

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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## BY E-MAIL

August 29, 2023

TO: New York State Commission on Judicial Conduct

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

RE: File #2023/A-0081 – Request for Substantiation & Reconsideration of Clerk Zahner’s July 31, 2023 Letter: CJA’s February 23, 2023 conflict-of-interest/corruption complaint against Ulster County Supreme Court Justice David Gandin – *CJA v. JCOPE et al.* (Albany Co. #904235-22)

On February 23, 2023, via the Commission’s web portal for complaints: <https://www.nyscjforms.com/>, which furnishes complainants with no copy of their electronically transmitted complaints, I stated:

“Justice Gandin is a flagrantly corrupt judge who obliterated ‘the rule of law’ and ALL cognizable adjudicative standards to benefit state respondents, sued for corruption in the lawsuit *CJA et al. v. JCOPE et al.*, involving, *inter alia*, the ‘false instrument’ reports of the Commission on Judicial Compensation and Commission on Legislative, Judicial and Executive Compensation that boosted his salary and the salaries of his fellow state-paid judges by approximately \$80,000 a year each. The lawsuit record, accessible from [NYSCEF](https://www.nyscef.com/), is a ‘perfect paper trail’ of Justice Gandin’s demonstrated actual bias, born of financial and other interests – and culminates in two ‘legal autopsies’ of his indefensible, fraudulent decisions, annexed to two notices of appeal. They are uploaded herewith.

I herewith swear to the truth of the foregoing under penalties of perjury.

More than five months later, Clerk Celia Zahner purported by a [July 31, 2023 letter](#) that the Commission “reviewed” my February 23, 2023 complaint and asked her to advise me that it had dismissed it because:

“Upon careful consideration, the Commission concluded that there was insufficient indication of judicial misconduct to justify judicial discipline.”

Please substantiate Clerk Zahner's letter by furnishing:

- (1) the date on which the Commission purportedly "reviewed" and "dismissed" the February 23, 2023 complaint;
- (2) the number of Commissioners who were present and voted on the complaint – and their identities;
- (3) the meaning of the phrase "insufficient indication of judicial misconduct to justify judicial discipline" – and the specific respects in which the Commissioners deemed the complaint to be "insufficient" in its "indication of judicial misconduct";
- (4) confirmation that dismissal on such ground is without having investigated the complaint – and legal authority that permits dismissal on such ground.

To facilitate reconsideration of the dismissal of my facially-meritorious, fully-documented complaint against Justice Gandin – which I herewith request – I am attaching [the appeal brief I filed on August 15, 2023 with the Appellate Division, Third Department](#) based on the two "legal autopsies" that substantiated my two notices of appeal and the complaint. The NYSCEF docket for the appeal, from which you can access the reproduced three-volume record on appeal – and the further submissions, when they are filed, is [here](#).

Thank you.

s/ Elena Sassower

Enclosure: August 15, 2023 appeal brief