

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Tuesday, January 19, 2016 2:59 PM
To: 'flanagan@nysenate.gov'; 'speaker@assembly.state.ny.us'; lanzisera@msn.com; scousins@nysenate.gov; Assembly Minority Leader Brian M. Kolb; 'bonacic@nysenate.gov'; 'hassell@senate.state.ny.us'; hoylman@nysenate.gov; cyoung@nysenate.gov; 'lkrueger@senate.state.ny.us'; 'weinstH@assembly.state.ny.us'; 'montesanoM@assembly.state.ny.us'; 'peoplec@assembly.state.ny.us'; 'DupreyJ@assembly.state.ny.us'; 'JaffeeE@assembly.state.ny.us'; LawrenceP@assembly.state.ny.us; 'farrelh@assembly.state.ny.us'; 'oaksR@assembly.state.ny.us'; 'goodella@assembly.state.ny.us'; 'LopezP@assembly.state.ny.us'; 'NojayW@assembly.state.ny.us'; 'JohnsM@assembly.state.ny.us'; grelick@nysenate.gov; 'Jessica Cherry'
Cc: 'rkennedy@nysba.org'; bmahan@nysba.org; smattei@nystla.org; mharris@nycbar.org; mcilenti@nycbar.org; ekocienda@nycbar.org; j.deskovic@hotmail.com; tatiana.neroni@gmail.com
Subject: Tomorrow's SJC hearing on the confirmation of D.A. DiFiore as Chief Judge -- & Request for Deferment of Senate floor proceedings pending a written committee report containing findings of fact & conclusions of law as to the citizen opposition
Attachments: 1-15-16-ltr-to-flanagan-heastie-with-statement-of-particulars.compressed.pdf; 1-11-16-email-to-cherry.compressed.pdf; 12-31-15-ltr-to-difiore.compressed.pdf; 1-15-16-email-to-bar-associations.pdf

TO: Temporary Senate President Flanagan, Assembly Speaker Heastie – & other Legislators in positions of leadership and oversight, particularly in the Senate:

This is to advise that on Friday, January 15th, promptly after sending you the below e-mail, I forwarded it to the New York State Bar Association and the New York State Trial Lawyers Association – both invited by the Senate Judiciary Committee to testify at its tomorrow's hearing to confirm D.A. DiFiore's nomination as Chief Judge. My succinct message to them was as follows:

“Please forward this e-mail to whatever bar representatives will be testifying before the Senate Judiciary Committee at its January 20th hearing to confirm the nomination of District Attorney DiFiore as Chief Judge.”.

A copy is attached.

I then printed out the January 15th e-mail and hand-delivered it for Chief Judge Nominee DiFiore, at her district attorney headquarters in White Plains, which is her main office. My accompanying handwritten note stated, in pertinent part:

"Enclosed is the e-mail of today's date with the letter to Temporary Senate President Flanagan and Assembly Speaker Heastie it transmitted, including the four indicated enclosures of the letter...This e-mail has also been furnished to the bar associations. Please advise as to your response to the Dec. 31, 2015 letter, as I have as yet received none. As stated in that letter, I would greatly prefer to testify in favor of your confirmation than against. Also, I would hope that you would join in seeking to have the Senate Judiciary Committee allow testimony from members of the public, as is customary & appropriate, if not constitutionally-mandated."

You can see a photo of this January 15th handwritten note – as well as photos of my prior January 7th and January 12th handwritten notes to her – as they are posted on CJA’s webpage of my December 31st letter to her. The direct link is here: <http://www.judgewatch.org/web-pages/judicial-selection/nys/judicial-selection-ny-difiore.htm>.

I have received no response from Chief Judge Nominee DiFiore. Consequently, my January 11th e-mail to the Senate Judiciary Committee requesting to testify at tomorrow’s hearing on her confirmation, based on my December 31st letter to Chief Judge Nominee DiFiore, should now be deemed a request to testify in opposition. As reflected by that January 11th e-mail – a copy of which I had furnished to Chief Judge Nominee DiFiore on January 12th and to the bar associations on January 13th – the bar associations must be asked “whether any nominee for the Chief Judge position may be deemed ‘qualified’ who fails to respond to the December 31, 2015 letter”. By the same token, the bar associations must be asked whether it is fitting and proper, let alone constitutional, for the Senate Judiciary Committee to insulate her from scrutiny by holding a confirmation hearing where only bar associations who have supported her nomination by bare-bones (and inconsistent) ratings are invited to testify, NOT members of the public whose requests to testify in opposition are buttressed by particularized facts and evidence of unfitness. The same questions must be asked to Chief Judge Nominee DiFiore, as well.

If, notwithstanding my January 15th letter for your “IMMEDIATE OVERSIGHT”, tomorrow’s confirmation hearing is NOT postponed so that invitations can be extended to opposition witnesses, the members of the Senate Judiciary Committee must act as our surrogates, grilling Chief Judge Nominee DiFiore and the bar associations about the particulars of our written requests to testify. By virtue of my below January 15th e-mail, identifying the written requests of Jeffrey Deskovic and Tatiana Neroni to testify in opposition, contained in the Senate Judiciary Committee’s pdf’d record whose link I furnished, neither Chief Judge Nominee DiFiore nor the bar associations can plead ignorance about the serious and substantial basis upon which Mr. Deskovic and Ms. Neroni have requested to give live opposition testimony. And, of course, Chief Judge Nominee DiFiore and the bar associations possess ALL the particulars and evidence substantiating my opposition testimony, whose DISPOSITIVE nature is highlighted by my January 11th e-mail request to testify – and which, by now, the Senate Judiciary Committee should already have verified as such.

