elected staff member has, as is evident from the public photographs, a direct role in presiding over the trial. Indeed, permitting the Law Clerk to preside on the Bench leads inexorably to the conclusion that she is acting in accordance with her overtly public and partisan views to implement what “the people who elected her [would] want her to do[.]” This creates an appearance of impropriety contrary to the letter and spirit of the Code of Judicial Conduct, which mandates that a judge must “be faithful to the law” and “not be swayed by partisan interests.” 22 NYCRR 100.3(B)(1); *see also* 22 NYCRR § 100.2 (“A judge shall avoid impropriety and the appearance of impropriety in all of the judge’s activities”).

24. To make matters worse, in an effort to shield this unprecedented arrangement from public scrutiny, the Court *sua sponte* entered gag orders prohibiting all parties from “posting, emailing, or speaking publicly” about any members of his staff (NYSCEF No. 1619), and counsel “from making any public statements, in or out of court, that refer to *any* confidential communications, in any form, between [Justice Engoron’s] staff and [Justice Engoron]” (NYSCEF No. 1631). It is my further opinion that Justice Engoron’s forceful efforts to silence

counsel from objecting to and creating a record of what anyone could observe publicly taking place in the courtroom during the trial plainly augment the appearance of impropriety.

III. Justice Engoron Violated the Code of Judicial Conduct by Permitting His Law Clerk to Make Political Donations in Excess of the Permitted Amount and Engage in Impermissible Partisan Activity, which Activity is Imputed to the Court.

25. A law clerk plays an important role in the judicial process and must uphold the integrity of the judiciary. As a result of the close association between judges and law clerks, their professional and personal actions reflect on the judge and ultimately the judiciary as a whole. For this reason, it is important for law clerks to understand the obligations imposed upon them, including with respect to political activity.

26. Section 100.5 of the Code of Judicial Conduct (22 NYCRR § 100.5) is titled “A judge or candidate for elective judicial office shall refrain from inappropriate political activity” and states that “a judge or a non-judge who is a candidate for public election to judicial office ... shall maintain the dignity appropriate to judicial office.” 22 NYCRR § 100.5(A)(4). The Code of Judicial Conduct further provides that a “judge shall prohibit members of the judge’s staff who are the judge’s personal appointees from . . . contributing, directly or indirectly, money or other valuable consideration in amounts exceeding \$500 in the aggregate during any calendar year to all political campaigns for political office, and other partisan political activity including, but not limited to, the purchasing of tickets to political functions.” 22 N.Y.C.R.R. § 100.5(C)(2); *see also* Judicial Ethics Opinions 07-11 (2007), 10-76 (2010), 97-103 (2010), available at: <https://ethicssearch.nycourts.gov/>.

27. Part 50 of the Rules of the Chief Judge is titled “Rules Governing Conduct of Nonjudicial Court Employees,” and Section 50.1 is titled “Code of Ethics for Non-judicial Employees of the Uniform Court System” (“Code of Non-judicial Employee Conduct”). The

Code of Non-judicial Employee conduct begins with the admonition that “Court employees must observe and maintain high standards of ethical conduct in the performance of their duties in order to inspire public confidence and trust in the fairness and independence of the courts.” 22 NYCRR § 50.1. The Code of Non-judicial Employee Conduct states that “Court employees shall avoid impropriety and the appearance of impropriety in all their activities” and “shall conduct their outside activities in a manner that does not conflict with their employment duties.” 22 NYCRR § 50.1(I) and (III).

28. Based upon my review of publicly available information, including information on the official New York State website, it appears that during the pendency of the Special Proceeding leading up to this action, and then after this action was filed by the Attorney General, the Law Clerk contributed over \$3,000 to Democratic candidates and organizations in 2022 and over \$900 in 2023. It also appears that the Law Clerk made public Instagram® posts with prominent Democrats. The organizations to which the Law Clerk contributed include the Grand Street Democrats, who openly and actively support the Attorney General and her fight against President Trump. In addition, during the pendency of this action, it appears that Law Clerk attended a Grand Street Democrats event, where speakers *inter alia* actively and openly advocated for Joe Biden and commented to monstrous applause, on the fight against “development and the profits of big real estate” and the “consequences of the former President,” i.e., President Trump. See <https://youtu.be/DMCEeSLugHE?feature=shared&t=609> at 12:14-12:21 and 12:24-12:31.

