

On July 21, 2011, Center for Judicial Accountability Director Elena Sassower sent a letter to the Commission on Judicial Compensation, inquiring whether its July 20, 2011 public hearing would be stenographically transcribed. In the absence of any response from the Commission, she has transcribed her own testimony from the video of the hearing.

**“NO PAY RAISES FOR NYS JUDGES WHO CORRUPT JUSTICE --
THE MONEY BELONGS TO THE VICTIMS!”**

(title of the one-page hand-out, seven copies of which Elena Sassower handed-up to the seven Commissioners upon being called to testify)

Video: 03:12:58 - 03:24:23

Chairman Thompson: Elena Sassower, Director of the Center for Judicial Accountability, Incorporated.

Elena Sassower: *(arrives at table at which she will be testifying and sets up name plate – www.judgewatch.org – Center for Judicial Accountability, Inc.)*

If I may.

(approaches the dais with the seven copies of the hand-out for the seven Commissioners; thereupon returning to the table and arranging the documentary materials about which she intends to testify – including the New York State Constitution)

Just one moment, please. This is an evidence-based presentation.

Chairman Thompson: I have to ask you to begin.

Elena Sassower: Yes, in just one moment.

Mr. Chairman, if you would be kind enough to tell me when I have two minutes remaining so I can guide myself accordingly.

Chairman Thompson: Okay.

Elena Sassower: My name is Elena Ruth Sassower. I am director and co-founder of the Center for Judicial Accountability, a non-partisan, non-profit citizens' organization that for 20 years has been documenting systemic judicial corruption in this State's judiciary, infesting appellate and supervisory levels of our justice system and involving the New York State Commission on Judicial Conduct.

Our website is www.judgewatch.org, and from its top panel "Latest News" the public can access the information and documentation germane to the issue of judicial compensation that has been suppressed by the media. Indeed, the webpage that we've created for the judicial compensation issue, accessible from our "Latest News" webpage, is called "Bringing Transparency, Evidence, and Public Accountability to the One-Sided, Media-Created View (Swallowed Whole from the Judicial-Legal Establishment) that New York Judges are Underpaid and Entitled to a Raise".

Today's public hearing directly results from the advocacy of the non-partisan, non-profit Center for Judicial Accountability. And it is our May 23rd and June 23rd letters to the Judicial Compensation Commission that called upon it to hold public hearings:

"to ensure that its work is informed by evidence-based facts as to the supposed quality of our state's judges entitling them to increased compensation, including the quality of those judges who have complained that they are underpaid."

CJA's position, expressed by its May 23rd letter, is that there must be NO increases in judicial compensation:

"until mechanisms are in place and functioning to remove judges who deliberately pervert the rule of law and any semblance of justice and whose decisions are nothing short of 'judicial perjuries', being knowingly false and fabricated. Such judges, willfully destroying the lives of countless New Yorkers, the wellbeing of our state, and our democracy as a whole, are unworthy of their current salaries and benefits – being paid by hardworking New Yorkers."

At this hearing so far, we have had rhetoric, not evidence. Each and every speaker who has advocated for a pay increase has claimed that we have a quality, excellent, top-rate judiciary. They have presented no evidence. Well, those who can, who are saying that the judiciary of this state is unworthy of a pay raise because it is pervasively corrupt have the evidence to back up their position.

I am sure that each of you have workers in your employ at various levels and you would never think to give them a pay raise when they weren't doing their job.

Make no mistake about it. What we are saying – and what we have documented – is that New York State judges are not doing their job.

Not only that, you have no evidence from any of the presenters that the Commission on Judicial Conduct or the other mechanisms designed to ensure the integrity of our judiciary are functioning and have not been corrupted. And they have been corrupted.

As you know from my past correspondence with you, in 2009 the Senate Judiciary Committee held hearings at which two dozen New Yorkers came forward to attest to the corruption at various levels of the judiciary that had wiped them out financially and otherwise. And they came forward with their documentation. And they were promised, by the chairman, Senator Sampson, that there would be investigation. Indeed, they were promised that there would be a task force assembled and, of course, there needed to be. There needed to be findings with respect to what these hard-working citizens, taxpayers, were saying. And they were saying that they had, among other things, lost their businesses, lost their children.

Alright, my time is up.

Chairman Thompson:

No, you asked. You said. You have two minutes.

