From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Wednesday, October 12, 2011 2:58 PM

To:

'davidhowardking@gmail.com'

Subject:

ON-THE-GROUND EVIDENCE: The worthlessness of judicial codes of conduct & law

Dear David,

Thank you for your IMPORTANT work, providing the public with the information essential to its rights and our democracy.

For immediate purposes, here's two letters, with their RELEVANT links & enclosures – taken from our NY Judicial Compensation homepage: http://www.judgewatch.org/web-pages/judicial-compensation.htm

#1: CJA's May 23, 2011 letter to NY Governor Andrew Cuomo, Temporary Senate President Dean Skelos, Assembly Speaker Sheldon Silver & Chief Judge Jonathan Lippman -- "RE: (1) NYS's Commission on Judicial Compensation -- Inoperative & Inaccessible to the Public; (2) Evidence Disentitling NYS's Judiciary to Increased Compensation, Presented and Proffered by the Public at the NYS Senate Judiciary Committee's June 8, 2009 and September 24, 2009 Public Hearings -- as to which There Has Been No Investigation, No Findings, and No Committee Report"; -- May 13, 2011 transmittal letter to indicated recipients

click here for: video & transcripts of 2009 NYS Senate Judiciary Committee Hearings on NYS

Commission on Judicial Conduct & court-controlled attorney disciplinary system

AND

#11: CJA's August 8, 2011 letter to the Commission -- "RE: Threshold Issues Barring Commission Consideration of Pay Raises for Judges: (1) Chairman Thompson's Disqualification for Interest, as to which there has been No Determination; (2) Systemic Corruption in New York's Judiciary, Embracing the Commission on Judicial Conduct, as to which there has been No Determination; & (3) The Fraud & Lack of Evidence Put Forward by Advocates of Judicial Pay Raises.

Enclosures:

- (1) Transcription of Elena Sassower's July 20, 2011 testimony before the Commission
- (2) "NOT ACCOUNTABLE TO THE PUBLIC", Report of NYS Comptroller Regan, 1989 -- with his press release, "COMMISSION ON JUDICIAL CONDUCT NEEDS OVERSIGHT" (December

7, 1989)

(3) <u>Transcription of Elena Sassower's questions at the December 11, 2002 forum on the Commission on Judicial Conduct, co-sponsored by NYS Bar Association & Fund for Modern (1997)</u>

Courts

Please note page 5 of the August 8th letter – referencing that copies were being furnished to the bar associations, Fund for Modern Courts, & Brennan Center for Justice.

Regards,

Elena

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Sunday, October 16, 2011 11:29 AM

To:

'David King' 'Doris Sassower'

Cc: Subject:

Update: NYS Judicial Pay Raises - CJA's opposition report

Attachments:

10-20-11-cover.doc; report-intro-conclusion.doc

Dear David,

I would like to give you the lead on CJA's Opposition Report – which will be released on Thursday, October 20th to allow sufficient time for printing & assembling the voluminous exhibit compendium & for making arrangements for hand-delivery to Governor Cuomo, Temporary Senate President Skelos, Assembly Speaker Silver, & Chief Judge Lippman.

You are the first member of the press to know about our Opposition Report. Let me know how I can best help you in developing a story about it – and the dramatic relief it seeks, in vindication of the public's rights. Meantime, here's its cover, 3-page Introduction and 1-page Conclusion.

Regards.

Elena Center for Judicial Accountability, Inc. (CJA) 718-708-5303

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Tuesday, October 18, 2011 5:03 PM

To:

'David King'

Subject:

thank you for your kind response -- RE: Update: NYS Judicial Pay Raises - CJA's

opposition report

I like that name – "Eye Opener newsletter".

CJA's Opposition Report – as likewise our opposition throughout these many months – surely will be an "eye opener" to those who thought there was no controversy on this BIG issue. Meantime, here's our "Latest News" homepage, http://www.judgewatch.org/web-pages/cja/latest-news.htm which I have prepared for posting of our Opposition Report on Thursday.

Would be pleased to send you tomorrow's near-final, if not final, draft.

Regards,

Elena.

718-708-5303

From: David King [mailto:davidhowardking@gmail.com]

Sent: Tuesday, October 18, 2011 11:17 AM **To:** Center for Judicial Accountability, Inc. (CJA)

Subject: Re: Update: NYS Judicial Pay Raises - CJA's opposition report

Hi Elena,

Sorry for the delayed response. I am just finishing up my CPI project and my editor at the Gotham Gazette is on vacation for the next two weeks so I am filling in for her. I would like to feature your report. I will review it and see what we can do story wise. We will certainly make it part of our Eye Opener newsletter on Thursday. I will be in touch soon.

Thank you for your help and patience,

David King

On Sun, Oct 16, 2011 at 11:28 AM, Center for Judicial Accountability, Inc. (CJA) < elena@judgewatch.org > wrote:



Dear David,

I would like to give you the lead on CJA's Opposition Report – which will be released on Thursday, October 20th to allow sufficient time for printing & assembling the voluminous exhibit compendium &

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Wednesday, October 19, 2011 12:03 PM

To:

'David King'

Subject:

please call me at your earliest convenience -- RE: thank you for your kind response --

RE: Update: NYS Judicial Pay Raises - CJA's opposition report

so I can discuss with you release of CJA's Opposition Report. Thanks.

Elena

718-708-5303

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Sent: Tuesday, October 18, 2011 5:03 PM

To: 'David King'

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CJA's Opposition Report – as likewise our opposition throughout these many months – surely will be an "eye opener" to those who thought there was no controversy on this BIG issue. Meantime, here's our "Latest News" homepage, http://www.judgewatch.org/web-pages/cja/latest-news.htm which I have prepared for posting of our Opposition Report on Thursday.

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Regards.

