

**Subject:** Fundamental Decency & Issues of Legitimate Public Concern

**Attachments:** 11-8-11-executive-summary.pdf; 8-26-11-times-union-seiler.pdf; 11-1-11-ltr-to-megna.pdf; 7-21-11-times-union-gavin.pdf; 7-19-11-times-union-editorial.pdf; 8-30-11-times-union-editorial.pdf

**From:** Center for Judicial Accountability, Inc. (CJA) [mailto:[elena@judgewatch.org](mailto:elena@judgewatch.org)]

**Sent:** Tuesday, November 15, 2011 6:53 PM

**To:** 'Casey Seiler'

**Cc:** 'jodato@timesunion.com'; 'jvielkind@timesunion.com'; 'rkarlin@timesunion.com'; 'rgavin@timesunion.com'; 'David King'

**Subject:** Fundamental Decency & Issues of Legitimate Public Concern

Dear Mr. Seiler:

Responding to your e-mail entitled "Thanks for the invite", please advise:

(1) where the word "demand" appears in my e-mail? The sentence to which you are refer reads:

"Meantime, and until the Times Union undertakes the investigation, reporting, and editorializing on our Opposition Report that it plainly deserves, we **REQUEST** that you post its Executive Summary on the Times Union "Capitol Confidential" blog as immediately and as fully as you posted State Bar President Doyle's August 26th press release." (capitalization and bold added).

(2) the basis for your disparagement of my professional, evidence-based advocacy - such as CJA's October 27, 2011 Opposition Report and its Executive Statement -- as "[my] beefs with the state judiciary"?

(3) the "oft-reporting" on which you rely for your insult that you have "no doubt that [I] can be counted on to have an opinion on virtually everything the state judiciary does?" Where, in the supposed "oft-report[ing]" - or in anything that is "well-known" -- have you ever seen any "opinion" by me on more than the limited range of issues with which I have knowledge, expertise, and evidence?;

(4) the basis upon which you believe that you should not be "seek[ing me] out for comment or run[ning my] statements when they're offered"? Is it your belief that I do not have knowledge, expertise, and evidence on judicial accountability issues - and cannot and do not substantiate everything I say?

For the record, I have not asked you to seek my "comment" or run my "statements", as if I am some spectator. I've

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asked you to examine CJA's October 27, 2011 Opposition Report that was delivered to Governor Cuomo, Senate Majority Leader Skelos, Assembly Speaker Silver, and Chief Judge Lippman, laying out the constitutional and statutory infirmities of the Commission on Judicial Compensation's judicial pay raise recommendations in support of legislative override of those recommendations and other, more dramatic relief, in vindication of the Public's rights. Is it your view that issues of judicial compensation and accountability, when so-presented, are not matters of legitimate public concern about which the Albany Times Union and the Legislative Correspondents Association are "obligated" to inform the Public?

I am a participant - not a spectator - in what is now before our state's highest officers for ACTION. Or do you believe - without apparently reading it - that CJA's October 27, 2011 Opposition Report is a NON-EVENT that should be ignored by the Governor, Majority Leader, Assembly Speaker, and Chief Judge - and by the Albany press corps which purports to cover them?

Indeed, what is so additionally shocking about your e-mail is that you begin by saying "I'll be sure to look at your response" - presumably meaning the Opposition Report and Executive Summary. Don't you think it would have been more prudent to have reviewed those documents BEFORE continuing on with your gratuitous, insulting disparagements of me?

Although I am entitled to "demand" your response to your abuse of me, as hereinabove requested, and to file a complaint with supervisory editors of the Times Union, I will settle on your reviewing CJA's Executive Summary and Opposition Report - and your calling up the Governor, Senate Majority Leader, Assembly Leader, ad Chief Judge for comment as to the status and outcome of their review.

Fair enough?

If you agree, tell me how much time you need, so that I may be guided accordingly.

I do think it appropriate, however to furnish this e-mail to your fellow Times Union recipients with whom - unlike yourself - I've had previous direct contact -- so that they can offer their responses to my indicated questions.

Thank you.

Elena Sassower  
718-708-5303

-----Original Message-----

From: Casey Seiler [mailto:cseiler@timesunion.com]  
Sent: Tuesday, November 15, 2011 4:23 PM  
To: Center for Judicial Accountability, Inc. (CJA)  
Subject: Thanks for the invite

Elena:

Thanks for the email, and I'll be sure to look at your response. As far as Rob Gavin's reporting and the editorial board's stances, I suggest you take that up with them. You can reach Rob at rgavin@timesunion.com and contact the edit board through Joann Crupi at jcrupi@timesunion.com.

