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NEW YORK STATE SENATE & ASSEMBLY **February 12, 2020 “Public Protection” Budget Hearing**

QUESTIONS FOR CHIEF ADMINISTRATIVE JUDGE LAWRENCE MARKS **Concerning the Judiciary’s Proposed Budget for Fiscal Year 2020-21** **& the Governor’s Legislative/Judiciary Budget Bill #S.7501/A.9501**

Examination of the Judiciary’s proposed budget for fiscal year 2020-21 must begin with its bottom-line, total cost, especially as it is NOT contained within its two-part budget or in its “Judicial Appropriation Bill”, whose critical figures the Judiciary has concealed, manipulated, and falsified.

Governor Cuomo has offered NO written recommendations to guide the Legislature. In his January 21, 2020 public address on the Executive Budget, he made no statement about the Judiciary’s budget. Instead, he flashed a slide entitled “Partners in Government”, purporting that the Office of Court Administration request was a 2% increase over FY2019-20, using figures that do not correspond to the Judiciary portions of his FY2019-20 and FY2020-21 Legislative/Judiciary budget bills – bills which contain NO cumulative dollar totals for the Judiciary budget.

As for the Legislature’s analyses of the Judiciary budget, the “color books” of its fiscal committee staff/counsel diverge as to relevant dollar amounts and percentages.

To assist legislators and the Legislature’s “appropriate committees” in discharging their constitutional duty to scrutinize the Judiciary’s budget and furnish New York taxpayers with accurate dollar and percentage figures, below are questions to ask Chief Administrative Judge Marks.¹

¹ The Judiciary’s proposed budget, the Governor’s Legislative/Judiciary Budget Bill #S.7501/A.9501, and all referred-to documents are posted on CJA’s webpage for these Questions for Chief Administrative Judge Marks, accessible from CJA’s homepage, www.judgewatch.org, via the prominent center link entitled “LEGISLATIVE SESSIONS: Comparing NY’s Legislature BEFORE & AFTER its Fraudulent Pay Raise”. Here’s the direct link to the webpage: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/2020-questions-marks.htm> – part of a series of webpages for the “2020 LEGISLATIVE SESSION”.

QUESTIONS FOR CHIEF ADMINISTRATIVE JUDGE LAWRENCE MARKS

- (1) By transmittal memoranda, dated November 29, 2019, you submitted to the Governor and Legislature the Judiciary’s two-part budget for fiscal year 2020-21. One part was titled “Budget”. The other part, also titled “Budget”, was for “General State Charges”, right?
- (2) These transmittal memoranda sharply contrasted with those of previous years, removing all content except for a single two-sentence paragraph – essentially the first paragraph of your transmitting memoranda of past years, correct?²
- (3) Do you agree that among the content you removed was the assertion, repeated year after year, that the Judiciary’s two-part budget presentation “follows the long-standing practice of the...Legislative Branch[] of separately presenting requests for funding of fringe benefit costs and requests for operating funds” – and the reference to the Judiciary’s “single-budget bill” that had given rise to a question as to whether the “single-budget bill” was encompassed by the “Chief Judge’s Certification” and the “Court of Appeals Approval”?
- (4) Immediately following each of your two November 29, 2019 transmitting memoranda is a “Chief Judge’s Certification” and “Court of Appeals Approval”. The “Certification” states that pursuant to Article VII, §1 of the Constitution of the State of New York, Chief Judge DiFiore:

“certif[ies] that the attached schedules are the itemized estimates of the financial needs of the Judiciary for the fiscal year beginning April 1, 2020 and that they have been approved by the Court of Appeals”.

Which are the referred-to “attached schedules”?

- (5) A “Table of Contents” follows the “Chief Judge’s Certification” and “Court of Appeals Approval” in the Judiciary’s “Budget” part. It lists two sections. The first section is entitled “Introduction”, consisting of an “Introduction” and “Judiciary Budget Request” whose two

² They respectively state:

“I respectfully submit the itemized estimates of the annual financial needs of the Judiciary for the Fiscal Year beginning April 1, 2020. Article VII, Section 1 of the Constitution requires the submission of these estimates to the Governor and legislative leaders on or before December 1, 2019.”