Dear David,

Elena

Center for Judicial Accountability, Inc. (CJA)

718-708-5303

From:

David King <davidhowardking@gmail.com>

Sent:

Friday, October 21, 2011 1:08 PM

To:

Center for Judicial Accountability, Inc. (CJA)

Subject:

Update

Hi Elena,

I am still working on the story and I don't think I am going to have something ready for Monday. What I would like to do is feature the report as part of our Eye Opener and then blog about the report and reaction to it throughout the day. I would likely follow up with a story later in the week. We would just need a link to the report to run by early Monday morning.

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Friday, October 21, 2011 1:51 PM

To:

'David King'

Cc:

'Doris Sassower'

Subject:

Thank you! RE: Update

Attachments:

10-24-11-cover.doc; 10-24-11-contents.doc; 10-24-11-report.doc; 8-29-11-final-

report.pdf

Dear David,

Following up on my voice mail message, responding to your below e-mail, attached is the latest draft of CJA's Opposition Report – and, for your convenience, the Commission's Report to which we are responding.

If there are any dramatic changes, I will send them to you over the weekend. I will also send you the final Opposition Report before posting it on our website early Monday morning.

So that you can be the FIRST to "break" the story about the FIRST Opposition Report -- & the dramatic relief it seeks – I will not send any press release to any reporters until your "Eye Opener" appears.

Do not hesitate to call me at any time during today or the weekend.

Thank you, again.

Elena

718-708-5303

From: David King [mailto:davidhowardking@gmail.com]

Sent: Friday, October 21, 2011 1:08 PM

To: Center for Judicial Accountability, Inc. (CJA)

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From:

David King <davidhowardking@gmail.com>

Sent:

Friday, October 21, 2011 1:51 PM

To:

Center for Judicial Accountability, Inc. (CJA)

Subject:

Got Your Message

Hi Elena,

Got your message. I am in meetings for the next couple of hours. As I mentioned before I am covering for my editor so things are busy. The way we feature a report on the Eye Opener is usually to summarize it and than feature a link to the report and the site that is hosting it. Is the report going to be on the site on Monday so that we can link to it?

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Friday, October 21, 2011 2:06 PM

To:

'David King'

Subject:

Yes, it will be posted! RE: Got Your Message

Also, in the early a.m., the Opposition Report will be e-mailed to Gov Cuomo, Senate President Skelos, Assembly Speaker Silver, & Chief Judge Lippman. I will then hand-deliver it to the Manhattan offices of all, except Skelos. Skelos, who is on Long Island. His will be hand-delivered on Tuesday.

Thanks, again.

Elena

From: David King [mailto:davidhowardking@gmail.com]

Sent: Friday, October 21, 2011 1:51 PM

To: Center for Judicial Accountability, Inc. (CJA)

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That is great. We will link to it	and I will follow up with you and the folks you give it to during the day.
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Sent: To:	Friday, October 21, 2011 2:17 PM
Subject:	'David King' perfect! RE: Yes, it will be posted! RE: Got Your Message
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From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Saturday, October 22, 2011 10:32 AM

To:

'David King'

Cc:

'Doris Sassower'

Subject:

Attachments:

Almost Done! 10-24-11-contents.doc; 10-24-11-report.doc; 10-24-11-

compendium-1.doc; 10-24-11-compendium-2.doc; 8-29-11-final-report.pdf

Dear David,

Attached is the latest draft of CJA's Opposition Report & Compendium of Exhibits – as of 10:15 am Saturday.

Also, here's the link to CJA's judicial compensation correspondence – all exhibits in our Compendium of Exhibits. http://www.judgewatch.org/web-pages/judicial-compensation/nys-judicial-compensation.htm

Don't hesitate to call with any questions, etc.

Thanks, again.

Elena 718-708-5303

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Sunday, October 23, 2011 10:38 AM

To:

'David King' 'Doris Sassower'

Cc: Subject:

OCCUPYING GOVERNMENT! CJA's Opposition Report in Vindication of the Public's

Rights

Attachments:

10-24-11-cover.doc; 10-24-11-contents.doc; 10-24-11-report.doc; 10-24-11-

compendium-vol-1.doc; 10-24-11-compendium-vol-2.doc

Dear David:

Almost done. Here's the latest. Please note the cover – with its second page quote, summing up the important constitutional issue pertaining to judicial accountability.

Thanks again for taking the lead on this IMPORTANT story, with so many far-reaching ramifications for New York – and beyond.

Feel free to call me with any questions, etc.

I expect our Opposition Report, with exhibits, will be posted on our website by 6:00 a.m. Is that early enough for your "Eye Opener" bulletin?

Elena

718-708-5303

I

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Sunday, October 23, 2011 11:19 AM

To:

'David King'

Cc:

'Doris Sassower'

Subject:

thought you might like to see the response to CJA's draft Opposition Report --

of one victim of NYS judicial corruption — a witness who testified at the Senate Judiciary Committee's 2009 hearings, who has since become an active CJA member. She proofed for me the draft I sent you yesterday & her e-mail to me, a short while ago, was as follows:

"Hi Elena,

You rock!

I read your cover page quote and it really encapsulates the legitimacy of CJA's objections soundly and succinctly.

You can use my quote if you like as coming from an anonymous victim of the court system if you need a soundbite or testimonial:

'The process the NYS power elite has designed to grant judges hefty payraises is an empty vessel filled with greed and sanctimony.

CJA's Report completely shatters these illusions of grandeur and entitlement and offers a realistic remedy."

This same victim was the one who had the idea that the \$ for judicial pay raises should be used, instead, as restitution to the victims of judicial corruption - thereafter embodied in the appended clause to our motto "NO PAY RAISES FOR NYS JUDGES WHO CORRUPT JUSTICE - THE \$ BELONGS TO THE VICTIMS". Her insight has also enabled me to recognize that what we are doing is akin to "OCCUPYING GOVERNMENT!"

