From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Sunday, April 16, 2023 9:07 PM

To: 'newsroom@law360.com'; 'indepth@law360.com'; 'marco.poggio@law360.com'; 'frank.runyeon@law360.com'

Subject: **Is it a "hearing" or a "meeting"? -- Request to testify vs Rowan Wilson's confirmation as chief judge & Caitlin Halligan's confirmation as associate judge -- plus FOIL request**

Attachments: 3-26-19-ltr-23pp.pdf; 5-2-19-order.pdf; signed-notarized-11-25-19-motion.pdf; 2-18-20-order.pdf

TO: LAW 360

RE: Confirmation of Rowan Wilson as chief judge & Caitlin Halligan as associate judge

Is it a "hearing" or a "meeting"? And who is being permitted to testify, other than the nominees? Who has requested to testify?

Below is my e-mail sent earlier today to the Senate Judiciary Committee, requesting to testify in opposition to both nominees based on their corruption, in office: Wilson, as a Court of Appeals associate judge, and Halligan, as New York Solicitor General.

Other than automated e-mail acknowledgements, I have received no responses, as yet.

I am available to answer your questions.

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: Sunday, April 16, 2023 3:16 PM
To: 'hoylman@nysenate.gov' <hoylman@nysenate.gov>; 'palumbo@nysenate.gov' <palumbo@nysenate.gov>; 'senatorjbailey@nysenate.gov' <senatorjbailey@nysenate.gov>; 'breslin@nysenate.gov' <breslin@nysenate.gov>; 'canzoneri@nysenate.gov' <canzoneri@nysenate.gov>; 'gounardes@nysenate.gov' <gounardes@nysenate.gov>; 'lanza@nysenate.gov' <lanza@nysenate.gov>; 'liu@nysenate.gov' <liu@nysenate.gov>; 'martins@nysenate.gov' <martins@nysenate.gov>; 'smayer@nysenate.gov' <smayer@nysenate.gov>; 'myrie@nysenate.gov' <myrie@nysenate.gov>; 'omara@nysenate.gov' <omara@nysenate.gov>; 'ramos@nysenate.gov' <ramos@nysenate.gov>; 'rhoads@nysenate.gov' <rhoads@nysenate.gov>; 'ryan@nysenate.gov' <ryan@nysenate.gov>; 'sepulveda@nysenate.gov' <sepulveda@nysenate.gov>; 'skoufis@nysenate.gov' <skoufis@nysenate.gov>; 'stavisky@nysenate.gov' <stavisky@nysenate.gov>;

'thomas@nysenate.gov' <thomas@nysenate.gov>
Cc: 'foil@nysenate.gov' <foil@nysenate.gov>

Subject: Request to testify in opposition to Rowan Wilson's confirmation as chief judge & Caitlin Halligan's confirmation as associate judge

TO: **New York State Senate Judiciary Committee**

Chair: Brad Hoylman, Esq.
Ranking Member: Anthony Palumbo, Esq.
Rank & File Members: Jamaal Bailey, Esq.; Neil Breslin, Esq.; Patricia Canzoneri-Fitzpatrick, Esq.; Andrew Gounardes, Esq;
Andrew Lanza, Esq.; John Liu; Jack Martins, Esq.; Shelley Mayer, Esq.; Zellnor Myrie, Esq.; Thomas O'Mara, Esq.; Jessica Ramos;
Steven Rhoads, Esq.; Sean Ryan, Esq.; Luis Sepulveda, Esq.; James Skoufis; Toby Ann Stavisky; Kevin Thomas, Esq.

The press has reported that the Senate Judiciary Committee will be holding a "hearing" on Court of Appeals Associate Judge Rowan Wilson's confirmation as chief judge tomorrow, April 17th, and a "hearing" on Caitlin Halligan's confirmation as associate judge on April 18th – the latter additionally surprising as Governor Hochul has not yet nominated Ms. Halligan as no vacancy exists for her to fill unless and until Judge Wilson is confirmed as chief judge.

The Senate website posts NO news release or notice of "hearings" for either Judge Wilson or Ms. Halligan – and there is also NONE on the Senate Judiciary Committee webpages. However, each do indicate "meetings" at 12 noon, April 17th and 11 am, April 18th, which, when clicked, respectively state:

> "The Committee will consider the following judicial nominee:
> APPEARING
> Hon. Rowan Wilson, nominated for Chief Judge of the Court of Appeals";

and

> "The following judicial candidate and prospective nominee, in accordance with Chapter 123
> of the Laws of 2023, will appear before the Committee:
> APPEARING
> Caitlin Halligan, candidate for Associate Judge of the Court of Appeals".

