

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Tuesday, November 03, 2015 2:04 PM
To: nyscompensation@gmail.com; sheilabirnbaum@quinnemanuel.com;
barry.cozier@leclairryan.com; gajohnson@mec.cuny.edu
Subject: Request to testify at the Compensation Commission's November 30, 2015 Public Hearing in NYC -- its Sole Hearing on Judicial Compensation
Attachments: 11-8-11-executive-summary-opp-report.pdf

Dear Commissioners :

I hereby request to testify at the Commission's November 30, 2015 public hearing in New York City.

Such hearing date, nearly 4 full weeks from now, gives each Commissioner ample time to individually determine whether, as particularized by CJA's October 27, 2011 Opposition Report, the 3-phase judicial pay raises recommended by the August 29, 2011 Report of the Commission on Judicial Compensation and received by this state's judges beginning April 1, 2012, are statutory-violative, fraudulent, and unconstitutional – thereby requiring that this Commission's recommendations – having "the force of law" – be for the nullification/voiding of the August 29, 2011 Report AND a "claw-back" of the \$150-million-plus dollars that the judges unlawfully received pursuant thereto.

Because of the importance of CJA's October 27, 2011 Opposition Report, not only to your statutorily-required December 31, 2015 report of "adequate levels of compensation and non-salary benefits" for this state's judges, but to your statutorily-required November 15, 2016 report of "adequate levels of compensation and non-salary benefits" for our legislative and executive constitutional officers, I furnished a hard copy of the full October 27, 2011 Opposition Report to Chairwoman Birnbaum at the conclusion of this morning's organizational meeting. It consisted of: (1) CJA's 38-page Opposition Report; (2) CJA's substantiating two-volume Compendium of Exhibits; and (3) the final two motions in CJA's lawsuit against the Commission on Judicial Conduct that went up to the Court of Appeals in 2002 – identified by the Opposition Report as having been handed up by me to the Commission on Judicial Compensation at its one and only July 20, 2011 public hearing, in support of my testimony.

To the other three Commissioners physically present at this morning's meeting -- Commissioners Johnson, Cozier, and Lack -- I furnished to each, *in hand*, a copy of the 38-page Opposition Report and its 4-page Executive Summary.

As for the three Commissioners not physically present – Commissioners Hedges, Reiter, and Hormozi – I had brought to the meeting copies of the 38-page Opposition Report and 4-page Executive Summary for them, as well. Unless they request same, I will assume they will be reading and/or downloading the Opposition Report from CJA's webpage: <http://www.judgewatch.org/web-pages/judicial-compensation/opposition-report.htm>. The Executive Summary is attached.

Finally, should any of the Commissioners feel themselves unable to discharge their duties with respect to the systemic, three-branch corruption issues presented by CJA's citizen opposition – and that other citizens will be presenting, as well -- they should step down from the Commission forthwith. Two Commissioners, Cozier and Lack, are absolutely disqualified by reason of their active role in that corruption – and Chairwoman Birnbaum perhaps as well. I so-stated this to them, this morning – and will particularize the details, with substantiating evidence, in advance of the November 30, 2015 public hearing, should they fail to step down from the Commission – or publicly disclose and address their conflicts-of-interest.

Meantime, I am available to answer questions and provide such additional information and evidence as may be required.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200

From: Center for Judicial Accountability [mailto:elena@judgewatch.org]
Sent: Tuesday, November 03, 2015 7:35 AM
To: 'nyscompensation@gmail.com'
Cc: sheilabirnbaum@quinnemanuel.com; barry.cozier@leclairryan.com; gajohnson@mec.cuny.edu

Subject: No Pay Raises for NY's Corrupt Public Officers - The Money Belongs to Their Victims!

Dear Commissioners:

As a convenience to the Commission on Legislative, Judicial and Executive Compensation, I have constructed a webpage for the Center for Judicial Accountability's evidence-based advocacy on the three-branch compensation issues before you. It is entitled "No Pay Raises for New York's Corrupt Public Officers --The Money Belongs to Their Victims!" -- and is accessible from the prominent center link, bearing that title, on CJA's homepage, www.judgewatch.org

It can also be accessed by the left sidebar panel "Judicial Compensation-State-NY": <http://www.judgewatch.org/web-pages/judicial-compensation/ny-judicial-compensation-menu.htm>.

