

CENTER for JUDICIAL ACCOUNTABILITY, INC. (CJA)

Post Office Box 8101
White Plains, New York 10602

Tel. (914) 421-1200

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

**Written Testimony of CJA Director Elena Ruth Sassower
for the Legislature’s January 25, 2024 “Public Protection” Budget Hearing
submitted AFTER the testimony of Chief Administrative Judge Joseph Zayas and
Commission on Judicial Conduct Administrator Robert Tembeckjian**

At [pages 18-19 of Legislative/Judiciary Budget Bill #S.8301/A.8801](#), the judiciary seeks \$34,600,000:

“For expenses necessary to implement the recommendations of the commission on legislative, judicial and executive compensation pursuant to chapter 60 of the Laws of 2015, as amended by Part WW of chapter 55 of the Laws of 2020, for adjustment of the salaries of judges and justices of the unified court system”

On Friday, January 19, 2024, by a series of e-mails all containing a subject line reading:

“ALERT: \$34.6M at pp. 18-19 of Budget Bill #S.8301/A.8801 must be stricken, as it is the product of statutory violations & fraud by the Commission on Legislative, Judicial & Executive Compensation”,

I stated:

“The \$34.6M line item for so-called ‘adjustment of the salaries of judges and justices’ in [Legislative/Judiciary Budget Bill S.8301/A.8801 \(at pp. 18-19\)](#) must be stricken as it is the product of statutory violations and fraud by the Commission on Legislative, Judicial and Executive Compensation whose December 4, 2023 misnomered ‘Final Report on Judicial Compensation’ is a ‘false instrument’ The details are set forth by CJA’s above-attached January 18, 2024 Opposition Report to the Commission’s December 4, 2023 Report, which was e-mailed to [Legislative Leaders Stewart-Cousins, Heastie, Ortt, and Barclay] for distribution to you so that you could be alerted to your constitutional and oversight responsibilities.

The e-mail, addressed and also sent to Chief Administrative Judge Zayas, is below. Presumably Chief Administrative Judge Zayas will be your first witness at the [January 25th budget hearing on ‘public protection’](#) – and you should be prepared to grill him about it.

I am available to assist you – and am reachable by phone and e-mail over the weekend, late at night, and early in the morning.”

I sent these e-mails to:

- [every member of the Senate Judiciary Committee;](#)
- [every member of the Assembly Judiciary Committee;](#)
- [every member of the Senate Committee on Investigations and Government Operations;](#)
- [every member of the Assembly Committee on Governmental Operations and Assembly Committee on Oversight, Analysis and Investigation;](#)
- [every member of the Senate Finance Committee;](#)
- [every member of the Assembly Ways and Means Committee.](#)

I received not a single call, nor e-mail, other than automated e-mails acknowledging receipt.

On Tuesday, January 23rd, I sent a comparable e-mail to the [deficiently-appointed membership of the Legislative Commission on Government Administration](#) – and, yesterday, January 24th, sent comparable e-mails to:

- [every member of the Senate Committee on Budget and Revenue;](#)
- [every member of the Senate Codes Committee;](#)
- [every member of the Assembly Codes Committee;](#)
- [every member of the Senate Rules Committee;](#)
- [every member of the Assembly Rules Committee;](#)
- [every member of the Senate Majority Leadership;](#)
- [every member of the Senate Minority Leadership;](#)
- [every member of the Assembly Majority Leadership;](#)
- [every member of the Assembly Minority Leadership.](#)

Here, too, I received not a single call, nor e-mail, other than automated e-mails acknowledging receipt.

Meanwhile, in advance of the hearing, you posted on the Senate webpage for the hearing, Chief Administrative Judge Zayas' [written statement](#) identifying (at p. 1) that the judiciary's budget

request included “judicial pay increases recommended by the 2023 Quadrennial Salary Commission”. This description was itself a deceit, falsifying the Commission’s name – Commission on Legislative, Judicial and Executive Compensation – to conceal its statutory violation in NOT having examined “compensation and non-salary benefits” – exposed again and again by [CJA’s Opposition Report](#). His written testimony made no reference to CJA’s Opposition Report – apparently unconcerned that, in sending it to him by my [January 18 and January 19 e-mails](#), I had simultaneously sent it to:

“All Senators: *c/o* Senate Leaders Andrea Stewart-Cousins & Robert Ort
All Assembly Members: *c/o* Assembly Leaders Carl Heastie & William Barclay”

so as to enable you to “individually and collectively [] discharge constitutional and oversight responsibilities:

