

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914) 421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

November 3, 2023

Testimony for the Record of the November 1, 2023 Oversight Hearing of Family Court by the New York State Senate Judiciary Committee & Committee on Children and Families

My name is Elena Sassower and I am director and co-founder of the non-partisan, non-profit citizens' organization [Center for Judicial Accountability, Inc.](http://www.judgewatch.org) (CJA) that for more than three decades has been documenting the corruption of New York's judiciary, including its "throwing" cases by fraudulent judicial decisions, enabled and perpetuated by the corruption of ALL oversight entities – the Legislature and its relevant committees, among them.

I submit this written testimony because I was NOT among those invited to orally testify at the November 1st hearing. Nor was my [written request](#) to testify granted – whose subject I identified as:

“Family Court corruption, covered up by supervisory, appellate, & ethics authorities & other courts, etc.”.

The same is true of Sebastian Doggart, Executive Director of the non-partisan, non-profit citizens' organization New York Families Civil Liberties Union. He also was not invited to testify or granted his request to testify – and [your webpage for the November 1, 2023 hearing](#), which posts written statements, still has not posted his “[Independent Report on Corruption and Waste in the New York Court System in 2023](#)”, which he requested be posted, in lieu of his oral testimony.¹

Unlike the other witnesses who orally testified, I and Mr. Doggart might reasonably have been expected to “blow the whistle” about the starring role of the senators in creating the victims who, at the hearing, would be thanking them – unaware that these same senators were responsible for their horrific injuries. Indeed, ANY examination of the EVIDENCE of what has gone on over these many, many years – and it is made easy by CJA's successive lawsuits, suing the Legislature for its corruption – each “thrown” by fraudulent judicial decisions² – would reveal that the murder of Kyra Franchetti, about which her mother testified, and the suicide of Catherine Kassenoff, to which the

¹ Mr. Doggart's October 31, 2023 e-mail to you read:

“In light of your ongoing refusal to allocate a speaking slot for the FCLU (or any independent organization/individual) at tomorrow's 'hearing', we are requesting that you make available the attached independent report on the NY Family Court to all attendees, as well as on your website. Please confirm you will do this. Thank you.”

² The records of these lawsuits, suing the Legislature, are posted on [CJA's webpage for this testimony](#), accessible *via* the left side panel “Testimony”.

executor of her estate testified, could have reasonably been prevented. It required nothing more than for the senators – and their assembly counterparts – to have long ago discharged their oversight responsibilities, as was their duty. Yet, instead of investigating and rectifying the problems, abuses, and corruption of Family Court – and adding the necessary number of additional judgeships to handle caseloads – the Legislature, for the past 11 years, has rewarded biased, abusive, and incompetent Family Court judges and abetting supervisory, administrative, and appellate judges by upping their salaries *via* a scheme of “false instrument” commission reports purporting that the judges all deserve more money because they are all so excellent and are doing a high-quality job in rendering fair and impartial justice. To date, judicial salaries have zoomed up by about \$80,000 from their March 2012 levels. Family Court judge salaries are now – and have been [since April 2019 – either \\$200,400 or \\$210,900](#). But the Family Court and other judges want still more – and right now, before the latest [Commission on Legislative, Judicial and Executive Compensation](#), they are replicating ALL their prior frauds to get salary raises for themselves next year and in each of the following three years.

In October 2009, the Senate Judiciary Committee under the leadership of its then chair Senator John Sampson issued a report “[Kids and Families Still Can’t Wait: The Urgent Case for New Family Court Judgeships](#)”, stating the threshold problem then – and over many, many previous years:

“...Family Court’s caseload crisis has grown beyond administrative remedies and short-term fixes. With calendars as large as those that many courts now typically experience, only a prompt infusion of new Family Court judgeships – commensurate with dockets – can ensure that New York’s family justice system does not collapse under its own weight.” (at p. 2)

[CJA’s October 27, 2011 opposition report](#) to the first “false instrument” salary raise commission report – the August 29, 2011 report of the Commission on Judicial Compensation – quoted this 2009 Senate Judiciary Committee report, in asserting:

“no amount of increased pay can enable judges to accommodate caseloads that exceed human capacity – as long has been the reality in the courts and whose result has been catastrophe and injustice to litigants^{fn37}, concealed by the OCA in its push for judicial pay raises, utterly dwarfing its advocacy for more judges to handle crushing caseloads” (at p. 31).

