

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 3002
Southampton, New York 11969

Tel. (631) 377-3583

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

Elena Ruth Sassower, Director

November 1, 2011

Robert L. Megna, Director of the Budget
State of New York/Executive Department
Division of the Budget
State Capitol
Albany, New York 12224

RE: Protecting the Public Purse & Public Interest: Request That You Take Steps to Secure Governor Cuomo's Introduction of Legislation to Override the Commission on Judicial Compensation's Statutorily-Violative and Unconstitutional Judicial Pay Raise Recommendations

Dear Budget Director Megna,

This follows my phone call to your office on July 21st, identifying that I was the person who had risen from her seat to applaud and thank you, on behalf of the People of the State of New York, at the conclusion of your testimony at the Commission on Judicial Compensation July 20th hearing.

Yesterday, I again called your office and, again leaving a message of thanks for your July 20th testimony, stated that our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), had presented Governor Cuomo, Temporary Senate President Skelos, Assembly Speaker Silver, and Chief Judge Lippman with an Opposition Report in support of legislative override of the Commission's recommendations to raise judicial salaries 27% over the next three years.

I further stated that you were an indicated recipient of that Opposition Report¹ – and that I would be transmitting it to you. I do so now, by attachment to this e-mail. The Opposition Report is also readily accessible from CJA's website, www.judgewatch.org, most conveniently *via* the top panel "Latest News" and left side panel "Judicial Compensation-NYS" – together with the substantiating exhibits referred-to therein. Upon your request, I would be pleased to furnish you with a "hard copy", especially if doing so would facilitate your securing Governor Cuomo's introduction of legislation to override the Commission's judicial pay raise recommendations.

¹ The Opposition Report mentions you and/or the Division of Budget at pp. 5, 8, 22-23, 24, 36.

Consistent with your July 20th testimony, CJA calls upon you to protect the public purse and public interest by taking such action. As our October 27th Opposition Report demonstrates (at pp. 1, 18-21, 23, 25, 26, 29, 31, 33), the Commission flagrantly failed “to examine, evaluate and make recommendations with respect to adequate levels of compensation and non-salary benefits for judges and justices”, as was its statutory duty to do – and its judicial pay raise recommendations are unsupported by any finding that current “pay levels and non-salary benefits” are inadequate. Based on our showing therein, we respectfully request that you present Governor Cuomo with a report supplementing our own, amplifying the critical difference between salary and “compensation and non-salary benefits”, wholly disregarded by the Commission. This, in addition to addressing such other “appropriate factors” as the Commission wilfully failed to consider, in violation of the Commission statute and New York’s Constitution. Among these, “rates of inflation”; “changes in public-sector spending”; “the state’s ability to fund increases in compensation and non-salary benefits” – as well as the “skewing” and “distorting” of the salary structure for “constitutional officers” and executive branch commissioners, to which you alluded when you testified.

As you are also an indicated recipient of CJA’s October 28th letters to the Commissioners and judicial pay raise advocates, transmitting our Opposition Report to them, those letters are enclosed herewith.

Again, thank you for your past and anticipated upcoming advocacy on behalf of the public purse and public interest.

Yours for a quality judiciary –
& government integrity,



ELENA RUTH SASSOWER, Director
Center for Judicial Accountability, Inc. (CJA)

Attachment: CJA’s October 27, 2011 Opposition Report,
with a link to CJA’s webpage on which it and the exhibits are posted
Enclosure: CJA’s October 28, 2011 letters to the Commissioners & Judicial Pay Raise Advocates

cc: Governor Andrew M. Cuomo
Temporary Senate President Dean G. Skelos
Assembly Speaker Sheldon Silver
Chief Judge Jonathan Lippman
Commission on Judicial Compensation
Judicial Pay Raise Advocates
Public & Press

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Elena Ruth Sassower, Director
Doris L. Sassower, President

October 28, 2011

TO: Commission on Judicial Compensation
William C. Thompson, Jr., Chairman
Richard Cotton
William Mulrow
Robert Fiske, Jr.
Kathryn S. Wylde
James Tallon, Jr.
Mark Mulholland

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

RE: Holding Government Accountable: CJA's October 27, 2011 Opposition Report in Support of Legislative Override of the Commission on Judicial Compensation's Judicial Pay Raise Recommendations & Other Relief

Yesterday, CJA challenged the Commission's August 29, 2011 Final Report by an Opposition Report – four originals of which we delivered to the New York City offices of Governor Cuomo, Temporary Senate President Skelos, Assembly Speaker Silver, and Chief Judge Lippman so that these public officers can discharge their mandatory duties to protect the People of this State.

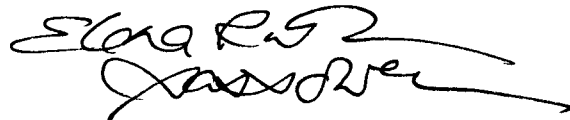
The Opposition Report demonstrates that your judicial pay raise recommendations are “fraudulent, statutorily-non-conforming, and constitutionally violative”. Based thereon, it seeks:

- (1) legislation voiding your judicial pay raise recommendations;
- (2) repeal of the statute creating the Commission;
- (3) your referral to criminal authorities for prosecution; and
- (4) appointment of a special prosecutor, task force, and/or inspector general to investigate the documentary and testimonial evidence of systemic judicial corruption, infesting supervisory and appellate levels and the Commission on Judicial Conduct – which you unlawfully and unconstitutionally ignored, without findings, in recommending judicial pay raises.