Thanks again,

Elena

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Sunday, October 23, 2011 9:21 PM

To: 'David King'
Cc: 'Doris Sassower'

Subject: seemingly endless, but will be posted by 6 am, as promised.

Attachments: 10-24-11-cover.doc; 10-24-11-report.doc

Dear David,

Please use the link for "Latest News". Here it is: http://judgewatch.org/web-pages/cja/latest-news.htm

Meantime, here's the latest draft of our Opposition Report– correcting, most importantly, missed portions of the front page September 2nd New York Law Journal article on the statutory linkage between judicial and district attorney salaries. (see pp. 22-23, quoting an expanded extract of the article).

Also, attached is the cover – whose inside citation is now corrected. The two letters pertaining to the constitutional issue of judicial integrity are CJA's August 8th and August 23rd letters.

Regards,

Elena 718-708-5303

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Monday, October 24, 2011 6:07 AM

To:

'David King'

'Doris Sassower'

Cc: Subject:

here's CJA opposition report --

Attachments:

10-24-11-cja-report.pdf

Have been trying to post it, but am encountering technical difficulties. Will continue trying...

I will try to keep to schedule. However there's a possibility that I may have to deliver the Report tomorrow to the Gov, Assembly Speaker & Chief Judge – as well as to the Temporary Senate President. Will let you know...

Thanks.

E

718-708-5303

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Monday, October 24, 2011 6:30 AM

To:

'David King'

Cc: Subject: 'Doris Sassower' Successfully posted!

Don't know what the problem was. Will be fixing layout problems with exhibits a bit later.

Have to go the copy shop.

Elena

718-708-5303

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Monday, October 24, 2011 6:59 AM

To:

'David King'

Cc:

'Doris Sassower'

Subject:

superseding copy of report posted (fixing citation reference on 2nd page)

Attachments:

cja-opposition-report.pdf

Attached.

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Monday, October 24, 2011 8:36 AM

To:

'David King'

Subject:

will do! -- RE: will be delivering to Gov, Chief Judge, & Assembly Speaker today!

E

From: David King [mailto:davidhowardking@gmail.com]

Sent: Monday, October 24, 2011 8:31 AM **To:** Center for Judicial Accountability, Inc. (CJA)

Subject: Re: will be delivering to Gov, Chief Judge, & Assembly Speaker today!

Thanks Elena. Let me know how it goes.

On Mon, Oct 24, 2011 at 8:26 AM, Center for Judicial Accountability, Inc. (CJA) < <u>elena@judgewatch.org</u>> wrote:

Just returned from copy shop... Will let you know when I'm en route – probably in early afternoon.

Elena

David King
State Government Editor
Gotham Gazette

(518) 265-8398

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Monday, October 24, 2011 3:06 PM

To:

'David King'

Subject:

update: CJA's Opposition Report

Attachments:

cja-opposition-report.pdf

Dear David,

Attached is CJA's Opposition Report, which I've reformatted & reposted on our website, most conveniently accessible *via* Latest News.

Everthing is ready for delivery, but I decided that I'd do that tomorrow, as I'm quite tired -- & I'd rather deliver first thing tomorrow than late today.

I've put in a call to Skelos' office to find out if – as Temporary Senate President – he has a NYC office.

If you are intending to do a significant story – or, better, a series of stories – about this important issue, I'd be happy to send you a copy of the Opposition Report & Compendium of Exhibits. Let me know.

Thanks.

Elena

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Tuesday, October 25, 2011 12:01 PM

To:

'David King'

Cc: Subject: 'Doris Sassower'
Update: Vindicating the Public's Rights: CJA's Opposition Report

Dear David,

It would appear that you have not yet reported on CJA's posted October 24th Opposition Report – which I rushed to finalize for your yesterday's "Eye Opener" reporting.

That being the case, I am delaying delivery of the Report as I have discovered some powerful additional information on compensation vs salary & non-salary benefits that I failed to previously include. I am expecting that the revised Report will be ready for delivery tomorrow – and since I did not previously transmit the October 24th Report to the Gov, Leg. Leaders, & Chief Judge, including by e-mail – I will redate the Report to bear tomorrow's date & deliver it alone.

As soon as I have finished making this addition, I will take down from our website the October 24, 2011 Report and replace it with our October 26, 2011 Report.

Please advise what your time parameters are -- & how much lead you need before I contact other press about the story.

Thanks.

Elena

718-708-5303

From: Sent: To: Subject:	David King <davidhowardking@gmail.com> Tuesday, October 25, 2011 12:06 PM Center for Judicial Accountability, Inc. (CJA) Re: Update: Vindicating the Public's Rights: CJA's Opposition Report</davidhowardking@gmail.com>
HI Elena,	
reaction yo	report as part of the Eye Opener yesterday and I was waiting to hear from you about what kind of a received when you delivered the report. I understand that has now been delayed. As I said earlier I to blog about the report and talk to you and the politicians you deliver it to during the day.
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Ele	na

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Tuesday, October 25, 2011 12:18 PM

To:

'David King'

Cc:

'Doris Sassower'

Subject:

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Just left voice message for you. Call me when convenient.

Thanks.

Elena

718-708-5303

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Sent: Tuesday, October 25, 2011 12:06 PM **To:** Center for Judicial Accountability, Inc. (CJA)

Subject: Re: Update: Vindicating the Public's Rights: CJA's Opposition Report

HI Elena,

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From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Thursday, October 27, 2011 2:00 PM

To:

'David King'

Cc:

'Doris Sassower'

Subject:

leaving now to deliver CJA's October 27 Opposition Report -- already posted on CJA's

website:

most easily accessible via "Latest News".

