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STATE OF NEW YORK

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NEW YORK STATE COMMISSION on Legislative, Judicial
And Executive Compensation

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New York City Bar Association
42 West 44th
New York, New York 10036
October 13, 2023

B E F O R E:

- EUGENE M. FAHEY, Chair
- JEREMY S. WEINSTEIN, Commissioner
- VICTOR A. KOVNER, Commissioner
- R. NADINE FONTAINE, Commissioner
- THERESA EGAN, Commissioner
- HELENE BLANK, Commissioner
- ROBERT L. MEGNA, Commissioner
- THERESA L. EGAN, Commissioner

Shanasia Ilgner
William Leone
Senior Court Reporters

1 Our next speaker is Ellen Sassower.

2 MS. SASSOWER: Elena Sassower.

3 MR. FAHEY: Oh, I'm sorry, Elena Sassower, ~~the~~
4 Center for Judicial Accountability. And we have one more
5 speaker after that, Sebastian Duggart.

6 MS. SASSOWER: May I?

7 MR. FAHEY: Sure.

8 MS. BLANK: We'll pass them along ourselves.

9 MS. SASSOWER: We started with the statute, since
10 ~~seven~~ ^{SIX} of you are lawyers, one, a former judge of the Court
11 of Appeals and --

12 MR. WEINSTEIN: Why don't you speak at the
13 microphone.

14 MS. SASSOWER: Another one, a 25-year jurist. The
15 starting point is always the statute. Since you have power
16 under the legislative law would you like to swear me in to
17 give probative testimony under oath?

18 MR. FAHEY: That won't be necessary.

19 MS. SASSOWER: Well, as I said when I testified ~~in~~ ^{at}
20 past hearings, this hearing has been permeated by fraud by
21 the judges and by the judicial pay raise advocates. And it
22 starts with the statute. So I've handed up the statute,
23 which was enacted through the budget, unconstitutionally, and
24 by fraud, a ground for challenge. But let's start with the
25 language of the statute. ^Aside from the fact that you were

*handing up
seven
document
sets*

*yes of course, yr can
if yr just give it to us -*

wait until you

1 supposed to be established as of June 1st, months ago, and
2 you held your organizational meeting on October 2nd, ~~your~~
3 charge is adequacy, adequate levels of compensation and non-
4 salary benefits. I refer you to Section 2 paragraph 1. I
5 refer you to Section 2 paragraph 2, A, 1 and 2.

6 Nobody here testified that -- well, inferentially
7 they implied that ^{their sal-} their salary is not adequate. In order to
8 make that outrageous inference, such as Chief Administrative
9 Judge Zayas, who can't afford to buy a new car, since 2013,
10 and his wife also can't afford -- okay, so what -- none of
11 them identified ~~their~~ salaries that they've been making,
12 that they've been paid.

13 So all of these judges are making upwards of 190,
14 200, 220, \$230,000 a year. They didn't identify their
15 salary. And you didn't identify their salary. Because that
16 salary is obviously -- nobody could look at that salary and say
17 it's not adequate, even in New York City. And of course they
18 don't just get salary, they get compensation. You are
19 ~~Commissioner~~ on Compensation. Compensation is larger than
20 salary, right. Pensions, social security, healthcare,
21 payments, which brings up the package \$20,000 a year?
22 30,000? What is it?

23 You didn't get any testimony about non-salaried
24 benefits. And when you put forward your materials in
25 connection with your October 2nd organizational meeting you

1 only ~~put~~ ^{posted} them as to salary, knowing that that was a fraud.
 2 And you knew that the 2011 report of the Commission on
 3 Judicial Compensation and the 2015 report of the Commission
 4 on Legislative, Judicial and Executive Compensation on which
 5 you are relying and ^{the} pay raise, judicial pay raise advocates
 6 and judges are ~~allowed~~ ^{relying} are false instruments.

7 Because none of those commissions, okay, and the
 8 other incarnations examined anything but salary, in violation
 9 expressly, directly, of the statute requiring examination,
 10 evaluation of salary, compensation and non-salaried ^Y benefits
 11 clearly, made no findings, ^{no det-} because they couldn't and raise
 12 salary. The judges took and have known since 2011 and all
 13 government officials in their highest levels have known that
 14 these pay raise reports are false instruments, violative of
 15 ^{a succession of federal laws} -- appeals. They are a larceny of the public fisc, but
 16 let's go further.

