Center for Judicial Accountability, Inc. (CJA)

From:	Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent:	Tuesday, November 26, 2019 4:58 PM
To:	'lmarks@nycourts.gov'
Cc:	'rmaldonado@nycbar.org'; 'rmaldonado@sgrlaw.com'; 'hgreenberg@nysba.org'; 'greenbergh@gtlaw.com'
Subject:	Protecting the Commission on Legislative, Judicial & Executive Compensation from your FRAUD
Attachments:	11-25-19-ltr-to-marks.pdf

TO: Chief Administrative Judge Lawrence Marks

Attached is my self-explanatory letter to you of yesterday's date, entitled:

> "Demand that You Withdraw Your Unsworn November 4, 2019 Testimony before the Commission on Legislative, Judicial and Executive Compensation as FRAUD, as Likewise Your Submission on which it was Based, Absent Your Denying or Disputing the Accuracy of My Sworn Testimony".

CJA's webpage for the letter on which is posted the referred-to substantiating evidence is here: http://www.judgewatch.org/web-pages/searching-nys/force-of-law-commissions/part-e-chapter60-laws-2015/11-25-19-ltr-to-marks-etc.htm.

Please be sure to respond promptly – and especially do not overlook the paragraph at page 7 that I quoted in my yesterday's motion to the Court of Appeals in CJA's citizen-taxpayer action, *CJA v. Cuomo...DiFiore*. That paragraph reads:

> "By the way, was your undated written submission to the Commission, whose pervasive fraud includes its assertion (at p. 7) 'Judges...must comply with the Chief Administrative Judge's Rules Governing Judicial Conduct (22 NYCRR Part 100), which impose ethical restrictions upon judges' public and private conduct and activities' citing 'NY Const., Art. VI, §20(b), (c)' – thereby implying that New York's judges do comply and that there is enforcement when they don't – approved by Chief Judge DiFiore and the associate judges– or was its content known to them and, if so, when? Did you – and they – actually believe that New York's Judiciary was not obligated to include ANY information as to CJA's succession of lawsuits, since 2012, seeking determination of causes of action challenging the constitutionality of the commission statutes, *as written, as applied, and by their enactment*, and the statutory-violations of the commission reports, where the culminating lawsuit, to which Chief Judge DiFiore is a named defendant, is at the Court of Appeals, on a record establishing the willful trashing of the Chief Administrator's Rules Governing Judicial Conduct and any cognizable judicial 'process'?[fn10]" (underlining in the original).

The annotating footnote 10 reads:

> "Notably, when you testified, you stated – without specificity:
>
> > '...the history of judicial compensation in New York, at least the modern history of judicial compensation in New York, has been a troubled one. There have been lawsuits filed over the years on this issue.' (Tr. 3)."

The direct link to CJA's webpage for my yesterday's motion, to which my letter to you is Exhibit F and quoted at pages 20-21, is here: http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/ct-appeals/11-25-19-motion-5015-etc.htm.

As for the indicated recipients of my yesterday's letter to you, I am sure you have more direct e-mail addresses than I have and I ask that you assist in distribution. Indeed, I have no e-mail addresses for the judges who testified at the November 4, 2019 and November 14, 2019 hearings – and for the judicial associations on whose behalf they spoke. I, therefore, expressly request that you forward this e-mail to them, so that they can each respond to my letter's demand at page 3:

> "By this letter, I demand that you – and the other judicial pay raise advocates who testified – deny or dispute the accuracy of my November 4, 2019 testimony – or else withdraw your own testimonies and written submissions for their fraud." (underlining in the original).

Also, please forward this e-mail to Chief Judge DiFiore's "Excellence Initiative", to which you and the other judges who testified praised as increasing judicial excellence.

Finally, in view of your reliance on the Chief Administrator's Rules Governing Judicial Conduct (22 NYCRR Part 100) for the judicial salary increases you seek, I would remind you and your fellow judges of its §100.3D, "Disciplinary Responsibilities", reading, in pertinent part:

> "(1) A judge who receives information indicating a substantial likelihood that another judge has committed a substantial violation of this Part shall take appropriate action.
>
> (2) A judge who receives information indicating a substantial likelihood that a lawyer has committed a substantial violation of the Rules of Professional Conduct (22 NYCRR Part 1200) shall take appropriate action."

Presented by my attached letter – and by my November 4, 2019 testimony on which it is based – is not "information indicating a substantial likelihood", but EVIDENCE PROVING IT. And an excellent starting point for your demonstrating your adherence to §100.3D of the Chief Administrator's Rules is my December 31, 2015 letter to then Chief Judge Nominee/Westchester District Attorney DiFiore, about which I testified at the November 4, 2019 hearing and also highlighted at ¶13 of my yesterday's motion.

The direct link to CJA's webpage for that December 31, 2015 letter and its accompanying EVIDENCE is here: http://www.judgewatch.org/web-pages/judicial-selection/nys/judicial-selection-ny-difiore.htm. Surely, though, such link is superfluous. I cannot imagine Chief Judge DiFiore would have discarded the originals I hand-delivered to her Westchester District Attorney's Office on December 31, 2015, as they EVIDENTIARILY PROVED that the December 24, 2015 Report of the Commission on Legislative, Judicial, and Executive Compensation – and the August 29, 2011 Report of the Commission on Judicial Compensation on which it relied – were each "false instruments", violative of a succession of penal laws. Or do you disagree?

Thank you.

Elena Sassower, Director
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