

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY FAX: 212- 416-8068 (3 pages)

October 15, 1999

New York State Attorney General
120 Broadway
New York, New York 10271

ATT: Terryl Brown, Records Access Officer

RE: Inspection of Publicly-Available Materials Pursuant to F.O.I.L.
Article 6 of the Public Officers Law

Dear Mr. Brown:

Pursuant to F.O.I.L., request is hereby made for access to the litigation files of all cases, state and federal, in which the New York State Attorney General defended the New York State Commission on Judicial Conduct, sued by complainants for not pursuing their judicial misconduct complaints.

For your convenience, a list of such cases, compiled by the Commission and current "as of 4/21/95", is enclosed. According to the Commission, the State Attorney General handled each of these cases, except for those brought by Mr. Raysor.

The Commission has also advised that the State Attorney General handled the subsequent case of *Farrell v. Pataki et al.*, No. 97-CIV-1932 (SDNY).

In addition to the litigation files of these aforesaid cases, request is made for publicly-available documents relating to the educational qualifications, employment history, and current salary of the following members of Attorney General Spitzer's staff:

RECEIVED

APP 11 1999

NYS OFFICE OF THE ATTORNEY GENERAL
NEW YORK CITY OFFICE

EX "X-1"

October 15, 1999

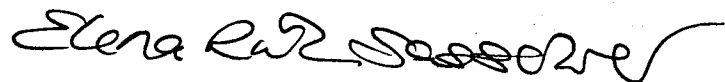
Assistant Attorney General Carolyn Cairns Olson
Assistant Attorney General Michael Kennedy
Assistant Attorney General Constantine A. Speres
Assistant Attorney General William Toran
Assistant Attorney General Charles Sanders
James Henly, Bureau Chief, Litigation
June Duffy, Deputy Bureau Chief, Litigation
Joe Palozzola, Assistant to Mr. Spitzer's Chief of Staff
Peter Pope, Special Counsel
David Nocenti, Counsel
William Casey, Chief of Investigations
Richard Rifkin, Deputy Attorney General for State Council
Michele Hirshman, First Deputy Attorney General

Likewise, please provide any such publicly-available documents pertaining to Attorney General Spitzer.

As you know, pursuant to F.O.I.L., your response is due within five business days of receipt of this request.

Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

ACTIONS BY COMPLAINANTS AGAINST THE COMMISSION

Raysor v. Stern, 68 AD2d 786 (4th Dept. 1979), lv. to app. denied, 48 NY2d 605 (1979), cert. denied, 446 US 942 (1980), rehearing denied, 102 Sct 2950 (1982).

Raysor v. State Comm. on Jud. Conduct, No. 17004-79 (Sup Ct NY Co., Dec. 15, 1979), aff'd, 83 AD2d 996 (1st Dept 1981).

Raysor v. State Comm. on Jud. Conduct, NYLJ, 9/25/80, p. 12, col. 6, (Sup Ct. NY Co., 9/19/80), aff'd, 83 AD2d 996 (1st Dept 1981).

Raysor v. Gabbey et al., Index No. unknown (Dist Ct., WDNY, date of disposition unknown) (argued 12/1/79).

Muka v. Temporary State Comm. on Jud. Conduct, No. 16206-75 (Sup Ct. NY Co., 10/9/75).

Muka v. State Comm. on Jud. Conduct, 77-CV-512 (Dist. Ct., NDNY, 10/30/78).

Muka v. State Comm. on Jud. Conduct, No. 132058 (Sup. Ct. Tompkins Co., 11/12/82)

Rosendale v. Stern, Dist Ct (SDNY) (Index No. unknown), summons served 3/19/91, date of disposition unknown.

Carter v. State Comm. on Jud. Conduct, Index No. unknown, Art 78 motion filed 4/91, dismissed 6/11/91.

Collins v. Carella et al., No. F-60-85 (Family Ct. Saratoga Co. 8/21/90).

Lombardi v. Sise et al., No. 84-A-2440 (Sup Ct.), aff'd, 9/1/86 (3d Dept).

Hallum v. State Comm. on Jud. Conduct, No. 16619-87 (Sup Ct NY Co.), complaint served 7/17/87, date of disposition unknown.

Hallum v. State Comm. on Jud. Conduct, No. 31826/87 (Sup Ct Kings Co.), complaint served 11/13/87, date of disposition unknown.

Harley v. Perkinson et al., No. 174143 (Sup Ct. Rensselaer Co. 6/9/91).