The “Conclusion” to the Opposition Report (at p. 37) stated that the Report would be furnished you to afford you the opportunity to rebut its presentation of fact, law, and legal argument, if you could. It is herewith attached, by e-mail. It is also readily accessible to you from CJA’s website, www.judgewatch.org, most conveniently *via* the top panel “Latest News” and side panel “Judicial Compensation-NYS”. The substantiating exhibits, virtually all in your possession, are also posted.

Should you wish to see the original of the Opposition Report, you can secure same from the New York Law Journal, as **Commissioner Fiske is a member of its Board of Editors** – and we delivered an original, with its two-volume exhibit compendium, to the Law Journal yesterday so that it could begin long-overdue, honest reporting of the judicial compensation issue for the “Bench and Bar” it purports to “serv[e]”.

Needless to say, your failure to respond to CJA’s Opposition Report will be deemed a concession that you cannot do so without conceding the fraud, illegality and unconstitutionality therein particularized – reinforcing the People’s entitlement to all the relief sought.

A handwritten signature in black ink, appearing to read "Sheldon Silver". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Attachment: CJA’s October 27, 2011 Opposition Report,
with a link to CJA’s webpage on which it and the exhibits are posted

cc: Governor Andrew M. Cuomo
Temporary Senate President Dean G. Skelos
Assembly Speaker Sheldon Silver
Chief Judge Jonathan Lippman
New York Law Journal
Judicial Pay Advocates
New York State Budget Direct Robert L. Megna
Public & Press

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Elena Ruth Sassower, Director

October 28, 2011

TO: Judicial Pay Raise Advocates

New York State Chief Administrative Judge Ann Pfau
Former New York State Chief Judge Judith S. Kaye
Family Court Judges W. Dennis Duggan & Daniel Turbow/Organizers
Coalition of New York State Judicial Associations –
Association of Supreme Court Justices of the State of New York
New York City Supreme Court Justices Association
Designated Supreme Court Justices Association
New York State Court of Claims Judges (Parts B, D & E) Association
New York State Surrogates Association
New York State Family Court Judges Association
New York City Family Court Judges Association
New York City Criminal Court Judges Association
New York City Civil Court Judges Association
New York State City Court Judges Association
New York City Housing Court Judges Association
New York State District Court Judges Association
Former Appellate Division, Second Department Justice Robert Spolzino
Joseph L. Forstadt, Esq., Counsel/Associations of Supreme Court Justices
Bar Association Leaders who testified at the July 20, 2011 public hearing
Vincent E. Doyle, III, President, NYS Bar Association
Roger Juan Maldonado, Chair, Council on Judicial Administration/
NYC Bar Association
Stewart Aaron, President, NY Co. Lawyers' Association
Leslie Kelmachter, President, NYS Trial Lawyers Association
Lance D. Clarke, Past President, Nassau County Bar Association
Maureen Maney, President-Elect, Women's Bar Association of the State of NY
Fund for Modern Courts: Victor Kovner, former Chair
Brennan Center for Justice: Michael Waldman, Executive Director
J. Adam Skaggs, Senior Counsel/Democracy Program
Dennis Hughes, President of New York State AFL-CIO
League of Women Voters of the State of New York: Betsey B. Swan, President
Citizens Union of the City of New York:
Peter J. W. Sherwin, Chair/Board of Directors & Dick Dadey, Executive Director
Martin Cirincione, Deputy Director/New York Prosecutors Training Institute, Inc.
Dorchen Leidholdt, Director/Ctr for Battered Women's Legal Services/Sanctuary for Families
Catherine Cerulli, Associate Professor, University of Rochester School of Medicine

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

RE: Holding Government Accountable: CJA's October 27, 2011 Opposition Report in Support of Legislative Override of the Commission on Judicial Compensation's Judicial Pay Recommendations & Other Relief

On October 27, 2011, the Center for Judicial Accountability, Inc. (CJA) challenged the Commission on Judicial Compensation's August 29, 2011 Final Report by an Opposition Report – four originals of which we delivered to the New York City offices of Governor Cuomo, Temporary Senate President Skelos, Assembly Speaker Silver, and Chief Judge Lippman to enable these public officers to discharge their official responsibilities to protect the People of this State.

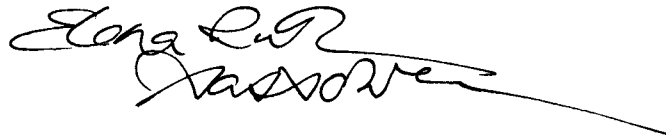
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The "Conclusion" to the Opposition Report (at p. 37) stated that we would furnish the Opposition Report to the Commissioners and to judicial pay raise advocates so that they might rebut its presentation of fact, law, and legal argument, if they could. For that reason, it is herewith furnished to you, by e-mail. It is also readily accessible to you from CJA's website, www.judgewatch.org, most conveniently *via* the top panel "Latest News" and side panel "Judicial Compensation-NYS". The substantiating exhibits are also posted. CJA's companion letter of today's date to the Commissioners is enclosed.

We request that the judge recipients of this letter forward it to ALL the judges and former judges who testified at the Commission's July 20th hearing and/or submitted written statements to the Commission – indeed, to ALL New York State's 1,200-plus judges and such former state judges who have retired and/or resigned since 1999 – so that they, like yourselves, may have the opportunity to contest CJA's October 27, 2011 Opposition Report, if they can.

Consistent with applicable legal principles, the failure of the Commissioners and judicial pay raise advocates to respond to CJA's Opposition Report will be deemed a concession that they cannot do so without conceding the fraud, illegality and unconstitutionality therein particularized – reinforcing the People's entitlement to all the relief sought.

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