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**Written Submission, in Support of Testimony,
by Center for Judicial Accountability Director Elena Sassower
for the Legislature's January 30, 2018 "Public Protection" Budget Hearing**[1]

The Legislature's first witness at its budget hearings on "public protection" is typically the Judiciary's Chief Administrative Judge, who appears in support of the Judiciary's proposed budget.

Presumably, Chief Administrative Judge Lawrence Marks will be the first witness at this year's hearing – and he must be interrogated, mercilessly, because the Judiciary's proposed budget for fiscal year 2018-2019 is unacceptable. Apart from impeding intelligent comprehension – as evident from the Legislature's own flimsy and conflicting "Color Books" – it is materially false and misleading. Indeed, it replicates deceits of the Judiciary's proposed budgets for fiscal years 2014-2015, 2015-2016, 2016-2017, and 2017-2018, each the subject of causes of action in CJA's two citizen-taxpayer actions challenging their constitutionality and lawfulness, *CJA v. Cuomo, et al* (Supreme Court/Albany Co. #1788-2014); and *CJA v. Cuomo, et al* (Supreme Court/Albany Co. #5122-2016).[2]

But for the corruption of the "public protection" afforded by a lawfully-functioning judicial process by the double whammy of litigation fraud by New York's Attorney General, whose duty it is to "protect" the public – and fraudulent judicial decisions of judges who are not only direct beneficiaries of the Judiciary budget, but directly interested financially in the judicial salary increases challenged by the citizen-taxpayer actions – the below questions, similar to those CJA offered up in past years, would have been appropriately resolved by the causes of action. The result would have been a very different Judiciary budget from what has been presented for fiscal year 2018-2019.

Suffice to say that both the Judiciary's proposed budget – and the record of CJA's citizen-taxpayer actions – put the lie to Chief Judge DiFiore' "Excellence Initiative" – featured at the outset of the Judiciary's Executive Summary of its budget – as "operational and decisional excellence in everything we do".

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[1] This written statement and the EVIDENCE on which it relies are posted on CJA's website, www.judgewatch.org, accessible from the prominent center link "2018 Legislative Session".

[2] The Judiciary's proposed budgets were the second cause of action in each of the five verified pleadings of the two citizen-taxpayer actions. These five verified pleadings, dated March 28, 2014, March 30, 2015, March 23, 2016, September 2, 2016, and March 29, 2017 – and the litigation record thereon – are accessible from CJA's homepage *via* the prominent center link "CJA's Citizen-Taxpayer Actions to End NYS' Corrupt Budget 'Process' & Unconstitutional 'Three-Men-in-a-Room'" Governance" – to which a subtitle has been added: "A PAPER TRAIL OF LITIGATION FRAUD BY AG SCHNEIDERMAN, REWARDED BY FRAUDULENT JUDICIAL DECISIONS".

QUESTIONS FOR CHIEF ADMINISTRATIVE JUDGE LAWRENCE MARKS
at the Legislature's January 30, 2018 "Public Protection" Budget Hearing
as to the Judiciary's Proposed Budget for Fiscal Year 2018-2019

Examination of the Judiciary's proposed budget for fiscal year 2018-2019 must begin with its bottom-line, total cost, especially as it is not contained within its budget – the Governor has offered no written commentary and the Legislature's "White", "Blue", and "Yellow" Books diverge as to the relevant dollar figures – with its "Green" Book not publicly available.

Certainly, too, ascertaining the total cost of the Judiciary's proposed budget and its percentage of increase over fiscal year 2017-2018 are additionally essential as the Governor orally purported that the Judiciary had requested a 2-1/2 percent increase in funding – which it did not and which, moreover, is not the percentage increase purported by the Legislature's "White", "Blue" and "Yellow" Books, each also diverging as to what the percentage increase is.