Two and a half years later, by a [February 21, 2014 letter](#), CJA chronicled the OCA’s further fraud regarding judicial salary raises and the 20 new Family Court judgeships it was then proposing, stating:

“...faced with the interests of families and children imperiled by swamped Family Courts and judicial and financial interest of judges in salary increases, the Judiciary chose the latter – even purporting that increasing judicial salaries would somehow enable judges to handle beyond-human capacity caseloads.

Any ‘sensitive’ Judiciary would recognize that the \$8.4 million for the third phase of the judicial salary increase should go, instead, to funding the 20 Family Court judgeships. Indeed, an honest Judiciary would have forthrightly identified the

cost of these 20 Family Court judgeships in its budget presentation, which this Judiciary does not do. According to the Senate Judiciary Committee's 2009 report (at p. 23), the cost is 'approximately \$750,000 per judgeship on average'. Apparently, this sum is a full million dollars today, as may be inferred from the fact that the 20 Family Court judgeships are not to be established until January 1, 2015, meaning that the requested \$5 million will only be covering three months until the new fiscal year on April 1, 2015.

Certainly, too, for the Judiciary to propose only 20 Family Court judgeships is itself dishonest. As reflected by the 2009 Senate Judiciary Committee report, at the depths of the fiscal crisis, in 2009, Chief Judge Lippman proposed, and the Senate passed, a bill sponsored by Senator Sampson (#S.5968) to immediately establish 21 new Family Court judgeships. An identical bill awaited action in the Assembly (#A.8957). The report recommended another 18 be phased in, so that a total of 39 Family Court judgeships would be created, consistent with a Judiciary request made two years earlier. This was deemed 'the state's downpayment toward ensuring that the Family Court is equal to the heavy burden placed on its shoulders.' (at p. 23). Indeed, at the hearing, Chief Administrative Judge Prudenti herself acknowledged, but only upon questioning by [the] Senate Judiciary Committee Ranking Member...that 'many years ago there was a request for 70-something Family Court judges' (at 28:20 mins.).

The \$70 million stolen for the first two years of judicial salary increases would have paid for 70 Family Court judgeships. Striking the third phase of the judicial salary increase to free up \$8.4 million, plus additional monies from statutorily-linked district attorney and county clerk salaries,^{fn11} would immediately suffice for the first three months of the 39 Family Court judgeships recommended by the 2009 Senate Judiciary Committee report.^{fn12} (at pp. 6-8).

Two years later, with a second "false instrument" commission report for more judicial salary raises – the December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation – CJA furnished the Legislature with a [February 2, 2016 list of questions](#) to be answered by then Chief Administrative Judge Lippman, the last of which was:

"26. How many additional Family Court judgeships are needed to rectify the catastrophic and constitutionally unacceptable caseload conditions described by the Senate Judiciary Committee's 2009 report "*Kids and Families Still Can't Wait: The Urgent Case for New York Family Court Judgeships*". Wouldn't the Legislature's discharge of its duty to override the December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation free up ample funds for that purpose?"

