From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, December 18, 2019 4:00 PM

To: bmax@gothamgazette.com

Cc: harrysiegel@gmail.com

Subject: **ALERT: 4pm TODAY meeting of the Commission on Legislative, Judicial & Executive Compensation**

TO: Ben Max/Gotham Gazette

How disappointing to have received no response from you to my two e-mails, sent on December 4th and December 6th, requesting "contact info & reporting".

Below is the ALERT I have been circulating to the media this afternoon – which I would have been happy to give you the LEAD on, had I heard back from you.

By the way, what are the Gotham Gazette's procedures for handling conflicts of interest? To whom do you report? Please advise. Thank you.

ALERT: 4pm TODAY meeting of the Commission on Legislative, Judicial & Executive Compensation

The 2019-2020 Commission on Legislative, Judicial and Executive Compensation has been "operating under the radar" – with virtually NO reporting about it by the media: http://www.judgewatch.org/web-pages/searching-nys/force-of-law-commissions/part-e-chapter60-laws-2015/press-in-action-inaction.htm. At 4 pm today, the Commission will be holding what is likely its last meeting on judicial compensation, to be live-streamed from its website: www.nyscommissiononcompensation.org.

It is essential that you investigate, report, and editorialize on how the Commission has been operating – and what's been happening "behind-the-scenes", because it is explosive. The below e-mail, sent to the Commission at 10:55 this morning, will bring you up to speed.

CJA's website, www.judgewatch.org, posts ALL substantiating EVIDENCE, accessible *via* the prominent homepage link "NY's 'Force of Law' Commissions – Unconstitutionality & Fraud IN PLAIN SIGHT". The direct link to the 2019-2020 Commission on Legislative, Judicial and Executive Compensation is here: http://www.judgewatch.org/web-pages/searching-nys/force-of-law-commissions/part-e-chapter60-laws-2015/menu-2019-2020-commission.htm.

I am available to answer questions and to assist you, to the max, on this MAJOR news story, whose investigation and report will speedily end New York's so-called "culture of corruption".

Thank you.

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

914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, December 18, 2019 10:55 AM
To: 'nyscompensation@gmail.com' <nyscompensation@gmail.com>
Cc: 'lmarks@nycourts.gov' <lmarks@nycourts.gov>; 'jshukin@nycourts.gov' <jshukin@nycourts.gov>; 'skerby@nycourts.gov' <skerby@nycourts.gov>; 'rmaldonado@nycbar.org' <rmaldonado@nycbar.org>; 'rmaldonado@sgrlaw.com' <rmaldonado@sgrlaw.com>; 'hgreenberg@nysba.org' <hgreenberg@nysba.org>; 'greenbergh@gtlaw.com' <greenbergh@gtlaw.com>

Subject: Today's 4 pm Commission meeting -- & my third supplemental submission in further support of my Nov. 4th testimony

TO: Commission on Legislative, Judicial & Executive Compensation

My November 26th and December 11th e-mails to you – each supplemental submissions in further support of my November 4th testimony – must top the agenda of your today's 4 pm meeting, as they are dispositive that not only can the Commission make NO pay raise recommendations, but that the Judiciary and judicial pay raise advocates have been engaged in pervasive fraud, including as to the supposedly minimal costs of COLAs.

Do you disagree? And will you, consistent with your duty, "blow the whistle" on what has been going on – identified by my November 4th testimony as "a grand larceny of the public fisc" involving, to date, "on the order of half a billion dollars" paid out in "fraudulent, statutorily-violative, and unconstitutional judicial pay raises" [Tr. 70] – the product of two commission reports that are each "false instrument(s), violative of a succession of Penal Laws and the Public Trust Act" [R.69] – and which would have been so-declared judicially and VOIDED but for the fact that since 2012, New York judges, in collusion with New York's attorney general, have upended all adjudicative standards to "throw" successive lawsuits for such declarations – the culminating lawsuit, *CJA v. Cuomo…DiFiore*, being now at the Court of Appeals, where the same obliteration of the rule of law has been happening.