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PROPOSED QUESTIONS

(1) By two memoranda dated December 1, 2017, you transmitted to the Governor and Legislature the Judiciary's two-part budget for fiscal year 2018-2019. One part pertained to the Judiciary's operating expenses and the other part pertained to "General State Charges" – these being "the fringe benefits of judges, justices and nonjudicial employees". Neither memorandum identified either the cumulative dollar amount of the Judiciary's two-part budget presentation taken together or its percentage increase, is that correct?

(2) Each of the two parts of the Judiciary's proposed budget contained a "Chief Judge's Certification" and "Court of Appeals Approval", pursuant to Article VII, §1 of the Constitution of the State of New York. The certification for the part pertaining to operating expenses stated that it was certifying that "the attached schedules" were "the itemized estimates of the financial needs of the Judiciary for the fiscal year beginning April 1, 2018". Which are the "attached schedules" referred-to?

(3) Your December 1, 2017 memorandum transmitting the itemized estimate of "General State Charges" states: "The Judiciary will submit a single budget bill, which includes requests for funding for operating expenses and fringe benefits costs for the 2018-2019 Fiscal Year."

(a) Why did you use the word "will"? Were you implying that the "single-budget bill" was submitted subsequent to the Judiciary's two-part budget presentation? If so, when did the Judiciary submit the "single budget bill" and was it certified to be accurate and true?; and

(b) Why did you use the word "includes"? Were you implying that the "single budget bill" contains funding requests other than for "operating expenses and fringe benefit costs" – as, for instance, "reappropriations"?

(4) The Judiciary's "single budget bill" also did not identify the cumulative dollar total of the Judiciary's proposed budget, is that correct? Why is that?

(5) What is the cumulative dollar total of the "single budget bill"? Which are the specific figures in the bill that you add to arrive at that figure? Is it the tally of the figures, on page 1, for: "Appropriations" $2,260,792,566, consisting of: $2,130,531,364 for "state operations"; $112,261,202 for "aid to localities"; and $18,000,000 "capital projects", plus, also on page 1, the figure for "Reappropriations" $60,300,000, plus, on pages 11-12, the figure for "General State Charges": $788,508,198?

(6) Is this the same cumulative dollar total as would result from adding the various figures in the Judiciary's two-part budget presentation?

(7) Do you agree that there is a disparity of $60,300,000 between the cumulative tally of figures in the Judiciary's two-part budget presentation and the cumulative tally of figures in the "single budget bill"? Isn't this disparity the result of the $60,300,000 in "Reappropriations" in the "single budget bill" that are not in the two-part budget presentation? Is the reason the Judiciary does not furnish cumulative budget tallies in these documents to conceal the disparity?

(8) Where in the Judiciary's two-part budget presentation are the $60,300,000 "Reappropriations" itemized in the "single budget bill" by the "Schedule" that appears at its pages 13-15 under the heading "State Operations and Aid to Localities – Reappropriations 2018-2019"?

(9) Do you consider the Judiciary's budget to be reasonably clear and straightforward as to the cumulative amount of its request and its percentage increase over fiscal year 2017-2018? Have you examined the Legislature's analyses of the Judiciary's budgets?:

(a) According to the Senate Majority's "White Book" (at p. 100), "The FY 2019 Executive Budget recommends All Funds spending of $3.1 billion, an increase of $102 million, or 3.4 percent."

(b) According to the Senate Minority's "Blue Book" (at p. 45), "The proposed budget...recommends All Funds appropriations of $3.04 billion, which is an increase of $88.1 million, or 2.98%, from FY 18." (also chart at p. 42);

(c) According to the Assembly Majority's "Yellow Book" (at p. 155), "The Judiciary's proposed budget request recommends All Funds appropriations of $3.06 billion, which is an increase of $88.1 million or 2.96 percent from the State Fiscal Year (SFY) 2017-18 level."

Which of these is correct as to the dollar figures and percentage increase from fiscal year 2017-2018?

