Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, December 10, 2019 8:04 AM
To: 'nyscompensation@gmail.com'
Cc: 'lmarks@nycourts.gov'; 'jshukin@nycourts.gov'; 'skerby@nycourts.gov'
Subject: (Corrected) Status & Posting -- CJA's Nov. 26, 2019 e-mail to the Commissioners, with attached Nov. 25, 2019 letter to Chief Administrative Judge Marks
Attachments: 11-26-19-email-to-commission-with-11-25-19-ltr-to-marks.pdf; 2nd-cause-of-action-compressed.pdf; 2-19-19-questions-for-marks-10pp-compressed.pdf

TO: Commission on Legislative, Judicial & Executive Compensation

My yesterday's e-mail, which is below, contained two errors, now corrected:

(1) Its title misdated the year of my letter to Chief Administrative Judge Marks. The date of the letter is November 25, **2019**, not 2015;

(2) Its message identified only Commissioners Eng and Lachman as having been given, *in hand*, the particularized EVIDENCE that the Judiciary budget is a "SLUSH FUND" – omitting **Commissioner Hormozi**, to whom I also gave a copy of that same EVIDENCE, *in hand*.

Please furnish this corrected e-mail to all seven Commission members – and post my November 25, 2019 letter to Chief Administrative Judge Marks, transmitted to the Commission by my November 26, 2019 e-mail to it, as my "First Supplemental Submission in Further Support of Testimony". To assist you in posting it as such, the above-attached first pdf contains both the 3-page November 26, 2019 e-mail and the 7-page letter.

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, December 9, 2019 3:56 PM
To: 'nyscompensation@gmail.com' <nyscompensation@gmail.com>
Cc: 'lmarks@nycourts.gov' <lmarks@nycourts.gov>; 'jshukin@nycourts.gov' <jshukin@nycourts.gov>; 'skerby@nycourts.gov' <skerby@nycourts.gov>
Subject: Status & Posting -- CJA's Nov. 26, 2019 e-mail to the Commissioners, with attached Nov. 25, 2019 letter to Chief Administrative Judge Marks

TO: Commission on Legislative, Judicial & Executive Compensation

Please confirm that my below November 26, 2019 e-mail entitled "Protecting the Commission on Legislative, Judicial and Executive Compensation from FRAUD", with its now signed above-attached November 25, 2019 letter to Chief Administrative Judge Marks, was forwarded to "each of the Commission's seven members", as requested – AND that it

Ex H

will be posted on the Commission's webpage of submissions:
http://www.nyscommissiononcompensation.org/Submissions-judicial.shtml.

To date, I have received no response to the letter from Chief Administrative Judge Marks – nor from any of the other witnesses who testified at the Commission's November 4th and 14th hearings. Has the Commission received any response? If not, has the Commission requested responses from Chief Administrative Judge Marks and the other witnesses – as any fair and impartial tribunal would have done. Please advise.

By the way, the reason Chief Administrative Judge Marks is able to propose that the Judiciary will self-fund COLAs from its own budget is because the Judiciary budget is a larcenous SLUSH-FUND, born of constitutional violations, statutory-violations, and fraud. Indeed, the Commission has the particularized EVIDENCE of this, as I gave it, *in hand*, to Commissioners Eng, Lachman, and Hormozi, on November 4th at the conclusion of my testimony – and the Commission has posted it on its webpage of submissions. For your convenience, that EVIDENCE is attached, *to wit*:

> (1) the second cause of action of the September 2, 2016 verified complaint in the *CJA v. Cuomo...DiFiore* taxpayer action pertaining to the Judiciary budget (¶39), with its incorporated tenth cause of action from the March 23, 2016 verified second supplemental complaint in the first *CJA v. Cuomo* citizen-taxpayer action (¶¶329-331); and
>
> (2) CJA's "Questions for Chief Administrative Judge Lawrence Marks" pertaining to the fiscal year 2019-2020 Judiciary budget (##1-36), which I furnished to the Legislature on February 19, 2019 and annexed as Exhibit F-1 to CJA's May 31, 2019 motion to the Court of Appeals.

To enable Chief Administrative Judge Marks to respond – including as to the capacity of the Judiciary budget to absorb COLA and other commission-based judicial pay raises, whose cumulative and compounding dollar amounts he concealed on November 4th and by his November 22nd supplemental submission – a copy of this e-mail is being sent to him, so that he can not only address same, but do so in the context of the Judiciary's proposed two-part budget for fiscal year 2020-2021, which he furnished the Governor and Legislature on November 29, 2019, with certifications by Chief Judge DiFiore and approvals by the Court of Appeals dated November 19, 2019:
http://ww2.nycourts.gov/admin/financialops/Budgets.shtml.

Suffice to say – and as highlighted by my November 25, 2019 letter to Chief Administrative Judge Marks (at p. 4) – ALL the specified financial and economic factors that Chapter 60, Part E, of the Laws of 2015 requires the Commission to "take into account" in examining the adequacy of judicial pay are "IRRELEVANT", when the Judiciary is "not 'excellent' and doing its job – but, rather, corrupt systemically, including at appellate and supervisory levels and involving the Commission on Judicial Conduct". Such is the situation, at bar – proven, EVIDENTIARILY, by the record of the *CJA v. Cuomo...DiFiore* citizen-taxpayer action: http://judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/menu-2nd-citizen-taxpayer-action.htm. This is why the Commission must demand that Chief Administrative Judge Marks and other judicial pay raise advocates produce their findings of facts and conclusions of law with respect thereto, including by subpoena, if necessary.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, November 26, 2019 5:11 PM

To: 'nyscompensation@gmail.com' <nyscompensation@gmail.com>
Subject: Protecting the Commission on Legislative, Judicial & Executive Compensation from FRAUD

TO: Commission on Legislative, Judicial & Executive Compensation

Below is my just-sent e-mail to Chief Administrative Judge Marks, with the above attachment. Please forward to each of the Commission's seven members.

Thank you.

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

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

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).