As these two "meeting" pages list no one else "APPEARING", is the Committee not permitting anyone else to be heard? The situation is further confusing because, according to an April 14th article, the executive director of NOW-New York "will make an appearance at Wilson's nomination hearing" to oppose his confirmation based on his decision in *People v. Reagan*.

As director of the non-partisan, non-profit citizens' organization Center for Judicial Accountability, Inc. (CJA), I also wish to "make an appearance"– by which I mean to be testify, under oath, in opposition to both Judge Wilson and Ms. Halligan.

The basis for CJA's opposition to Judge Wilson is his corruption, in office, as a Court of Appeals associate judge, in two separate yet interrelated cases, to benefit himself and the Senate:

(1) *Center for Judicial Accountability v. Cuomo, et al.*, a citizen-taxpayer action, "on behalf of the People of the State of New York & the Public Interest", suing the Senate and temporary senate president for corrupting state governance and challenging the constitutionality and lawfulness of the legislative budget, the judiciary budget, the executive budget – and of the 2015 budget-borne statute that established the Commission on Legislative, Judicial and Executive Compensation, replacing the 2010 statute that established the Commission on Judicial Compensation, and seeking to void their respective "force of law" December 24, 2015 and August 29, 2011 reports that cumulatively raised judicial salaries by approximately $80,000 a year and, by virtue of a linkage, comparably raised district attorney salaries. By 2019, when the case reached the Court of Appeals, it also encompassed the 2018 budget-borne statute that established the Committee on Legislative and Executive Compensation and its "force of law" December 10, 2018 report that raised the salaries of all Senate and Assembly members, the attorney general, the comptroller, and, indirectly, the governor and lieutenant governor – all of whom, excepting the lieutenant governor, were also defendants in *CJA v. Cuomo*, as was Chief Judge DiFiore.

From May 2019 to February 2020, Judge Wilson and his five fellow associate judges rendered five orders that cannot be justified and which they did not justify, countenancing the solicitor general's flagrant litigation fraud before the Court and dismissing and denying CJA's appeals of right and by leave from a December 27, 2018 decision of the Appellate Division, Third Department, affirming a November 28, 2017 decision and judgment of Albany Supreme Court (Denise Hartman), both decisions, shown by the record before the Court, to be judicial frauds, obliterating, *in toto*, ALL ethical, adjudicative, and evidentiary standards, in tandem with the attorney general and solicitor general whose defense, throughout, was founded on litigation fraud. Above-attached and here-linked is CJA's initial March 26, 2019 letter in support of its appeal of right, particularizing the seriousness of what was before the Court – to which the Court's response was its May 2, 2019 order. Also above-attached and here-linked is CJA's final November 25, 2019 motion, particularizing the seriousness of what the Court had done – to which the Court's response was its February 18, 2020 order.

(2) *Delgado v. New York State*, a declaratory and citizen-taxpayer action challenging the constitutionality and lawfulness of the 2018 statute that established the Committee on Legislative and Executive Compensation and its "force of law" December 10, 2018 report.

In August 2019, the *Delgado* plaintiffs were before the Court of Appeals on a direct appeal from a June 7, 2019 decision and judgment of Albany Supreme Court that principally rested on the Appellate Division, Third Department's December 27, 2018 *CJA v. Cuomo* decision, whose unconstitutionality and fraud Judge Wilson and his five associate judges were already fully knowledgeable of from the "legal autopsy"/analysis of it, accompanying CJA's March 26, 2019 letter in support of its appeal of right. By a November 21, 2019 order, the six associate judges indefensibly denied the direct appeal, relegating the *Delgado* plaintiffs to the Appellate Division, Third Department – which, by a March 18, 2021 decision affirmed the Supreme Court decision, based primarily on its December 27, 2018 *CJA v. Cuomo* decision.