(10) By the way, why does your one-page December 1, 2017 memorandum transmitting the operating funds budget identify: "The 2018-19 State Operating Funds budget request totals $2.23 billion, a cash increase of $44.4 million, or 2 percent, over available current-year funds", but your one-page December 1, 2017 memorandum transmitting the Judiciary's proposed budget of general state charges does not identify either dollar amounts or percentage increase for the transmitted general state charge budget.

(11) Why did the Judiciary furnish only a single Executive Summary for its two-part budget proposal? And why does this Executive Summary not only omit information about "general state charges", but about "reappropriations"?

(12) Why also does the Executive Summary omit any information about the judicial salary increase recommendations of the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation for fiscal year 2018-2019.

(13) Wouldn't you agree that the Executive Summary is the appropriate place for the Judiciary to have alerted the Governor, Legislature, and the public of the relevant statutory provision pertaining to the Commission on Legislative, Judicial and Executive Compensation's judicial salary increase recommendations for fiscal year 2018-2019 – and that the relevant statutory provision reads:

> "...Each recommendation...shall have the force of law, and shall supersede, where appropriate, inconsistent provisions of article 7-B of the judiciary law..., unless modified or abrogated by statute prior to April first of the year as to which such determination applies to judicial compensation..." (Chapter 60, Part E, of the Laws of 2015: §3, ¶7)

(14) Do you agree that the only reference to the Commission on Legislative, Judicial and Executive Compensation's judicial salary recommendations for fiscal year 2018-2019 is in the Judiciary's operating budget, whose narrative states: "Funding for judicial positions includes salary increases in compliance with the mandate of the Commission on Judicial and Legislative Salaries." (at pp. 5, 18, 21, 21, 25, 28, 32, 35, 44, 85, 89).

(15) Why does the Judiciary's budget narrative not refer to the Commission on Legislative, Judicial and Executive Compensation by its correct name – and what is the purported "mandate" that the Commission imposed on the Judiciary?

(16) By the way, you do know the difference between "salary" and "compensation", don't you? Can you explain that difference – and how the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation addressed the compensation issue that its very name reflects and that the statute pursuant to which it purports to be rendered – Chapter 60, Part E of the Laws of 2015 – requires that it address as a condition precedent for any recommendation?

(17) What were the Commission on Legislative, Judicial and Executive Compensation's judicial salary increase recommendations for fiscal year 2018-2019? What do they translate to, in dollar amounts and percentage increase for the Judiciary's judicial salary appropriations – and for each category of judge. And what does this translate to in additional general state charges for salary-based compensation benefits.

(18) Is there any line item in the Judiciary's proposed operating budget reflecting the dollar appropriations to fund the judicial salary increases – and in the proposed budget of general state charges reflecting the increased dollar costs of salary-based, non-salary compensation benefits, such as pensions and social security? Why not? Did the Judiciary not believe such line items important for the Legislature and Governor in exercising their "mandate" to "modif[y] or abrogate[]", pursuant to Chapter 60, Part E, of the Laws of 2015: §3, ¶7.

(19) Unlike the Assembly Majority's "Yellow Book" (at pp. 155-156) which does not identify the judicial salary increases embedded in the Judiciary's budget, the Senate Minority's "Blue Book" (at p. 45) identifies them, but not their cost. Only the Senate Majority's "White Book" identifies (at p. 100) that the "compensation increases for Judges" are $16.3 million. Since that figure does not appear anywhere in the Judiciary's budget, can you tell us where that figure came from? And just to clarify, is the $16.3 million for "compensation increases" not just for the judicial salary increases, but the salary-based increased benefits resulting therefrom?

(20) Likewise, can you furnish figures as to how much, to date, the Commission on Legislative, Judicial and Executive Compensation's judicial salary increase recommendations in its December 24, 2015 report have cost New York taxpayers – including as to increased salary-based benefits? How about figures for how much, to date, has been paid out as a result of the August 29, 2011 report of the predecessor Commission on Judicial Compensation? CJA has estimated the payout for both to be about $300 million dollars. Does that sound about right? Can you supply more exact figures?