Here's the direct link: http://www.judgewatch.org/web-pages/cja/latest-news.htm

Will let you know when I complete delivery to all four leaders of our three government branches.

Elena

Cell: 646-220-7987

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Friday, October 28, 2011 10:04 AM

To: 'David King'
Cc: 'Doris Sassower'

Subject: CJA's Oct 27 Opposition Report: Confirming Delivery to Gov't Leaders & NYLJ

Dear David,

Yesterday, at approximately 3:45 pm, I hand-delivered CJA's October 27th Opposition Report to the NYC office of Governor Cuomo (633 Third Ave). It went to his assistant director of administration, Peter Yacobellis (212-681-4580), for transmittal to the Governor's counsel, Mylan Denerstein, Esq.

I then went to deliver the Report to Senate Majority Leader Skelos and Assembly Speaker Silver – both with NYC offices at 250 Broadway. As Skelos' NYC office had a voice mail, each time I called (212-298-5501), I left a voice mail message that office personnel should pick up the Report from Silver's office. At about 4:15 pm, Susan, from Silver's office (212-312-1420), took from me two sets of the Report and said she's leave the copy for Skelos with the receptionist in Silver's office.

Onward to the OCA (25 Beaver St) – because Jennifer, Executive Assistant at Lippman's NY office at 230 Park Ave (212-661-6787) instructed me to make delivery to OCA Counsel John McConnell (212-428-2150). Mission accomplished by 4:40 pm, when I gave the Report to Mary for delivery to Mr. McConnell.

Finally, by about 4:55 pm., I delivered the Report to the New York Law Journal (120 Broadway: 212-457-9545), giving it to the assistant of NYLJ Editor Kris Fisher, who told me that the link from our website with the Report had already been forwarded to a reporter. The NYLJ has HUGE conflicts of interest in covering this story – not the least being the Robert Fiske, Jr. – a member of the Commission on Judicial Compensation is on the <u>Law Journal</u>'s Board of Editors.

Will let you know when I transmit the Report to the cc'd indicated recipients.

Please let me know if you'd like me to provide you with a hard-copy of the Report – especially its Exhibit Compendium. Here's the direct link: http://www.judgewatch.org/web-pages/judicial-compensation/opposition-report.htm.

Thank you.

Elena 718-708-5303

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]

Sent: Thursday, October 27, 2011 2:00 PM

To: 'David King' **Cc:** 'Doris Sassower'

Subject: leaving now to deliver CJA's October 27 Opposition Report -- already posted on CJA's website:

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Friday, October 28, 2011 12:19 PM

To:

'David King' 'Doris Sassower'

Cc: Subject:

Update #1: -- CJA's Oct 27 Opposition Report

Dear David:

Shortly after 11 this morning, I phoned Senator Skelos' district office to make sure they knew that I had left CJA's Opposition Report for Senate Majority Leader Skelos with Assembly Speaker Silver's office. Within about 15 minutes I got a call from Owen Johnson of the Majority Leader's NYC office – to arrange for his pick-up of the Report.

About a half hour later – maybe less – Frances Schwartz of Senate Majority Leader Skelos' office called to say that they had gotten the Report from Assembly Speaker Silver's office and that it would be delivered to appropriate Senate Majority staff for review.

If you want to verify who, precisely, will be reviewing it on behalf of Senate Majority Leader Skelos – i.e. counsel for the Senate Majority – and I indicated to Ms. Schwartz that a reporter might want to call to ascertain how it is being handled – her phone # is 212-298-5509.

Thanks.

Elena

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]

Sent: Friday, October 28, 2011 10:04 AM

To: 'David King'
Cc: 'Doris Sassower'

Subject: CJA's Oct 27 Opposition Report: Confirming Delivery to Gov't Leaders & NYLJ

Dear David,

Yesterday, at approximately 3:45 pm, I hand-delivered CJA's October 27th Opposition Report to the NYC office of Governor Cuomo (633 Third Ave). It went to his assistant director of administration, Peter Yacobellis (212-681-4580), for transmittal to the Governor's counsel, Mylan Denerstein, Esq.

I then went to deliver the Report to Senate Majority Leader Skelos and Assembly Speaker Silver – both with NYC offices at 250 Broadway. As Skelos' NYC office had a voice mail, each time I called (212-298-5501), I left a voice mail message that office personnel should pick up the Report from Silver's office. At about 4:15 pm, Susan, from Silver's office (212-312-1420), took from me two sets of the Report and said she's leave the copy for Skelos with the receptionist in Silver's office.

Onward to the OCA (25 Beaver St) – because Jennifer, Executive Assistant at Lippman's NY office at 230 Park Ave (212-661-6787) instructed me to make delivery to OCA Counsel John McConnell (212-

428-2150). Mission accomplished by 4:40 pm, when I gave the Report to Mary for delivery to Mr. McConnell.

Finally, by about 4:55 pm., I delivered the Report to the New York Law Journal (120 Broadway: 212-457-9545), giving it to the assistant of NYLJ Editor Kris Fisher, who told me that the link from our website with the Report had already been forwarded to a reporter. The NYLJ has HUGE conflicts of interest in covering this story – not the least being the Robert Fiske, Jr. – a member of the Commission on Judicial Compensation is on the <u>Law Journal</u>'s Board of Editors.

Will let you know when I transmit the Report to the cc'd indicated recipients.

Please let me know if you'd like me to provide you with a hard-copy of the Report – especially its Exhibit Compendium. Here's the direct link: http://www.judgewatch.org/web-pages/judicial-compensation/opposition-report.htm.

Thank you.

Elena 718-708-5303

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]

Sent: Thursday, October 27, 2011 2:00 PM

To: 'David King' **Cc:** 'Doris Sassower'

Subject: leaving now to deliver CJA's October 27 Opposition Report -- already posted on CJA's website:

most easily accessible via "Latest News".