And do you agree that if you do not do your duty to "whistle-blow" with respect to *CJA v. Cuomo…DiFiore*, "suing all three branches for collusion against the people with respect to these force of law commissions, a scheme, a corrupt and unconstitutional scheme to give pay raises to corrupt public officers who should be removed for their corruption in office"– challenging, as well "the Judiciary budget, which embeds, hides the pay raises, has hidden them, concealed their costs, the legislative budget, the entirety of the executive budget" whose record I identified as "Exhibit A" as to "how the Judiciary operates" [Tr. 65-66] – it is because of the conflicts of interest from which you suffer – and have not disclosed?

In that regard, I take this opportunity to slightly revise my November 4th testimony wherein I stated that "most of you are afflicted by conflict of interest" [Tr. 70]. In fact, ALL the Commissioners suffer from disqualifying conflicts of interest and demonstrated bias – except possibly one, Commissioner Madonia, ironically the sole Commissioner not physically or electronically present at the November 4th hearing. To enable you to confront this, CJA's webpages for this Commission: http://www.judgewatch.org/web-pages/searching-nys/force-of-law-commissions/part-e-chapter60-

laws-2015/menu-2019-2020-commission.htm includes a webpage entitled "Informed Consent? – Appointment of Commissioners Disqualified for Interest and Bias" from which the EVIDENCE is accessible. The direct link is here: http://www.judgewatch.org/web-pages/searching-nys/force-of-law-commissions/part-e-chapter60-laws-2015/informed-consent-disqualification.htm.

By the way, the Commission's webpage of submissions: http://nyscommissiononcompensation.org/Submissions-judicial.shtml is seriously deficient, including by its failure to post my November 26th e-mail and December 11th e-mail as my first and second supplemental submissions. Above attached are the pdfs of those e-mails that I sent the Commission on December 10th and 11th, expressly for such posting. Why have they not been posted? And why has the Commission still not corrected its posting of my submission on "Nov 4" to include my letter to the editor about the *CJA v. Cuomo…DiFiore citizen-taxpayer action*, at the Court of Appeals – "*A Call for Scholarship, Civic Engagement, & Amicus Curiae Before the NYCOA*", published in the August 21, 2019 New York Law Journal [Tr. 65, 68] – about which I alerted the Commission by a December 4th e-mail. How about posting my three FOIL requests, one submitted on November 27th and two on December 9th – each further substantiating my November 4th testimony.

Please deem this e-mail, with its below e-mail from yesterday addressed to Chief Administrative Judge Marks and Chief Judge DiFiore, entitled "Housekeeping: Protecting the Commission on Legislative, Judicial & Executive Compensation from FRAUD: Have you responded to my Dec. 11th & Nov 26th e-mails?" – to which I cc'd the Commission – to be my third supplemental submission in support of my November 4th testimony. I will shortly send you a pdf to facilitate your posting it on the Commission's website, which I also expressly request.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, December 17, 2019 8:35 AM
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Cc: 'nyscompensation@gmail.com' <nyscompensation@gmail.com>; 'rmaldonado@nycbar.org' <rmaldonado@nycbar.org>; 'rmaldonado@sgrlaw.com' <rmaldonado@sgrlaw.com>; 'hgreenberg@nysba.org' <hgreenberg@nysba.org>; 'greenbergh@gtlaw.com' <greenbergh@gtlaw.com>

Subject: Housekeeping: Protecting the Commission on Legislative, Judicial & Executive Compensation from FRAUD: Have you responded to my Dec. 11th & Nov 26th e-mails?

TO: Chief Administrative Judge Marks and Chief Judge DiFiore

I have received no response from you – or from the OCA's records access officer – to my below December 11, 2019 e-mail entitled "Protecting the Commission from FRAUD -- CJA's Second Supplemental Submission in Specific Rebuttal to Chief Administrative Judge Marks' Nov. 22, 2019 Supplemental Submission".

Did you respond to me or to the Commission? Please advise – and send me a copy of your response(s), if you did.

