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STATE OF NEW YORK

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NEW YORK STATE COMMISSION on Legislative, Judicial  
And Executive Compensation

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New York City Bar Association  
42 West 44th  
New York, New York 10036  
October 13, 2023

B E F O R E:

- EUGENE M. FAHEY, Chair
- JEREMY S. WEINSTEIN, Commissioner
- VICTOR A. KOVNER, Commissioner
- R. NADINE FONTAINE, Commissioner
- THERESA EGAN, Commissioner
- HELENE BLANK, Commissioner
- ROBERT L. MEGNA, Commissioner
- THERESA L. EGAN, Commissioner

Shanasia Ilgner  
William Leone  
Senior Court Reporters

1 Our next speaker is Ellen Sassower.

2 MS. SASSOWER: Elena Sassower.

3 MR. FAHEY: Oh, I'm sorry, Elena Sassower, ~~the~~  
4 Center for Judicial Accountability. And we have one more  
5 speaker after that, Sebastian Duggart.

6 MS. SASSOWER: May I?

7 MR. FAHEY: Sure.

8 MS. BLANK: We'll pass them along ourselves.

9 MS. SASSOWER: We started with the statute, since  
10 ~~seven~~ <sup>SIX</sup> of you are lawyers, one, a former judge of the Court  
11 of Appeals and --

12 MR. WEINSTEIN: Why don't you speak at the  
13 microphone.

14 MS. SASSOWER: Another one, a 25-year jurist. The  
15 starting point is always the statute. Since you have power  
16 under the legislative law would you like to swear me in to  
17 give probative testimony under oath?

18 MR. FAHEY: That won't be necessary.

19 MS. SASSOWER: Well, as I said when I testified ~~in~~ <sup>at</sup>  
20 past hearings, this hearing has been permeated by fraud by  
21 the judges and by the judicial pay raise advocates. And it  
22 starts with the statute. So I've handed up the statute,  
23 which was enacted through the budget, unconstitutionally, and  
24 by fraud, a ground for challenge. But let's start with the  
25 language of the statute. <sup>A</sup>side from the fact that you were

*handing up  
seven  
document  
sets*

*yes of course, yr can  
if yr just give it to us -*

*wait until you*

1 supposed to be established as of June 1st, months ago, and  
2 you held your organizational meeting on October 2nd, ~~your~~  
3 charge is adequacy, adequate levels of compensation and non-  
4 salary benefits. I refer you to Section 2 paragraph 1. I  
5 refer you to Section 2 paragraph 2, A, 1 and 2.

6 Nobody here testified that -- well, inferentially  
7 they implied that their salary is not adequate. In order to  
8 make that outrageous inference, such as Chief Administrative  
9 Judge Zayas, who can't afford to buy a new car, since 2013,  
10 and his wife also can't afford -- okay, so what -- none of  
11 them identified ~~their~~ <sup>their sal-</sup> salaries that they've been making,  
12 that they've been paid.

13 So all of these judges are making upwards of 190,  
14 200, 220, \$230,000 a year. They didn't identify their  
15 salary. And you didn't identify their salary. Because that  
16 salary is obviously -- nobody could look at that salary and say  
17 it's not adequate, even in New York City. And of course they  
18 don't just get salary, they get compensation. You are  
19 ~~Commissioner~~ on Compensation. Compensation is larger than  
20 salary, right. Pensions, social security, healthcare,  
21 payments, which brings up the package \$20,000 a year?  
22 30,000? What is it?

23 You didn't get any testimony about non-salaried  
24 benefits. And when you put forward your materials in  
25 connection with your October 2nd organizational meeting you

1 only ~~put~~ <sup>posted</sup> them as to salary, knowing that that was a fraud.  
 2 And you knew that the 2011 report of the Commission on  
 3 Judicial Compensation and the 2015 report of the Commission  
 4 on Legislative, Judicial and Executive Compensation on which  
 5 you are relying and <sup>the</sup> pay raise, judicial pay raise advocates  
 6 and judges are ~~allowed~~ <sup>relying</sup> are false instruments.

7 Because none of those commissions, okay, and the  
 8 other incarnations examined anything but salary, in violation  
 9 expressly, directly, of the statute requiring examination,  
 10 evaluation of salary, compensation and non-salaried <sup>Y</sup> benefits  
 11 clearly, made no findings, <sup>no det-</sup> because they couldn't and raise  
 12 salary. The judges took and have known since 2011 and all  
 13 government officials in their highest levels have known that  
 14 these pay raise reports are false instruments, violative of  
 15 <sup>a succession of federal laws</sup> -- appeals. They are a larceny of the public fisc, but  
 16 let's go further.