- “(1) to void the Commission’s ‘force of law’ December 4, 2023 Final Report on Judicial Compensation because it is statutorily-violative, fraudulent, and unconstitutional – and striking the \$34.6 million appropriation for judicial salary increases from the Governor’s Legislative/Judiciary Budget Bill #S.8301/A.8801;
- (2) to refer the Commission’s seven members for criminal prosecution...based on penal law violations including:

Penal Law §175.35: ‘Offering a false instrument for filing in the first degree’;

Penal Law §195: ‘Official misconduct’;

Penal Law §105.15: ‘Conspiracy in the second degree’;

Penal Law §20.00: ‘Criminal liability for conduct of another’;

Penal Law Article 496: ‘PUBLIC TRUST ACT’

§496.06: ‘Public corruption’;

§496.05: ‘Corrupting the government in the first degree’;

- (3) to hold hearings on the corruption in New York’s judiciary to which the three judicial pay raise opponents attested, with evidence – involving the corruption of the Commission on Judicial Conduct, the Appellate Division attorney grievance committees, and the OCA Inspector General”.

Roughly half hour before the “public protection” budget hearing commenced, I sent a [January 25th e-mail to every member of the Senate Judiciary Committee and every member of the Senate Committee on Children and Families](#). Entitled: “Today’s ‘public protection’ budget hearing – & your questioning of Chief Administrative Judge Zayas & Commission on Judicial Conduct Administrator Tembeckjian”, it explained that I had received no response from their chairs to a January 23rd e-mail, inquiring whether they had forwarded to committee members the [written testimony](#) I had submitted for the record of their November 1, 2023 hearing on family courts which had included my October 25, 2023 complaint to Chief Administrative Judge Zayas, to the Commission on Judicial Conduct, to the Appellate Division, Fourth Department attorney grievance

committee, and to the OCA Inspector General, pertaining to the Monroe County Family Court case about which I had testified before the Commission on Legislative, Judicial and Executive Compensation at its October 13, 2023 hearing, at which, New York Families Civil Liberties Union executive director Sebastian Doggart had also testified, substantiated by a written report on [“Corruption and Waste in the New York Court System in 2023”](#).

Your today’s hearing began, as expected, with Chief Administrative Judge Zayas as your first witness – and his opening statement repeated the reference from his written statement about “judicial pay increases recommended by the 2023 Quadrennial Salary Commission”. None of the legislators present – most of whom were recipients of my e-mails – corrected him about this – or asked him, during his nearly two-hour appearance, even a single question about the Commission on Legislative, Judicial and Executive Compensation’s Report or CJA’s Opposition Report. Nor did legislators ask him about any of the judiciary’s “public protection” entities whose corruption the Opposition Report identified and substantiated with evidence: the Appellate Division attorney grievance committees and the OCA Inspector General.

The legislators manifested the same behavior with respect to the Commission on Judicial Conduct, whose corruption the Opposition Report also identified, with evidence. The [written statement](#) of Commission on Judicial Conduct Administrator Tembeckjian, also posted by the Senate prior to the hearing, referred to the Commission as a “successful ethics-enforcement entity” (at p. 2) – a theme he expanded upon in his oral testimony – and which the legislators endorsed, as true, by their repetition of praise for the Commission. Yet, the Commission is flagrantly corrupt – and New York’s Senate and Assembly have had the proof of this for decades, as likewise, of the corruption of the attorney grievance committees – and of New York’s other ethics and criminal authorities.

The foregoing summary is furnished so that the public will have a record of today’s latest demonstration of your corrupt, posturing, and larcenous conduct – inexplicable except as a manifestation of your self-interest, over the public interest, for which you must be turned out of office this election year and prosecuted by ethics and criminal authorities.

For the convenience of all, here are links further reinforcing this statement:

- [CJA’s January 18, 2024 Opposition Report to the December 4, 2023 Report of the Commission on Legislative, Judicial, and Executive Compensation](#) (redacted to remove link to Family Court case);
- [CJA’s written testimony for the November 1, 2023 oversight hearing of family court, held by the Senate Judiciary Committee and Senate Committee on Children and Families](#) (redacted to remove link to Family Court case);
- [CJA’s written testimony for last year’s February 7, 2023 “public protection” budget hearing](#) – as the situation it describes as unchanged from past years is unchanged this year, as well.