“I respectfully submit the itemized estimates of the annual financial needs of the Judiciary for General State Charges for the Fiscal Year beginning April 1, 2020. Article VII, Section 1 of the Constitution requires the submission of these estimates to the Governor and legislative leaders on or before December 1, 2019.”

parts are “All Funds Summary Tables” and “Judiciary Appropriation Bill”. The second section, consisting of Parts I, II, and III, are respectively entitled “2020-2021 Judiciary Budget Request”, “Aid to Localities”, and Capital Projects”. Can you explain what the difference is between the “Section 1...Judiciary Budget Request” and the “Section 2 – Part I: 2020-2021 Judiciary Budget Request”? Do they contain the same dollar requests and, if not, why are they given the same “Judiciary Budget Request” name?

- (6) The opening two sentences of the “Introduction” state:

“Pursuant to Article VII, Section 1 of the State Constitution, the Judiciary respectfully submits the following itemized estimate of its financial needs for Fiscal Year 2020-2021. This request seeks \$2.36 billion for the State Operations portion of the Judiciary budget, which represents an increase of \$45.9 million, or two percent, over current year cash funding.”

Are the “\$2.36 billion” and “\$45.9 million” figures from the first of the four “All Funds Summary Tables”, *to wit*, the table entitled “All Funds Disbursement Requirements (Millions \$)” – and, in particular, from the line entitled “State Operating Funds Total with Suballocations”? Do you agree that only that line identifies a “2020-21 Required” figure of \$2,356.9M, which it represents as a “Change” of \$45.9M from a “2019-20 Adjusted” figure of \$2,311.0M?

- (7) Why doesn’t this “2020-21 Required” figure of \$2,356.9M appear in the 15-page “Judiciary Appropriation Bill”? And why, instead, is \$2,417,118,472 featured on the first page of the “Judiciary Appropriation Bill”, as the appropriations requested?
- (8) At the bottom of the fourth table entitled “All Funds Appropriation Requirements – Major Purpose Summary by Fund Category”, on a line denominated “All Funds Total”, \$2,417,118,472 appears as “2020-21 Required”. The line further shows \$53,771,585 as the indicated “Change” from a “2019-20 Available” figure of \$2,363,346,887, correct? Aren’t these the more relevant, accurate figures than those featured in the Judiciary’s “Introduction”. Is the reason they have not been utilized because the percentage change is over 2% – namely 2.275%?
- (9) And what is the meaning of “2019-20 Available”? How did \$2,363,346,887 become “Available” when this is \$25 million more than last year’s enacted Legislative/Judiciary Budget Bill #S.1501-A/A.2001-A (at p. 10) appropriated, *to wit*, \$2,338,346,887?
- (10) And if \$2,338,346,887 is properly the “2019-20 Available” figure, then wouldn’t \$78,771,585 be needed to meet the “2020-21 Required” sum of \$2,417,118,472? Isn’t the percentage increase 3.368%?
- (11) By the way, in the FY2019-20 table of “All Funds Appropriation Requirements – Major Purpose Summary by Fund Category”, the line of “All Funds Total” shows \$2,336,671,887

as the “2019-20 Required”. Isn’t this the same sum as page 1 of the FY2019-20 “Judiciary Appropriation Bill” identified as requested, thereafter embodied in the Governor’s Legislative/Judiciary Budget Bill #S.1501/A.2001 (at p. 10)? And wasn’t this figure increased by \$1,675,000 when the “three men in the room” went behind-closed-doors, as part of their budget deal-making to produce the amended Legislative/Judiciary Budget Bill #S.1501-A/A.2001-A, appropriating (at p. 10) \$2,338,346,887?

