

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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*Elena Ruth Sassower, Director*

October 28, 2011

TO: Judicial Pay Raise Advocates

New York State Chief Administrative Judge Ann Pfau  
Former New York State Chief Judge Judith S. Kaye  
Family Court Judges W. Dennis Duggan & Daniel Turbow/Organizers  
Coalition of New York State Judicial Associations –  
Association of Supreme Court Justices of the State of New York  
New York City Supreme Court Justices Association  
Designated Supreme Court Justices Association  
New York State Court of Claims Judges (Parts B, D & E) Association  
New York State Surrogates Association  
New York State Family Court Judges Association  
New York City Family Court Judges Association  
New York City Criminal Court Judges Association  
New York City Civil Court Judges Association  
New York State City Court Judges Association  
New York City Housing Court Judges Association  
New York State District Court Judges Association  
Former Appellate Division, Second Department Justice Robert Spolzino  
Joseph L. Forstadt, Esq., Counsel/Associations of Supreme Court Justices  
Bar Association Leaders who testified at the July 20, 2011 public hearing  
Vincent E. Doyle, III, President, NYS Bar Association  
Roger Juan Maldonado, Chair, Council on Judicial Administration/  
NYC Bar Association  
Stewart Aaron, President, NY Co. Lawyers' Association  
Leslie Kelmachter, President, NYS Trial Lawyers Association  
Lance D. Clarke, Past President, Nassau County Bar Association  
Maureen Maney, President-Elect, Women's Bar Association of the State of NY  
Fund for Modern Courts: Victor Kovner, former Chair  
Brennan Center for Justice: Michael Waldman, Executive Director  
J. Adam Skaggs, Senior Counsel/Democracy Program  
Dennis Hughes, President of New York State AFL-CIO  
League of Women Voters of the State of New York: Betsey B. Swan, President  
Citizens Union of the City of New York:  
Peter J. W. Sherwin, Chair/Board of Directors & Dick Dadey, Executive Director  
Martin Cirincione, Deputy Director/New York Prosecutors Training Institute, Inc.  
Dorchen Leidholdt, Director/Ctr for Battered Women's Legal Services/Sanctuary for Families  
Catherine Cerulli, Associate Professor, University of Rochester School of Medicine

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

RE: Holding Government Accountable: CJA's October 27, 2011 Opposition Report in Support of Legislative Override of the Commission on Judicial Compensation's Judicial Pay Recommendations & Other Relief

On October 27, 2011, the Center for Judicial Accountability, Inc. (CJA) challenged the Commission on Judicial Compensation's August 29, 2011 Final Report by an Opposition Report – four originals of which we delivered to the New York City offices of Governor Cuomo, Temporary Senate President Skelos, Assembly Speaker Silver, and Chief Judge Lippman to enable these public officers to discharge their official responsibilities to protect the People of this State.

The Opposition Report demonstrates that the Commission's judicial pay raise recommendations are "fraudulent, statutorily non-conforming, and constitutionally violative". Based thereon, it seeks:

- (1) legislation voiding the Commission's judicial pay raise recommendations;
- (2) repeal of the statute creating the Commission;
- (3) referral of the Commissioners to criminal authorities for prosecution; and
- (4) appointment of a special prosecutor, task force, and/or inspector general to investigate the documentary and testimonial evidence of systemic judicial corruption, infesting supervisory and appellate levels and the Commission on Judicial Conduct – which the Commission on Judicial Compensation unlawfully and unconstitutionally ignored, without findings, in recommending judicial pay raises.

The "Conclusion" to the Opposition Report (at p. 37) stated that we would furnish the Opposition Report to the Commissioners and to judicial pay raise advocates so that they might rebut its presentation of fact, law, and legal argument, if they could. For that reason, it is herewith furnished to you, by e-mail. It is also readily accessible to you from CJA's website, [www.judgewatch.org](http://www.judgewatch.org), most conveniently *via* the top panel "Latest News" and side panel "Judicial Compensation-NYS". The substantiating exhibits are also posted. CJA's companion letter of today's date to the Commissioners is enclosed.

We request that the judge recipients of this letter forward it to ALL the judges and former judges who testified at the Commission's July 20<sup>th</sup> hearing and/or submitted written statements to the Commission – indeed, to ALL New York State's 1,200-plus judges and such former state judges who have retired and/or resigned since 1999 – so that they, like yourselves, may have the opportunity to contest CJA's October 27, 2011 Opposition Report, if they can.

Consistent with applicable legal principles, the failure of the Commissioners and judicial pay raise advocates to respond to CJA's Opposition Report will be deemed a concession that they cannot do so without conceding the fraud, illegality and unconstitutionality therein particularized – reinforcing the People's entitlement to all the relief sought.

A handwritten signature in dark ink, appearing to read "Flora L. ..." with a long horizontal flourish extending to the right.

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 letter to the Commissioners

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