(21) Also, where can the Governor, Legislature – and public – find the current salary levels of the Judiciary's judges and justices? Would you agree that those salary levels are about $60,000 higher than what appears in Article 7-B of the Judiciary Law, which has not been amended, at any time, since April 1, 2012 – the date the first phase of the Commission on Judicial Compensation's recommendations of its August 29, 2011 report took effect. And what has the Judiciary done, if anything, to alert the Legislature to amend Article 7-B so that no one is

misled as to the heights to which judicial salaries have reached?

(22) Also, what will be the increased salary levels of the Judiciary's judges and justices that will take effect on April 1, 2018, pursuant to the Commission on Legislative, Judicial and Executive Compensation's December 24, 2015 report unless "modified or abrogated" by the Legislature or Governor before then? Where can the Governor, Legislature – and public – find that information?

(23) Similarly, where can the Governor, Legislature – and public – find information as to the monetary value of the non-salary compensation benefits that each state-paid judge and justice receives, in addition to salary – both currently and, after April 1, 2018, should the Legislature and Governor not "modif[y] or abrogate[e]" the salary increases for fiscal year 2018-2019 recommended by the Commission on Legislative, Judicial and Executive Compensation's December 24, 2015 report.

(24) Is it the Judiciary's recommendation to the Governor and Legislature that they allow the Commission on Legislative, Judicial and Executive Compensation's salary increase recommendations for fiscal year 2018-2019 to take effect – and on what basis?

(25) You are aware, are you not, that immediately following the Commission on Legislative, Judicial and Executive Compensation rendering of its December 24, 2015 report, CJA furnished then Chief Judge Nominee/Westchester District Attorney Janet DiFiore with correspondence[3] demonstrating that it was even more statutorily-violative, fraudulent, and unconstitutional than the predecessor August 29, 2011 report of the Commission on Judicial Compensation, on which it materially relies.

(26) Did Chief Judge Nominee, later Chief Judge, DiFiore, ever deny or dispute the accuracy of that correspondence? How about you?

(27) As you know, neither the Senate nor Assembly Judiciary Committees – nor any other committee of the Legislature – has ever held an oversight hearing with respect to either the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation or the August 29, 2011 report of the Commission on Judicial Compensation. Does the Judiciary have no view on the subject?

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[3] This correspondence begins with CJA's December 30, 2015 letter to then Chief Judge Nominee/Westchester District Attorney DiFiore entitled "So, You Want to be New York's Chief Judge? -- Here's Your Test: Will You Safeguard the People of the State of New York -- & the Public Fisc?". The succession of subsequent correspondence includes CJA's January 15, 2016 letter to Senate and Assembly majority and minority leaders – including chairs and ranking members of appropriate committees -- entitled "IMMEDIATE OVERSIGHT REQUIRED" and CJA's February 2, 2016 e-mail entitled "Feb. 4th 'Public Protection' Budget Hearing: Questions for Chief Administrative Judge Marks". These are Exhibits 37-44 to CJA's March 23, 2016 verified second supplemental complaint in the first citizen-taxpayer action.

(28) As you know, based on Chief Judge DiFiore's willful failure and refusal to discharge any oversight responsibilities with respect to these two commission reports – and her complicity in the willful failure and refusal of the Legislature to discharge oversight responsibilities with respect to these two commission reports -- CJA filed, on March 23, 2016, a verified second supplemental complaint in its first citizen taxpayer action (#1788-2014) particularizing the facts and furnishing the relevant documents in support of three new causes of action: thirteenth, fourteenth, and fifteenth: to void Chapter 60, Part E of the Laws of 2015, establishing the Commission on Legislative, Judicial and Executive Compensation and its December 24, 2015 report recommending judicial salary increases. Thereafter, on September 2, 2016, CJA embodied these three causes of action in a second citizen-taxpayer action (#5122-2016), naming Chief Judge DiFiore as a defendant "in her official capacity as Chief Judge of the State of New York and chief judicial officer of the Unified Court System", where they were the sixth, seventh, and eighth causes of action.