I'm rarely moved by the entreaties of people who demand we post something on CapCon, whether they're you, the Bar Association or the unquiet ghost of Warren Burger. Your beefs with the state judiciary are well-known and oft-reported, and expand far beyond the matter of judicial pay. I have no doubt that you can be counted on to have an opinion on virtually everything the state judiciary does, but that doesn't obligate me to seek you out for comment or run your statements when they're offered.

That said, I'll be sure to drop an LCA brochure in the mail at the soonest possible convenience.

Best,  
Casey

**From:** Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewidth.org]  
**Sent:** Tuesday, November 15, 2011 3:36 PM  
**To:** 'cseiler@timesunion.com'  
**Cc:** 'jodato@timesunion.com'; 'jvielkind@timesunion.com'; 'rkarlin@timesunion.com'; 'rgavin@timesunion.com'; 'David King'  
**Subject:** Second Invitation: Gotham Gazette: "Who Judges the Judges?"

**TO: CASEY SEILER**  
**President, Legislative Correspondents Association of New York State & Capitol Bureau Chief, Albany Times Union**

Following up my phone call to you, as President of the Legislative Correspondents Association of NYS – occasioned by the fact that I have received NO response from ANY members of the Legislative Correspondents Association to the below e-mail "Invitation" I sent them yesterday, including the members who are Albany Times Union reporters -- attached is the Executive Summary to CJA's October 27, 2011 Opposition Report to the Commission on Judicial Compensation's August 29, 2011 Report recommending 27% pay raises over the next three years.

David King's story "*Who Judges the Judges?*", in the current issue of the Gotham Gazette, though the first to identify CJA's Opposition Report, *barely grazes the surface*. Again, here's the link to the "Latest News" page of CJA's website, posting the story: <http://www.judgewidth.org/web-pages/cja/latest-news.htm>

Kindly read the attached Executive Summary, not only as President of the Legislative Correspondents Association, but as Times Union Capitol Bureau Chief so that, at very least, your own newspaper can begin investigation and coverage of this MAJOR SCANDAL, involving the public's fundamental constitutional rights and hundreds of millions of their taxpayer dollars.

Since you were responsible for posting on the Times Union's "Capitol Confidential" blog the August 26<sup>th</sup> press release of NYS Bar Association President Vincent Doyle, expressing disappointment that the Commission's 27% judicial pay raise recommendations were not more immediate and larger – which you posted in full, within hours of its issuance – I would hope that you will personally call President Doyle for

comment on CJA's Opposition Report. President Doyle should be well prepared to comment as he has already had more than two weeks to evaluate our Opposition Report and consult with constitutional and statutory experts who are among the State Bar's membership. This, because I e-mailed it to him on October 28<sup>th</sup>. A copy of CJA's October 28<sup>th</sup> letter to President Doyle and other judicial pay raise advocates, calling upon them to confront the presentation made by our Opposition Report as to the Commission's constitutional and statutory violations -- and fraud upon the People of this State -- is annexed to our November 1, 2011 letter to NYS Budget Director Megna, herein attached.

As to this attached November 1, 2011 letter to Budget Director Megna, it transmitted to him CJA's Opposition Report and called upon him to "protect the public purse and public interest" by taking steps to secure Governor Cuomo's introduction of legislation to override the Commission's "statutorily-violative and unconstitutional judicial pay raise recommendations".

It would be particularly appropriate for Assistant City Editor Robert Gavin, who approached me at the Commission's July 20<sup>th</sup> hearing after I stood up and publicly applauded and thanked Mr. Megna for his testimony, on behalf of the People of New York, to secure Mr. Megna's comment about our Opposition Report. Especially is this so because Mr. Gavin's July 21<sup>st</sup> article about the Commission's hearing included nothing about my public commendation of Mr. Megna or what I myself said in my opposition testimony to judicial pay raises, or what any other citizen opponent said in testifying at the hearing.