Suffice to note that the October 2009 Senate Judiciary Committee report on Family Court – followed, but did not refer to, [the Senate Judiciary Committee's two oversight hearings, on June 8, 2009 and September 24, 2009, of the Commission on Judicial Conduct and the Appellate Division's attorney grievance committees](#) – at which dozens of victims of New York's courts – Family Court victims, among them – came forward, with evidence, of the worthlessness of these entities. No investigation of their testimony and evidence was ever made by the Senate Judiciary Committee, no

findings of fact, no conclusions of law, no report of any kind. Nor were the further hearings that the Senate Judiciary Committee announced it would be holding ever held, including the scheduled December 16, 2009 hearing, at which CJA was to testify.³

In the 14 years since, the Legislature has refused to hold ANY oversight hearings on the Commission on Judicial Conduct, on the Appellate Division attorney grievance committees, or about such entities within the Office of Court Administration as its Inspector General – at which members of the public are permitted to testify about complaints they have filed. This is embodied in CJA’s current lawsuit against the Legislature, [CJA v. JCOPE, et al. – now before the Appellate Division, Third Department](#) – whose [ninth cause of action of its June 6, 2022 verified petition](#) identifies the worthlessness of the Commission on Judicial Conduct, the attorney grievance committees, and the OCA Inspector General, stating, by its ¶104:

“The Senate and Assembly by their leadership, members, and pertinent committees – the Senate Committee on Ethics and Internal Governance, the Assembly Committee on Ethics and Guidance, the Senate Committee on Investigations and Government Operations, the Assembly Committee on Governmental Operations, the Assembly Committee on Oversight, Analysis, and Investigation, the Senate and Assembly Judiciary Committees, the Senate and Assembly Committees on Corporations, Authorities, and Commissions, the Senate and Assembly Codes Committees – have long been knowledgeable that the New York State system of ethics oversight and enforcement is sham window-dressing, but have either refused to engage in any examination of the problem, at all – or in any examination that is not rigged...”

Suffice to say that the Commission on Judicial Conduct’s own annual reports reveal that it is “sham window-dressing” by its statistics as to the number of complaints it receives and “action taken”, as for example, pertaining to Family Court judges:⁴

³ [CJA’s drafted written testimony for the aborted December 16, 2009 hearing](#) was thereafter furnished to the Senate Judiciary Committee – and to the Legislature many, many, many times after that. This includes as Exhibit F-2 to [CJA’s October 27, 2011 opposition report to the August 29, 2011 report of the Commission on Judicial Compensation](#).

On December 8, 2011, the opposition report, with its exhibits, was given, *in hand*, to then Senate Minority Leader Sampson. This is recounted at [fn. 2 of CJA’s March 2, 2012 letter to the Legislature’s majority leaders](#), to which Senator Sampson was an indicated recipient. The letter is Exhibit Q to [CJA’s March 30, 2012 verified complaint in its declaratory judgment action against the Legislature, CJA v. Cuomo, et al.](#), four full copies of which I [personally served on the Legislature on April 5, 2012](#).

⁴ The numbers of Family Court judges “full time, all lawyers” identified by the Commission on Judicial Conduct’s annual reports are at variance with the [Senate Judiciary Committee’s November 3, 2009 press release](#) for its “*Kids and Families Still Can’t Wait: The Urgent Case for New York Family Court Judgeships*” report, identifying “153 Family Court judges statewide” – itself seemingly at variance with [page 10 of the report](#), specifying:

“Current law provides for 143 Family Court judgeships statewide. 47 for the citywide Family Court bench in New York City (appointed by the mayor on recommendation of a screening panel), and 96 divided among the Family Courts in the 57 counties outside New York City (elected county-wide). These judgeships constitute the full-time corps of Family Court jurists. In addition, primarily for less populated counties, the Legislature has established 44

[From its 2023 annual report, reporting that there were 143 Family Court judges:](#)
and that of 338 complaints received against them in 2022, only 5 were investigated;

[From its 2022 annual report, reporting that there were 127 Family Court judges:](#)
and that of 343 complaints received against them in 2021, only 4 were investigated

[From the 2021 annual report, reporting that there were 127 Family Court judges:](#)
and that of 213 complaints received against them in 2020, only 9 were investigated;

[From the 2020 annual report, reporting that there were 127 Family Court judges:](#)
and that of 227 complaints received against them in 2019, only 5 were investigated;