Schiller v. State Comm. on Jud. Conduct, No. CV 94-4861, Dist Ct. EDNY, 3/23/95)

AMA v. Hodge v. Applewhite et al., No. CV-0410-E(F), Dist Ct (WDNY) (pending).

Lagana v. Dillon et al., No. CV 94-4636-8, Dist Ct (EDNY) (pending)

Sassower v. Comm. on Jud. Conduct, No. 95-109141 (Sup Ct NY Co.) (pending)



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

120 Broadway, New York, NY 10271

ELIOT SPITZER
Attorney General

October 15, 1999

Ms. Elena Ruth Sassower
Center for Judicial Accountability, Inc.
P.O. Box 69
Gadney Station
White Plains, New York 10603-0069

Re: Freedom of Information Law

Dear Ms. Sassower:

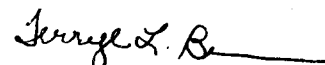
This letter acknowledges receipt of your letter dated October 15, 1999, to the Office of the Attorney General regarding your request under the provisions of the Freedom of Information Law (FOIL).

Please be advised that your request has been directed to the appropriate bureau within the Office of the Attorney General and a substantive response to your inquiry will be forwarded within approximately 30 days.

Should any records be located that are responsive to your request, please be aware that the first five pages are provided free of charge but that there is a cost of \$.25 per page for all remaining pages.

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact this office.

Sincerely,


Terryl Brown
Records Access Officer

Ref# 99-149

EX "X-2"

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

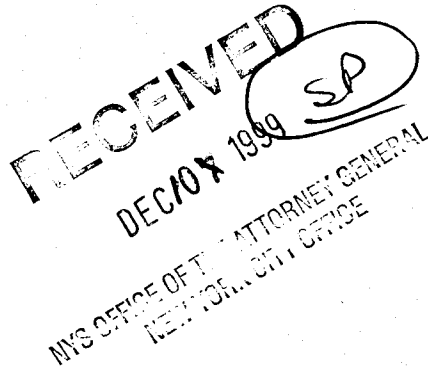
E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY FAX: 212-416-8068 (2 pages)

December 6, 1999

New York State Attorney General
120 Broadway
New York, New York 10271



ATT: Terryl Brown, Records Access Officer

RE: (1) Previous F.O.I.L. request: Ref. # 99-149; and
(2) Additional F.O.I.L. Request for Inspection of Publicly-
Available Materials

Dear Mr. Brown:

By letter dated October 15, 1999, you acknowledged the Center for Judicial Accountability's F.O.I.L. request of that same date. After advising that the request had "been directed to the appropriate bureau within the Office of the Attorney General", you stated "a substantive response to your inquiry will be forwarded within approximately 30 days."

However, more than 50 days have since elapsed, with no response to that F.O.I.L. request from the Attorney General's office, substantive or otherwise.

Please advise when a response will be forthcoming – as well as the identity of the plainly delinquent "appropriate bureau with the Office of the Attorney General" to which you long ago directed our F.O.I.L. request.

Additionally, pursuant to F.O.I.L. request is hereby made for inspection of any publicly-available documents as to:

- (1) the Attorney General's procedures, pursuant to CPLR §7804(c), upon receipt of Article 78 proceedings and, in particular, Article 78 proceedings against the NYS Commission on Judicial Conduct;

Ex "X-3"

- (2) the responsibilities of the Attorney General's "Section 'D'" - including the number of lawyers assigned to that Section, their identities, and titles;
- (3) the Attorney General's procedures for ensuring the workproduct of assistant attorneys general assigned to defense of Article 78 proceedings and, in particular, those against the NYS Commission on Judicial Conduct.

As you know, pursuant to F.O.I.L., your response is due within five business days of receipt of this additional F.O.I.L. request.

Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

TRANSMISSION VERIFICATION REPORT

TIME : 12/06/1999 14:59
NAME : CJA
FAX : 9144284994
TEL : 9144211200

DATE, TIME	12/06 14:58
FAX NO./NAME	12124168068
DURATION	00:00:52
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM



rec'd 12/18/99

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
120 Broadway, New York, NY 10271

ELIOT SPITZER
Attorney General

December 14, 1999

Elena Ruth Sassower
Center for Judicial Accountability, Inc.
P.O. Box 69, Gedney Station
White Plains, NY 10605-0069

Re: Freedom of Information Law

Dear Ms. Sassower:


This letter acknowledges receipt of your letter dated December 6, 1999, to the Office of the Attorney General regarding your request under the provisions of the Freedom of Information Law (FOIL).

