

**G**

## [Attorney Jim Walden Takes on Activist's Lawsuit Aimed at Throwing Out NY Assembly Map](#)

New York Law Journal Online

May 4, 2022 Wednesday

Copyright 2022 Copyright Holder for ALM Media Properties, LLC

### **New York Law Journal**

Length: 856 words

#### **Body**

---

The lawyer for a New York Democratic activist who's suing his party's legislative leaders in hopes of throwing out Assembly voting districts said his client's lawsuit differs from a previous GOP claim in that it aims to offer "full and complete" relief to New York voters who are collectively aggrieved by partisan gerrymandered political maps.

Attorney ***Jim Walden*** of Walden Macht & Haran is representing New Baltimore attorney and Child Victims Act advocate Gary Greenberg, who seeks intervenor status in an effort to strike Assembly district lines in the pending court matter of stricken congressional and Senate maps before Steuben County Judge Patrick McAllister.

Walden said the "legislature's actions were as craven as they were illegal," and his firm has "a long history of combating illegal actions by government and elected officials."

Walden's filing in the lower court emerged as the legal battle against unlawfully gerrymandered New York congressional and Senate maps moved into a federal court.

On Wednesday, a Manhattan federal judge allowed New York to proceed with its plans to move the June congressional and state Senate primaries to August. But the judge asked the New York Board of Elections to seek approval from an Albany federal judge, the Associated Press reported.

In that claim, a group of Democratic voters sued the state elections board in U.S. District Court, Southern District, asking to reinstate the congressional map so that the primary would remain on June 28 instead of Aug. 23, as allowed by the New York Court of Appeals.

In court papers, the Democratic voters argued that the primary must be held on the fourth Tuesday in June during even-numbered years because of a permanent injunction the Department of Justice secured against New York 10 years ago, for repeated violations of meeting obligations to send ballots to military and overseas voters.

Former Congressman John Faso, a spokesman for Republicans who successfully sued state Democrats to invalidate congressional and Senate maps, called the lawsuit a "pathetic and desperate effort" by the Democratic Congressional Campaign Committee to perpetuate unlawful gerrymandering.

Meanwhile, Walden said that, unlike prior court filings by Republicans' lawyers, Greenberg's petition in Steuben County requests "full and complete relief that New Yorkers deserve."

Greenberg's lawsuit requests that McAllister delay the primary election date for the Assembly from June 28 to Aug. 23, to allow a special master time to redraw voting districts in accordance with the New York State Constitution.

The lawsuit also seeks to invalidate petitions submitted by existing candidates for any office, including for the New York State Assembly and Senate, U.S. House of Representatives and statewide offices, for any petition containing signatories who fall outside the newly-drawn districts.

Lastly, the claim asks to reopen a petitioning period for every race, including for governor, allowing new candidates to seek office based on remedial election districts.

As of Wednesday, Walden said he hadn't heard from the Steuben County Court, but he said he suspects the court will align Greenberg's complaint with a similar intervention hearing on May 10 for Gavin Wax, head of the New York Young Republican Club.

**Attorney Jim Walden Takes on Activist's Lawsuit Aimed at Throwing Out NY Assembly Map**

"Obviously, time is of the essence for everyone," Walden said. "The Democratic majority has really made a mess of this whole thing, and it's very clear that they're seeing this as fighting until hell freezes over, and then maybe even fighting on the ice afterwards."

Walden called it a "short-sighted" approach.

The lawyer said the Democrats' insistence on gerrymandering "forces the courts to make a significant number of very impactful decisions on a number of impactful issues in very short order, knowing that the respondents are going to appeal to the Fourth Department and then appeal to the New York Court of Appeals-and they're all obviously pursuing their federal court litigation as well."

Their effort to protect themselves and their district seats strains the courts, he asserted.

"I hope the voters really make them pay for that when the election finally occurs," Walden said.

Walden said Jonathan Cervas, the Carnegie Mellon University postdoctoral fellow McAllister retained to draw new congressional and senate maps, and who may be tasked with redrawing assembly maps, appeared to be well qualified for the task.

"Obviously, he has a tremendous job," Walden said. "There are a number of now suggested maps that have been submitted, including one by Common Cause, but I'm absolutely confident that he's up to the job."

Walden described himself as "an equal opportunity litigator" when combating political corruption. He said he withdrew from the Democratic Party in 2006 and is an unaffiliated voter, asserting New York's political parties have become "severely broken," with a general belief that party is more important than country, which he said is not consistent with his beliefs as a voter, citizen or lawyer.

Walden has sued former Gov. Andrew Cuomo administration three times, including once for manipulating voting issues on behalf of Common Cause.

**Load-Date:** May 5, 2022

---

End of Document