From this, the Court of Appeals granted an appeal of right, in September 2021, and affirmed on November 17, 2022, by Judge Wilson's concurring opinion that made the plurality opinion of Judges Cannataro, Rivera, and Troutman a majority. Both the

concurring and plurality opinions, as likewise, the dissenting opinion of Judge Singas, to which Judge Garcia joined, are fashioned on material concealment, falsification, and misrepresentation of fact and law, immediately obvious from the *CJA v. Cuomo* record, of which Judges Wilson, Rivera, and Garcia were directly knowledgeable from 2019-2020, and as to which Judges Cannataro and Singas had notice and access by my below June 7, 2021 e-mail to this Committee, to which they were *cc*'d. Suffice to say, that Judge Wilson's concurring opinion compounds the fraud of the plurality opinion by upholding the constitutionality of the 2018 statute on the pretense that the compromised "checks and balances" of the statute are acceptable because of the Judiciary's "searching review"; "heightened judicial review"; "heightened scrutiny", "heightened standard of review"; "heightened review", purporting that "Supreme Court and the Appellate Division have demonstrated their vigilance" and, inferentially, that the Court of Appeals has done the same (at pp. 15-18, fn.11) – asserting, in conclusion, "the courts add enough weight to steady the balance" (at p. 29). NOTHING COULD BE MORE OBSCENE, as, likewise, his assertion, at the outset, "It is our job to ensure that the players in the lawmaking process do not shirk their burden of overseeing each other and minding the public interest" (at pp. 2-3) —as if that is what the Court was then and had been doing.

Notably, Judge Wilson's concurring opinion omits mention of *CJA v. Cuomo*, unlike the plurality and dissenting opinions whose scant referencing of it are laced with mischaracterizations to make it falsely appear as an insignificant case, not entitled to an appeal of right or by leave, and to conceal what its record makes immediately obvious: that *CJA v. Cuomo* was dispositive that the 2018 statute challenged by *Delgado* had to be declared unconstitutional and the December 10, 2018 Committee report voided.

Further specific frauds of Judge Wilson's concurring opinion – known to him from *CJA v. Cuomo*, whose original paper record, retained by the Court, was available to him and the associate judges – include the following:

(1) his concealment, entirely, that the 2018 statute could NOT be constitutionally enacted, through the budget, because it is non-revenue/non-fiscal policy legislation, violating Article VII, §2 of the state Constitution, and because, in violation of Article VII, §6, it is unconnected to any appropriation, and because the "three person in a room" budget dealmaking by which, behind-closed-doors, it was inserted as Part HHH of a purported "revenue" budget bill, and emerged from the "room" so-amended, is entirely unconstitutional;

(2) his misrepresentation of the governor's role (at p. 14) as having simply "approved the legislation creating the Committee", when the governor, temporary senate president, and assembly speaker collusively inserted it into the so-called revenue budget bill as part of their "three person in a room", behind-closed-doors, amending of budget bill dealmakings;

(3) his false justification (at p. 14, & its fn. 8) for the governor's "issuing a message of necessity" for the budget bill as due to "our Constitution's appropriation requirement, [in that] failing to pass a timely budget can have serious consequences (*see* art VII, §7)" – when, pursuant to Article VII, §4, New York has a rolling budget, enacted, without involvement of the governor, upon the Senate and Assembly reconciling their amended

appropriation bills, limited to strike-outs or reductions of appropriations;

(4) his concealments that apart from the unconstitutional enactment of the 2018 statute *via* the budget, it was unconstitutional, *as written*, because the Committee it established was too small and homogenous for a constitutional delegation of legislative power – and that its inclusion of the state comptroller and chief judge as members were each, independently, unconstitutional (at pp. 9, 13);

(5) his false representation and implication that the 2010 statute and, inferentially, the 2015 statute "expand[ing]" it, were constitutional because they provided "the checks and balances associated with the statute-making and budgetary process outlined in the Constitution" – and that such "checks and balances" were functioning and that "'the issue of judicial compensation now receives consideration independent of other political matters' (*Larabee v. Governor of the State of N.Y.*, 27 NY3d 469, 472 [2016]'" (at pp. 7-8);

(6) his false assertion that "this is not a difficult case under our legislative nondelegation doctrine" (at p. 3).

These frauds and the comparable and additional frauds of the plurality and dissenting opinions spring from the associate judges' HUGE financial and other interests born of relationships in affirming *Delgado* because doing otherwise by declaring the 2018 statute unconstitutional (1) by its enactment; (2) *as written*; and (3) *as applied* – as *CJA v. Cuomo* demonstrated was ALL mandated – would require largely identical declarations with respect to the 2015 and 2010 statutes, the voiding of all three "force of law" reports, and MASSIVELY transform state governance by restoring it to constitutionality and lawfulness, with penal consequences for the plethora of executive, legislative, and judicial public officers who had perpetrated and colluded in its frauds and larcenies, for years. The financial consequences for each associate judge – to which CJA had repeatedly alerted them – was a plummeting of salary by $82,200 a year, from the commission-based $233,400 it is to the $151,200 fixed by Judiciary Law §221 – and clawbacks ranging as high as nearly a million dollars. New York's 2,500 other state-paid judges would have faced comparably huge salary drops and clawbacks.

