

## Center for Judicial Accountability, Inc. (CJA)

**From:** Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]  
**Sent:** Monday, June 13, 2011 2:46 PM  
**To:** 'metro@nytimes.com'; 'glab@nytimes.com'; 'barron@nytimes.com'; 'hakim@nytimes.com'; 'nconfess@nytimes.com'; 'editorial@nytimes.com'  
**Subject:** NY's Commission on Judicial Compensation: NOT YET OPERATIONAL or ACCESSIBLE TO THE PUBLIC on day 73 of its maximum 150-day statutorily-limited existence  
**Attachments:** 6-13-11-nylj-stashenko.pdf; 5-23-11-ltr-appting-authorities.pdf; 5-23-11-ltr-to-cc.pdf; 6-10-11-foil-resignations.pdf

**TO: THE NEW YORK TIMES:**

Metro Desk; Bill Glaberson,  
Albany Bureau: Danny Hakim, Nicholas Confessore  
Editorial Board

Today's front-page of the New York Law Journal reports, as its lead "News in Brief", on Governor Cuomo's three appointments to the Commission on Judicial Compensation, **as if there is NOTHING usual about them.**

In fact, these appointments follow upon the Center for Judicial Accountability's May 23, 2011 letter to Governor Cuomo, Legislative Leaders, and Chief Judge Lippman, identifying the Governor's failure to make his appointments to the Commission which – under the law passed last year by a lame-duck legislature, at the instance of a lame-duck governor – operates under statutorily-fixed time parameters: a maximum of 150 days from April 1<sup>st</sup>. **Governor Cuomo's appointments were on the 70<sup>th</sup> day of the Commission's statutorily-limited existence.**

**When does the Commission on Judicial Compensation plan to have its first meeting? And what will be its protocol for securing information and documentation from the public? Will it be holding "public hearings", as it is statutorily-empowered to do – and as CJA requested by its May 23<sup>rd</sup> letter?**

Attached is CJA's May 23<sup>rd</sup> letter – previously e-mailed to you. Its serious and substantial content deserves to be reported to the public, including CJA's position that:

"There must be NO increase in judicial compensation UNTIL there is an official investigation of the testimony and documentation that the public provided and proffered to the Senate Judiciary Committee in connection with its 2009 hearings [on the Commission on Judicial Conduct & the court-controlled attorney disciplinary system] and UNTIL there is a publicly-rendered report with factual findings with respect thereto." (at p. 3, capitalization in the original).

I look forward to assisting The Times with an investigative story about the Commission on Judicial Compensation, where **what is at stake, in financial terms alone, is potentially millions, if not billions, of taxpayer dollars.** Likewise, I look forward to assisting The Times with an investigative story of the 2009 Senate Judiciary Committee hearings, as to which, despite the explosive nature of the testimony and evidence presented and proffered, The Times has given no coverage whatever.

Finally, and consistent with CJA's commitment to ensuring that the Commission on Judicial Compensation's "findings, conclusions, determinations, and recommendations" are informed by

6/13/2011

EVIDENCE, attached is CJA's June 10<sup>th</sup> FOIL request to the Office of Court Administration, requesting records of judicial resignations based on insufficient compensation, quoting from – and annexing – an August 4, 2009 front-page "News in Brief" item entitled "*Second Department Judge Quits Over Lack of a Raise*".

Thank you.

Elena Sassower, Director

Center for Judicial Accountability, Inc. (CJA)

[www.judgewatch.org](http://www.judgewatch.org)

----- best contact telephone numbers to reach me: landline: 718-708-5303; cell: 646-220-7987.

**CENTER for JUDICIAL ACCOUNTABILITY, INC.\***

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Website: [www.judgewatch.org](http://www.judgewatch.org)

BY FAX: 212-428-2155 (2 pages)  
BY E-MAIL: [skerby@courts.state.ny.us](mailto:skerby@courts.state.ny.us)

June 10, 2011

Shawn Kerby, Records Access Officer & Assistant Deputy Counsel  
Office of Court Administration  
25 Beaver Street, 11<sup>th</sup> Floor  
New York, New York 10004

RE: Request for Records of Judicial Resignations Based on Insufficient Compensation Pursuant to §124 of the Rules of the Chief Administrator & F.O.I.L.

Dear Ms. Kerby:

Pursuant to §124 of the Chief Administrator's Rules and Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], this is to request copies of all publicly-available records in the possession of the Office of Court Administration as to the number and names of New York State judges who have resigned from office on grounds of insufficient compensation – particularly during the last ten years.

As illustrative, enclosed is an item from the front page of the August 4, 2009 New York Law Journal entitled “*Second Department Judge Quits Over Lack of a Raise*”, reporting that then Appellate Division, Second Department Justice Robert A. Spolzino had issued a statement that he was resigning because state judges had not received a pay raise in more than a decade. A copy of such statement – and other similar statements and/or letters in the possession of the Office of Court Administration – is requested.

Pursuant to §124.6 of the Chief Administrator's Rules and Public Officers Law §89.3, your response is required “within five business days” of your receipt of this request. I would appreciate if you e-mailed it to me at [elena@judgewatch.org](mailto:elena@judgewatch.org).

Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Director  
Center for Judicial Accountability, Inc. (CJA)

Enclosure

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\* Center for Judicial Accountability, Inc. (CJA) is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

# New York Law

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VOLUME 242—NO. 24 | \$3.00

WWW.NYLJ.COM

TUESDAY, AUGUST 4, 2009

## NEWS IN BRIEF

### Second Department Judge Quits Over Lack of a Raise

Appellate Division, Second Department Justice Robert A. Spolzino, citing the fact that state judges have not received a raise in more than a decade, will rejoin the law firm he left when he became a Supreme Court justice in 2001. At the end of September, Justice Spolzino, who has been on the Second Department since 2004, again will become a partner at Wilson, Elser, Moskowitz, Edelman & Dicker, a 750-lawyer firm, where he will litigate and expand the firm's commercial and appellate practices. In a statement issued yesterday, Justice Spolzino said he would never have left a "job I love so much if it were not for the judicial salary situation in New York." Eight years ago, Justice Spolzino recalled, he and his family realized that joining the bench would entail a financial sacrifice, but with no raise since then "I can no longer ask them to do that." At the Appellate Division, Justice Spolzino earns \$144,000. At Wilson Elser, where he will work in the White Plains office, he said, "I will be paid an amount appropriate for someone with 25 years of legal experience."

—Daniel Wise