29. It is my opinion that Justice Engoron has violated the Code of Judicial Conduct by permitting his Law Clerk to make political donations in excess of the permitted amount and engage in impermissible partisan activities. The Law Clerk’s support for the Grand Street

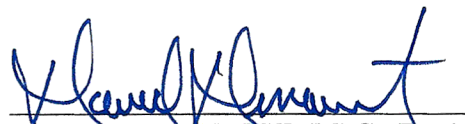
Democrats and her attendance at and participation in highly-partisan political activities raises serious concerns regarding bias and impartiality, especially given her active, outward-facing role in this action. Indeed, the appearance of impropriety created by Justice Engoron having permitted his Law Clerk to act as a *de facto* co-judge and his repeated attempts to shield this unprecedented arrangement from public scrutiny, is only further exacerbated by the Law Clerk's demonstrated partisanship, which is imputed to this Court under the Code. *See* 22 NYCRR 100.5(C). All of this conduct, including supporting political groups vehemently opposed to President Trump, was singularly partisan and, thus, in violation of the Code of Judicial Conduct and Code of Non-judicial Employee Conduct.

30. It is my further opinion that the Law Clerk's candidacy for judicial office is of no moment in assessing whether her or Justice Engoron's conduct was in violation of the Code of Judicial Conduct. As a candidate, the Law Clerk was bound by Section 100.5 of the Code of Judicial Conduct, which precludes a "candidate for public election to judicial office" from, *inter alia*, "engaging in [] partisan political activity," "publicly endorsing . . . another candidate for public office," and "attending political gatherings." At base, "a judge or a non-judge who is a candidate for public election to judicial office . . . shall maintain the dignity appropriate to judicial office." 22 NYCRR § 100.5(A)(4). The fact that the Law Clerk might have been campaigning for judicial office while engaging in certain of the aforementioned conduct does not exculpate her or Justice Engoron, as there is no exception to the stated maximum contribution limit for candidates.

Conclusion

31. In sum, it is my opinion, to a reasonable degree of legal certainty, that the judicial conduct of Justice Engoron and his Law Clerk in this action has violated the Code of Judicial Conduct.

Dated: Spring Hill, Florida
November 14, 2023



DAVID DEMAREST, J.S.C. (Ret.)

EXHIBIT A

DAVID DEMAREST, J.S.C. (ret.)

RESIDENCE: 137 Postwood Rd, Hannawa Falls, NY 13647
MAILING ADDRESS: PO Box 313, Hannawa Falls, NY 13647-0313
Tel. No. 315-322-1480
ddemares@twcnny.rr.com

PERSONAL: D/O/B: August 30, 1948, College Point, NY.
Married, Sandra Pike Demarest, Retired
Underwriting Director, North Country Public
Radio, Canton, N.Y.
Two children, two grandchildren.

EDUCATION: JURIS DOCTOR, Albany Law School, 1973.
BACHELOR OF ARTS, St. Lawrence University,
1970.

**PROFESSIONAL
EDUCATION:** National Judicial College, Reno, NV.
- "Trying and Settling Land Use Cases" - April,
1997.
- "Logic for Judges" - May, 1997.
- "Opinion Writing" - May, 1997.
- "Financial Statements in the Courtroom" - Oct.,
2001.

Law and Organizational Economics Center,
University of Kansas, Lawrence KS.
- "Economics Institute for State Judges" - Nov.,
1998;
July, 1999.

EMPLOYMENT:

2015 – present: Principal, Demarest Mediation Services – provides mediation and arbitration services throughout northern New York, primarily to attorneys involved in civil litigation.

1994 - 2015: New York State Justice of the Supreme Court, Fourth Judicial District. Elected in November 1993 to a fourteen year term serving in Northern New York. Re-elected to a second fourteen year term in 2007. Duties included presiding over a general calendar of civil trials and proceedings.

1984-1993: Principal Law Clerk, N.Y.S. Unified Court System. Confidential Law Advisor to the Hon. Michael W.Duskas, Justice of the Supreme Court. Duties include legal research, drafting opinions, presiding over pre-trial conferences and undefended matrimonial actions.

1983-1984: Principal Law Clerk to the Hon. Edmund L. Shea, Justice of the Supreme Court.