I also received no response from you to my November 26, 2019 e-mail – also below – transmitting my November 25, 2019 letter addressed to Chief Administrative Judge Marks entitled:

> "Demand that You Withdraw Your Unsworn November 4, 2019 Testimony before the Commission on Legislative, Judicial and Executive Compensation as FRAUD, as Likewise Your Submission on which it was Based, Absent Your Denying or Disputing the Accuracy of My Sworn Testimony".

Did you respond to me or to the Commission? Here, too, please advise – and send me a copy of your response(s), if you did.

For your convenience, the attachments to those two below e-mails are above – and everything is posted on CJA's website, www.judgewatch.org, accessible from the prominent homepage link "NY's 'Force of Law' Commissions – Unconstitutionality & Fraud IN PLAIN SIGHT". The direct link to the menu page for the current Commission on Legislative, Judicial and Executive Compensation is here: http://www.judgewatch.org/web-pages/searching-nys/force-of-law-commissions/part-e-chapter60-laws-2015/menu-2019-2020-commission.htm.

Finally, as I inadvertently neglected to send my December 11th e-mail to New York City Bar Association President Maldonado and New York State Bar Association President Greenberg for their responses, I do so now, by this e-mail – relying on you to forward this same e-mail to the other judicial pay raise advocates who testified at the Commission's November 4th and November 14th hearings, ALL judges except for Fund for Modern Courts Executive Director Hawkins. This, I now expressly request you do, much as I did by my November 26th e-mail.

As the Commission is meeting at 4 pm tomorrow – and my December 11th and November 26th e-mails should TOP its agenda – responses by you and the other judicial pay raise advocates are required expeditiously.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, December 11, 2019 9:23 AM
To: 'nyscompensation@gmail.com' <nyscompensation@gmail.com>
Cc: 'lmarks@nycourts.gov' <lmarks@nycourts.gov>; 'jshukin@nycourts.gov' <jshukin@nycourts.gov>; 'skerby@nycourts.gov' <skerby@nycourts.gov>

Subject: Protecting the Commission from FRAUD -- CJA's Second Supplemental Submission in Specific Rebuttal to Chief Administrative Judge Marks' Nov. 22, 2019 Supplemental Submission

TO: Commission on Legislative, Judicial & Executive Compensation

Following up my below December 9, 2019 e-mail to you, identifying that "the reason Chief Administrative Judge Marks is able to propose that the Judiciary will self-fund COLAs from its own budget is because the Judiciary budget is a larcenous SLUSH-FUND, born of constitutional violations, statutory-violations, and fraud", please deem that December 9th e-mail and this to be my second supplemental submission, in specific response to Chief Administrative Judge Marks' November 22, 2019 supplemental submission. There, he makes the extraordinary statement:

> "…since inception of the Salary Commission system in 2011, the Judiciary has consistently absorbed the costs of *all* judicial pay adjustments recommended by a Commission without asking for any additional funding to pay those costs. We did this even during the years for which prior Commissions were making salary recommendations when, because those recommendations were geared to help State judges catch up after a 13-year pay freeze, the cost of the increase, and therefore the impact of the Judiciary budget, was far greater. Those adjustments were much larger than even the largest salary adjustment that we might today imagine the Federal Judiciary will receive over the next several years. For example, during the 2012-2015 salary cycle, State Supreme Court Justices received a 17% pay increase for the 2012-13 fiscal year (with other State Judges receiving proportionate increases); a 4.3% increase for the 2013-14 fiscal year; and a 4.2% increase for the 2014-15 fiscal year. During the first fiscal year of the 2016-2019 salary cycle, the Justices received an 11% increase; and in 2018-19, another 6.7%.
>
> We promised the prior commissions the Judiciary budget would absorb the costs of all of these increases without asking for additional funding and then proceeded to live up to that commitment, notwithstanding their size and the fiscal burden they presented…" (italics in the original).

