

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101  
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: [mail@judgewatch.org](mailto:mail@judgewatch.org)  
Website: [www.judgewatch.org](http://www.judgewatch.org)

## **PRIMARY SOURCE DOCUMENTARY EVIDENCE SUPPORTING TESTIMONY** **of Center for Judicial Accountability Director Elena Sassower** **at the Legislature's January 30, 2018 Budget Hearing on "Public Protection"**

### I.

#### **NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT**

##### **Background Evidence**

- A. New York State Comptroller Edward Regan's November 15, 1989 Report #90-S-23  
*"Commission on Judicial Conduct – Not Accountable to the Public:  
Resolving Charges Against Judges is Cloaked in Secrecy"*

Comptroller Regan's December 7, 1989 press release:  
*"Commission on Judicial Conduct Needs Oversight"*

- B. Commission on Judicial Conduct's January 31, 1990 Responding Report  
to the Governor, Lieutenant Governor, Comptroller & Legislature

##### **Illustrative Current Substantiating Evidence**

1. **CJA's June 16, 2017 conflict-of-interest/corruption complaint against Acting Supreme Court Justice Denise A. Hartman** for willfully violating judicial disclosure/disqualification rules in order to "throw" a citizen-taxpayer action in which she is financially interested & has personal and professional relationships with defendants – *Center for Judicial Accountability, et al. v. Cuomo, et al. (Albany Co. #1522-2016)*"
2. Commission on Judicial Conduct's June 21, 2017 acknowledgment letter
3. Commission on Judicial Conduct's August 29, 2017 dismissal letter
4. CJA's September 11, 2017 letter: "(1) Demand for substantiation of Commission's August 29, 2017 letter; (2) Supplement to the June 16, 2017 complaint"
5. Commission on Judicial Conduct's October 4, 2017 letter
6. CJA's December 26, 2017 letter: "(1) Responding to Clerk Savanyu's October 4, 2017 letter concealing the issues of the Commission's own conflict-of-interest/disqualification/disclosure obligations & the September 11, 2017 supplement to the June 16, 2017 complaint; (2) Initiating a second supplement to the June 16, 2017 complaint"

**II.**  
**COURT-CONTROLLED ATTORNEY DISCIPLINARY SYSTEM --**  
**& CHIEF JUDGE LIPPMAN's 2015 COMMISSION ON STATEWIDE ATTORNEY DISCIPLINE**

**Background Evidence**

A.

CJA's August 11, 2015 evidence-supported testimony  
before the Commission on Statewide Attorney Discipline  
that "...the Attorney Disciplinary System cannot survive an evidentiary demonstration...",  
accessible from CJA's website, here:

<http://www.judgewatch.org/web-pages/searching-nys/2015-commission-on-attorney-discipline/public-testimony-hearings/ers-testimony.htm>.

B.

Commission on Statewide Attorney Discipline's September 24, 2015 Report,  
accessible from CJA's website, here:

<http://www.judgewatch.org/web-pages/searching-nys/judiciary/statewide-committee-attorney-discipline.htm>

**Illustrative Current Substantiating Evidence**

**Example #1**

1. **CJA's September 16, 2017 complaint to the First and Third Judicial Department's Attorney Grievance Committees: "Testing the efficacy of New York's grievance committees in policing New York's top attorney – The New York State Attorney General: Conflict-of-interest/misconduct complaint against New York State Attorney General Eric Schneiderman and his complicit attorney staff for their knowing and deliberate violations of New York's Rules of Professional Conduct, corrupting the judicial process in the citizen-taxpayer action Center for Judicial Accountability, Inc. v. Cuomo,...Schneiderman, et al. (Albany Co. #5122-16) -- & in its predecessor (Albany Co. #1788-14)**
2. CJA's September 16, 2017 transmittal form to the First Judicial Department Attorney Grievance Committee
3. CJA's September 16, 2017 transmittal form to the Third Judicial Department Attorney Grievance Committee
4. First Judicial Department Attorney Grievance Committee's October 13, 2017 acknowledgment postcard
5. CJA's December 26, 2017 letter: "STATUS REQUEST & UPDATE"
6. First Judicial Department Attorney Grievance Committee's January 3, 2017 mailing of its December 11, 2017 letter of dismissal
7. CJA's January 9, 2018 letter to First Judicial Department Attorney Grievance Committee for reconsideration

## Example #2

1. **CJA's October 14, 2016 complaint to the Third Judicial Department's Attorney Grievance Committee – "Testing the efficacy of New York's attorney disciplinary committees in policing district attorney conflicts of interest and obligations to report attorney misconduct:**
  - (1) conflict-of-interest/misconduct complaint against Albany County District Attorney P. David Soares for "sitting on" corruption complaints presenting threshold issues of his financial and other interests;
  - (2) conflict-of-interest/misconduct complaint against New York's other district attorneys for colluding in D.A. Soares' nonfeasance with respect to the corruption complaints in which they are similarly interested;
  - (3) referral of D.A. Soares and all New York's complicit district attorneys to criminal authorities for their larcenous pocketing of district attorney salary increases they know to be unlawful and for their other knowing and deliberate violations of penal laws they are charged with enforcing."
2. CJA's June 21, 2017 letter: "WHAT IS THE STATUS?..."
3. Third Judicial Department Attorney Grievance Committee's July 5, 2017 dismissal letter
4. CJA's July 28, 2017 letter:
  - "(1) Reconsideration of CJA's October 14, 2016 complaint entitled "Testing the efficacy of New York's attorney disciplinary committees in policing district attorney conflicts of interest and obligations to report attorney misconduct";
  - (2) FOIL request: written conflict-of-interest procedures utilized by the 30 district attorney offices within the Committee's jurisdiction – including as relates to their handling of public corruption complaints

## **III.**

### **THE LEGISLATURE'S DUTY TO VOID THE JUDICIAL SALARY INCREASES arising from the August 29, 2011 Report of the Commission on Judicial Compensation & December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation**

1. Executive Summary to CJA's October 27, 2011 Opposition Report
2. CJA's October 27, 2011 Opposition Report (w/o exhibits)
3. CJA's December 31, 2015 letter to Chief Judge Nominee/Westchester District Attorney Janet DiFiore
4. CJA's January 15, 2016 letter to Temporary Senate President Flanagan & Assembly Speaker Heastie and its enclosed Statement of Further Particulars