[From the 2019 annual report, reporting that there were 127 Family Court judges:](#)
and that of 241 complaints received against them in 2018, only 9 were investigated;

[From the 2018 annual report, reporting that there were 127 Family Court judges:](#)
and that of 266 complaints received against them in 2017, only 10 were investigated;

[From the 2017 annual report, reporting that there were 147 Family Court judges:](#)
and that of 192 complaints received against them in 2016, only 9 were investigated;

[From the 2016 annual report, reporting that there were 148 Family Court judges:](#)
and that of 213 complaints received against them in 2015, only 12 were investigated;

[From the 2015 annual report, reporting that there were 139 Family Court judges:](#)
and that of 156 complaints received against them in 2014, only 3 were investigated;

[From the 2014 annual report, reporting that there were 127 Family Court judges:](#)
and that of 174 complaints received against them in 2013, only 11 were investigated;

[From the 2013 annual report, reporting that there were 128 Family Court judges:](#)
and that of 154 complaints received against them in 2012, only 5 were investigated;

[From the 2012 annual report, reporting that there were 127 Family Court judges:](#)
and that of 183 complaints received against them in 2011, only 11 were investigated;

[From the 2011 annual report, reporting that there were 127 Family Court judges:](#)
and that of 194 complaints received against them in 2010, only 17 were investigated;

‘multi-hat’ judgeships to serve in both County Court and other county-level tribunals, including Family Court. The Constitution also authorizes OCA to temporarily assign, on an as-needed basis, lower court judges from the New York City Civil and Criminal Courts and the City Courts outside New York City to serve in Family Court when the dockets of their home courts permit, consistent with the administration of justice.”

[From the 2010 annual report, reporting that there were 127 Family Court judges:](#)
and that of 168 complaints received against them in 2009, only 25 were investigated.

[From the 2009 annual report, reporting that there were 127 Family Court judges:](#)
and that of 190 complaints received against them in 2008, only 24 were investigated.

As for the Appellate Division's attorney grievance committees, such annual reports as they have – and only the First Department Attorney Grievance Committee posts annual reports -- their statistics are not broken down in a way that would reveal the numbers of complaints received against attorneys who are part of the Family Court racket, as, for example, against court-assigned attorneys for children, attorneys to the indigent, and district attorney offices prosecuting Family Court cases – or the miniscule percentage of these complaints that are investigated.⁵

As for the [OCA Inspector General](#), it issues no annual reports.

Pursuant to [Legislative Law §62-a](#), you have subpoena power. Investigating the handling of Family Court-arising misconduct complaints, filed with the Commission on Judicial Conduct, with the Appellate Division attorney grievance committees, and with the OCA Inspector General must be a priority in your long-overdue oversight of the situation in Family Court – and fixing it. Likewise, examining the records of lawsuits brought by Family Court victims or sought to be brought by them, or by attorneys on their behalf, in state and federal courts against the Family Court, its judges, the New York City Administration for Children's Services, county Departments of Human Services, attorneys for children, etc.

To get you started, here's the link to CJA's...October 25, 2023 complaint to the Commission on Judicial Conduct, to the Attorney Grievance Committee for the Seventh Judicial District, to the OCA Inspector General, to Chief Administrative Judge Joseph Zayas, and to the Statewide Coordinating Judge for Family Court Matters Richard Rivera entitled "Corruption Complaint against Judges, Government-Attorneys, Government-Retained Attorneys Arising from a Fraudulent, Culturally-Biased Child Abuse/Neglect Petition against Innocent Parents" – to which the 2023 Commission on Legislative, Judicial and Executive Compensation was cc'd and [simultaneously sent](#).

I would welcome the opportunity to answer questions – especially under oath.

s/Elena Ruth Sassower

⁵ See, websites: [1st Dept. Attorney Grievance Committee](#); [2nd Dept. Attorney Grievance Committees](#); [3rd Dept. Attorney Grievance Committee](#); [4th Dept. Attorney Grievance Committees](#).