1974-1983: Attorney engaged in the general practice of law; civil and criminal trial work; real estate; domestic relations; and commercial.

Admitted to the N.Y.S. Appellate Division, Third Department and United States District Court, Northern District of New York, February, 1974.

DAVID DEMAREST**Page 3**

MILITARY: **Commissioned Second Lieutenant, U.S.A.R., 1970
Active Duty; Oct., 1973 - Jan. 1974,
Quartermaster Officer Basic School, Fort Lee, VA
Commander, C. Co., 479th Eng Bn, Canton Army
Reserve Center, Canton, NY
Honorable Discharge**

**PROFESSIONAL
SERVICE:** **Former President, Association of Justices of the
Supreme Court of the State of New York.**

**Current Chair of the Pattern Jury Instructions
Committee of the Association of Justices.
Committee of active and retired Supreme Court
Justices who edit Pattern Jury Instructions (Civil)
published by Thomson-Reuters.**

**Former President and Director, St. Lawrence
County Bar Association.**

**Former Member Executive Council, New York
State Conference of Bar Leaders (representing
eleven County Bar Associations in Northeastern,
NY).**

**Former Delegate, New York State Bar
Association House of Delegates.**

DAVID DEMAREST**Page 4**

Former Member, Board of Directors, North Country Legal Services, Inc.

**Former Member, Board of Directors, St. Lawrence County Legal Assistance Corporation.
Lecturer to bar groups on the Uniform Rules for the Trial Courts of the State of New York.**

**COMMUNITY
SERVICE:**

Past International President, Phi Kappa Sigma Fraternity, Chester Springs, Pa. (Presiding over a sixteen member Executive Board which governs sixty-five undergraduate chapters and a full-time staff of eight).

Lecturer on college campuses on campus legal issues, risk management, social responsibility and alcohol awareness.

Former Vice-chair, Seaway Valley Crime Stoppers.

Former Chair, Advisory Committee, Court Reporting Curriculum, Mater Dei College, Ogdensburg, NY.

Former Chairman, St. Lawrence County Industrial Development Agency.

DAVID DEMAREST**Page 5**

Former Committeeman and Treasurer, Potsdam Town Republican Committee.

Host Family for the Fresh Air Fund.

MEMBERSHIPS: **Association of Supreme Court Justices of the State of New York, President - 2004, Treasurer - 2005 - 2010, Member - Pattern Jury Instructions Committee - 2003 – present – elected Chair in 2015.**

St. Lawrence County Bar Association.

B.P.O.E. # 2074, Potsdam, NY.

Past member, C.S.E.A.

PUBLISHED OPINIONS:

HCI Distributors, Inc. V. New York State Police,
36 Misc. 3d 743 (2012)

In re State of New York v. John Doe, 26 Misc. 3d
962 (2010)

In re State of New York v. Dale R., 25 Misc. 3d 285
(2009)

Harrington v. APA, 24 Misc. 3d 550 (2009)

Brinkerhoff v. County of St. Lawrence, 24 Misc. 3d
426 (2009)

House v. Stephens, 21 Misc. 3d 527 (2008)

DAVID DEMAREST**Page 6**

Mattter of Avery v. Aery, 20 Misc. 3d (2008)
Beneke v. Town of Santa Clara, NYLJ, March 25, 2008; 19 Misc. 3d 591 (2008)
Hazen v. Hazen, NYLJ, Dec. 22, 2004
Sharpe v. Webb, 2 Misc. 3d 945 (2004)
Amo v. Little Rapids Corp., 2001 NY Slip Op 40289; NYLJ, Dec. 18, 2001.
Williams v. Munna, Inc., 187 Misc. 2d 613 (2001)
Slayko v. Security Mutual, 183 Misc. 2d 688, (2000); aff'd A.D.2d (3d Dept. 2001)
Tyler v. Mahoney, New York Law Journal , January 16, 2001.
Gouverneur Housing Associates v. Town of Gouverneur, New York Law Journal, July 5, 2000.
LeFebvre v. Dumas, New York Law Journal, Dec, 20, 1999.
Wilson v. Lumb, 181 Misc. 2d 1033 (1999)
In re 8,662.5 Liters of Liquor, 180 Misc. 2d 603 (1999). In re General Motors v Town of Massena, 180 Misc. 2d 682 (1999).
Hamelin v. Etna Abstract Co., 174 Misc. 2d 712 (1997).
Monroe v. Numed, Inc., 173 Misc. 2d 817 (1997).
In re Gulf Stream Coach, Inc. v. DiSanto, 173 Misc. 2d 242 (1997).
United Stationers Supply Co. v. Forsythe, 170 Misc. 2d 173 (1996).
Waste-Stream, Inc. v. St. Lawrence County Solid