Judge Wilson and his fellow associate judges do not disclose their HUGE financial and other interests, divesting them of jurisdiction under Judiciary Law §14 – a threshold issue for which *CJA v. Cuomo* repetitively sought their determination, including by the final November 25, 2019 motion. To the contrary, they obscure same – including the concealment, by all three November 17, 2022 opinions, that *Delgado* had been before the Court in 2019 on a direct appeal and that this coincided with the Court having before it *CJA v. Cuomo* on appeals by right and by leave, furnishing evidence and argument essential to their duty with respect to *Delgado*.

Suffice to further note that Judge Wilson and his fellow associate judges all simply ignored what should have been obvious to them – quite apart from its being another threshold issue highlighted by *CJA v. Cuomo*, repetitively, namely, that Attorney General James – being a direct pay raise beneficiary of the 2018 "force of law" Committee report

raising her salary – had a disqualifying financial interest that made it improper for her to be representing the *Delgado* defendants, just as it was improper for her to be representing the *CJA v. Cuomo* defendants, of which she was one – and she manifested her disqualification by the litigation fraud she employed to corrupt the judicial process, at each level, of both cases.

As for Ms. Halligan, the basis of CJA's opposition is her corruption, in office, as solicitor general in the Article 78 proceeding that was the genesis of CJA's opposition to judicial pay raises, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York*, suing the Commission on Judicial Conduct for corruption – whose April 22, 1999 verified petition simultaneously exposed to view its corrupting of "merit selection" to the Court of Appeals with respect to the nomination and confirmation of Albert Rosenblatt as an associate judge, to which the Commission on Judicial Nomination, the bar associations, the governor, and the Senate Judiciary Committee were all complicit (¶¶22-34), additionally demonstrated in the record at the Appellate Division, First Department, with a threshold May 1, 2002 motion at the Court of Appels for disqualification/disclosure, chronicling the Senate Judiciary Committee's nonfeasance and fraud with respect to the confirmations of Associate Judges Howard Levine, Carmen Ciparick, and Victoria Graffeo, in addition to recapitulating what had occurred with respect to Associate Judge Rosenblatt's nomination and confirmation.

Solicitor General Halligan's ignominious role, in 2001 and 2002, was her corrupting of the appellate process, with litigation fraud, at the Appellate Division and Court of Appeals, for which she was rewarded, again and again, by fraudulent judicial decisions. I testified about the case at the Commission on Judicial Compensation's one and only July 20, 2011 hearing – handing up copies of my two final motions and the Court of Appeals' two final orders. Those here-linked October 15, 2002 motion and October 24, 2002 motion and the Court's December 17, 2002 orders thereon, here and here, were free-standing exhibits to CJA's October 27, 2011 opposition report to the Commission on Judicial Compensation's August 29, 2011 report. I handed up a full copy of that opposition report, with all its exhibits, in testifying before the Legislature at its February 6, 2013 "public protection" budget hearing – a hearing which was the beginning of my odyssey of discovery about Article VII, §§1-7 of the state Constitution, whose repudiation by the constitutional officers of New York's three government branches in their fashioning and enactment of the legislative, judiciary, and executive budgets would be chronicled by *CJA v. Cuomo* – and by CJA's advocacy, in the three years since Judge Wilson and his fellow associate judges gave their final answer to it by their self-interested, indefensible February 18, 2020 order.

* * *

EPILOGUE & WHERE TO BEGIN

Were the Commission on Judicial Conduct not a corrupt façade – which it is, thanks to Ms. Halligan and a long, long list that includes this Committee's Chair Hoylman and its Ranking Member Palumbo – Judge Wilson would long ago have been removed as a Court of Appeals associate judge and referred to criminal authorities for prosecution, with his fellow associate justices, along with then Chief Judge DiFiore, then Chief Administrative Judge Marks, and all the Appellate Division, Third Department and Supreme Court justices who had obliterated the rule of law in *CJA v. Cuomo* and *Delgado*. Indeed, for more than two years, the Legislature has had the fully-documented February 7, 2021 conflict-of-interest/corruption complaint I filed with the Commission on Judicial Conduct against Judge Wilson and his fellow associate judges, with a substantiating EVIDENTIARY webpage, particularizing their corruption in those two cases, as well as the fully-documented February 11, 2021 companion complaint I filed with the Appellate Division attorney grievance committees against Attorney General James, Solicitor General Underwood, and their

underlings for their litigation fraud therein, also substantiated by an EVIDENTIARY webpage. Those two complaints were each expanded on April 26, 2021 and April 27, 2021, by a supplementing complaint based on my "legal autopsy"/analysis of the Appellate Division, Third Department's March 18, 2021 *Delgado* decision – the decision that Judge Wilson concurred to affirm on November 17, 2022.