Elena Sassower:

Two minutes. Two minutes. The position is that there must be findings before you can proceed. You have no basis to give any consideration to pay raises when there have not been, has been no investigation, no findings, no committee report with respect to the presentations made in 2009 before the Senate Judiciary Committee at hearings that were aborted.

Now, there is a threshold issue that this Committee has not confronted and not disclosed publicly – and that is the disqualification of its chairman, William Samp – William Thompson, Jr., and I'm sorry to have to raise it, but I must raise it.

The issues before this tribunal is the integrity of our state judiciary. There can be no raises to judges who should be removed from the bench for corruption. They are not earning their salaries. They are stealing from the public. They are perverting justice.

Now, Chairman Thompson's father was a member of the judiciary of this state and if you should approve retroactive pay raises he would, he would, his father would be a beneficiary. But that's not the real disqualification that he faces. His father was the highest-ranking judicial member of the New York State Commission on Judicial Conduct for many, many years and was himself the subject of repeated judicial misconduct complaints – judicial misconduct complaints of which I have direct, first-hand experience, testimonial capacity.

And his misconduct that was the subject of those complaints resulted in lawsuits both against him personally and against the Commission on Judicial Conduct.

Commissioner: Ma'am. Is this in you're written testimony? I think, you're –

Chairman Thompson: And your time –

Commissioner: And your time –

Elena Sassower: Fine. Let me just say, before leaving, and there's so much to be presented. I have to tell you that I prepared and I don't have time to deliver, a list here of 20, 20 specific frauds that have been presented to you in support of pay raises. It's shocking. It's outrageous what –

Commissioner: Ma'am. We'll be happy to take all your testimony, please –

Elena Sassower: Fine. Let me just say in leaving here today, the final two motions in the lawsuit brought against the Commission on Judicial Conduct that went up to the Court of Appeals. In 2002, it reached the Court of Appeals. And these are the final two motions. From these, excuse me.

Chairman Thompson: Ms. Sassower.

Elena Sassower: Excuse me.

Chairman Thompson: No, excuse me. We've given you enough time.

Elena Sassower: Okay.

Chairman Thompson: Thank you very much.

Elena Sassower: From this you can verify that the Commission was the beneficiary of a succession of fraudulent judicial decisions without which it would not have survived, including four of the Court of Appeals. I would suggest that the witnesses who have already testified, the bar associations, why don't they –

Commissioner: Thank you, Ma'am.

Chairman Thompson: Ma'am.

Elena Sassower: – assist you with the fact-finding.

Chairman Thompson: You're holding other people from testifying. We've given you enough time.

Elena Sassower: And one last thing, one last thing.

Chairman Thompson: There is no one last thing.

Elena Sassower: The Court of Appeals decision in the judicial compensations case is, I believe, a fraud, and that is set forth in the letter that was sent to you yesterday and also this morning.

Chairman Thompson: Ma'am step away from the microphone, thank you, and the table, now.

Commissioner: Thank you, thank you.

Chairman Thompson: Our next speaker, Martin –

Elena Sassower: Uuh. What –

Chairman Thompson: No. Please.

Elena Sassower: With respect to your disqualification. How are you addressing your disqualification?

Chairman Thompson: No. Ma'am. Step away from the microphone and the table — now, now.

Elena Sassower: Well that's our problem with our judiciary –

Chairman Thompson: That's right. I'm not a member of the judiciary. Step away now.

Elena Sassower: – they don't address their disqualification for interest and their bias.

Chairman Thompson: Thank you.

Elena Sassower: And this panel is not ashamed to have articulated its, its predisposition to pay raises before the evidence is in. Okay, here it is.

Chairman Thompson: Our next speaker, thank you. Take the – and your name plate.

Elena Sassower: Here it is. Okay. Have it examined by the advocates of judicial pay raises to confirm –

Chairman Thompson: Ma'am. We're going to have to

Elena Sassower: – that the Commission has been the beneficiary of fraudulent judicial decisions. The *modus operandi* in this state, fraudulent judicial decisions.

Chairman Thompson: Our next speaker –

Elena Sassower: The judiciary of this state is corrupt, pervasively, systemically corrupt.

See annexed page itemizing the documentary materials that Elena Sassower left with the Commission in substantiation of her testimony – all accessible FOR YOUR INDEPENDENT EVALUATION & FACT-FINDING, with the underlying case records, via CJA's judicial compensation webpage.