- (12) Going back to the FY2020-21 “All Funds Disbursement Requirements (Million \$)” table, what is the meaning of “2019-20 Adjusted”? The “adjusted” figure of \$2,311.0M is a \$30.4M increase above the \$2,280.6M identified by the FY2019-20 table of “All Funds Disbursement Requirements (Millions \$)” as “FY2019-20 Required”. How, when, and for what reason was FY2019-20 “adjusted” upward by \$30.4M?
- (13) Without the FY2019-20 “adjustment”, wouldn’t the “Change” in “Disbursement Requirements” in the FY2020-21 budget request be \$76.3M? Isn’t that a percentage increase of 3.346%?
- (14) Do you agree that this is now the fourth consecutive year that Governor Cuomo has not furnished the Legislature with any written “Commentary of the Governor on the Judiciary”, with recommendations pursuant to Article VII, §1 of the New York State Constitution?
- (15) At the Governor’s January 21, 2020 address on the Executive budget, he did not mention the Judiciary budget, correct? Instead, he flashed a slide entitled “Partners in Government”, with a chart purporting that the Office of Court Administration’s budget for “FY 2021” is a 2% “Change” over “FY2020”, based on dollar figures of \$2.311B for “FY2020” and \$2.357B for “FY2021”, right?
- (16) Would you agree that the Governor’s figures appear to be from the Judiciary’s FY2020-21 “All Funds Disbursement Requirements (Millions \$)” table? Are these the figures that he should have been using?
- (17) Wouldn’t the Governor’s own enacted Legislative/Judiciary Budget Bill #S.1501-A/A.2001-A for FY2019-20 be the best source for what the “Adjusted” appropriations for the Judiciary were for FY2019-20? Isn’t that figure \$2,336,671,887 (at p. 10), excluding reappropriations and general state charges?
- (18) Wouldn’t the “Judiciary Appropriation Bill” for FY2020-21, submitted with the Judiciary’s proposed budget, be the best source for its request for FY2020-21? Isn’t that figure \$2,417,118,472 (at p. 10), excluding reappropriations and general state charges.
- (19) Isn’t \$80,446,585 the dollar increase between \$2,336,671,887 and \$2,417,118,472 – and the percentage increase 3.44278%?

- (20) Wouldn't it have been more accurate for the Governor's slide to have furnished rounded figures for the Office of Court Administration of \$2.337B for "FY2020", \$2.417B for "FY2021", and a percentage "Change" of 3.44%?
- (21) The Governor's slide figures for the Office of Court Administration budget did not include its reappropriations or its general state charges, correct?
- (22) The FY2020-21 "Judiciary Appropriation Bill" does not identify the cumulative dollar total of the Judiciary's proposed budget, is that correct? Why is that?
- (23) What is the cumulative dollar total of the "Judiciary Appropriation Bill?" Which are the specific figures in the bill that you add to arrive at that figure? Is it the tally of the figures, on page 1, for "Appropriations": \$2,417,118,472
consisting of: \$2,212,596,402 for "state operations";
\$179,522,070 for "aid to localities"; and
\$25,000,000 for "capital projects",
plus, also on page 1, the figure for "Reappropriations": \$73,402,250
plus, on page 10, the figure for "General State Charges": \$848,058,603?
- (24) Is this the same cumulative dollar total as would result from adding the various figures in the Judiciary's two-part budget presentation?
- (25) Do you agree that there is a \$73,402,250 disparity between the "Judiciary Appropriation Bill" and the Judiciary's two-part budget presentation? Isn't this because the \$73,402,250 in "Reappropriations" in the "Judiciary Appropriation Bill" (pp. 1, 12-15) are not in either part of its two-part budget presentation? Is it to conceal this disparity that the Judiciary does not furnish cumulative budget tallies?
- (26) The \$73,402,250 "Reappropriations" in the "Judiciary Appropriation Bill" (p. 1) are itemized by the "Schedule" that appears at its pages 12-15 under the headings "State Operations Reappropriations 2020-2021", "Aid to Localities Reappropriations 2020-2021", and "Capital Projects Reappropriations 2020-2021", correct?
- (27) Are the \$73,402,250 in "Reappropriations" properly designated as such – and have they been approved by the Court of Appeals and certified by the Chief Judge, as required by Article VII, §1 of the New York Constitution?
- (28) According to the "Citizen's Guide" on the Division of the Budget's website,