Although I did not file a misconduct complaint against Solicitor General Halligan with the Appellate Division's attorney grievance committee, a summary of her corrupting of the judicial process, at the Appellate Division and the Court of Appeals in *E.R.* Sassower *v. Commission on Judicial Conduct* can be found in my March 9, 2011 letters to the U.S. Senate Judiciary Committee in opposition to her confirmation as a federal judge on the Court of Appeals for the D.C. Circuit, accessible with my 2001 correspondence to her, on a webpage I constructed for that 2011 opposition, here. Suffice to add that the *modus operandi* of litigation fraud by the attorney general's office, rewarded by fraudulent judicial decisions – exemplified, at ALL court levels, by *E.R. Sassower v. Commission on Judicial Conduct* and other important cases, prior and since, such as *CJA v. Cuomo, et al.* – has been a staple of CJA's advocacy before this Committee and the Legislature, for decades – most recently by my written testimony for the Legislature's February 7, 2023 "public protection" budget hearing, which I thereafter e-mailed to most of you, without response. So, too, has CJA's advocacy highlighted, for decades, the corruption of "merit selection" to the Court of Appeals – and my below June 7, 2021 e-mail pertaining to the Singas and Cannataro nominations further flagged that the Commission on Judicial Nomination was not doing appropriate vetting and investigation of candidates by citing to its inclusion of Ms. Halligan and Denise Hartman on its shortlist for the Court of Appeals.

For the convenience of all, I have aggregated the above substantiating links and others on an EVIDENTIARY webpage for this e-mail, here.

Kindly confirm, as immediately as possible, that I will be permitted to testify, in opposition, under oath, at the "meetings"/"hearings".

* * *

FOIL REQUEST

Pursuant to Senate Rule XIV "Freedom of Information", please furnish, as immediately as possible:

(1) the Senate or Senate Judiciary Committee press release, if any, for what the press is reporting as confirmation "hearings";
(2) records reflecting the names of persons testifying at the Committee's April 17th and April 18th "meetings",
other than Judge Wilson and Ms. Halligan;
(3) records reflecting the names of persons who requested to testify, but were not given permission to do so;
(4) Judge Wilson's and Ms. Halligan's publicly-available responses to the questionnaire(s) they were required to complete
for the Commission on Judicial Nomination.

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: Monday, June 7, 2021 4:20 PM

To: hoylman@nysenate.gov; pboyle@nysenate.gov; senatorjbailey@nysenate.gov; biaggi@nysenate.gov; breslin@nysenate.gov; gounardes@nysenate.gov; kaplan@nysenate.gov; lanza@nysenate.gov; myrie@nysenate.gov; omara@nysenate.gov; oberacker@nysenate.gov; palumbo@nysenate.gov; skoufis@nysenate.gov; stavisky@nysenate.gov; thomas@nysenate.gov

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Subject: Your tomorrow's "meeting" on the nominations of Singas & Cannataro to the NY Court of Appeals -- UNCONSTITUTIONAL & FRAUDULENT, as it has not been preceded by vetting of the EVIDENCE decisive of their unfitness, of which you have had NOTICE

TO: The 15 Members of the Senate Judiciary Committee
Chair Hoylman, Ranking Member Boyle, and Members Bailey, Biaggi, Breslin, Gounardes, Kaplan, Lanza, Myrie, O'Mara, Oberacker, Palumbo, Skoufis, Stavisky, Thomas

I have received NO response from you to my below June 1st e-mail, with its above-attached FOIL request – and, apparently, you are dispensing with ANY hearing on Governor Cuomo's nominations of D.A. Singas and Judge Cannataro to the Court of Appeals – opting instead to "consider" their nominations at a "meeting" of the Senate Judiciary Committee, at noon tomorrow – at which you will also "consider" the Governor's eight nominees to the Court of Claims.