Here's the direct link: http://www.judgewatch.org/web-pages/cja/latest-news.htm

Will let you know when I complete delivery to all four leaders of our three government branches.

Elena

Cell: 646-220-7987

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Tuesday, November 01, 2011 2:18 PM

To:

'davidhowardking@gmail.com'; 'dking@gothamgazette.com'

Subject:

this newsworthy story...

Attachments:

11-1-11-ltr-to-megna.pdf; 10-27-11-cja-opposition-report.pdf; 10-27-11-inventory-

compendium-vol-1.pdf; 10-27-11-inventory-compendium-vol-2.pdf

Dear David:

Today, with CJA's letter to Budget Director Megna – sent to you earlier today -- ALL indicated recipients of CJA's October 27th Opposition Report have been provided with copies – excepting "The Public & Press".

Kindly advise as to what your intentions are with respect to this powerful newsworthy story. To give you the lead, I have held back providing it to any press other than the New York Law Journal, which I have not followed-up with since delivering our Opposition Report to it on October 27th so that you could break with coverage.

Thursday, November 3rd is oral argument in Supreme Court/NY Co., for the *Larabee* judicial compensation case, where the judges are clamoring for money on their bogus separation of powers claim. It will also be a week since I delivered our Opposition Report to the Gov, Temporary Senate President, Assembly Speaker, & Chief Judge. Have you called their offices to ascertain the status of their review, etc.? When will your blogging begin to appear – reporting on the Opposition Report & reactions to it?

Please call me at your earliest convenience.

Thanks.

Elena 718-708-5303 646-220-7987

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]

Sent: Tuesday, November 01, 2011 9:27 AM

To: 'budgetdirector@budget.ny.gov'

Cc: 'katie.sherwin@exec.ny.us'; 'skelos@nysenate.gov'; 'silver@assembly.state.ny.us'; 'jross@courts.state.ny.us'; 'contact@judicialcompensation.ny.gov'; 'William C. Thompson Jr.'; 'Richard Cotton'; 'William Mulrow'; 'Robert Fiske Jr.'; 'Kathryn S. Wylde'; 'James Tallon Jr.'; 'Mark Mulholland'; 'apfau@courts.state.ny.us'; 'judith.kaye@skadden.com'; 'wduggan@courts.state.ny.us'; 'dturbow@courts.state.ny.us'; 'jforstadt@stroock.com'; 'robert.spolzino@wilsonelser.com'; 'vdoyle@nysba.org'; 'Stewart.Aaron@aporter.com'; 'l.kelmachter@fuchsberg.com'; 'mmaney@hancocklaw.com'; 'rmaldonado@balberpickard.com'; 'arothstein@nycbar.org'; 'victorkovner@dwt.com'; 'advocacy@moderncourts.org'; 'michael.waldman@nyu.edu'; 'adam.skaggs@nyu.edu'; 'clamanna@nysaflcio.org'; 'betsey@lwvny.org'; 'laura@lwvny.org';

'martin.cirincione@nypti.org'; 'dleidh@law.columbia.edu'; 'Catherine_cerulli@urmc.rochester.edu'; 'Morgan Pehme'; 'kfischer@alm.com'; 'wstorey@alm.com'; 'jstashenko@alm.com'; 'jcaher@alm.com'; 'davidhowardking@gmail.com'; 'dking@gothamgazette.com'

Subject: Protecting the Public Purse & Public Interest: Request That You Take Steps to Secure Gov Cuomo's Introduction of Legislation to Override the Commission on Judicial Compensation's Statutorily-Violative & Unconstitutional Judicial Pay Raise Recommendations

Dear Budget Director Megna:

Attached is CJA's above-entitled letter to you of today's date, together with CJA's October 27, 2011 Opposition Report. The direct link to the webpage of CJA's website that posts the Opposition Report and substantiating exhibits is http://www.judgewatch.org/web-pages/judicial-compensation/opposition-report.htm.

Thank you.

Elena Sassower, Director Center for Judicial Accountability, Inc. (CJA) www.judgewatch.org 718-708-5303

From:

David King davidhowardking@gmail.com/

Sent:

Tuesday, November 01, 2011 2:23 PM

To:

Center for Judicial Accountability, Inc. (CJA)

Subject:

Re: this newsworthy story...

Hi Elena,

You are more than welcome to share this with other press. As I mentioned to you before I have been running the Gazette alone for the last two weeks and have been limited in what I am able to investigate and write. I have made some inquiries about the report but have yet to hear back. I will likely write an initial blog today and hope to have something more to write about soon.

On Tue, Nov 1, 2011 at 2:18 PM, Center for Judicial Accountability, Inc. (CJA) < elena@judgewatch.org> wrote:



Dear David:

Today, with CJA's letter to Budget Director Megna – sent to you earlier today -- ALL indicated recipients of CJA's October 27th Opposition Report have been provided with copies – excepting "The Public & Press".

Kindly advise as to what your intentions are with respect to this powerful newsworthy story. To give you the lead, I have held back providing it to any press other than the New York Law Journal, which I have not followed-up with since delivering our Opposition Report to it on October 27th so that you could break with coverage.

Thursday, November 3rd is oral argument in Supreme Court/NY Co., for the *Larabee* judicial compensation case, where the judges are clamoring for money on their bogus separation of powers claim. It will also be a week since I delivered our Opposition Report to the Gov, Temporary Senate President, Assembly Speaker, & Chief Judge. Have you called their offices to ascertain the status of their review, etc.? When will your blogging begin to appear – reporting on the Opposition Report & reactions to it?

Please call me at your earliest convenience.

calls for responsiveness by Election Day, November 8th.