"A reappropriation is a legislative enactment that continues all or part of the undisbursed balance of an appropriation that would otherwise lapse (see lapsed appropriation). Reappropriations are commonly used in the case of

federally funded programs and capital projects, where the funding amount is intended to support activities that may span several fiscal years.

For example, funds for capital projects are customarily recommended and appropriated in amounts sufficient to cover the total estimated cost of each phase of a specific project (such as land acquisition, design, construction and equipping). As contracts within each phase are established, portions of the capital construction appropriation are allocated. However, disbursements are made only to meet the actual costs incurred as each phase of the project progresses. In ensuing years, the balances not disbursed are reappropriated to cover the costs of subsequent construction phases in the project.”

<https://www.budget.ny.gov/citizen/financial/glossary-all.html#r>

Can you identify what the reappropriations listed at pages 12-13 of the “Judiciary Appropriation Bill” were for when originally appropriated? Why was this money not used? And what is it now purported to be reappropriated for?

- (29) Is the reason the Judiciary’s two-part budget presentation does not identify these unused appropriations because they are not properly reappropriations and should be returned to the state treasury?
- (30) Would you agree that the aforesaid reappropriations at pages 12-13 of the “Judiciary Appropriation Bill” are pretty barren, essentially referring to chapter 51, section 2 of the laws of 2019, 2018, 2017, 2016 – which are the appropriations of the enacted budget bills pertaining to the Judiciary for those years. They furnish no specificity as to their purpose other than a generic “services and expenses, including travel outside the state and the payment of liabilities incurred prior to April 1...”; or “Contractual Services”.
- A. Can you explain how these reappropriations are consistent with State Finance Law §25:

“Every appropriation reappropriating moneys shall set forth clearly the year, chapter and part or section of the act by which such appropriation was originally made, a brief summary of the purposes of such original appropriation, and the year, chapter and part or section of the last act, if any, reappropriating such original appropriation or any part thereof, and the amount of such reappropriation. If it is proposed to change in any detail the purpose for which the original appropriation was made, the bill as submitted by the governor shall show clearly any such change.”

- B. Are these reappropriations consistent with Article VII, §7 of the New York State Constitution:

“No money shall ever be paid out of the state treasury or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation action; and every such law making a new appropriation or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object or purpose to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum.”

- C. Are they consistent with Article III, §16 of the New York State Constitution:

“No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of said act, or which shall enact that any existing law, or part thereof, shall be applicable, except by inserting it in such act.”

- D. How about the other reappropriations at pages 13-15 of the “Judiciary Appropriation Bill”? Are they consistent with State Finance Law §25, with Article VII, §7, and with Article III, §16 of the New York Constitution?

- (31) The “Judiciary Appropriation Bill” – which the Governor’s Legislative/Judiciary Budget Bill #S.7501/A.9501 reproduces, *verbatim*, as its judiciary portion – consists of a §2, containing a “Schedule” of appropriations (pp. 10-22), followed by a §3, which are reappropriations (pp. 23-26). The text directly beneath the §2 title “Schedule” reads:

“Notwithstanding any provision of law, the amount appropriated for any program within a major purpose within this schedule may be increased or decreased in any amount by interchange with any other program in any other major purpose, or with any appropriation in section three of this act, with the approval of the chief administrator of the courts.”