DAVID DEMAREST

Page 7

Waste Disposal Authority, 167 Misc. 2d 542 (1995)

Sarkin v. Nates Auto Parts, Inc., 166 Misc. 2d 913 (1995).

Brooks v. Town of Hammond, 166 Misc. 2d 323 (1995).

Waste-Stream, Inc. v. St. Lawrence County Solid Waste Disposal Authority, 166 Misc. 2d 6 (1995).

In re Abrantes v. Board of Education, 165 Misc. 2d 658 (1995).

Cooper v. Peterson, 164 Misc. 2d 878 (1995).

Wilson v. Palmer, 163 Misc. 2d 936 (1995); aff'd 229 A.D.2d 647 (3rd Dept., 1996).

In re Niagara Mohawk Power Corporation v. Town of Potsdam, 162 Misc. 2d 388 (1994); aff'd 216 A.D.2d 775 (3rd Dept, 1995).

NYS Department of Taxation and Finance v. St. Regis Group, 161 Misc. 2d 383 (1994); rvsd 217 A.D.2d 214 (3rd Dept., 1995).

In re Niagara Mohawk Power Corporation v. Town of Potsdam, 160 Misc. 2d 606 (1994).

AWARDS:

**Upstate New York Super Lawyer
Alternative Dispute Resolution, 2019**

St. Lawrence University Alumni Citation, June, 1999.

DAVID DEMAREST

Page 8

**Award for Judicial Excellence and Leadership,
Association of Justices of the Supreme Court of
the State of New York,
January, 2007.**

**Alumnus of the Year, Phi Kappa Sigma
International Fraternity, 2016.**

EXHIBIT B

APPENDIX

- A. Website for The Wheatley School Alumni Association (www.wheatleyalumni.org), including The Wheatley School Alumni Association Newsletters dated October 2, 2020, December 28, 2020, February 16, 2021, October 7, 2021, March 14, 2022, May 8, 2022, June 20, 2022, July 3, 2022, and September 11, 2022, and the relevant articles for which links are provided therein;
- B. Transcripts of proceedings, including the trial transcripts in the action captioned *People of the State of New York, by Letitia James, Attorney General of the State of New York v. Donald J. Trump*, Index No. 452564/2022 (Sup. Ct. N.Y. County);
- C. Photographs published by Getty Images and the Associated Press, depicting the Hon. Arthur F. Engoron, J.S.C. (“Justice Engoron”) presiding on the Bench with his Principal Law Clerk, Allison Greenfield, Esq. (the “Principal Law Clerk”), also presiding on the Bench to his right-hand side;
- D. Video posted on YouTube® by Grand Street Democrats titled “VID DID 2022JudicialForum Web” (<https://www.youtube.com/watch?v=3Ug0lo7cYxo&t=2968s>);
- E. Gag Orders issued by Justice Engoron on October 3, 2023 (NYSCEF No. 1619) and November 3, 2023 (NYSCEF No. 1631);
- F. New York State website listing political contributions made by the Law Clerk in 2022 and 2023 (<https://publicreporting.elections.ny.gov/Contributions/Contributions>);
- G. Video posted on YouTube® by Grand Street Democrats titled “Grand Street Dems Fall 2022 Event” (<https://www.youtube.com/watch?app=desktop&v=DMCEeSLugHE>);
- H. Twitter® post made by Grand Street Democrats on January 12, 2021 (<https://twitter.com/grandstreetdems/status/1348994426580979713>); and
- I. Opinion published in the Gotham Gazette on October 8, 2020 by Jeremy Sherber (founding president of the Grand Street Democrats in New York) titled “Letitia James Serves as Last Line of Defense Against Trump Administration” (<https://www.gothamgazette.com/130-opinion/9811-letitia-james-last-line-defense-against-trump-administration>).