As Chief Administrative Judge Marks' scant 1-1/2 page supplemental submission identifies not a single dollar amount, the Commission must demand that he specify the dollar amounts he is claiming the Judiciary self-funded from its budget, arising from the August 29, 2011 report of the Commission on Judicial Compensation and the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation. Upon information and belief, the Judiciary only absorbed the first year of each COLA or judicial pay raise increase – and did this to avoid having to identify their dollar amounts, or even their existence, in its proposed "single-budget" bills – and the Legislature's right to modify or strike them out.

In his original submission (at p. 21), Chief Administrative Judge Marks' purports that the Judiciary's proposed "series of four…cost-of-living adjustments for New York's state-paid judges over the four fiscal years beginning April 1, 2020" is "very modest", that "The cost of these adjustments in each fiscal year, and the aggregate cost over the full four years is almost certain to be de minimus" and in dollar terms would "cost the State $13.9 million, or an average of $3.46 million annually" . This is false. The $3.46 million cost of each COLA increase, essentially repeated by Chief Administrative Judge Marks in testifying on November 4th (at pp. 7, 12), becomes, after the initial year, embedded as increased judicial salaries, COMPOUNDING yearly. Thus, while the first COLA, in fiscal year 2020-21, would cost $3.46 million in that first year, the second COLA, in fiscal year 2021-22, is another $3.46 million, plus the original COLA of $3.46 million, now shifted to a permanent increase in judicial salary costs – for a total of $6.92 million in the second year. The third COLA, in fiscal year 2022-23, is a further $3.46 million, plus $6.92 million from the two prior COLAs, now shifted to increased judicial salary costs – bringing the total to $10.38 million in the third year. The fourth COLA, in fiscal year 2023-24, is another $3.45 million, plus $10.38 million from the three prior COLAs, now shifted to increased judicial salary costs – thereby totaling $13.84 million in the fourth year. The dollar total for these four years of COMPOUNDING judicial salary increases originating as COLAs is the addition of $3.46 million for the first year, $6.92 million for the second year, $10.38 million for the third year, and $13.84 million for the fourth year, which is $34.56 million. And it does not end there, as this $34.56 million is then forever a recurring yearly cost upon the state for judicial salaries – on top of which the state must pay out for the increased costs of salary-based non-salary compensation benefits, such as pensions. Does Chief Administrative Judge Marks deny this? Is this why he has submitted no sworn statements of projected costs – or past costs – including from the Judiciary's own budget director?

As I stated in testifying on November 4th, I believe that what the state has already paid out in commission-based judicial salary increases is now "on the order of half a billion dollars" (Tr. 70). Getting more precise figures must be a Commission priority, especially as the Judiciary has withheld relevant costs in its SLUSH FUND budgets and in responding to FOIL/records requests. My attached February 20, 2013, December 9, 2015, and December 9, 2016 FOIL/records requests – and the Judiciary's responses thereto – are illustrative.

Finally, over and beyond my sworn testimony and the EVIDENCE from the record of the *CJA v. Cuomo…DiFiore* citizen-taxpayer action that I handed up to the Commissioners pertaining to the Judiciary budget is the further EVIDENCE I had brought with me to the November 4th hearing, but inadvertently forgot to hand up, *to wit*, my October 7, 2019 FOIL/records request to the Judiciary for its "independent audits" pursuant to Judiciary Law §249-c" – encompassing my comparable November 28, 2016 FOIL/records request, to which the Judiciary had made no responsive production. It is attached, as are my follow-up November 29, 2019 and December 5, 2019 e-mails, reflecting the Judiciary's failure, yet again, to even respond. There are only three possibilities: either the Judiciary cannot make production because it has NOT complied with its "independent audit" obligations; or because production would reveal that its "independent audits" are sham; or because its "independent audits" have yielded results not favorable to the Judiciary. Each of these possibilities should be concerning to the Commission – and the Commission's duty, based on Chief Administrative Judge Marks' claims about the Judiciary's budget, is to verify the situation by obtaining from him the records those October 7, 2019 and November 28, 2016 FOIL/records request seek – and by subpoena, if necessary.