This same text was in the Judiciary’s “Judiciary Appropriation Bill” for fiscal year 2019-20 – and the Governor’s fiscal year 2019-20 Legislative/Judiciary budget bill based thereon and as enacted, #S.1501-A/A.2001-A. Pursuant thereto, in this fiscal year, have you, as Chief Administrative Judge, approved any increases or decreases in the amounts set forth in enacted Legislative/Judiciary Budget Bill #S.1501-A/A.2001-A – or are you yet going to do so in the remainder of this fiscal year? If so, what are the particulars and why does the Judiciary’s proposed budget for fiscal year 2020-21 fail to even identify this reshuffling of appropriations in fiscal year 2019-20?

- (32) Have you examined how the Senate and Assembly “color books” have grappled with the Judiciary’s budget. Are their figures correct? – as for instance:

The Senate “Blue Book” of its Democratic Majority, whose cumulative figures for the Judiciary are as follows :

“OCA’s SFY 2020-21 request includes a total appropriation of \$3.3 billion, an increase of \$97 million or 3.1 percent compared to SFY 2019-20. This request includes \$2.4 billion in All Funds appropriations and \$848 million in General State Charges (GSC). The total increase consists of \$53.8 million in All Funds appropriations and \$43.2 million in GSC.” (at p. 89).

A chart entitled “Judiciary All Funds Appropriation” (at p. 89) states that the total appropriation is: “\$3,265,177,075” for FY2020-21 – and that this is a dollar increase of “\$97,015,219”.

The Senate “White Book” of its Republican Minority, whose cumulative figures for the Judiciary are as follows:

“The FY 2021 Executive Budget recommends All Funds spending of \$3.3 billion, an increase of \$171.3 million, or 5.5 percent.” (at p. 79).

A chart entitled “Proposed Disbursements – All Funds (Thousands of Dollars)” (at p. 80) furnishes the following: “3,300,993”, representing a dollar increase of “171,293” or “5.47%”

The Assembly “Yellow Book” of its Democratic Majority, whose cumulative figures for the Judiciary are as follows:

“The Judiciary’s proposed budget request recommends All Funds appropriations of \$3.27 billion, which is an increase of \$96.96 million or 3.06 percent from the SFY 2019-20 level.” (at p. 155).

Two charts (at p. 155) furnish further particulars. The First, entitled “Appropriations”, shows an “Executive Request” for 2020-21, in millions, as “3,265.16”, representing a dollar change of \$96.96” millions, or “3.06”%. A second chart, entitled “Disbursements”, shows an “Executive Request”, in millions, of \$3,300,99”, this being a dollar change of “171.29” millions, or “5.47”%.

The Assembly “Green Book” of its Republican Minority, whose entire presentation is two sentences:

“\$2.36 billion, \$45.9 million more than last year. This represents a 2%

increase in spending.” (at p.156).

- (33) Would you agree that the Judiciary’s 11-page “Introduction” to its “Budget” part is almost entirely narrative, with minimal reference to dollar amounts or percentages – and that it makes no reference to the Judiciary’s general state charges or reappropriations, though both are part of the ‘Judiciary Appropriation Bill’ that follows?
- (34) The Judiciary’s “Introduction” features, at the outset, Chief Judge DiFiore’s “Excellence Initiative” – but differently from how it appeared in her three prior budget “Introductions”.³ Gone is the description highlighting its goal as including “decisional excellence in everything that we do.” Is this because of what has been unfolding, at the Court of Appeals, with respect to CJA’s citizen-taxpayer action, *CJA v. Cuomo...DiFiore* (Albany County #5122-2016; Appellate Division, Third Dept. #527081), where the Court, by its decisions, has replicated the decisions of the judges below in obliterating all adjudicative and ethical standards to deprive the People of the State of New York of their open-and-shut, *prima facie* entitlement to summary judgment on their ten causes of action as to the unconstitutionality and unlawfulness of the Judiciary budget, the Legislative budget, the Executive budget – and the embedded “force of law” commission-based judicial pay raises that have stolen approximately half a billion dollars from New York taxpayers, since 2012. Do you disagree that this is what the record shows?
- (35) Inasmuch as budgets are primarily about money issues – and in keeping with the “Excellence Initiative” – wouldn’t the “Introduction” have reasonably been the place for the Judiciary to have reported on its compliance with the “Independent Control Responsibilities” that Judiciary Law Article 7-D (§249) imposes on the Judiciary, including the results of the “independent control audits” that are required every three years?
- (36) Judiciary Law §249(c)(1) requires that “The chief judge shall make available to the public the results of such audits, including any related management letters”, correct? Are you unaware that the Office of Court Administration has willfully failed to make production in response to CJA’s repeated FOIL/records requests in 2016, 2019, and 2020 for:
- (1) publicly-available records pertaining to the “competitive procedure” utilized by the chief judge to select the independent certified accountants for the “independent audits” of the “internal controls of the judiciary”, including:
 - (a) the chief judge’s written request(s) to independent certified public accountants for proposals for the “independent audits”;
 - (b) the winning proposal, selected for the “independent audits”; and

