

## CENTER for JUDICIAL ACCOUNTABILITY, INC.\*

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July 9, 2013

TO: All Senators and Assembly Members

FROM: Elena Ruth Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)

RE: (1) Status of A.246 (establishing a special commission on compensation of managerial and confidential state employees);  
(2) Securing legislative oversight of the statute upon which A.246 was modeled: Chapter 567 of the Laws of 2010 (establishing a special commission on judicial compensation)

This is to alert you that A.246, establishing a special commission on compensation of managerial and confidential state employees, which the Senate passed in the early morning hours of June 21, 2013, following Assembly passage five hours earlier, has not been sent to the Governor for signature.

Once a bill passes both houses, transmittal to the Governor would seem to be a ministerial act. However, we have been unable to ascertain the procedures governing transmittal, other than that it is from the house from which the passed bill originates – which in the case of A.246 is the Assembly.

Please be advised that on June 25, 2013, we sent Governor Cuomo a letter alerting him NOT to sign A.246. The reason:

“because A.246 is the product of a dysfunctional legislative process and is modeled, *verbatim*, on Chapter 567 of the Laws of 2010, establishing a quadrennial special commission on judicial compensation, as to which there has been NO LEGISLATIVE OVERSIGHT. The consequence is that A.246 replicates the constitutional and statutory infirmities of Chapter 567 of the Laws of 2010, itself the product of a dysfunctional legislative process.” (June 25, 2013 letter, at p. 1, italics and capitalization in the original).

Indeed, our June 25<sup>th</sup> letter requested the Governor to disapprove A.246 and return it to the Legislature, with his objections, using such return as an opportunity to champion non-partisan, good-government legislative rules reforms essential to ENDING legislative dysfunction.

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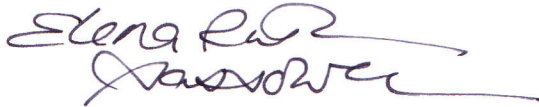
\* **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

As ALL Senators and Assembly Members are indicated recipients of that June 25<sup>th</sup> letter, a full copy, with its substantiating enclosures, can be accessed from our website, [www.judgewatch.org](http://www.judgewatch.org), on a webpage entitled: "Fighting Off Progeny of the Judicial Compensation Statute (S-2953; A-246) & Securing a Functioning Legislative Process", accessible *via* the top panel "Latest News". Here's the direct link: <http://www.judgewatch.org/web-pages/judicial-compensation/judicial-compensation-progeny.htm>.

That is where we will also post this letter – and, with it, an earlier letter to which ALL Senators and Assembly Members are indicated recipients: our June 4, 2013 letter to ALL members of the Senate Committee on Investigations and Government Operations and to ALL members of the Assembly Committee on Oversight, Analysis and Investigation, expressly requesting their oversight, analysis, and investigation of Chapter 567 of the Laws of 2010, *as written and as applied* – or, alternatively, that they direct it for oversight, analysis, and investigation by other appropriate legislative committees.

Please advise as to what steps you will take to secure legislative oversight, analysis, and investigation of Chapter 567 of the Laws of 2010. Or do you believe there should be none, even as its mirror-image A.246 is poised for enactment?

Thank you.



Linked enclosures:

- (1) CJA's June 25, 2013 letter to Governor Cuomo
- (2) CJA's June 4, 2013 letter to the Senate Committee on Investigations and Government Operations and to the Assembly Committee on Oversight, Analysis, and Investigation

cc: Governor Andrew Cuomo

ATT: Mylan Denerstein, Counsel

Jeremy M. Creelan, Special Counsel for Public Integrity and Ethics Reform

Assembly Counsel:

ATT: William Collins, Counsel to Majority Conference

James Yates, Counsel to Speaker Sheldon Silver

Kevin Engel, Counsel to Minority Conference

Heather Mogan, Counsel to Minority Leader Brian Kolb

Senate Counsel:

ATT: Diane Burman, Counsel to Majority Conference

David Lewis, Counsel to Majority Leader Dean Skelos

Shelly Andrews, Counsel to Independent Democratic Conference

& to Independent Democratic Conference Leader Jeffrey Klein

Laura Wood, Counsel to Minority Conference

Susan Grelick, Counsel to Minority Leader Andrea Stewart-Cousins

The Public & The Press