Needless to say, costs to the state of prospective COLA increases are ALL irrelevant because – as demonstrated by the record of the *CJA v. Cuomo…DiFiore* citizen-taxpayer action –

the Judiciary is systemically corrupt on adjudicative, administrative, and financial levels, making any judicial salary increases, by COLA or otherwise, unconstitutional. Indeed, the record of the lawsuit reveals NO adjudication of the constitutional issue presented by both the sixth cause of action (¶64) and seventh cause of action (¶74) of CJA's September 2, 2016 verified complaint that corruption is an "appropriate factor" that the Commission must "take into account" for Chapter 60, Part E, of the Laws of 2015 to be constitutional.

Later in the day, I will furnish you a pdf of this e-mail, combined with its attachments, to facilitate your posting this second supplemental submission on your webpage for submission: http://www.nyscommissiononcompensation.org/Submissions-judicial.shtml. Meantime, I am furnishing it to Chief Administrative Judge Marks, Chief Judge DiFiore, and the Judiciary's records access officer for response.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, December 10, 2019 8:04 AM
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Cc: 'lmarks@nycourts.gov' <lmarks@nycourts.gov>; 'jshukin@nycourts.gov' <jshukin@nycourts.gov>; 'skerby@nycourts.gov' <skerby@nycourts.gov>

Subject: (Corrected) Status & Posting -- CJA's Nov. 26, 2019 e-mail to the Commissioners, with attached Nov. 25, 2019 letter to Chief Administrative Judge Marks

TO: Commission on Legislative, Judicial & Executive Compensation

My yesterday's e-mail, which is below, contained two errors, now corrected:

(1) Its title misdated the year of my letter to Chief Administrative Judge Marks. The date of the letter is November 25, **2019**, not 2015;

(2) Its message identified only Commissioners Eng and Lachman as having been given, *in hand*, the particularized EVIDENCE that the Judiciary budget is a "SLUSH FUND" – omitting **Commissioner Hormozi**, to whom I also gave a copy of that same EVIDENCE, *in hand*.

Please furnish this corrected e-mail to all seven Commission members – and post my November 25, 2019 letter to Chief Administrative Judge Marks, transmitted to the Commission by my November 26, 2019 e-mail to it, as my "First Supplemental Submission in Further Support of Testimony". To assist you in posting it as such, the above-attached first pdf contains both the 3-page November 26, 2019 e-mail and the 7-page letter.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, December 9, 2019 3:56 PM
To: 'nyscompensation@gmail.com' <nyscompensation@gmail.com>
Cc: 'lmarks@nycourts.gov' <lmarks@nycourts.gov>; 'jshukin@nycourts.gov' <jshukin@nycourts.gov>; 'skerby@nycourts.gov' <skerby@nycourts.gov>

Subject: Status & Posting -- CJA's Nov. 26, 2019 e-mail to the Commissioners, with attached Nov. 25, 2019 letter to Chief Administrative Judge Marks

TO: Commission on Legislative, Judicial & Executive Compensation

Please confirm that my below November 26, 2019 e-mail entitled "Protecting the Commission on Legislative, Judicial and Executive Compensation from FRAUD", with its now signed above-attached November 25, 2019 letter to Chief Administrative Judge Marks, was forwarded to "each of the Commission's seven members", as requested – AND that it will be posted on the Commission's webpage of submissions: http://www.nyscommissiononcompensation.org/Submissions-judicial.shtml.

To date, I have received no response to the letter from Chief Administrative Judge Marks – nor from any of the other witnesses who testified at the Commission's November 4th and 14th hearings. Has the Commission received any response? If not, has the Commission requested responses from Chief Administrative Judge Marks and the other witnesses – as any fair and impartial tribunal would have done. Please advise.