(29) What steps have you and Chief Judge DiFiore taken to keep informed of the progress of the second citizen-taxpayer action to which Chief Judge DiFiore is a named defendant, upon whom the September 2, 2016 verified complaint was served on that date – where she, you and all the Judiciary's state-paid judges and justices have a HUGE and direct financial interest in the sixth, seventh, and eighth causes of action, as well as interests in the second cause of action challenging the constitutionality and lawfulness of the Judiciary budgets, including for the current fiscal year.

(30) Would it surprise you to learn that that CJA has asserted that both citizen-taxpayer actions were "thrown" by a succession of fraudulent judicial decisions – each decision upending ALL cognizable judicial standards to grant defendants relief to which it was not entitled, *as a matter of law*, and to deny plaintiffs relief to which they were entitled, *as a matter of law*?

(31) Would you agree that establishing that this is what happened – including with respect to the causes of action pertaining to the Judiciary's budgets and the judicial salary increases – can be verified by examining the court record.

(32) In view of Chief Judge DiFiore's "Excellence Initiative", referred to at the outset of the Judiciary's Executive Summary (p. i), as being her "highest priority" – with a goal of achieving "operational and decisional excellence in everything that we do" – would the Judiciary be willing to demonstrate how its "Excellence Initiative" works by evaluating the "decisional excellence" in the citizen-taxpayer actions in which it was interested, furnishing the Legislature with its findings of fact and conclusions of law with respect to the judicial decisions, particularly as relates to the causes of action pertaining to the Judiciary's budgets and the judicial salary increases?

(33) Is it correct that this year – just as last year – Governor Cuomo did not furnish the Legislature with any written "Commentary of the Governor on the Judiciary", with recommendations pursuant to Article VII, §1 of the New York State Constitution?

(34) Assumedly you are familiar with what Governor Cuomo orally stated about the Judiciary's budget request when he gave his address about the executive budget, on January 16, 2018. He stated:

> "The Judiciary is asking for a 2-1/2 % increase. They would be the only entity above 2%. The Senate, the Assembly, the Executive, all came in at 2%. The Attorney General came in at 2%, Comptroller DiNapoli wins the prize on the budget limbo contest: 1.5%. Congratulations to the Comptroller. So the Judiciary comes in at 2.5. My position is the backlog of cases is tremendous, especially in downstate New York. We have a chronic problem of people in Rikers Island who have been there for years, haven't had a day in court. The Judiciary wants a budget increase. The People of the state have a right to know that the courts are open and functioning from 9 to 5. You have many courthouses where, literally, 1 o'clock the place shuts down. So, I would support the increase at 2.5, but the judges have to certify that the courtrooms are actually operating from 9 to 5." (underlining added).

Governor Cuomo's assertion that "The Judiciary is asking for a 2-1/2% increase" is incorrect, don't you agree? Where, if anywhere, does the Judiciary request an increase that it identifies as 2-1/2%?

(35) Since "2-1/2%" is not a figure identified in either the Senate Majority's "White Book" (at p. 100), which puts the increase at "3.4 percent"; or in the Senate Minority's "Blue Book" (at p. 45), which puts the increase at "2.98%"; or in the Assembly Majority's "Yellow Book" (at p. 155), which puts the increase at "2.96 percent", do you know where that figure comes from and on what it was based?

(36) According to the Senate Majority's "White Book" (at pp. 100-101):

> "The Office of Court Administration and the Executive disagree over whether the proposed OCA budget conforms with the two percent spending cap. The difference is the result of how each accounts for an $11 million interchange of appropriation authority, that occurred during FY 2018, which transferred $11 million of spending from General State Charges to State Operations.
>
> OCA treats this as an increase of $11 million to FY 2018 spending to $2,186.5 million. The Executive does not increase the FY 2018 State Operations spending from $2,175.5 million. Thus, the Executive's approach results in a State Operations spending increase of $11 million more than OCA, and 0.5 percent higher. Notwithstanding this discrepancy, the Governor stated at the Executive Budget presentation that he would support the 2.5 percent spending increase, provided Judges certify court rooms are operating from nine to five."