³ Until last year, the “Introduction” had been denominated as an “Executive Summary”.

(c) the proposals not selected – or records reflecting the number and names of the certified public accountants who submitted proposals.

(2) “the results” of the “independent audits” – “including any related management letters”.

- (37) Are you unaware that the Judiciary’s “independent audits” in 2005, 2008, 2011, 2014, and 2017, were all by the same accounting firm, Toski & Co., CPAs, P.C., subsequently known as EFPR Group, CPAs, PLLC? Have you never examined them – and discerned their illegitimate, worthless nature?
- (38) Toward the end of the “Introduction” are “Additional Issues” (at p. ix), one of which is “Judicial Salaries”, correct? The single paragraph reads:

“Pursuant to Part E of Chapter 60 of the Laws of 2015, a Commission on Legislative, Judicial and Executive Compensation has been formed this year to make findings and recommendations about the compensation of, among others, New York’s State-paid judges. In the event that the Commission recommends an increase in judicial compensation^{fn.3} and such increase thereafter becomes law, the Judiciary would absorb the cost of that increase in its current proposed budget.”

The annotating footnote 3 reads:

“The Judiciary has requested a modest salary increase for its judges, sufficient to maintain the salary parity between State Supreme Court Justices and Federal Court Judges recommended by past Commissions.”

- (39) In so stating, the Judiciary does not disclose CJA’s November 4, 2019 testimony before the Commission on Legislative, Judicial and Executive Compensation that the recommendations of “salary parity” by “past Commissions” are fraudulent and based on violations of the “appropriate factors” specified and embraced by Part E of Chapter 60 of the Laws of 2015 and its predecessor, Chapter 567 of the Laws of 2010, correct?
- (40) What is your response to CJA’s November 25, 2019 letter to you, pertaining to its November 4, 2019 testimony before the Commission – and to the fraud you perpetrated by your own oral testimony and written submission to the Commission? You did not deny or dispute the letter’s accuracy, is that correct?
- (41) And what is your response to CJA’s December 11, 2019 rebuttal to your November 22, 2019 supplemental submission to the Commission, particularizing your financial fraud with respect to the cost of the Judiciary’s so-called “modest salary increase for its judges” – and

exposing the deceit of your representation to the Commission that the Judiciary would “absorb the cost”? You did not deny or dispute the accuracy of that rebuttal, is that correct?