By the way, the reason Chief Administrative Judge Marks is able to propose that the Judiciary will self-fund COLAs from its own budget is because the Judiciary budget is a larcenous SLUSH-FUND, born of constitutional violations, statutory-violations, and fraud. Indeed, the Commission has the particularized EVIDENCE of this, as I gave it, *in hand*, to Commissioners Eng, Lachman, and Hormozi, on November 4th at the conclusion of my testimony – and the Commission has posted it on its webpage of submissions. For your convenience, that EVIDENCE is attached, *to wit*:

> (1) the second cause of action of the September 2, 2016 verified complaint in the *CJA v. Cuomo…DiFiore* taxpayer action pertaining to the Judiciary budget (¶39), with its incorporated tenth cause of action from the March 23, 2016 verified second supplemental complaint in the first *CJA v. Cuomo* citizen-taxpayer action (¶¶329-331); and

(2) CJA's "Questions for Chief Administrative Judge Lawrence Marks" pertaining to the fiscal year 2019-2020 Judiciary budget (##1-36), which I furnished to the Legislature on February 19, 2019 and annexed as Exhibit F-1 to CJA's May 31, 2019 motion to the Court of Appeals.

To enable Chief Administrative Judge Marks to respond – including as to the capacity of the Judiciary budget to absorb COLA and other commission-based judicial pay raises, whose cumulative and compounding dollar amounts he concealed on November 4th and by his November 22nd supplemental submission – a copy of this e-mail is being sent to him, so that he can not only address same, but do so in the context of the Judiciary's proposed two-part budget for fiscal year 2020-2021, which he furnished the Governor and Legislature on November 29, 2019, with certifications by Chief Judge DiFiore and approvals by the Court of Appeals dated November 19, 2019: http://ww2.nycourts.gov/admin/financialops/Budgets.shtml.

Suffice to say – and as highlighted by my November 25, 2019 letter to Chief Administrative Judge Marks (at p. 4) – ALL the specified financial and economic factors that Chapter 60, Part E, of the Laws of 2015 requires the Commission to "take into account" in examining the adequacy of judicial pay are "IRRELEVANT", when the Judiciary is "not 'excellent' and doing its job – but, rather, corrupt systemically, including at appellate and supervisory levels and involving the Commission on Judicial Conduct". Such is the situation, at bar – proven, EVIDENTIARILY, by the record of the *CJA v. Cuomo…DiFiore* citizen-taxpayer action: http://judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/menu-2nd-citizen-taxpayer-action.htm. This is why the Commission must demand that Chief Administrative Judge Marks and other judicial pay raise advocates produce their findings of facts and conclusions of law with respect thereto, including by subpoena, if necessary.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, November 26, 2019 5:11 PM
To: 'nyscompensation@gmail.com' <nyscompensation@gmail.com>

Subject: Protecting the Commission on Legislative, Judicial & Executive Compensation from FRAUD

TO: Commission on Legislative, Judicial & Executive Compensation

Below is my just-sent e-mail to Chief Administrative Judge Marks, with the above attachment. Please forward to each of the Commission's seven members.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, November 26, 2019 4:58 PM
To: 'lmarks@nycourts.gov' <lmarks@nycourts.gov>
Cc: 'rmaldonado@nycbar.org' <rmaldonado@nycbar.org>; 'rmaldonado@sgrlaw.com' <rmaldonado@sgrlaw.com>; 'hgreenberg@nysba.org' <hgreenberg@nysba.org>; 'greenbergh@gtlaw.com' <greenbergh@gtlaw.com>

Subject: Protecting the Commission on Legislative, Judicial & Executive Compensation from your FRAUD

TO: Chief Administrative Judge Lawrence Marks

Attached is my self-explanatory letter to you of yesterday's date, entitled:

> "Demand that You Withdraw Your Unsworn November 4, 2019 Testimony before the Commission on Legislative, Judicial and Executive Compensation as FRAUD, as Likewise Your Submission on which it was Based, Absent Your Denying or Disputing the Accuracy of My Sworn Testimony".

CJA's webpage for the letter on which is posted the referred-to substantiating evidence is here: http://www.judgewatch.org/web-pages/searching-nys/force-of-law-commissions/part-e-chapter60-laws-2015/11-25-19-ltr-to-marks-etc.htm.