Can you interpret this explanation, apart from the obvious typos that the referred-to "$2,186.5 million" should have been $2,186.5 billion and "$2,175.5 million" should have been $2,175.5 billion? How can a difference of $11 million result in a .5% discrepancy in a budget of two billion-plus dollars?

(37) Going back to the $60,300,000 in "Reappropriations" in the "single budget bill" (pp. 1, 13-15) – are they properly designated as such – and have they been approved by the Court of Appeals and certified by the Chief Judge, as required by Article VII, §1?

(38) According to the "Citizen's Guide" on the Division of the Budget's website,

> "A reappropriation is a legislative enactment that continues all or part of the undisbursed balance of an appropriation that would otherwise lapse (see lapsed appropriation). Reappropriations are commonly used in the case of federally funded programs and capital projects, where the funding amount is intended to support activities that may span several fiscal years." https://www.budget.ny.gov/citizen/financial/glossary_all.html#r

Can you identify what the reappropriations listed at pages 13-14 of the Judiciary's "single budget bill" and totaling $17,300,000, were for when originally appropriated? Why was this money not used? And what is it now purported to be reappropriated for?

(39) Is the reason the Judiciary's two-part budget presentation does not identify these unused appropriations because they are not properly reappropriations and should be returned to the public treasury?

(40) Would you agree that the aforesaid reappropriations at pages 13-14 of the "single budget bill" are pretty barren, essentially referring to chapter 51, section 2 of the laws of 2017, 2016, 2015, 2014, 2013 – which are the appropriations of the enacted budget bills pertaining to the Judiciary for those years. They furnish no specificity as to their purpose other than a generic "services and expenses, including travel outside the state and the payment of liabilities incurred prior to April 1…"; or "Contractual Services".

A. Can you explain how these reappropriations are consistent with State Finance Law §25:

> "Every appropriation reappropriating moneys shall set forth clearly the year, chapter and part or section of the act by which such appropriation was originally made, a brief summary of the purposes of such original appropriation, and the year, chapter and part or section of the last act, if any, reappropriating such original appropriation or any part thereof, and the amount of such reappropriation. If it is proposed to change in any detail the purpose for which the original appropriation was made, the bill as submitted

by the governor shall show clearly any such change."

B. Are these reappropriations consistent with Article VII, §7 of the New York State Constitution?

> "No money shall ever be paid out of the state treasury or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation action; and every such law making a new appropriation or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object or purpose to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum."

C. Are they consistent with Article III, §16 of the New York State Constitution:

> "No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of said act, or which shall enact that any existing law, or part thereof, shall be applicable, except by inserting it in such act."

D. How about the last three reappropriations at pages 14-15 of the "single budget bill" – these being the two $20,000,000 "Aid to Localities" reappropriations (at pp. 14-15) and the two "Capital Projects" reappropriations of $2,000,000 and $1,000,000 (at p. 15)? Are they consistent with State Finance Law §25, with Article VII, §7, and with Article III, §16 of the New York Constitution?

(41) The Judiciary's "single budget bill" – which the Governor's Legislative/Judiciary Budget Bill #S.7503/A.9503 reproduces, *verbatim*, as its judiciary portion – consists of a §2, containing a "Schedule" of appropriations, followed by a §3, which are reappropriations. The text directly beneath the §2 title "Schedule" reads:

> "Notwithstanding any provision of law, the amount appropriated for any program within a major purpose within this schedule may be increased or decreased in any amount by interchange with any other program in any other major purpose, or any appropriation in section three of this act, with the approval of the chief administrator of the courts."