Please be advised that your request has been directed to the appropriate bureau within the Office of the Attorney General and a substantive response to your inquiry will be forwarded within approximately 30 days.

Should any records be located that are responsive to your request, please be aware that the first five pages are provided free of charge but that there is a cost of \$.25 per page for all remaining pages.

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact this office.

Sincerely,


Terryl Brown
Records Access Officer

Ref# 99-197

Ex "X-4"

rec'd 1/26/00



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

120 Broadway, New York, NY 10271

ELIOT SPITZER
Attorney General

212-416-6155

January 19, 2000

Ms. Elena Ruth Sassower
Center for Judicial Accountability, Inc.
P.O. Box 69
Gadney Station
White Plains, New York 10605-0069

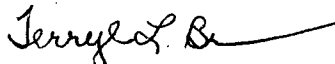
Re: FOIL Request No. 99-149

Dear Ms. Sassower:

This is in response to your letter dated October 15, 1999. Please be advised that the documents responsive to your request for information about certain employees in the Attorney General's Office contain 22 pages. Please remit a check or money order in the amount of \$4.75 payable to the New York State Department of Law for copying cost. Upon receipt of your check, the documents will be copied and sent to you.

If we do not hear from you by February 11, 2000, we will consider this FOIL request closed and return the documents to the proper bureau.

Sincerely,


Terryl L. Brown
Records Access Officer

TLB/jc

EX 'X-5'



rec'd 2/5/00

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
120 Broadway, New York, NY 10271

ELIOT SPITZER
Attorney General

212-416-6155

February 1, 2000

Ms. Elena Ruth Sassower
Center for Judicial Accountability, Inc.
P.O. Box 69
Gadney Station
White Plains, New York 10605-0069

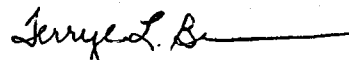
Re: FOIL Request No. 99-149

Dear Ms. Sassower:

This is in response to your letter dated October 15, 1999. Enclosed please find the document responsive to your FOIL request.

If you have any questions, please feel free to contact this office.

Sincerely,


Terry L. Brown
Records Access Officer

TLB/jc

enc.

EX X-6

CAROLYN CAIRNS OLSON

ADMISSIONS TO BAR:

New York, 1978
United States District Court (Eastern & Southern) 1978, 1990
United States Court of Appeals (2d Circuit) 1989
United States Court of Appeals (4th Circuit) 1992

EMPLOYMENT:

New York State Department of Law
110 Broadway
New York, New York 10271

January, 1990 to present - Assistant Attorney General
Litigation Bureau, Section I

December, 1985 to December, 1989 - Assistant Attorney
General in Charge, Suffolk
County Regional Office

Duties: Represent state officers and agencies in state and
federal courts, from pleadings through trial and on appeal.

City of Long Beach, New York
Office of the Corporation Counsel
1 West Chester Street
Long Beach, New York

July, 1982 to December, 1985 - Corporation Counsel
September, 1978 to July, 1982 - Deputy/Assistant
Corporation Counsel

Duties: Represent City and officers in litigation and labor
negotiations. Prepare and review legislation and contracts.

Long Beach, New York

September, 1977 to September, 1978 - Staff Attorney

Duties: Represent indigent civil litigants, primarily in
summary proceedings and matrimonial actions

EDUCATION:

NEW YORK LAW SCHOOL, 1974-1977
J.D., June 1977

WITTENBERG UNIVERSITY, 1969-1973
B.A., Sociology, June, 1973

CONSTANTINE A. SPERES

Education

New York Law School

Juris Doctor, 1994

Activities: President Hellenic Law Society 1992

Lafayette College

Bachelor of Arts, 1989 Double Major

Economics and Business GPA: 3.13

Government and Law GPA: 3.0

Legal Experience

6/95-present

Associate

Draft pleadings, motion papers, affirmations and other legal documents; attend real estate closings and draft related documents; assist with pretrial and trial preparation; court appearances.

5/94

Legal Intern for Special Project

Researched and drafted memoranda of law involving New York foreclosure procedure, fraudulent conveyances and related issues in connection with real estate loan workout project.

5/93-8/93

SUFFOLK COUNTY DISTRICT ATTORNEY, Riverhead, NY

Legal Intern

Researched and drafted "Searches, Seizures and Motions to Suppress" Training Manual with Bureau Chief of Education and Training; researched and drafted appellate brief; prepared notices of intention to offer evidence; responded to demands for discovery; observed criminal proceedings and appellate arguments.