Perhaps the breathtakingly one-sided reporting reflected by Mr. Gavin's July 21<sup>st</sup> article is to give legitimacy and support to the Times Union's long-standing editorializing for judicial pay raises. Thus, it editorialized on July 19<sup>th</sup>, the day before the Commission's hearing, unconcerned about citizen testimony in opposition that might be presented the following day. Likewise, it rushed to editorialize on August 30<sup>th</sup>, the day after the Commission released its August 29<sup>th</sup> Report, unconcerned that judicial pay raise opponents had had no opportunity to make an opposing presentation and without itself commenting on the flagrant facial insufficiency of the Commission's Report for the judicial pay raises it was lauding.

Surely, the Times Union Editorial Board will give more attention to a communication from you than from me. Therefore, I ask that you forward this e-mail to each and every member of the Editorial Board, with my request that they solicit the opinions of constitutional and statutory law scholars from New York's 15 law schools as to the violations particularized by our Opposition Report and summarized by the Executive Summary.

Please let me hear from you, as soon as possible -- including confirmation that you have forwarded this e-mail to ALL members of the Times Union Editorial Board -- so that I will know how to proceed. Meantime, and until the Times Union undertakes the investigation, reporting, and editorializing on our Opposition Report that it plainly deserves, we request that you post its Executive Summary on the Times Union "Capitol Confidential" blog as immediately and as fully as you posted State Bar President Doyle's August 26<sup>th</sup> press release.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
718-708-5303  
[www.judgewidth.org](http://www.judgewidth.org)

**From:** Center for Judicial Accountability, Inc. (CJA) [mailto:[elena@judgewidth.org](mailto:elena@judgewidth.org)]  
**Sent:** Monday, November 14, 2011 11:50 AM  
**To:** (erin.billups@ny1news.com); Adam Sichko (asichko@bizjournals.com); Andrew Hawkins (ahawkins@nycapitolnews.com); Betty Flood (EFMNEWS@aol.com); Bill Hammond (whammond@nydailynews.com); Brendan Scott (bscott@nypost.com); Cara Matthews (clmatthe@gannett.com); Casey Seiler (cseiler@timesunion.com); Chuck Custer (news@wgy.com); Elizabeth Benjamin (liz.benjamin@ynn.com); Fredric Dicker (fud31@aol.com); Glenn Blain (gblain@nydailynews.com); hakim@nytimes.com; Jacob Gershman (jacob.gershman@gmail.com); Jim Odato (jodato@timesunion.com); Jimmy Vielkind (jvielkind@timesunion.com); Joe Spector (jspector@gannett.com); Joel Stashenko (jstashenko@alm.com); Karen DeWitt (kdewitt@wxix.com); Ken Lovett (klynnews@aol.com); Kyle Hughes (khughes@nysnys.com); Matt Ryan (mryan@wmht.org); Michael Gormley

(mgormley@ap.org); Michael Virtanen (mvirtanen@ap.org); Rick Karlin (rkarlin@timesunion.com); Stephen Acunto Jr. (sacunto@cinn.com); Susan Arbetter (susan\_arbetter@wcny.org); Teri Weaver (tweaver@syracuse.com); Tom Precious (tprecious@buffnews.com); Yancey Roy (yancey.roy@newsday.com)

**Cc:** 'David King'

**Subject:** Invitation: Today's Gotham Gazette: "Who Judges the Judges?"

**TO: Capital Press Room: New York State Legislative Correspondents Association**

David King, State Government Editor for the Gotham Gazette, leads with an article today, "*Who Judges the Judges?*", which he features as "This Month's Story...". It is the first to provide a glimmer of reporting on:

- the aborted 2009 Senate Judiciary Committee hearings on the Commission on Judicial Conduct; and
- CJA's October 27, 2011 Report on the judicial pay raise issue, delivered to Governor Cuomo, Senate Majority Leader Skelos, Assembly Speaker Silver, & Chief Judge Lippman

We have posted David's article on the "Latest News" webpage of CJA's website – from which you can easily access both the videos of the 2009 Senate Judiciary Committee hearings and CJA's October 27, 2011 Report. Here's the direct link: <http://www.judgewidth.org/web-pages/cja/latest-news.htm>

We look forward to providing you ALL possible assistance so that you can expand upon David's groundbreaking reporting of what is a MAJOR SCANDAL – propelling the long overdue, non-partisan, good-government reforms essential to safeguarding our constitution, democracy, and rule of law.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
718-708-5303  
[www.judgewidth.org](http://www.judgewidth.org)