

November 5, 2019

INVENTORY OF EVIDENCE TO BE RECOVERED
BY THE 2019 COMMISSION ON LEGISLATIVE, JUDICIAL & EXECUTIVE
COMPENSATION

I. 2011 COMMISSION ON JUDICIAL COMPENSATION

EVIDENCE furnished by CJA to the Commission on Judicial Compensation as its July 20, 2011 public hearing, in support of testimony:

(1) CJA's written statement – "NO PAY RAISES FOR NYS JUDGES WHO CORRUPT JUSTICE – THE MONEY BELONGS TO THE VICTIMS" (7 copies distributed, at the hearing, to each of the 7 commissioners);

(2) CJA's final two motions to the New York Court of Appeals in its Article 78 proceeding *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico, v. Commission on Judicial Conduct of the State of New York* (Supreme Court/NY Co. #108551/99; App. Div. 1st Dept. #5638/01):

- CJA's October 15, 2002 motion for reargument, vacatur for fraud, lack of jurisdiction, disclosure & other relief – and the Court of Appeals' December 17, 2002 decision thereon (Court of Appeals Mo. #1212);
- CJA's October 24, 2002 motion for leave to appeal – and the Court of Appeal's December 17, 2002 decision thereon (Court of Appeals Mo. #1213);

(3) CJA's draft statement prepared for the Senate Judiciary Committee's aborted December 16, 2009 hearing on the Commission on Judicial Conduct and the court-controlled attorney disciplinary system;

(4) CJA's two written statements in opposition to Senate confirmation of Chief Judge Judith Kaye's reappointment to the Court of Appeals, furnished to the Senate Judiciary at its March 6, 2007 confirmation hearing:

- Elena Sassower's written opposition statement summarizing Chief Judge Kaye's role in the corruption of the Commission on Judicial Conduct;
- Doris Sassower's written opposition statement summarizing Chief Judge Kaye's role in the corruption of New York's attorney disciplinary system.

II. 2015 COMMISSION ON LEGISLATIVE, JUDICIAL & EXECUTIVE COMPENSATION

EVIDENCE furnished by CJA to the Commission on Legislative, Judicial & Executive Compensation at its November 3, 2015 organizational meeting:

- (1) A FULL copy of CJA's October 27, 2011 Opposition Report, given, *in-hand*, to Commission Chair Sheila Birnbaum, Esq., consisting of:
 - 4-page Executive Summary;
 - CJA's 38-page Opposition Report;
 - 2-volume Compendium of Exhibits;
 - CJA's two final motions to the NY Court of Appeals in its Article 78 proceeding against the Commission on Judicial Conduct;
- (2) THREE copies of the CJA's 38-page Opposition Report, with its Executive Summary, given, *in-hand*, to the three other Commissioners present at the meeting: Barry Cozier, Esq., James Lack, Esq., and Gary Johnson.

EVIDENCE furnished by CJA to the Commission on Legislative, Judicial & Executive Compensation at its November 30, 2015 public hearing, in support of testimony:

- (1) CJA's November 30, 2015 written testimony (7 copies of which were distributed, at the hearing, to each of the 7 commissioners), each bound with annexed & tabbed exhibits:
 - Ex 1 – CJA's Executive Summary to its October 27, 2011 Opposition Report
 - Ex 2 – CJA's April 15, 2013 corruption complaint to US Attorney Preet Bharara
 - Ex 3 – CJA's constitutional analysis, as presented in Opposition Report
 - Ex 4 – CJA's entitlement to declarations: citizen-taxpayer action/Nov. 5, 2015 memo
 - Ex 5 – CJA's October 30, 2015 FOIL request
 - Ex 6 – CJA's e-mail with Commission from Nov 2 - Nov 18, 2015
 - Ex 7 – CJA's October 28, 2011 e-mail to Judiciary & Judicial Pay Raise Advocates;
- (2) CJA's March 30, 2012 verified complaint, with annexed exhibits, in declaratory judgment action *CJA v. Cuomo, et al.* (Supreme Court/Bronx Co. #302951-12; transferred to Supreme Court/NY Co. #401988-2012);
- (3) CJA's March 28, 2014 verified complaint, with annexed exhibits, and CJA's March 31, 2015 verified supplemental complaint, with annexed exhibits, in (1st) citizen-taxpayer action *CJA v Cuomo, et al.* (Supreme Court/Albany Co. #1788-14), plus CJA's November 5, 2015 affidavit in support of its cross-motion for summary judgment, etc., with annexed exhibits, and accompanying November 5, 2015 memorandum of law;
- (4) CJA's April 23, 2014 proposed verified complaint, with annexed exhibits, in support of order to show cause to intervene in the Legislature's declaratory judgment action against the