From:

Sent:

Subject:

Dear David:

To:

I was told that our Opposition Report to the Governor was going to his counsel, Mylan Denerstein. Is OCA Counsel O'Connell reviewing for the Chief Judge. Are the Senate & Assembly Majority counsel reviewing the report for Skelos & Silver?
And are the seven Commissioners – three of whom are lawyers – going to be rebutting the presentation? How about the judicial pay advocates, who have always been so vocal in clamoring for more money? Has "the cat got their tongues"?
I'll hold off 'til Friday to follow through with other press. Hopefully that will give you time to build your credential as the first reporter on this extraordinary story of citizens making government account
Thanks.
Elena
From: David King [mailto:davidhowardking@gmail.com] Sent: Tuesday, November 01, 2011 2:23 PM To: Center for Judicial Accountability, Inc. (CJA) Subject: Re: this newsworthy story
Hi Elena,
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Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Tuesday, November 01, 2011 2:39 PM

'David King'; 'dking@gothamgazette.com'

thanks, David -- RE: this newsworthy story...

It's important for the public to know who's doing the review, their timetable, etc. – after all our "Conclusion"

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, November 01, 2011, 2:51 PM

Sent:Tuesday, November 01, 2011 2:51 PMTo:'David King'; 'dking@gothamgazette.com'

Subject: Also -- FW: thanks, David -- RE: this newsworthy story...

With respect to Thursday's oral argument in the *Larabee* judicial compensation lawsuit (#112301/07), it's before Justice Richard Braun. 10:30 am; 60 Centre Street; Room 418. The Court clerk is Mr. Whitmarsh: 646-386-3755 (he told me yesterday that if the parties are late "it's going to get ugly"). The Attorney General's office has been refusing to return my calls about the case. The Assistant Attorney General handling it and other (pending) judicial compensation lawsuits is Joel Graber (212) 416-8645. His supervisor is Lisa Dell, a Deputy Bureau Chief: 212-416-8646.

Why the Attorney General – who was then Andrew Cuomo – did not file a petition for a writ of certiorari from the Court of Appeals' fraudulent February 23rd decision to the U.S. Supreme Court – or even make a motion to reargue before the Court of Appeals is INEXPLICABLE -- & I have been unable to get an answer.

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]

Sent: Tuesday, November 01, 2011 2:39 PM **To:** 'David King'; 'dking@gothamgazette.com'

Subject: thanks, David -- RE: this newsworthy story...

It's important for the public to know who's doing the review, their timetable, etc. – after all our "Conclusion" calls for responsiveness by Election Day, November 8th.

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And are the seven Commissioners – three of whom are lawyers – going to be rebutting the presentation? How about the judicial pay advocates, who have always been so vocal in clamoring for more money...? Has "the cat got their tongues"?

I'll hold off 'til Friday to follow through with other press. Hopefully that will give you time to build your credential as the first reporter on this extraordinary story of citizens making government account...

Thanks.

Elena

From: David King [mailto:davidhowardking@gmail.com]

Sent: Tuesday, November 01, 2011 2:23 PM **To:** Center for Judicial Accountability, Inc. (CJA)

Subject: Re: this newsworthy story...

From:

davidhowardking@gmail.com on behalf of David King <dking@gothamgazette.com>

Sent:

Wednesday, November 02, 2011 11:24 AM

To:

Center for Judicial Accountability, Inc. (CJA)

Subject:

Question

Hi Elena,

I am looking into the 2009 hearings that Sen. Sampson held and was wondering if you had the names of Senators who sat on the committee besides Sampson, Adams and Diaz. Thanks so much for your help.

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Sunday, November 06, 2011 7:02 PM

To: 'David King'

Subject: am just seeing this now -- RE: Question

Will respond tomorrow. Sorry about the delay. Glad you're looking at the 2009 hearings. Bravo! It's a BIG story – and, as you can see from CJA's Opposition Report, integral to the judicial compensation issue.

E

From: davidhowardking@gmail.com] On Behalf Of David King

Sent: Wednesday, November 02, 2011 11:24 AM **To:** Center for Judicial Accountability, Inc. (CJA)

Subject: Question

Hi Elena,

I am looking into the 2009 hearings that Sen. Sampson held and was wondering if you had the names of Senators who sat on the committee besides Sampson, Adams and Diaz. Thanks so much for your help.

From:

davidhowardking@gmail.com on behalf of David King <dking@gothamgazette.com>

Sent:

Thursday, November 10, 2011 2:15 PM

To:

Center for Judicial Accountability, Inc. (CJA)

Subject:

Story

Hi Elena,

Sorry it has been so long between contact. I have been making progress on my story and am waiting to hear back from a few people. I was wondering if you would have a chance to talk tomorrow about opening up judicial disciplinary hearings to the public and how the CJA sees that as being connected to judicial pay raises. Thanks for your time.

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Thursday, November 10, 2011 3:22 PM

To:

'David King'

Subject:

absolutely, David -- RE: Story

will make myself available to speak with you whenever you call.

However, who has led you to believe that opening up judicial disciplinary hearings is any kind of answer? What is their evidentiary basis for that <u>false and misleading proposition</u>?

Elena 718-708-5303

From: davidhowardking@gmail.com [mailto:davidhowardking@gmail.com] On Behalf Of David King

Sent: Thursday, November 10, 2011 2:15 PM **To:** Center for Judicial Accountability, Inc. (CJA)

Subject: Story

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__

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Thursday, November 10, 2011 3:47 PM

To:

'David King'; 'David King'

Subject:

As to the deceit -- FW: absolutely, David -- RE: Story

that opening up judicial disciplinary hearings is a solution, see page 3 (2nd paragraph) of CJA's February 21, 2011 letter to NYT reporter William Glaberson – posted, inter alia, on our "Latest News" webpage. WHAT IS NEEDED IS OFFICIAL INVESTIGATION OF THE <u>DOCUMENTARY AND TESTIMONIAL EVIDENCE</u> OF THE COMMISSION'S CORRUPTION – AND LEGISLATION OPENING THE RECORDS OF THE COMMISSION'S HANDLING OF COMPLAINTS TO AUDIT.

