

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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BY E-MAIL

May 12, 2021

TO: New York State Commission on Judicial Conduct

FROM: Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: File #2021/A-0083-0085 – Request for Clarification & Substantiation of Clerk Zahner’s May 5, 2021 Letter: CJA’s February 7, 2021 conflict-of-interest/misconduct complaint against the six associate judges of the New York Court of Appeals; against the presiding justice of the Appellate Division, Third Department and six of its associate justices; and against New York Chief Judge Janet DiFiore and Chief Administrative Judge Lawrence Marks pertaining to the citizen-taxpayer action *Center for Judicial Accountability, et al. v. Cuomo...Schneiderman...DiFiore*, challenging their commission-based pay raises, the Judiciary budget, and other corruption of state governance of which they are beneficiaries

This responds to the May 5, 2021 letter, signed by Clerk Celia Zahner, purporting that the Commission “reviewed” my February 7, 2021 complaint and “subsequent correspondence” and has dismissed the complaint because:

“Upon careful consideration, the Commission has concluded that there was insufficient indication of judicial misconduct to justify judicial discipline.”

Please advise whether the “subsequent correspondence” included my April 26, 2021 e-mail to the Commission initiating a further and supplementing complaint against the justices of the Appellate Division, Third Department for demonstrated actual bias, born of their undisclosed conflicts of interest in the *Delegado v. New York State* citizen-taxpayer action, challenging the committee-based pay raises for legislators and executive officers. I received no response to that April 26, 2021 e-mail, whose subject line began “Query”. Likewise, I received no response to my follow-up May 4, 2021 e-mail, whose subject line began “AGAIN – Query”. Did the Commission also determine that no written response or phone call back was required? For your convenience, copies are enclosed.

Please further substantiate Clerk Zahner’s letter by furnishing:

- (1) the date on which the Commission purportedly “reviewed” and “dismissed” the February 7, 2021 complaint;

- (2) the number of Commissioners who were present and voted on the complaint – and their identities;
- (3) the meaning of the phrase “insufficient indication of judicial misconduct to justify judicial discipline”, including confirmation that dismissal on such ground is without the Commission’s investigating the complaint;
- (4) the legal authority that permits the Commission to dismiss, without investigation, a complaint for “insufficient indication of judicial misconduct to justify judicial discipline”;
- (5) the specific respects in which the Commission deemed CJA’s February 7, 2021 complaint to be “insufficient” in its “indication of judicial misconduct”;
- (6) any and all appeal/review/reconsideration procedures.

Additionally, please identify how, *if at all*, the Commission members and staff addressed their threshold duty of disqualification and disclosure.

Kindly respond, by e-mail, to elena@judgewatch.org.

Thank you.

Enclosures: CJA’s April 26, 2021 e-mail – “Query...”
CJA’s May 4, 2021 e-mail – “AGAIN – Query...”