This same text was in the Judiciary's "single budget bill" for fiscal year 2017-2018, which the Governor reproduced, *verbatim*, in his Legislative/Judiciary Budget Bill #S.2001/A.3001. Pursuant thereto, in fiscal year 2017-2018, did you, as Chief Administrative Judge, approve any increases or decreases in the amounts set forth in the enacted Budget Bill #S.2001/A.3001 – or are you yet going to do so in the remainder of this fiscal year? If so,

what are the particulars and why does the Judiciary's proposed budget for fiscal year 2018-2019 fail to even identify this reshuffling of appropriations in fiscal year 2017-2018?

(42) Can you explain why notwithstanding the September 24, 2015 Report of former Chief Judge Lippman's Commission on Statewide Attorney Discipline recommending an "Increase to funding and staffing across-the-board for the disciplinary committees" (Executive Summary, at p. 4), stating "Additional funding and staffing must be made available to the disciplinary committees" (at p. 57), the Judiciary's proposed appropriation of $15,514,625 for fiscal year 2018-2019 is LESS than its 2011-2012 request of $15,547,143 – and only about $650,000 more than the $14,859,673 it was when the Commission on Statewide Attorney Discipline rendered its September 24, 2015 Report.

(43) The Senate and Assembly Judiciary Committees held no oversight hearing to review the Commission on Statewide Attorney Discipline's September 24, 2015 Report, is that correct? How about oversight hearings of the court-controlled attorney disciplinary system, at which the public was given notice and opportunity to testify and submit evidence? Do you know when such hearings were held by the Senate and Assembly Judiciary Committees to review the efficacy and fairness of the court-controlled attorney disciplinary that the state is funding – and what findings of fact and conclusions of law were made based thereon?

(44) How about Senate and Assembly Judiciary Committee oversight hearings of the Commission on Judicial Conduct, at which the public was given notice and the opportunity to testify and submit evidence? Do you know when they were last held – and what findings of fact and conclusions of law were made based thereon? Although the Commission is not funded through the Judiciary budget, it is among the agencies within the Legislature's "public protection" budgeting. Surely, Chief Judge DiFiore's "Excellence Initiative" recognizes the Judiciary's obligation to ensure that the Commission on Judicial Conduct is adequately funded and properly functioning, does it not? What advocacy, if any, has it undertaken, with respect to funding, which in this year's State Operations Budget Bill #S.7500/A.9500 (at p. 414) is $5,696,000. And what has it done to advance an independent auditing of the Commission on Judicial Conduct's handling of judicial misconduct complaints – the necessity of which was recognized nearly 30 years ago, in the 1989 report of the then state Comptroller Edward Regan, entitled Commission on Judicial Conduct – Not Accountable to the Public: Resolving Charges Against Judges is Cloaked in Secrecy, whose press release was equally blunt: "COMMISSION ON JUDICIAL CONDUCT NEEDS OVERSIGHT".

(45) Doubtless in the nearly two years since Chief Judge DiFiore announced her "Excellence Initiative", many members of the public have complained to her about the lawlessness that prevails in the judiciary, resulting from a Commission on Judicial Conduct that is worthless, as well as the worthlessness of entities within the judiciary charged with oversight, including the court-controlled attorney disciplinary system and the Judiciary's Office of Inspector General. What has she done to verify the situation?

(46) By the way, the Judiciary's proposed budget for fiscal year 2018-2019 (at p. 60) seeks $1,414,575 for the Office of Inspector General, is that correct? Does the Judiciary's Office of Inspector General render annual reports of its activities to the Office of Court Administration? Will the Judiciary produce these or similar reports as to the number, type, and disposition of complaints received by its Inspector General? Is the Office of Court Administration unaware of evidence of the corruption of its Office of Inspector General, as for instance, its failure and refusal to investigate record tampering in the declaratory judgment action, *CJA v. Cuomo, et al* (Bronx Co. #302951-2012; NY Co. #401988-2012), and the misfeasance and nonfeasance of the New York County Clerk and his staff in connection therewith – whose consequence was to stall the case and prevent prompt determination of the statutory violations, fraud, and unconstitutionality of the Commission on Judicial Compensation's August 29, 2011 report – which, to date, have yet to be declared.