Here's the letter: http://www.judgewatch.org/judicial-discipline/nys/press/correspondence/2-21-11-to-nyt-glaberson.pdf

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Sent: Thursday, November 10, 2011 3:22 PM

To: 'David King'

Subject: absolutely, David -- RE: Story

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From:

David King <davidhowardking@gmail.com>

Sent:

Thursday, November 10, 2011 3:57 PM

To:

Center for Judicial Accountability, Inc. (CJA)

Subject:

Re: As to the deceit -- FW: absolutely, David -- RE: Story

Hi Elena,

I do know that is your position. And it is fairly clear none of these other groups are interested in pushing for anything further than opening up the hearings, if they get around to that. I will talk to you tomorrow. Thank you.

On Thu, Nov 10, 2011 at 3:47 PM, Center for Judicial Accountability, Inc. (CJA) < <u>elena@judgewatch.org</u>> wrote:

that opening up judicial disciplinary hearings is a solution, see page 3 (2nd paragraph) of CJA's February 21, 2011 letter to NYT reporter William Glaberson – posted, inter alia, on our "Latest News" webpage. WHAT IS NEEDED IS OFFICIAL INVESTIGATION OF THE <u>DOCUMENTARY AND TESTIMONIAL EVIDENCE</u> OF THE COMMISSION'S CORRUPTION – AND LEGISLATION OPENING THE RECORDS OF THE COMMISSION'S HANDLING OF COMPLAINTS TO AUDIT.

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Sent: Thursday, November 10, 2011 3:22 PM

To: 'David King'

Subject: absolutely, David -- RE: Story

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However, who has led you to believe that opening up judicial disciplinary hearings is any kind of answer? What is their evidentiary basis for that <u>false and misleading proposition</u>?

Elena

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Thursday, November 10, 2011 4:12 PM

To: 'David King'; 'David King'

Subject: At issue is NOT a "position", but evidence -- RE: As to the deceit -- FW: absolutely,

David -- RE: Story

What do these "other groups" have to say about the EVIDENCE that supports our position – described, inter alia, at p. 3 (para 2) of our Feb 21, 2011 letter to NYT reporter Glaberson?

Or do these "other groups" NOT say anything, because doing so would require them to concede the correctness of our "position".

E

From: David King [mailto:davidhowardking@gmail.com]

Sent: Thursday, November 10, 2011 3:57 PM **To:** Center for Judicial Accountability, Inc. (CJA)

Subject: Re: As to the deceit -- FW: absolutely, David -- RE: Story

Hi Elena,

I do know that is your position. And it is fairly clear none of these other groups are interested in pushing for anything further than opening up the hearings, if they get around to that. I will talk to you tomorrow. Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]

Sent: Thursday, November 10, 2011 3:22 PM

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Thursday, November 10, 2011 4:23 PM

To: 'David King'; 'David King'

Subject: FYI -- here's an extensive letter & memo CJA submitted to the Assembly Judiciary

Committee --

<u>back in 1996</u> – responding to the deceit about opening judicial disciplinary proceedings. I have attached it here from CJA's webpage pertaining to the Assembly Judiciary Committee, accessible via the left side panel "Searching for Champions-NYS".

-- THERE WAS NO RESPONSE FROM ANY OF THE RECIPIENTS OF THIS LETTER-MEMO – reflective of their inability to confront the EVIDENCE-BASED ARGUMENT presented.

CJA's May 23, 1996 letter to Assembly Judiciary Committee, with accompanying memo on proposed bill

(indicated copies to Commission on Judicial Conduct, Attorney General, Ethics Commission, Manhattan D.A., City Bar, NYS Bar Association, NY County Lawyers Assoc., Fund for Modern Courts, Judge Duckman's attorney)

- Ex. A: CJA's May 7, 1996 press release
- Ex. B: City Bar's May 10, 1996 statement
- Ex. C-1: CJA's March 20, 1995 informational request to Commission on Judicial Conduct
- Ex. C-2: Commission's March 21, 1995 letter
- Ex. C-3: CJA's April 4, 1995 letter
- Ex. C-4: Commission's April 6, 1995 letter
- Ex. C-5: CJA's April 20, 1995 letter to Commission
- Ex. C-6: Commission's April 21, 1995 letter
- Ex. C-7: CJA's May 18, 1995 letter
- Ex. C-8: Commission's May 22, 1995 letter
- Ex. C-9: CJA's June 29, 1995 letter to Commission
- Ex. C-10: Commission's July 3, 1995 letter
- Ex. D: Committee on Open Government's May 24, 1995 letter
- Ex. E: CJA's March 10, 1995 judicial misconduct complaint to Commission
- Ex. F: CJA's September 14, 1995 letter to Henry T. Berger, Chairman/Commission
- Ex. G: CJA's April 6, 1995 and April 10, 1995 letter to Commission & Commission's April 12, 1995 ltr
- Ex. H: Commission's March 11, 1993 dismissal of complaint filed by Paul Kamenar, Esq. Paul Kamenar's March 23, 1993 letter
- Ex. I: Commission's June 21, 1994 dismissal of complaint filed by George Alessio, Esq. George Alessio's June 27, 1994 letter
- Ex. J: CJA's June 10, 1994 letter
 - Commission's June 29, 1994 letter

Commission's July 15, 1994 letter

- Ex. K: Norman Saferstein's March 31, 1995 letter
 - Commission's April 11, 1995 letter
 - Commission's July 6, 1995 letter to Senator Daniel Patrick Moynihan
- Ex. L: Questionnaire for candidates for Associate Judge: NY Court of Appeals
 - Questionnaire of Mayor's Committee on the Judiciary
 - City Bar's Uniform Judicial questionnaire
 - U.S. Senate Judiciary Committee's questionnaire
- Ex. M: Commission's brochure

From:

Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent:

Friday, November 11, 2011 2:18 PM

To:

'David King'; 'David King'

Subject:

CHECK IT OUT: there were LOTS of hearings held by the Senate Judiciary Committee (&

other committees) in the fall of 2009, through 2010 and 2011

Why don't you ask Senator Sampson – or other Senate authorities – as to the number of OTHER hearing held – so that you do NOT mislead the public by <u>uncritically</u> repeating Senator Sampson's worthless excuses on that subject – or those of its present chairman, Senator Bonacic, its Ranking Member, Ruth Hassell-Thompson – etc.

