

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

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OPEN LETTER

December 21, 2012

TO: Independent Democratic Conference:
Senator Jeffrey D. Klein; Senator David J. Valesky;
Senator Diane J. Savino; Senator David Carlucci;
Senator Malcolm A. Smith

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

RE **What is Your Response to CJA's December 7, 2012 Letter?**
"ACHIEVING A 'FISCALLY RESPONSIBLE, FULLY FUNCTIONAL SENATE':
(1) Repudiation of your 'historic bipartisan partnership' with a Senate Republican Conference headed by Senator Dean Skelos;
(2) Legislative override of the second and third phases of the judicial pay raises recommended by the August 29, 2011 Report of the Commission on Judicial Compensation, initiated by referring the evidence of unconstitutionality, statutory violations, and fraud to all relevant Senate Committees for discharge of their oversight responsibilities, pursuant to Senate Rules;
(3) Revision of Senate Rules to embody democracy-invigorating recommendations, made in 2009, by the bipartisan Temporary Committee on Rules and Administration Reform and, in 2011, by Resolution #357 introduced by Senators Liz Krueger and Daniel Squadron"

We have received no response from you to our above-entitled December 7, 2012 letter – a copy of which we enclose for your convenience. Have you responded? Please advise and confirm that each of you has personally examined the Verified Complaint in our People's lawsuit against Temporary Senate President Skelos and the Senate, *et al.*, including its most important exhibit: our October 27, 2011 Opposition Report.

Do you deny or dispute that these establish that the 27% judicial pay raises recommended by the Commission on Judicial Compensation's August 29, 2011 Report – representing millions, and ultimately billions, of taxpayer dollars – are unconstitutional, statutorily-violative, and frauds upon the People of the State of New York? Have you secured such findings of fact and conclusions of law as were made by Senator Skelos and Senate counsel?

So that we may know how to proceed, please let us hear from you without further delay. Will you be taking appropriate action to protect the People of this State —the most minimal being securing a legislative override of the second and third phases of the judicial pay raises that will otherwise take effect, automatically, on April 1, 2013 and April 1, 2014?



* **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.