Please be sure to respond promptly – and especially do not overlook the paragraph at page 7 that I quoted in my yesterday's motion to the Court of Appeals in CJA's citizen-taxpayer action, *CJA v. Cuomo…DiFiore*. That paragraph reads:

> "By the way, was your undated written submission to the Commission, whose pervasive fraud includes its assertion (at p. 7) 'Judges…must comply with the Chief Administrative Judge's Rules Governing Judicial Conduct (22 NYCRR Part 100), which impose ethical restrictions upon judges' public and private conduct and activities' citing 'NY Const., Art. VI, §20(b), (c)' – thereby implying that New York's judges do comply and that there is enforcement when they don't – approved by Chief Judge DiFiore and the associate judges– or was its content known to them and, if so, when? Did you – and they – actually believe that New York's Judiciary was not obligated to include ANY information as to CJA's succession of lawsuits, since 2012, seeking determination of causes of action challenging the constitutionality of the commission statutes, *as written, as applied, and by their enactment*, and the statutory-violations of the commission reports, where the culminating lawsuit, to which Chief Judge DiFiore is a named defendant, is at the Court of Appeals, on a record establishing the willful trashing of the Chief Administrator's Rules

> Governing Judicial Conduct and any cognizable judicial 'process'?[fn10]" (underlining in the original).

The annotating footnote 10 reads:

> "Notably, when you testified, you stated – without specificity:
>
> > '…the history of judicial compensation in New York, at least the modern history of judicial compensation in New York, has been a troubled one. There have been lawsuits filed over the years on this issue.' (Tr. 3)."

The direct link to CJA's webpage for my yesterday's motion, to which my letter to you is Exhibit F and quoted at pages 20-21, is here: http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/ct-appeals/11-25-19-motion-5015-etc.htm.

As for the indicated recipients of my yesterday's letter to you, I am sure you have more direct e-mail addresses than I have and I ask that you assist in distribution. Indeed, I have no e-mail addresses for the judges who testified at the November 4, 2019 and November 14, 2019 hearings – and for the judicial associations on whose behalf they spoke. I, therefore, expressly request that you forward this e-mail to them, so that they can each respond to my letter's demand at page 3:

> "By this letter, I demand that you – and the other judicial pay raise advocates who testified – deny or dispute the accuracy of my November 4, 2019 testimony – or else withdraw your own testimonies and written submissions for their fraud." (underlining in the original).

Also, please forward this e-mail to Chief Judge DiFiore's "Excellence Initiative", to which you and the other judges who testified praised as increasing judicial excellence.

Finally, in view of your reliance on the Chief Administrator's Rules Governing Judicial Conduct (22 NYCRR Part 100) for the judicial salary increases you seek, I would remind you and your fellow judges of its §100.3D, "Disciplinary Responsibilities", reading, in pertinent part:

> "(1) A judge who receives information indicating a substantial likelihood that another judge has committed a substantial violation of this Part shall take appropriate action.
>
> (2) A judge who receives information indicating a substantial likelihood that a lawyer has committed a substantial violation of the Rules of Professional Conduct (22 NYCRR Part 1200) shall take appropriate action."

Presented by my attached letter – and by my November 4, 2019 testimony on which it is based – is not "information indicating a substantial likelihood", but EVIDENCE PROVING IT. And an excellent starting point for your demonstrating your adherence to §100.3D of the Chief Administrator's Rules is my December 31, 2015 letter to then Chief Judge Nominee/Westchester District Attorney DiFiore, about which I testified at the November 4, 2019 hearing and also highlighted at ¶13 of my yesterday's motion.

The direct link to CJA's webpage for that December 31, 2015 letter and its accompanying EVIDENCE is here: http://www.judgewatch.org/web-pages/judicial-selection/nys/judicial-selection-ny-difiore.htm. Surely, though, such link is superfluous. I cannot imagine Chief Judge DiFiore would have discarded the originals I hand-delivered to her Westchester District Attorney's Office on December 31, 2015, as they EVIDENTIARILY PROVED that the December 24, 2015 Report of the Commission on Legislative, Judicial, and Executive Compensation – and the August 29, 2011 Report of the Commission on Judicial Compensation on which it relied – were each "false instruments", violative of a succession of penal laws. Or do you disagree?

Thank you.

Elena Sassower, Director
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