

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Director

November 1, 2011

Robert L. Megna, Director of the Budget
State of New York/Executive Department
Division of the Budget
State Capitol
Albany, New York 12224

RE: Protecting the Public Purse & Public Interest: Request That You Take Steps to Secure Governor Cuomo's Introduction of Legislation to Override the Commission on Judicial Compensation's Statutorily-Violative and Unconstitutional Judicial Pay Raise Recommendations

Dear Budget Director Megna,

This follows my phone call to your office on July 21st, identifying that I was the person who had risen from her seat to applaud and thank you, on behalf of the People of the State of New York, at the conclusion of your testimony at the Commission on Judicial Compensation July 20th hearing.

Yesterday, I again called your office and, again leaving a message of thanks for your July 20th testimony, stated that our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), had presented Governor Cuomo, Temporary Senate President Skelos, Assembly Speaker Silver, and Chief Judge Lippman with an Opposition Report in support of legislative override of the Commission's recommendations to raise judicial salaries 27% over the next three years.

I further stated that you were an indicated recipient of that Opposition Report¹ – and that I would be transmitting it to you. I do so now, by attachment to this e-mail. The Opposition Report is also readily accessible from CJA's website, www.judgewatch.org, most conveniently *via* the top panel "Latest News" and left side panel "Judicial Compensation-NYS" – together with the substantiating exhibits referred-to therein. Upon your request, I would be pleased to furnish you with a "hard copy", especially if doing so would facilitate your securing Governor Cuomo's introduction of legislation to override the Commission's judicial pay raise recommendations.

¹ The Opposition Report mentions you and/or the Division of Budget at pp. 5, 8, 22-23, 24, 36.

EX P

Consistent with your July 20th testimony, CJA calls upon you to protect the public purse and public interest by taking such action. As our October 27th Opposition Report demonstrates (at pp. 1, 18-21, 23, 25, 26, 29, 31, 33), the Commission flagrantly failed “to examine, evaluate and make recommendations with respect to adequate levels of compensation and non-salary benefits for judges and justices”. as was its statutory duty to do – and its judicial pay raise recommendations are unsupported by any finding that current “pay levels and non-salary benefits” are inadequate. Based on our showing therein, we respectfully request that you present Governor Cuomo with a report supplementing our own, amplifying the critical difference between salary and “compensation and non-salary benefits”, wholly disregarded by the Commission. This, in addition to addressing such other “appropriate factors” as the Commission wilfully failed to consider, in violation of the Commission statute and New York’s Constitution. Among these, “rates of inflation”; “changes in public-sector spending”; “the state’s ability to fund increases in compensation and non-salary benefits” – as well as the “skewing” and “distorting” of the salary structure for “constitutional officers” and executive branch commissioners, to which you alluded when you testified.

As you are also an indicated recipient of CJA’s October 28th letters to the Commissioners and judicial pay raise advocates, transmitting our Opposition Report to them, those letters are enclosed herewith.

Again, thank you for your past and anticipated upcoming advocacy on behalf of the public purse and public interest.

Yours for a quality judiciary –
& government integrity,



ELENA RUTH SASSOWER, Director
Center for Judicial Accountability, Inc. (CJA)

Attachment: CJA’s October 27, 2011 Opposition Report,
with a link to CJA’s webpage on which it and the exhibits are posted
Enclosure: CJA’s October 28, 2011 letters to the Commissioners & Judicial Pay Raise Advocates

cc: Governor Andrew M. Cuomo
Temporary Senate President Dean G. Skelos
Assembly Speaker Sheldon Silver
Chief Judge Jonathan Lippman
Commission on Judicial Compensation
Judicial Pay Raise Advocates
Public & Press