17 You allowed them to make claims for what they want.  
 18 They want higher salaries. We all want more money. We all  
 19 want more money. But that's not your charge, to give them  
 20 what they think they deserve, what they would like, what  
 21 they believe they're entitled to. Your charge is adequacy  
 22 and you haven't even inquired about non-salaried <sup>Y</sup>  
 23 compensation non-salaried <sup>Y</sup> benefits, apart <sup>from</sup> of them not  
 24 identifying them <sup>the</sup> identifying the salary figures -- <sup>BT</sup>

25 MR. FAHEY: Hold on. Are you okay with that

1 microphone?

2 MS. SASSOWER: Yes, I'm sorry. *Thank you.*

3 MR. FAHEY: You're fine. Go ahead.

4 MS. SASSOWER: Let's go to the factors that you are  
5 required to take in to account. The statute requires that  
6 you take in to account all appropriate factors including and  
7 the six enumerated factors are all financial and economic.  
8 But they aren't the exclusive factors. There are other  
9 appropriate factors, right. The most appropriate factor,  
10 the threshold factor, is whether judges are doing their job,  
11 okay.

12 We have a judiciary that's pervasively, systemically  
13 corrupt at trial, appellate, supervisory levels and we are  
14 here today because of the corruption of the judiciary going  
15 up to the Court of Appeals on which Judge Fahey sat as an  
16 associate judge. And the now Chief Judge <sup>Rohan</sup> Rohan (phonetic)  
17 sat, *(Cliffing box with case record)* throwing the case. And I'm going to close by leaving  
18 with you the evidence as to which your duty is to make  
19 findings of fact and conclusions of law because this case —  
20 Center for Judicial Accountability against Cuomo et al and  
21 the last et al is Chief Judge DiFiore — challenged the  
22 constitutionality, <sup>the</sup> of lawfulness of, of this, of what you are  
23 doing, of your violations, of the prior reports.

24 There needs to be findings of fact and conclusions  
25 of law as to what has been going on. That case is Exhibit A

1 as to the corruption that <sup>infests</sup> effects the judiciary at all  
 2 levels. But I'm also going to leave with you where we're at  
 3 <sup>(lifting up other case records)</sup> now, B, Exhibit B is the continuation of that case which is  
 4 Center for Judicial <sup>A</sup> Accountability against <sup>JCOPE</sup> Jacob et al and  
 5 involves among other things complaints that <sup>JCOPE</sup> Jacob sat on  
 6 involving the budget, involving the pay raises,  
 7 ~~These~~ commissions and over -- within the  
 8 jurisdiction of <sup>JCOPE is</sup> Jacob, the Commissioner on <sup>JCOPE</sup> Judicial Conduct,  
 9 and one of the complaints that <sup>JCOPE</sup> Jacob sat on, okay, actually  
 10 purported to dismiss, was a complaint against Judge Fahey and  
 11 his brethren on the Court of Appeals for their fraud, for  
 12 their corruption <sup>in Center</sup> incentive for <sup>A</sup> Judicial Accountability  
 13 against Cuomo, DiFiore. That case is now <sup>at</sup> the Appellate  
 14 Division Third Department.

15 I'm leaving ~~you~~ <sup>you</sup> with the appeal brief so you can  
 16 see, once again, how the judiciary comports itself when the  
 17 issue is it's self-interest in pay raises and what has been  
 18 going on. Your duty and you have subpoena power and you  
 19 must make findings of fact and conclusions of law with  
 20 respect to the, with what <sup>your charge is</sup> you are ~~charging~~  
 21 statute, and the evidence. And the evidence in these two  
 22 major cases <sup>brought in</sup> broaden the public interest on behalf of the  
 23 <sup>P</sup> people of the State of New York is wholesale corruption  
 24 within the judiciary at every level, which is exactly what I  
 25 said in 2011 when I testified before the <sup>C</sup> Commission on

1 Judicial Compensation, and I said ~~that~~ the judiciary throws  
 2 cases by fraudulent judicial decisions and I gave the case  
 3 file evidence at that time, which was the lawsuit <sup>brought</sup> ~~broadened~~  
 4 the public interest on behalf of the People of State of New  
 5 York against the Commission on Judicial Conduct, which was  
 6 thrown --

7 MR. FAHEY: Ms. ~~Sassower~~, Ms SASSOWER --

8 MS. SASSOWER: -- by fraudulent judicial decisions  
 9 going up to the Court of Appeals.

10 MR. FAHEY: <sup>Slow down.</sup> You've gone 11 minutes. Everybody's  
 11 <sup>Hold on.</sup> got ten minutes. I'm going to give you a minute to wrap up.