Commission to Investigate Public Corruption: Senate v. Rice (Supreme Court/NY Co. #160941/2013);

PLUS, the following further documentary evidence, given, in-hand, to Commissioner Mitra Hormozi, Esq., former chair of the NYS Commission on Public Integrity (predecessor of the NYS Joint Commission on Public Ethics (JCOPE)) –

(5) CJA’s July 27, 2013 conflict-of-interest ethics complaint, filed with JCOPE, against the Governor, Attorney General, Comptroller, Legislators, etc., with its accompanying April 15, 2013 criminal complaint to U.S. Attorney Bharara – and JCOPE’s July 28, 2013 letter acknowledging the complaint;

(6) CJA’s December 11, 2014 conflict-of-interest ethics complaint, filed with JCOPE, against the Governor, Legislative Leaders, and JCOPE, with its three enclosures: (a) CJA’s July 11, 2014 letter to the Governor & Legislative Leaders; (b) CJA’s July 18, 2014 letter to JCOPE; (c) the New York City Bar Association’s July 9, 2014 letter to the Governor & Legislative Leaders; – and JCOPE’s December 16, 2014 letter acknowledging the complaint;

(7) CJA’s December 12, 2014 conflict-of-interest ethics complaint to the New York State Legislative Ethics Commission (LEC);

(8) a second FULL copy of CJA’s October 27, 2011 Opposition Report, consisting of:

- CJA’s 38-page Opposition Report;
- 2-volume Compendium of Exhibits;
- CJA’s two final motions to the NY Court of Appeals in its Article 78 proceeding against the Commission on Judicial Conduct;

EVIDENCE furnished by CJA to the Commission on Legislative, Judicial & Executive Compensation subsequent to its November 30, 2015 public hearing, in support of testimony:

(9) CJA’s December 2, 2015 supplemental submission – “(1) The absence of any evidence bearing on the Commission’s charge ‘adequate levels of compensation and non-salary benefits’; (2) The actual bias and interest of Commissioners Cozier, Lack, and Chairwoman Birnbaum -- mandating their disqualification” (furnished by e-mail);

(10) CJA’s December 21, 2015 supplemental submission – “Assisting the Commission in discharging its statutory duty of ‘tak[ing] into account all appropriate factors’ as to ‘adequate levels of compensation and non-salary benefits’” (furnished by e-mail).

III. 2018 COMMITTEE ON LEGISLATIVE & EXECUTIVE COMPENSATION

EVIDENCE furnished by CJA to the Committee on Legislative & Executive Compensation at its November 30, 2018 public hearing, in support of testimony:

- (1) CJA's November 30, 2018 written testimony, with appended New York State constitutional provisions: Article III, §10; Article VII, §§1-7; Article IV, §7;
- (2) CJA v. Cuomo...DiFiore citizen-taxpayer action appeal briefs and record, then before the Appellate Division, Third Department (#527081-2018), consisting of:
 - Appellants July 4, 2018 Brief & 3-volume Record on Appeal
(Supreme Court/Albany Co. #5122-16);
 - Respondents' September 21, 2018 Brief & Supplemental Record on Appeal;
 - Appellants' October 4, 2018 Reply Brief;
- (3) Reports on New York's legislative rules underlying the description that New York's Legislature is THE MOST "dysfunctional" of any in the nation:
 - "Albany's Travesty of Democracy" – by Professor Eric Lane (City Journal 1997) (genesis of the Brennan Center Reports);
 - 2004 Brennan Center Report: "NYS Legislative Process: Evaluation and Blueprint for Reform";
 - 2006 Brennan Center Report: "Unfinished Business: New York State Legislative Reform: Update";
 - 2008 Brennan Center Report: "Still Broken: NY Legislative Reform - Update";
 - April 21, 2009: Temporary Senate Committee on Rules & Administration Reform: Majority "Draft Report" & Republican Minority Report;
- (4) Evidence pertaining to the Fiscal Year 2018-2019 Judiciary & Legislative Budgets – & Governor Cuomo's Legislative/Judiciary Budget Bill #S.7501/A.9501:
 - CJA's written statement in support of testimony at the Legislature's January 30, 2018 budget hearing on "Public Protection" (Judiciary budget);
 - CJA's written statement in support of testimony at the Legislature's February 5, 2018 hearing on "local government officials/general government" (Legislative budget);

- Fiscal Year 2018-19 Legislative/Judiciary Budget Bill #S.7501/A.9501, with annotations to §3 (Judiciary reappropriations); §4 (Legislative reappropriations); and Table of Contents.