It is long past time that we hold our legislators to account. Thankfully, they are ALL up for re-election in 2012. It is up to the press to report on their nonfeasance and misfeasance so that they can either shape up – or be voted out.

E

From:

David King <davidhowardking@gmail.com>

Sent:

Friday, November 11, 2011 2:36 PM

To:

Center for Judicial Accountability, Inc. (CJA)

Subject:

Re: CHECK IT OUT: there were LOTS of hearings held by the Senate Judiciary Committee

(& other committees) in the fall of 2009, through 2010 and 2011

I'm sorry I don't quite understand what you are saying I should ask them. Do you mean I should ask them other hearings in general or hearings that have been held on the judiciary?

On Fri, Nov 11, 2011 at 2:18 PM, Center for Judicial Accountability, Inc. (CJA) < <u>elena@judgewatch.org</u>> wrote:



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E

--

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Friday, November 11, 2011 12:24 PM

To: 'David King'; 'David King'

Subject: here's CJA's 2001 letter to Paterson: see page 7 & footnote 11 (which asks for a copy of

the judicial misconduct complaint he filed with the Commission)

 $\underline{http://www.judgewatch.org/correspondence-nys/2001/10-26-01-paterson.pdf}$

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Friday, November 11, 2011 12:25 PM

To: 'David King'; 'David King'

Subject: here's the letter to Paterson with exhibits -- See former Bronx Surrogate Gelfand's May

14, 1997 statement about the Commission

Illustrative CJA advocacy for hearings & investigation of Commission on Judicial Conduct

<u>CJA's October 26, 2001 letter to then-Senator David A Paterson</u> -- "RE: CJA's Request for Legislative Hearing/Investigation of NYS Commission on Judicial Conduct"

Ex. A: inventory of transmittal

- -- including the file, as of that date, in Elena Ruth Sassower v. Commission on Judicial Conduct
- Former Bronx Surrogate Bertram Gelfand's statement at City Bar's May 14, 1997 hearing
- CJA's statement at City Bar's May 14, 1997 hearing
- -- "Restraining 'Liars in the Courtroom' and on the Public Payroll",

CJA's \$3,077.22 public interest ad, New York Law Journal, pp. 3-4

Ex. B: January 16, 1987 judicial misconduct complaint of M.L. Henry, Jr.

Ex. C: Commission's acknowledgment & dismissal letters

From:

Center for Judicial Accountability, Inc. (CJA) < elena@judgewatch.org>

Sent:

Friday, November 11, 2011 3:34 PM

To:

'David King'; 'David King'

Cc:

'Catherine Wilson (wilpowermom@optonline.net)'

Subject:

Catherine Wilson contact info:

Dear David,

As I mentioned, Catherine Wilson has authorized me to give you her contact info. Her phone # is 914-490-4537. Her e-mail is wilpowermom@optoline.net

It was Catherine Wilson's powerful testimony at the Senate Judiciary Committee's September 24, 2009 hearing that impelled Senator Adams to propose appointment of an investigative task force, which Chairman Sampson seconded.

Here' the direct link to the CJA's webpage of the Senate Judiciary Committee's 2009 hearings, from which you can view the video. http://www.judgewatch.org/web-pages/judicial-discipline/nys/nys-sjc-hearing.htm. It is a MUST-SEE!

Here's the transcript: Transcript of September 24, 2009 hearing: Catherine Wilson

Catherine's important contribution to the Commission on Judicial Compensation emphasizing the difference between salary and compensation & non-salary benefits is reflected by CJA's Opposition Report, at pages 19-21 & Exhibit F-5. Here's the link to our website: http://www.judgewatch.org/web-pages/judicial-compensation/opposition-report.htm

If you have any questions, feel free to call me anytime.

Have a great weekend.

Elena

From: David King <davidhowardking@gmail.com> Sent: Wednesday, November 23, 2011 6:55 PM To: Center for Judicial Accountability, Inc. (CJA) Subject: Re: there's a problem with the "Who Judges the Judges?" comments -- they've been wiped out & my attempts to repost have been unsuccessful. Also, there's been a date change -- now 11/13, rather than 11/14, as it was previously We are in the process of switching servers. I believe the comments were lost in the transfer. I will alert our tech person. On Nov 23, 2011 6:50 PM, "Center for Judicial Accountability, Inc. (CJA)" < elena@judgewatch.org > wrote: David, please post this, if you are unable to restore what previously appeared. Thank you. Happy Thanksgiving. Elena

Why have the posted comments been wiped out, making it appear that there have been none? Among the expunged comments: mine and those of Dennis Hawkins, Executive Director of the Fund for Modern Court.

Elena Sassower, Director

Center for Judicial Accountability, Inc.

www.judgewatch.org -- go to top panel "Latest News" for links to a webpage for the 2009 Senate Judiciary Committee June 8, 2009 and September 24, 2009 hearings on the Commission on Judicial Conduct & court-controlled attorney disciplinary system & a webpage for CJA's October 27, 2011 Opposition Report on the judicial compensation issue