12 MS. SASSOWER: Thank you. *Thank yr*

13 MR. FAHEY: Go ahead.

14 MS. SASSOWER: So I will simply identify what I am  
 15 leaving you with just as I presented the evidence to your  
 16 predecessor commissions. I am leaving you with and the  
 17 original, this is the entire case <sup>(lifting box w/ case record)</sup> of Center for Judicial Accountability

18 MR. FAHEY: Just leave it there. *You don't have to carry it.*

19 MS. SASSOWER: -- against Cuomo, DiFiore, with causes  
 20 of action as to the unconstitutionality, the fraud, the  
 21 unlawfulness of what has gone on here with respect to these  
 22 pay commissions, which you are replicating, duplicating, I'm  
 23 leaving that with you. The original is at the Court of  
 24 Appeals, subpoena it. I am leaving you with the appellate  
 25 record in the lawsuit against <sup>JCOPE</sup> Jacob, et al, involving

*(lifting it)*

1 complaints filed with <sup>SCOPE</sup> ~~Jacob~~ involving these commissions,  
2 this scheme, the corruption <sup>in the judicial</sup> and -- involving the attorney  
3 general, corrupting the judicial process.

4 Lastly, <sup>(brings to the podium another document)</sup> I don't want you to believe that the  
5 corruption infesting the judiciary is only in cases of  
6 magnitude such as the cases that I have here presented. I  
7 have a, a independent report that I wrote about a family  
8 court case out of Monroe County, a mother called me in  
9 distress because her child had been taken away from her.  
10 And she begged me to assist her.

11 Without charge I, I examined <sup>the record</sup> -- and I wrote a  
12 report that was, <sup>furnished</sup> first, it's a sealed file. I think you  
13 should take a look at what goes on, and you should know this  
14 is only the first piece of it. But the corruption involving  
15 this report at the family court level, at the Appellate  
16 Division Fourth Department from which you come, Chair Fahey,  
17 you need to take testimony. You have subpoena power. You  
18 need to -- you need to examine the corruption in the  
19 judiciary --

20 MR. FAHEY: <sup>Ms. Sassower</sup> I'm going to ask you to wrap it up now.

21 MS. SASSOWER: Thank you.

22 MR. FAHEY: Thank you for your presentation.

23 MS. SASSOWER: Thank you, again, <sup>Center for</sup>  
24 ~~Judicial~~ Accountability, <sup>The</sup> website is [www.judgewatch.org](http://www.judgewatch.org).

25 The documents substantiating my presentation are accessible



1 from the center link entitled New York's Force of Law  
2 Commissions-~~4~~Unconstitutionality and ~~Fraud~~ in ~~Plain~~ Sight.

3 MR. FAHEY: Thank you. Our next speaker is  
4 Sebastian Doggart, executive director of the families civil  
5 liberties union.

6 MR. DOGGART: Good afternoon, I feel a little like  
7 a cockroach on a wedding cake here because I think I'm one  
8 of the only non attorneys here, I'm not an attorney. I'm a  
9 journalist and a filmmaker and the executive director of the  
10 family civil liberties union and independent nonpartisan,  
11 nonprofit group assisting families across the U.S. who have  
12 been damaged by the court system. The application for pay  
13 raises for judges should just be, should not just be denied.  
14 There should be a complete suspension on any -- to judges  
15 against whom there are legitimate complaints and until  
16 effective judicial oversight is introduced.

17 Now over the last decade the FCOU has presented  
18 ample evidence, at least 15 separate reports to see why the  
19 New York Unified Court system is causing untold harm to our  
20 families. It has done so to the New York assembly, to the  
21 commission on judicial conduct, to the chief judge, to the  
22 attorney grievance committee, to the OCA and to the  
23 inspector general and nothing has been done. Now, all of  
24 you but one of the commissioners are attorneys, all judges,  
25 right, and --