Just as there was NO precedent for the Governor's May 25, 2021 announcement that combined his nominations of two Court of Appeals judges, with nominations of Court of Claims judges and appointments to the Appellate Divisions, there is NO precedent for your combining "consideration" of Court of Appeals nominees with nominees for the Court of Claims – and for dispensing with a hearing on the Court of Appeals nominees. What you are doing is unconstitutional – and a fraud upon the People of this State, to whom you owe the duty to examine and take testimony on EVIDENCE that D.A. Singas and Judge Cannataro are unfit to serve on our state's highest court – EVIDENCE

that Chair Hoylman has had NOTICE of since May 26th – with NOTICE to the Committee's 14 other members since June 1st by my below e-mail.

Suffice to note, the Commission on Judicial Nomination would itself have discerned the unfitness of D.A. Singas, Judge Cannataro, and other appalling short-list candidates as Denise Hartman and Caitlin Halligan had it done appropriate investigation by reaching out to such credible information sources as the Center for Judicial Accountability, Inc. (CJA) – the necessity of which, in 1993 and repeatedly thereafter, we demonstrated as essential because customary sources on which it relies, as, for instance, the Commission on Judicial Conduct and the court-controlled attorney grievance committees, are corrupt.

To assist you in your duty to examine the EVIDENCE that D.A. Singas and Judge Cannataro cannot be confirmed because they do not meet the FIRST ground upon which Article VI, §2(c) of the New York State Constitution specifies they must be "well qualified", namely "character"– and encompassing D.A. Singas' believed perjury on her publicly-inaccessible answers to the Commission on Judicial Nomination's questionnaire – I have posted the EVIDENCE substantiating my June 1st e-mail to you on two webpages – one for D.A. Singas and one for Judge Cannataro – each additionally posting an explanatory narrative of the EVIDENCE pertaining to each, with questions for each. For your further convenience, I have above-attached these two explanatory narratives of the EVIDENCE and questions.

So that D.A. Singas and Judge Cannataro may be prepared for your rigorous interrogations at tomorrow's "meeting" on their nominations – indeed to enable them, on their own accord, to demonstrate their "character" by answering the EVIDENCE-based questions here attached, I am cc'ing them on this e-mail.

As always, I am available to assist you in your duties – and invite you to call me, no matter how late this evening or early tomorrow morning.

Finally, I request that this e-mail, with its below chain of e-mails and its above three attachments, be made part of the record of tomorrow's "meeting" and Senate proceedings on D.A. Singas' and Judge Cannataro's confirmations.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, June 1, 2021 9:10 AM
To: 'hoylman@nysenate.gov' <hoylman@nysenate.gov>
Cc: 'pboyle@nysenate.gov' <pboyle@nysenate.gov>; 'senatorjbailey@nysenate.gov' <senatorjbailey@nysenate.gov>; 'biaggi@nysenate.gov' <biaggi@nysenate.gov>; 'breslin@nysenate.gov' <breslin@nysenate.gov>; 'gounardes@nysenate.gov' <gounardes@nysenate.gov>; 'kaplan@nysenate.gov' <kaplan@nysenate.gov>; 'lanza@nysenate.gov' <lanza@nysenate.gov>; 'myrie@nysenate.gov' <myrie@nysenate.gov>; 'omara@nysenate.gov' <omara@nysenate.gov>; 'oberacker@nysenate.gov' <oberacker@nysenate.gov>; 'palumbo@nysenate.gov' <palumbo@nysenate.gov>; 'skoufis@nysenate.gov' <skoufis@nysenate.gov>; 'stavisky@nysenate.gov' <stavisky@nysenate.gov>; 'thomas@nysenate.gov' <thomas@nysenate.gov>; 'phillips@nysenate.gov' <phillips@nysenate.gov>; 'aaron@bradhoylman.com' <aaron@bradhoylman.com>; 'canary@nysenate.gov' <canary@nysenate.gov>; 'kiprilov@nysenate.gov' <kiprilov@nysenate.gov>; 'turoski@nysenate.gov' <turoski@nysenate.gov>; 'laidley@nysenate.gov' <laidley@nysenate.gov>; 'levans@nysenate.gov' <levans@nysenate.gov>; 'jonesjj@nysenate.gov' <jonesjj@nysenate.gov>; 'golan@nysenate.gov' <golan@nysenate.gov>; 'msb.nysenate@gmail.com' <msb.nysenate@gmail.com>; 'rowheeler@nysenate.gov' <rowheeler@nysenate.gov>; 'jbishop@nysenate.gov' <jbishop@nysenate.gov>; 'valle@nysenate.gov' <valle@nysenate.gov>; 'cfoster@nysenate.gov' <cfoster@nysenate.gov>; 'goddard@nysenate.gov' <goddard@nysenate.gov>; 'brix@nysenate.gov' <brix@nysenate.gov>; 'emancinisd6@gmail.com' <emancinisd6@gmail.com>

