

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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BY E-MAIL

January 22, 2019

TO: New York State Commission on Judicial Conduct

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

RE: Request for Substantiation of Clerk Savanyu's January 4, 2019 Letter: #2018/A-0284, 0285, 0286, 0287 – CJA's September 20, 2018 conflict-of-interest/corruption complaint against Appellate Division, Third Department Presiding Justice Elizabeth Garry and Associate Justices John Egan, Jr., Eugene Devine, and Stanley Pritzker for willfully violating mandatory judicial disqualification/disclosure rules to "throw" the appeal of a citizen-taxpayer action in which they are financially interested & have personal and professional relationships with, and dependencies on, defendant-respondents, among others – Center for Judicial Accountability, et al. v. Cuomo, et al. (App. Div. 3rd Dept. #527081)

This responds to the January 4, 2019 letter, signed by Clerk Jean Savanyu, purporting that the Commission "reviewed" and "dismissed" CJA's September 20, 2018 complaint because:

"Upon careful consideration, the Commission has concluded that there was insufficient indication of judicial misconduct to justify judicial discipline."

Please substantiate Clerk Savanyu's letter by furnishing:

- (1) the date on which the Commission purportedly "reviewed" and "dismissed" the September 20, 2018 complaint;
- (2) the number of Commissioners who were present and voted on the complaint – and their identities;
- (3) the meaning of the phrase "insufficient indication of judicial misconduct to justify judicial discipline", including confirmation that dismissal on such ground is without the Commission's investigating the complaint;

- (4) the legal authority that permits the Commission to dismiss, without investigation, a complaint for “insufficient indication of judicial misconduct to justify judicial discipline”;
- (5) the specific respects in which the Commission deemed CJA’s September 20, 2018 complaint to be “insufficient” in its “indication of judicial misconduct”;
- (6) any and all appeal/review/reconsideration procedures.

Additionally, please identify how, *if at all*, the Commission members and staff addressed their threshold duty of disqualification and disclosure, set forth, with legal authority, at pages 9-10 of the complaint, including whether, as requested, the members and/or staff sought:

“an advisory opinion from the Joint Commission on Public Ethics – whose ethics jurisdiction over the Commission is reflected by the Commission’s filing of its Ethics Rules with it: http://www.scjc.state.ny.us/Legal.Authorities/code_of_ethics.htm – proscribing Commission members from having “any interest, financial or otherwise, direct or indirect...in substantial conflict with the proper discharge of his/her duties in the public interest”.

As noted, the same standard for disqualification of Commission members – §100.3E of the Chief Administrator’s Rules Governing Judicial Conduct – embodied by the Commission’s Policy Manual Rule 5.3 – applies to staff pursuant to its Rule 1.5.

Kindly respond, by e-mail, to elena@judgewatch.org.

Thank you.