- (42) The Commission made no mention of CJA’s oral testimony and written submissions in rendering its December 26, 2019 report, is that correct? Do you dispute that it committed fraud in so-doing and in purporting that but for the \$6 billion-plus state budget deficit it would have recommended COLA increases? Aren’t CJA’s testimony and written submissions to the Commission dispositive that NO judicial pay increases could be recommended, irrespective of financial and economic factors?
- (43) Do you believe that there should be no oversight by the Legislature of the Commission’s December 26, 2019 report, as, likewise, none of the December 24, 2015 report of the predecessor Commission on Legislative, Judicial and Executive Compensation, and none of the August 29, 2011 report of the Commission on Judicial Compensation?
- (44) By the way, there has also been no oversight by the Legislature of the September 24, 2015 report of former Chief Judge Lippman’s Commission on Statewide Attorney Discipline, correct? Does the Judiciary believe that the Legislature should not oversee the accuracy of that report – and what has transpired in the more than four years since?
- (45) The Judiciary’s proposed budget (at p. 127) seeks \$15,984,416 for attorney discipline, right? When did the Legislature last conduct oversight of the court-controlled attorney disciplinary system, at which the public was given notice and opportunity to testify and submit evidence? Did the Legislature make any findings of fact and conclusions of law based thereon?
- (46) And when has the Legislature conducted any oversight of the Commission on Judicial Conduct, at which the public was given notice and the opportunity to testify and submit evidence? Did the Legislature make any findings of fact and conclusions of law based thereon?
- (47) Although the Commission on Judicial Conduct is not funded through the Judiciary budget, it is among the agencies within the Legislature’s “public protection” budgeting. Surely, Chief Judge DiFiore’s “Excellence Initiative” recognizes the Judiciary’s obligation to ensure that the Commission on Judicial Conduct is adequately funded and properly functioning, does it not? What advocacy, if any, has it undertaken, with respect to funding, which in the FY2020-21 State Operations Budget Bill #S.7500/A.9500 (at p. 447) is \$6,026,000 – unchanged from the FY2019-20 enacted State Operations Budget Bill #S.1500-D/A.2000-D (at p. 473). And what has it done to advance an independent auditing of the Commission on Judicial Conduct’s handling of judicial misconduct complaints – the necessity of which was recognized more than 30 years ago, in the 1989 report of the then state Comptroller Edward Regan, entitled Commission on Judicial Conduct – Not Accountable to the Public: Resolving Charges Against Judges is Cloaked in Secrecy, whose press release was equally blunt: “COMMISSION ON JUDICIAL CONDUCT NEEDS OVERSIGHT”.

- (48) Do you dispute that in the four years since Chief Judge DiFiore announced her “Excellence Initiative”, she has received complaints from members of the public about the lawlessness that prevails in the judiciary, resulting from a Commission on Judicial Conduct that is worthless, as well as the worthlessness of entities within the judiciary charged with oversight, including the court-controlled attorney disciplinary system and the Judiciary’s Office of Inspector General. What has she – and others in the Office of Court Administration – done to verify the situation?
- (49) By the way, the Judiciary’s proposed budget for fiscal year 2020-2021 (at p. 63) seeks \$1,513,120 for the Office of Inspector General, an increase of \$46,540 over the FY2019-20 appropriation of \$1,466,580, is that correct? Does the Judiciary’s Office of Inspector General render annual reports of its activities to the Office of Court Administration? Will the Judiciary produce these or similar reports as to the number, type, and disposition of complaints received by its Inspector General? Is the Office of Court Administration unaware of evidence of the corruption of its Office of Inspector General, as for instance, its failure and refusal to investigate record tampering in the declaratory judgment action, *CJA v. Cuomo, et al* (Bronx County #302951-2012; New York County #401988-2012), and the misfeasance and nonfeasance of the New York County Clerk and his staff in connection therewith – whose consequence was to stall the case and prevent prompt determination of the statutory violations, fraud, and unconstitutionality of the Commission on Judicial Compensation’s August 29, 2011 report – which, to date, have yet to be declared.
- (50) Finally, would you agree that on November 19, 2019 – the date of Chief Judge DiFiore’s “Certification” and of the “Court of Appeals Approval” signed by all its judges – they had had many months in which to examine and correct the many constitutional and statutory violations and larceny reflected by these above Questions – as they had before them CJA’s citizen-taxpayer action *CJA v. Cuomo...DiFiore*, with its challenge to the Judiciary budget, by its second cause of action and to the “force of law” commission-based judicial pay raises by its sixth, seventh, and eighth causes of action – and whose record furnished the Court with Questions about the FY2019-20 Judiciary budget and Legislative/Judiciary budget bill comparable to these.