Subject: Senate Judiciary Committee procedures for vetting Gov. Cuomo's nominations of Singas & Cannataro to the NY Court of Appeals -- & request to testify in strong opposition at their confirmation hearings, with EVIDENCE, decisive of their unfitness

TO: Senate Judiciary Committee Chair Brad Hoylman

This follows six separate voice mail messages I left at your Albany and Manhattan offices, requesting to know what the Senate Judiciary Committee's procedures are for investigating the fitness of Governor Cuomo's two nominees to the New York Court of Appeals: Nassau County District Attorney Madeline Singas and New York City Civil Court Administrative Judge Anthony Cannataro – and to testify, in strong opposition to each, at the Senate Judiciary Committee's hearings on their confirmations.

Governor Cuomo announced these nominations on Tuesday, May 25th – and at 9:08 am the next day, Wednesday, May 26th, I called your Albany office (518-455-2451), leaving a voice mail message with my above two requests, with a further voice mail message at that number at 2:00 pm, followed by a voice mail message at your Manhattan district office (212-633-8052) at 2:06 pm. The next day, Thursday, May 27th, I left a voice mail message at your Albany office at 12:02 pm and then at your Manhattan office at 12:06 pm. On Friday, May 28th, I left a voice mail message at your Albany office at 10:38 am.

Please advise – and explain why, during these normal business hours, no one picks up the phone or calls back. Is not time of the essence? Did no one wish to speak with me about the basis for CJA's opposition to these nominees – and the EVIDENCE substantiating same?

By copy of this e-mail to Senate Judiciary Committee Ranking Member Phil Boyle and the Committee's 13 other members, I request that they call me to schedule individual or combined phone meetings to discuss the EVIDENCE that is your constitutional duty and theirs to investigate and report to the full Senate. As relates to District Attorney Singas, the EVIDENCE is *prima facie* and open-and shut, not even requiring inquiry of her to establish that her nomination must be rejected, indeed, that she must be indicted for corruption, in office – and that she will be convicted. As to Judge Cannataro, the EVIDENCE is also decisive – although it requires inquiry of him and others to establish, both as relates to his three-year tenure, from 2000 to 2003, as the principal law clerk at the Court of Appeals to then Associate Judge Carmen Ciparick, and as to the pay raises that have boosted his salary $80,000 a year since becoming a judge in 2012.

I take this opportunity to bring to your attention that I am still waiting for you and the Senate to furnish me with a copy of the attorney misconduct complaint against Rudolph Giuliani that you filed in January with New York's attorney grievance committee for the First Judicial Department. Will you be supplying it? The chain of e-mails is below.

Finally, and on that topic – but yet also related to the nominations of Singas and Cannataro to the Court of Appeals -- when is the Senate Judiciary Committee finally going to continue – and make findings on – the hearings begun twelve years ago on New York's attorney grievance committees and the Commission on Judicial Conduct, held by then Chair John Sampson, whose origin can be traced back to my testimony before him at the Senate Judiciary Committee's January 27, 2009 hearing on "merit selection" to the Court of Appeals in which I stated:

> "…you need to be sure that the regulatory bodies, the Commission on Judicial Conduct, the attorney disciplinary committees are functioning, because they are one of the first stops of the Commission on Judicial Nomination in securing information about candidates. And they are useless. They are worthless and they are corrupt. **And there needs to be hearings and investigations of those bodies**." (transcript, pp. 88-89).

The January 27, 2009 transcript excerpt, the VIDEO of my subsequent extensive testimony and colloquy with Chair Sampson at the continued June 5, 2009 hearing on the Commission on Judicial Nomination and "merit selection" to the Court of Appeals, the VIDEOS and transcripts of the Senate Judiciary Committee's June 8, 2009 and September 24, 2009 hearings on the attorney grievance committees and the Commission on Judicial Conduct, and the draft written statement and substantiating evidentiary webpage I had prepared for the Senate Judiciary Committee's third – and aborted -- December 16, 2009 hearing are all posted and accessible from CJA's website, including here.