17 You allowed them to make claims for what they want.
 18 They want higher salaries. We all want more money. We all
 19 want more money. But that's not your charge, to give them
 20 what they think they deserve, what they would like, what
 21 they believe they're entitled to. Your charge is adequacy
 22 and you haven't even inquired about non-salaried ^Y
 23 compensation non-salaried ^Y benefits, apart ^{from} of them not
 24 identifying them ^{the} identifying the salary figures -- ^{BT}

25 MR. FAHEY: Hold on. Are you okay with that

1 microphone?

2 MS. SASSOWER: Yes, I'm sorry. *Thank you.*

3 MR. FAHEY: You're fine. Go ahead.

4 MS. SASSOWER: Let's go to the factors that you are
5 required to take in to account. The statute requires that
6 you take in to account all appropriate factors including and
7 the six enumerated factors are all financial and economic.
8 But they aren't the exclusive factors. There are other
9 appropriate factors, right. The most appropriate factor,
10 the threshold factor, is whether judges are doing their job,
11 okay.

12 We have a judiciary that's pervasively, systemically
13 corrupt at trial, appellate, supervisory levels and we are
14 here today because of the corruption of the judiciary going
15 up to the Court of Appeals on which Judge Fahey sat as an
16 associate judge. And the now Chief Judge ^{*Rohan*} ~~Rohan~~ (phonetic)
17 sat, ^{*(Cliffing box with case record)*} throwing the case. And I'm going to close by leaving
18 with you the evidence as to which your duty is to make
19 findings of fact and conclusions of law because this case —
20 ~~Center for Judicial Accountability~~ against Cuomo et al and
21 the last et al is Chief Judge DiFiore — challenged the
22 constitutionality, ^{*the*} of lawfulness of, of this, of what you are
23 doing, of your violations, of the prior reports.

24 There needs to be findings of fact and conclusions
25 of law as to what has been going on. That case is Exhibit A

1 as to the corruption that ^{infests} effects the judiciary at all
 2 levels. But I'm also going to leave with you where we're at
 3 ^(lifting up other case records) now, B, Exhibit B is the continuation of that case which is
 4 Center for Judicial ^A Accountability against ^{JCOPE} Jacob et al and
 5 involves among other things complaints that ^{JCOPE} Jacob sat on
 6 involving the budget, involving the pay raises,
 7 ~~These~~ ^{JCOPE is} commissions and over -- within the
 8 jurisdiction of ^{JCOPE} Jacob, the ^{JCOPE} Commissioner on ^{JCOPE} Judicial ^{JCOPE} Conduct,
 9 and one of the complaints that ^{JCOPE} Jacob sat on, okay, actually
 10 purported to dismiss, was a complaint against Judge Fahey and
 11 his brethren on the Court of Appeals for their fraud, for
 12 their corruption ^{in Center} ~~incentive~~ for ^A Judicial ^{at} Accountability
 13 against Cuomo, DiFiore. That case is now ^{at} the Appellate
 14 Division Third Department.

15 I'm leaving ~~you~~ ^{you} with the appeal brief so you can
 16 see, once again, how the judiciary comports itself when the
 17 issue is it's self-interest in pay raises and what has been
 18 going on. Your duty and you have subpoena power and you
 19 must make findings of fact and conclusions of law with
 20 respect to the, with what ^{your charge is} ~~you are charging~~ under the
 21 statute, and the evidence. And the evidence in these two
 22 major cases ^{brought in} ~~broaden~~ the public interest on behalf of the
 23 ^P people of the State of New York is wholesale corruption
 24 within the judiciary at every level, which is exactly what I
 25 said in 2011 when I testified before the ^C Commission on

1 Judicial Compensation, and I said ~~that~~ the judiciary throws
 2 cases by fraudulent judicial decisions and I gave the case
 3 file evidence at that time, which was the lawsuit ^{brought} ~~broadened~~
 4 the public interest on behalf of the People of State of New
 5 York against the Commission on Judicial Conduct, which was
 6 thrown --

7 MR. FAHEY: Ms. ~~Sassower~~, Ms SASSOWER --

8 MS. SASSOWER: -- by fraudulent judicial decisions
 9 going up to the Court of Appeals.

10 MR. FAHEY: ^{Slow down.} You've gone 11 minutes. Everybody's
 11 ^{Hold on.} got ten minutes. I'm going to give you a minute to wrap up.