*Documentary materials that Elena Sassower left
with the Commission on Judicial Compensation on July 20, 2011
in substantiation of her testimony – all accessible FOR YOUR INDEPENDENT EVALUATION &
FACT-FINDING, with the underlying case records, via CJA's judicial compensation webpage*

**CJA's FINAL TWO MOTIONS IN ITS 2-1/2 YEAR PUBLIC INTEREST LAWSUIT AGAINST THE NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT:**

**CJA's OCTOBER 15, 2002 MOTION FOR REARGUMENT, VACATUR FOR FRAUD, LACK OF JURISDICTION,
DISCLOSURE, & OTHER RELIEF**

TABLE OF EXHIBITS

Exhibit A: CJA's October 7, 2002 letter to Chief Motion Clerk
Exhibit B-1: Court of Appeals' September 12, 2002 decision/order (#581)
Exhibit B-2: CJA's May 1, 2002 notice of motion for disqualification/disclosure & pp. 1-8 of moving affidavit
Exhibit C-1: Ct of Appeals' September 12, 2002 decision/order (#719)
Exhibit C-2: CJA's May 1, 2002 notice of appeal
Exhibit C-3: CJA's June 17, 2002 notice of motion for sanctions, etc. vs. Attorney General
Exhibit D: *NYS Association of Criminal Defense Lawyers v. Kaye*, 95 NY2d 556 (2000)
Exhibit E-1: Ct of Appeals' decision/order in *Schulz v. NYS Legislature* (Mo.# 1075)
Exhibit E-2 *Schulz v. NYS Legislature*, 92 NY2d 917 (1998)
Exhibit F-1: *Sims v. NYS Commission on Judicial Conduct*, 62 NY2d 884 (1984)
Exhibit F-2: *NY Criminal and Civil Bar Association v. NY*, 46 NY2d 730 (1978)
Exhibit G: Robert Schulz' August 17, 1998 disqualification motion in *Schulz v. NYS Legislature*

CJA's OCTOBER 24, 2002 MOTION FOR LEAVE TO APPEAL TO THE COURT OF APPEALS

TABLE OF EXHIBITS

Exhibit A-1: Appellate Division's December 18, 2001 decision/order
Exhibit A-2: Appellate Division's March 26, 2002 order
Exhibit B-1: Ct of Appeals' September 12, 2002 decision/order on disqualification (#581) Exhibit B-2: Ct of Appeals' September 12, 2002 decision/order on notice of appeal and sanctions (#719)
Exhibit C: Justice Wetzel's January 31, 2000 decision/order
Exhibit D: Justice Cahn's July 13, 1995 decision/order in *Doris L. Sassower v. Commission*
Exhibit E: Justice Lehner's September 30, 1999 decision/order in *Mantell v. Commission*
Exhibit F: Appellate Division's November 16, 2000 decision/order in *Mantell v. Commission*
Exhibit G: CJA's March 3, 2000 letter to Chief Judge Kaye, with inventory of transmitted record
Exhibit H: 3-page analysis of Cahn's July 13, 1995 decision in *Doris Sassower v. Commission*
Exhibit I: 13-page analysis of Justice Lehner's September 30, 1999 decision in *Mantell v. Commission*
Exhibit J: March 27, 2000 letter of Counsel, Unified Court System
Exhibit K: 1-page analysis of Appellate Division's December 16, 2000 decision in *Mantell v. Commission*
Exhibit L-1: 19-page analysis of Appellate Division's December 18, 2001 decision (1/7/02 notice-complaint)
Exhibit L-2: Commission's February 27, 2002 acknowledgment letter
Exhibit M-1: "*I rise in defense of state courts*", Chief Judge Kaye, Daily News, 1/17/02
Exhibit M-2: "*State judicial system is accountable to public*", Judge Kaye, Albany Times Union, 2/10/02

**CJA's DRAFT STATEMENT PREPARED FOR THE SENATE JUDICIARY COMMITTEE'S ABORTED DECEMBER 16,
2009 HEARING**

**CJA's TWO MARCH 6, 2007 OPPOSITION STATEMENTS TO SENATE CONFIRMATION OF CHIEF JUDGE JUDITH
KAYE TO THE NEW YORK COURT OF APPEALS:**

-- OPPOSITION STATEMENTS OF ELENA SASSOWER & DORIS L. SASSOWER