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: Friday, March 26, 2021 3:33 PM
To: 'Senate Foil' <foil@nysenate.gov>
Cc: 'aaron@bradhoylman.com' <aaron@bradhoylman.com>; 'hoylman@nysenate.gov' <hoylman@nysenate.gov>

Subject: AGAIN: "clarification and specificity" -- Jan. 15, 2021 FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license

TO: New York State Senate Records Access Officer/Secretary of the Senate Alejandra Paulino, ESQ.

I have no record of response from you to my below February 19th e-mail. Did you respond? If not, please do so now and, at minimum, provide me with the requested January 11, 2021 misconduct complaint against Rudolph Giuliani that Senate Judiciary Committee Chair Hoylman filed with the attorney grievance committee of New York's appellate division.

As I also have no record of response from Chair Hoylman's press officer, Aaron Ghitelman, who, when I spoke with him on February 18th, as recited below, stated he would send me the complaint, I take the opportunity of this e-mail to remind Mr. Ghitelman to send it to me now, if he did not do so previously.

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: Friday, February 19, 2021 8:56 AM
To: 'foil@nysenate.gov' <foil@nysenate.gov>
Cc: 'aaron@bradhoylman.com' <aaron@bradhoylman.com>; 'holyman@nysenate.gov' <holyman@nysenate.gov>

Subject: "clarification and specificity" -- Jan. 15, 2021 FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license

TO: New York State Senate Records Access Officer/Secretary of the Senate Alejandra Paulino

This replies to your below February 12, 2021 response to my above-entitled and attached January 15, 2021 FOIL request.

There is nothing "overly broad and vague" about it – including as to the approximate date of Senate Judiciary Committee Chair Hoylman's formal complaint against Rudolph Giuliani – the intent to file same

having been announced by him at the outset of the Senate Judiciary Committee's January 11, 2021 meeting and embodied in the press release of that date, posted on Senator Hoylman's Senate website that I provided you: https://www.nysenate.gov/newsroom/press-releases/brad-hoylman/ny-senate-judiciary-chair-brad-hoylman-file-formal-complaint. Indeed, I yesterday confirmed with Senator Hoylman's press officer, Aaron Ghitelman, that the complaint was filed on January 11, 2021.

Please, therefore, pursuant to Senate Rule ___ "Freedom of Information", furnish me with Senator Hoylman's publicly-announced January 11, 2021 formal complaint without further delay.

Thank you.

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

From: Senate Foil <foil@nysenate.gov>
Sent: Friday, February 12, 2021 2:14 PM
To: Center for Judicial Accountability, Inc.(CJA) <elena@judgewatch.org>

Subject: Re: FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license

February 12, 2021

Ms. Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
Post Office Box 8101
White Plains, NY 10602
cja@judgewatch.org

Dear Ms. Sassower:

This is to acknowledge receipt of your email dated January 15, 2020 pursuant to the Freedom of Information Law.

You are requesting … "a copy of said formal complaint…"

Please be advised your request is overly broad and vague in nature. However, if you provide clarification and specificity with regard to dates we will attempt to fulfill your request.

I have attached a copy of the Senate's Rules and Regulations Relating to the Public Inspection and Copying of Legislative Records for your information.

Sincerely,

Alejandra N. Paulino, Esq.

Secretary of the Senate

From: Senate Foil/senate
To: "Center for Judicial Accountability, Inc.\(CJA\)" <elena@judgewatch.org>
Date: 01/26/2021 10:45 AM

Subject: **Re: FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license**

Good Morning,

This is to acknowledge receipt of your request dated January 6, 2021 pursuant to the Freedom of Information Law.

We are currently working on this request and expect to be able to respond within ten (10) business days. If you have any questions do not hesitate to reach to this email address.

From: "Center for Judicial Accountability, Inc.\(CJA\)" <elena@judgewatch.org>
To: <foil@nysenate.gov>
Date: 01/15/2021 03:54 PM

Subject: **FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license**

TO: New York State Senate Records Access Officer/Secretary of the Senate Alejandra Paulino

Reference is made to the January 11, 2021 press release entitled: **"New York Senate Judiciary Committee Chair Brad Hoylman to File Formal Complaint Asking New York Appellate Division to Consider Revoking Rudy Giuliani's License to Practice Law", posted on Senator Hoylman's Senate website.** Pursuant to Senate Rule ___ "Freedom of Information", this is to request a copy of said formal complaint.

Thank you.

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