Finally, inasmuch as **CJA's October 27, 2011 Opposition Report to the Commission on Judicial Compensation's August 29, 2011 Report** is the **STARTING POINT** for your determination of the compensation issues as relate to **ALL THREE BRANCHES**, I take this opportunity to furnish you that link, directly. Here it is: <http://www.judgewatch.org/web-pages/judicial-compensation/opposition-report.htm>. The four-page executive summary is attached.

I am available to answer questions, including publicly and under oath.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200

P.S. – correcting the typo in my yesterday's e-mail (below) as to the date of the Commission on Judicial Compensation's initial meeting, it was July 11, 2011, not July 10, 2011.

From: Center for Judicial Accountability [mailto:elena@judgewatch.org]
Sent: Monday, November 02, 2015 6:28 PM
To: 'Sheila Birnbaum'
Cc: 'Barbara Kalmanash'; 'barry.cozier@leclairryan.com'; 'gajohnson@mec.cuny.edu'

Subject: thank you for your prompt response.

From: Sheila Birnbaum [mailto:SheilaBirnbaum@quinnemanuel.com]
Sent: Monday, November 02, 2015 6:23 PM
To: Center for Judicial Accountability
Cc: Barbara Kalmanash; barry.cozier@leclairryan.com; gajohnson@mec.cuny.edu

Subject: Re: Will tomorrow's organizational hearing be live-streamed and/or videoed?

It will be videoed and put on our web site

On Nov 2, 2015, at 6:21 PM, Center for Judicial Accountability <elena@judgewatch.org> wrote:

Dear Chairwoman Birnbaum,

Following up the October 30, 2015 FOIL request, which I directly sent to you and Commissioner Cozier – and my lengthy telephone conversation with your excellent assistant, Barbara Kalmanash, late this afternoon, inquiring about whether tomorrow's organizational meeting of the Commission on Legislative, Judicial and Executive Compensation was going to be live-streamed &/or videoed – as the 2011 Commission on Judicial Compensation's initial organizational meeting in New York City had been – here's a link to the Center for Judicial Accountability's 2011 webpage pertaining to that Commission, posting the video of its July 10, 2011 live-streamed organizational meeting:

<http://www.judgewatch.org/web-pages/judicial-compensation/2011-paper-trail-comm-jud-comp.htm>. That webpage additionally posts the video of its one and only public hearing, on July 20, 2011 in Albany, at which I testified. To facilitate your finding each video, I have highlighted each by enlarged purple lettering.

Your own Commission's website – which I believe did not go live until yesterday and which only this afternoon posted a side panel for the 2011 Commission – links to the 2011 Commission's webpage. Although that webpage contains a link to a webpage of its meetings and hearing, that further webpage never posted the video of the July 10, 2011 live-streamed organizational meeting. As for the video of the live-streamed July 20, 2011 hearing, it was originally posted, but thereafter became inaccessible. That is why I made FOIL requests for each – ultimately securing them, in 2013, which I then posted on CJA's above webpage.

I trust Ms. Kalmanash will fill you in on much of what I additionally recounted for her as to the fraud committed by the 2011 Commission – covered up by all the executive and legislative public officers who believe themselves entitled to pay raises. It is chronicled in CJA's October 27, 2011 Opposition Report, in a mountain of correspondence, criminal and ethics complaints relating thereto, and by the public interest litigations we have undertaken over the past four years, all accessible from the prominent links on CJA's homepage, www.judgewatch.org. Of most immediate interest may be my most recent testimony before the JCOPE/LEC Review Commission at its October 14, 2015 public hearing – as I testified about the conflict-of-interest ethics complaints that JCOPE and LEC have been sitting on against New York's highest public officers pertaining to the 2011 Commission and the fraudulent, statutorily-violative, and unconstitutional judicial pay raises it recommended – whose consequence has been the establishment of the Commission on Legislative, Judicial and Executive Compensation. Here's CJA's webpage posting the video of the October 14, 2015 hearing and my referred-to JCOPE/LEC complaints and related correspondence:

<http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/holding-to-account/exposing-JCOPE.htm>.

Please forward this e-mail to all seven members of the Commission on Legislative, Judicial and Executive Compensation so that they can be apprised of the systemic fraud, corruption, and dysfunction that is before them, threshold, not only with respect to judicial compensation, but with respect to legislative and executive compensation.

Thank you.

Elena Sassower, Director

Center for Judicial Accountability, Inc. (CJA)
914-421-1200

<10-30-15-foil-compensation-commission.pdf>