

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

Post Office Box 8101
White Plains, New York 10602

Tel. (914)455-4373

E-Mail: cja@judgewatch.org
Website: www.judgewatch.org

February 14, 2019

TO: Senate Finance Committee
Chair Liz Krueger
Ranking Member James Seward
Assembly Ways and Means Committee
Chair Helene Weinstein, ESQ.
Ranking Member William Barclay, ESQ.

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: EVIDENCE substantiating written testimony for the Legislature's February 11, 2019 budget hearing on "local government officials/general government", submitted at last year's January 30, 2018 budget hearing on "public protection" – and required to be preserved pursuant to Legislative Law §67

As you know, due to the unexpected illness, hospitalization, and death of my beloved father, George Sassower, I was unable to testify at the Legislature's January 29, 2019 budget hearing on "public protection" and February 11, 2019 budget hearing on "local government officials/general government". Fortunately, the record remains open for seven days after each hearing. That gives me time to submit written testimony for the February 11, 2019 budget hearing, due by 5 p.m. on Tuesday, February 19, 2019 – Monday being the Presidents' Day holiday.

Such written testimony will update and supplement my testimony, last year, at the Legislature's January 30, 2018 budget hearing on "public protection", <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/jan-30-2018-hearing.htm>, and February 5, 2018 budget hearing on "local government officials/general government", <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/feb-5-2018-hearing.htm>.

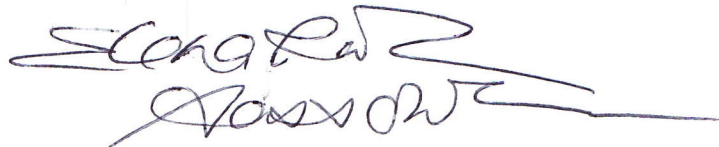
As the EVIDENCE I submitted at the January 30, 2018 budget hearing, in substantiation of my last year's testimony, also substantiates my upcoming written testimony, kindly confirm that such EVIDENCE was retained – as mandated by Legislative Law §67, which reads:

* **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

“All books, papers, transcripts of records, pamphlets, statements, reports, documents, data, memoranda and written or printed matter used by or submitted to the finance committee of the senate and ways and means committee of the assembly during any session of the legislature shall be preserved until the adjournment of the next ensuing annual session of the legislature, in the senate finance committee room. All such matters and things in the committee room of the ways and means committee of the assembly at the close of an annual session of the legislature shall be transferred to the committee room of the senate finance committee. The duty of caring for such matters and things, and keeping them intact, between sessions of the legislature shall devolve on the superintendent of public buildings.”

For your convenience, the inventory of that EVIDENCE, organized in three colored file folders, is annexed, together with my February 1, 2018 exchange of e-mails with then Senate Finance Committee Chair Catharine Young’s office, confirming that such was with the Committee and would be kept with its records.

Thank you.

A handwritten signature in black ink, appearing to read "Catharine Young", with a long horizontal flourish extending to the right.

Enclosures

cc: Former Senate Finance Committee Chair Catharine Young
Senate Committee on Investigations and Government Operations
Assembly Committee on Oversight, Analysis, and Investigation
Assembly Committee on Governmental Operations
Legislative Commission on Government Administration

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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

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgwatch.org>
Sent: Thursday, February 1, 2018 2:35 PM
To: 'David Schnall'
Subject: The Legislature's Jan 30, 2018 "Public Protection" Budget Hearing & CJA's Primary Source Documentary EVIDENCE Supporting Testimony
Attachments: 1-30-18-inventory.pdf

Dear Mr. Schnall,

Thank you for your return call this morning. I hope you have been able to confirm that Senate Judiciary Committee Chair Young has the documentary EVIDENCE supporting my testimony, which I had brought to the witness table to hand up in conjunction with my testifying at the January 30, 2018 "public protection" budget hearing. As I was the last witness and she and fellow legislators so quickly exited upon the conclusion of my testimony, the hour being late, I gave this EVIDENCE to Sergeant-at-Arms Slagen, who assured me it would be delivered to Senator Young, as I requested.

Attached is a superseding/updated inventory of the EVIDENCE I furnished to Sergeant-at-Arms Slagan, contained in three colored file folders.

For your further convenience – and that of all legislators and public -- everything is posted on CJA's website, www.judgwatch.org, accessible *via* the prominent homepage link "2018 Legislative Session", as indicated at fn. 1 of my written statement and by my oral testimony. The direct link is here: <http://www.judgwatch.org/web-pages/searching-nys/2018-legislature/menu-2018-legislative-session.htm>.

Thank you.

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

Center for Judicial Accountability, Inc. (CJA)

From: David Schnall <schnall@nysenate.gov>
Sent: Thursday, February 1, 2018 4:56 PM
To: elena@judgewidth.org
Subject: Re: The Legislature's Jan 30, 2018 "Public Protection" Budget Hearing & CJA's Primary Source Documentary EVIDENCE Supporting Testimony

Good afternoon Ms. Sassower,

We have the documents that you are referring to and will keep it with our records. It is important to note that Senator Young is the Senate Finance Chair, not the Senate Judiciary Committee Chair.

Sincerely,

David P. Schnall, Special Assistant
Senator Catharine M. Young
428 CAP
Albany, New York 12247
Phone: (518) 455-3564
Fax: (518) 426-6905

----- Forwarded by David Schnall/senate on 02/01/2018 04:40 PM -----

From: "Center for Judicial Accountability, Inc. \CJA)" <elena@judgewidth.org>
To: David Schnall <schnall@nysenate.gov>
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, February 1, 2018 6:02 PM
To: 'David Schnall'
Subject: Thank you! -- RE: The Legislature's Jan 30, 2018 "Public Protection" Budget Hearing & CJA's Primary Source Documentary EVIDENCE Supporting Testimony

Dear Mr. Schnall,

Much appreciate your acknowledgment. Sorry about the inadvertent slip. I meant to refer to Senator Young as Senate Finance Committee Chair. In my next life, they'll be no typos. I'll get it right...the first time.

Thank you.

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