5/92-8/92

**THE HONORABLE VASILIOS C. ARNIOTES,
NEW YORK CITY CIVIL COURT, Kings County, NY**

Judicial Intern

Researched relevant case law and statutes; observed pre-trial conferences and settlement proceedings; observed proceedings in trial, motion and housing parts of Civil Court.

Business Experience

8/89-6/95

Skills

Trained in Lexis and Westlaw. Working knowledge of WordPerfect, Ami Pro and Word 6.0 for Windows.

Languages

Fluent in Greek.

Bar Admissions

States of New York and New Jersey.

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY HAND

February 25, 2000

New York State Attorney General
120 Broadway
New York, New York 10271

RECEIVED

FEB 25 2000

NYS Office of the Attorney General
Division of Public Advocacy

ATT: Terryl Brown, Records Access Officer

RE: The Attorney General's partial response to CJA's October 15, 1999 F.O.I.L. request (Ref. # 99-149) and non-response to CJA's December 6, 1999 F.O.I.L. request

Dear Mr. Brown:

This follows up your February 1, 2000 letter, which purports to be "responsive" to CJA's October 15, 1999 letter for publicly-accessible documents, pursuant to F.O.I.L.

The 22 xeroxed pages – for which I paid the \$4.75 requested in your January 19, 2000 letter¹ – did contain the requested educational qualifications and employment history for the 13 indicated employees of the Attorney General's office. However, it did NOT contain their requested current salaries. Since those salaries are paid by New York taxpayers, this is surely publicly-available information, reflected on publicly-accessible documents.

Also NOT included among those 22 pages were any pages relating to the educational qualifications, employment history, and current salary of Attorney General Spitzer – which CJA's October 15, 1999 letter had likewise sought.

¹ It would appear that I was overcharged by \$.50. The first 5 of the 22 pages are supposed to be "free of charge", with the additional pages costing \$.25 each [17 x \$.25 = \$4.25].

EX X-7

More significantly, your February 1, 2000 letter ignores, *without* comment, the very first request presented by CJA's October 15, 1999 letter, *to wit.*:

“access to the litigation files of all cases, state and federal, in which the New York Attorney General defended the New York State Commission on Judicial Conduct, sued by complainants for not pursuing their judicial misconduct complaints.”

This, notwithstanding CJA's October 15, 1999 letter provided an itemization of those cases – and we discussed that request when you telephoned me on December 14, 1999.

By that time, you had received CJA's follow-up December 6, 1999 letter, reminding you that we had received no substantive response to our October 15, 1999 letter, and presenting three additional F.O.I.L. requests for “inspection” of publicly-available documents as to:

- (1) the Attorney General's procedures, pursuant to CPLR §7804(c), upon receipt of Article 78 proceedings and, in particular, Article 78 proceedings against the NYS Commission on Judicial Conduct;
- (2) the responsibilities of the Attorney General's “Section ‘D’” – including the number of lawyers assigned to that Section, their identities, and titles;
- (3) the Attorney General's procedures for ensuring the workproduct of assistant attorneys general assigned to defense of Article 78 proceedings and, in particular, those against the NYS Commission on Judicial Conduct.

Please advise as to the status of the foregoing F.O.I.L. requests, presented by CJA's October 15, 1999 and December 6, 1999 letters.

Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

rec'd 3/20/00



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ELIOT SPITZER
Attorney General

(212) 412-6155

March 13, 2000

Ms. Elena Ruth Sassower
Center for Judicial Accountability, Inc.
P.O. Box 69
Gedney Station
White Plains, New York 10603-0069

Re: Freedom of Information Law Request No. 99-197

Dear Ms. Sassower:

The following is submitted in response to F.O.I.L. Request No. 99-197:

- (1) the Attorney General's procedures, pursuant to CPLR §7804(c), ...
No documents exist that are responsive to this request
- (2) the responsibilities of the Attorney General's "Section D" ...
Section D of the Litigation Bureau in the Division of State Counsel is comprised of six attorneys who all have the title Assistant Attorney General. The names of the Attorneys in that Section are: David Cohen; Lisa Gharthey; Carolyn Cairns Olson; Charles F. Sanders; Constantine E. Speres and Katherine E. Timons.