12 MS. SASSOWER: Thank you. *Thank yr*

13 MR. FAHEY: Go ahead.

14 MS. SASSOWER: So I will simply identify what I am
 15 leaving you with just as I presented the evidence to your
 16 predecessor commissions. I am leaving you with and the
 17 original, this is the entire case ^(lifting box w/ case record) of Center for Judicial Accountability

18 MR. FAHEY: Just leave it there. *You don't have to carry it.*

19 MS. SASSOWER: -- against Cuomo, DiFiore, with causes
 20 of action as to the unconstitutionality, the fraud, the
 21 unlawfulness of what has gone on here with respect to these
 22 pay commissions, which you are replicating, duplicating, I'm
 23 leaving that with you. The original is at the Court of
 24 Appeals, subpoena it. I am leaving you with the appellate
 25 record in the lawsuit against ^{JCOPE} Jacob, et al, involving

(lifting it)

1 complaints filed with ^{SCOPE} ~~Jacob~~ involving these commissions,
2 this scheme, the corruption ^{in the judicial} and -- involving the attorney
3 general, corrupting the judicial process.

4 ^(brings to the podium another document)
Lastly, I don't want you to believe that the
5 corruption infesting the judiciary is only in cases of
6 magnitude such as the cases that I have here presented. I
7 have a, a independent report that I wrote about a family
8 court case out of Monroe County, a mother called me in
9 distress because her child had been taken away from her.
10 And she begged me to assist her.

11 Without charge I, I examined ^{the record} -- and I wrote a
12 report that was, ^{furnished} ~~first~~, it's a sealed file. I think you
13 should take a look at what goes on, and you should know this
14 is only the first piece of it. But the corruption involving
15 this report at the family court level, at the Appellate
16 Division Fourth Department from which you come, Chair Fahey,
17 you need to take testimony. You have subpoena power. You
18 need to -- you need to examine the corruption in the
19 judiciary --

20 ^{Ms. Sassower}
MR. FAHEY: I'm going to ask you to wrap it up now.

21 MS. SASSOWER: Thank you.

22 MR. FAHEY: Thank you for your presentation.

23 MS. SASSOWER: Thank you, again, ^{Center for}
24 ~~Judicial~~ Accountability, ^{The} website is www.judgewatch.org.

25 The documents substantiating my presentation are accessible

1 from the center link entitled New York's Force of Law
2 Commissions-~~4~~Unconstitutionality and ~~F~~raud in ~~D~~Plain ~~S~~ight.

3 MR. FAHEY: Thank you. Our next speaker is
4 Sebastian Doggart, executive director of the families civil
5 liberties union.

6 MR. DOGGART: Good afternoon, I feel a little like
7 a cockroach on a wedding cake here because I think I'm one
8 of the only non attorneys here, I'm not an attorney. I'm a
9 journalist and a filmmaker and the executive director of the
10 family civil liberties union and independent nonpartisan,
11 nonprofit group assisting families across the U.S. who have
12 been damaged by the court system. The application for pay
13 raises for judges should just be, should not just be denied.
14 There should be a complete suspension on any -- to judges
15 against whom there are legitimate complaints and until
16 effective judicial oversight is introduced.

17 Now over the last decade the FCOU has presented
18 ample evidence, at least 15 separate reports to see why the
19 New York Unified Court system is causing untold harm to our
20 families. It has done so to the New York assembly, to the
21 commission on judicial conduct, to the chief judge, to the
22 attorney grievance committee, to the OCA and to the
23 inspector general and nothing has been done. Now, all of
24 you but one of the commissioners are attorneys, all judges,
25 right, and --