This citizen opposition – and any other received by the Senate Judiciary Committee – must be embodied in a committee report to the full Senate, with findings of fact and conclusions of law as to each. Doubtless Temporary Senate President Flanagan has the power to ensure that Senate floor proceedings on the confirmation are held in abeyance until such committee report is rendered, in writing. By this e-mail, I so request – and ask that the other Senate recipients of this e-mail, all holding positions of leadership and oversight, exercise their own powers to that end.

By copy of this e-mail to Chief Judge Nominee DiFiore, which I will immediately hand-deliver to her White Plains district attorney headquarters, I expressly request that she bring with her, to tomorrow’s hearing, ALL the documentary proof I transmitted with the December 31st letter – and which the letter reflects as being transmitted. Indeed, on December 31st, upon my giving this voluminous documentation, *in hand*, to her First Deputy District Attorney, John George, he asked me whether I would want it back. My response to him was that under no circumstances should it be discarded and that Chief Judge Nominee DiFiore should be sure to bring it with her to the Senate Judiciary Committee hearing on her confirmation.

Needless to say, I request that this e-mail be included in the record of both the Senate Judiciary Committee and Senate proceedings on her confirmation as Chief Judge.

Finally, please note that my January 15th letter and its attached statement of particulars as to the statutory violations and fraud committed by the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation contained some non-substantive, typographical errors. These have been corrected by the attached – and on CJA’s webpage for the letter: <http://www.judgewatch.org/web-pages/judicial-compensation/2015/legislative-oversight.htm>. Apologies for any inconvenience.

Thank you.

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

From: Center for Judicial Accountability [<mailto:elena@judgewatch.org>]

Sent: Friday, January 15, 2016 3:11 PM

To: 'flanagan@nysenate.gov'; 'speaker@assembly.state.ny.us'

Cc: Andrew J. Lanza (lanza@senate.state.ny.us); 'scousins@nysenate.gov'; Assembly Minority Leader Brian M. Kolb; 'bonacic@nysenate.gov'; 'hassell@senate.state.ny.us'; hoyleman@nysenate.gov; 'cyoung@nysenate.gov'; 'krueger@senate.state.ny.us'; 'weinstH@assembly.state.ny.us'; 'montesanoM@assembly.state.ny.us'; 'peoplec@assembly.state.ny.us'; 'DupreyJ@assembly.state.ny.us'; 'JaffeeE@assembly.state.ny.us'; 'LawrenceP@assembly.state.ny.us'; 'farrelh@assembly.state.ny.us'; 'oaksR@assembly.state.ny.us'; 'goodella@assembly.state.ny.us'; 'LopezP@assembly.state.ny.us'; 'NojayW@assembly.state.ny.us'; 'JohnsM@assembly.state.ny.us'; garvey@nysenate.gov; 'grelick@nysenate.gov'; 'Jessica Cherry'; 'j.deskovic@hotmail.com'; tatiana.neroni@gmail.com

Subject: Immediate Oversight Required: Jan. 20, 2016 Senate Judiciary Confirmation Hearing of Chief Judge Nominee DiFiore AND "Force of Law" Judicial Salary Recommendations of Dec. 24, 2015 Report of Commission on Legislative, Judicial & Executive Compensation

Attached is the Center for Judicial Accountability's letter of today's date requiring IMMEDIATE ATTENTION & LEGISLATIVE OVERSIGHT, particularly as it involves the January 20th Senate Judiciary Committee confirmation hearing of Chief Judge Nominee Janet DiFiore, at which NO ONE OTHER THAN THE NOMINEE & THE BAR ASSOCIATIONS IS BEING PERMITTED TO TESTIFY – a fact deceptively not revealed by the Senate Judiciary Committee's public notice that "ORAL TESTIMONY IS BY INVITATION ONLY". Among those being denied the opportunity to testify, in addition to myself, are Jeffrey Deskovic, whose name and case are used as if he supports her nomination, when he does NOT, and Tatiana Neroni, Esq. Each have devastating things to say about how the nominee has conducted her office as Westchester County District Attorney, as may be seen from the Senate Judiciary Committee's pdf compilation of their requests to testify: <http://www.nysenate.gov/newsroom/press-releases/john-j-bonacic/current-written-testimony-submitted-court-appeals-nominee>

The attached letter is also posted, with all substantiating exhibits, on CJA's website, www.judgewatch.org, accessible via the prominent homepage link "NO PAY RAISES FOR NEW YORK'S CORRUPT PUBLIC OFFICERS: The Money Belongs to their Victims!" The direct link to the webpage is here: <http://www.judgewatch.org/web-pages/judicial-compensation/2015/legislative-oversight.htm>. Additionally, the referred-to Assembly Bill #7997 is here: http://assembly.state.ny.us/leg/?default_fld=&bn=A07997&term=&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y

As requested by the letter, please forward & furnish to all members of the referred-to relevant oversight committees.

Thank you.

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

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Tuesday, January 19, 2016 3:31 PM
To: Andrew J. Lanza (lanza@senate.state.ny.us)
Cc: lanzisera@msn.com
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Inadvertently, I sent this e-mail NOT to Senator Lanza, as intended, but to Carl Lanzisera, who heads Americans for Legal Reform.

It is now e-mailed to the Senator.

Apologies.

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

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Cc: 'rkennedy@nysba.org'; bmahan@nysba.org; smattei@nystla.org; mharris@nycbar.org; mcilenti@nycbar.org; ekocienda@nycbar.org; j.deskovic@hotmail.com; tatiana.neroni@gmail.com

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