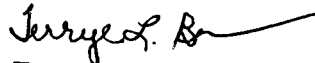
EX *X-8*

The Section represents the following State agencies:

Banking
Civil Service
Division of Housing and Community Renewal
Division of Human Rights
Office of Court Administration
The Parks Department
Racing and Wagering Board
and State Court Judges.

Please contact me if I may be of additional assistance.

Very truly yours,


Terryl L. Brown
Record Access Officer

TLB:tw

Ref #99-197

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY FAX: 212-416-8068 (2 pages)

BY MAIL

March 22, 2000

New York State Attorney General
120 Broadway
New York, New York 10271

ATT: Terryl Brown, Records Access Officer

RE: Your March 13, 2000 letter

Dear Mr. Brown:

As you know, CJA's hand-delivered February 25, 2000 letter to you complained of "the Attorney General's *partial response* to CJA's October 15, 1999 F.O.I.L. request (Ref. # 99-149) and *non-response* to CJA's December 6, 1999 F.O.I.L. request".

Your March 13, 2000 letter responds to ONLY two-thirds of our December 6, 1999 F.O.I.L. request (Ref. # 99-197) and NOT AT ALL to our October 15, 1999 F.O.I.L. request. The respects in which that earlier F.O.I.L. request (#99-149) are unresponded-to are identified in the first page and a half of CJA's February 25, 2000 letter, to which CJA requests your response.

As to CJA's December 6, 1999 F.O.I.L. request (Ref. #99-197), you have failed to respond to the third of our three requests therein, which is for publicly-available documents as to:

"the Attorney General's procedures for ensuring the workproduct of assistant attorneys general assigned to defense of Article 78 proceedings and, in particular, those against the NYS Commission on Judicial Conduct"

EX "X-9"

So that there is no ambiguity, CJA is not requesting procedures "pursuant to CPLR 7804(c)..." -- which is the first of CJA's three December 6, 1999 F.O.I.L. requests -- but procedures pertaining to oversight/supervision of Assistant Attorneys General working in the Litigation Division and, in particular, Section "D", whether or not relating to Article 78 proceedings. This should include any documents relating to procedures for addressing conflict of interest. As part thereof, please provide any publicly-available documents pertaining to jurisdiction, structure, and operations of the Attorney General's "Employee Conduct Committee".

Please also advise as to whether there are any publicly-available documents showing:

- (1) whether and for what periods Assistant Attorney General Michael Kennedy was part of Section "D";
- (2) whether any other Sections of the Litigation Bureau represent State Court Judges and the Office of Court Administration; and
- (3) whether any other Sections of the Litigation Bureau represent the Commission on Judicial Conduct

A prompt response would be appreciated.

Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

AL ACCOUNTABILITY, INC.

14) 421-1200
14) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

TRANSMISSION VERIFICATION REPORT

March 13, 2000 letter

15, 2000 letter to you complained
CJA's October 15, 1999 F.O.I.L.
IA's December 6, 1999 F.O.I.L

two-thirds of our December 6, 1999
ALL to our October 15, 1999
F.O.I.L request (#99-149) are
and a half of CJA's February 25,

ref. #99-197), you have failed to
disclosure, which is for publicly-available

documents as to:

“the Attorney General’s procedures for ensuring the workproduct of
assistant attorneys general assigned to defense of Article 78
proceedings and, in particular, those against the NYS Commission
on Judicial Conduct”

DATE TIME 03/22 12:01
FAX NO./NAME 12124168058
DURATION 00:00:57
PAGE(S) 02
RESULT DK
MODE STANDARD
ECM

TIME : 03/22/2000 12:02
NAME : CJA
FAX : 9144284994
TEL : 9144211200

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel (914) 421-1200
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E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY HAND

April 24, 2000

New York State Attorney General
120 Broadway
New York, New York 10271

RECEIVED

MAR 24 2000

NYS OFFICE OF THE ATTORNEY GENERAL
NEW YORK CITY OFFICE

ATT: Terryl Brown, Records Access Officer

RE: CJA's *unresponded-to* March 22, 2000 letter for
documents pursuant to F.O.I.L.

Dear Mr. Brown:

We have received no response to CJA's March 22, 2000 letter, faxed and mailed to you on that date. A copy of the faxed receipt is enclosed.

For your convenience, another copy of the letter is hand-delivered herewith.

In view of the fact that CJA's outstanding document requests are from as far back as October 15, 1999 and December 6, 1999, please respond to our March 22, 2000 letter, highlighting your omissions, without further delay.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

Enclosure

EX 'X-10'