

## CENTER for JUDICIAL ACCOUNTABILITY, INC.

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BY FAX: 518-426-6952 (3 pages)

BY E-MAIL: [jdefranc@senate.state.ny.us](mailto:jdefranc@senate.state.ny.us)

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January 16, 2007

Chairman John A. DeFrancisco  
New York State Senate Judiciary Committee  
Albany, New York 12247

ATT: Carole Luther, Chief of Staff

RE: Senate Judiciary Committee Procedures:

- (1) transcripts of confirmation hearings to NY Court of Appeals;
- (2) confirmation of Supreme Court Justice Theodore T. Jones, Jr. to NY Court of Appeals, request for publicly-available documents, & request to testify in opposition

Dear Ms. Luther:

This letter follows up our telephone conversation shortly after 3:00 p.m. pertaining to old and new business.

As to the old – the Senate Judiciary Committee's procedures pertaining to the transcripts of its confirmation hearings to the New York Court of Appeals – enclosed is my November 1, 2006 letter to you, to which I have received no response. Please advise so that I may be guided accordingly.

As to the new – the confirmation of Brooklyn Supreme Court Justice Theodore T. Jones, Jr. to the New York Court of Appeals – you stated that Chairman DeFrancisco was speaking with the Governor about the appointment earlier today – and that no materials pertaining to Justice Jones' qualifications and fitness had yet been received and no date set for the confirmation hearing.

As briefly discussed – and as herewith set in writing – I request, pursuant to the Freedom of Information Law or such other law and rules as may be applicable:

(a) all publicly-available documents the Committee receives bearing upon Justice Jones' qualifications and fitness to be an associate judge of the New York Court of Appeals;

(b) any written procedures and standards governing the Senate Judiciary Committee's proceedings to confirm New York Court of Appeals judges. This would presumably reflect whether the Committee now requires nominees to our state's highest court to complete a publicly-available questionnaire, such as the U.S. Senate Judiciary Committee requires in its proceedings to confirm federal judges<sup>1</sup> – and whether it has developed any criteria by which it evaluates requests by members of the public to testify in opposition at its confirmation hearings.

Additionally, by this letter, the Center for Judicial Accountability requests to testify in opposition at the Senate Judiciary Committee's upcoming hearing on Justice Jones' confirmation.

Thank you.

Yours for a quality judiciary,



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

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<sup>1</sup> A blank copy of the U.S. Senate Judiciary Committee questionnaire was annexed to CJA's January 17, 2003 letter to you relating to the New York State Senate Judiciary Committee's procedures in confirming Presiding Court of Claims Judge Susan P. Read to the New York Court of Appeals. It is included in the appendix to CJA's January 22, 2003 written testimony in opposition to her confirmation [A-34-40]. IF the State Senate Judiciary Committee is preserving the records of its proceedings to confirm Court of Appeals judges – as was requested by CJA's February 10, 2003 letter to you – all such documents should be readily accessible to you.

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November 1, 2006

Chairman John A. DeFrancisco  
New York State Senate Judiciary Committee  
307 Legislative Office Building  
Albany, New York 12247

ATT: Carole Luther, Chief of Staff

RE: The Senate Judiciary Committee's Procedures:  
Transcripts of Confirmation "Hearings" to the New York Court of Appeals

Dear Ms. Luther:

This responds to your October 24, 2006 letter, advising that my paying \$.25 per page for the stenographic transcript of the Senate Judiciary Committee's September 14, 2006 hearing to confirm Justice Pigott's nomination to the New York Court of Appeals is "consistent with Senate Rule XIV and Article VI of the Public Officers Law".

Does this mean that the Senate Judiciary Committee does not provide free copies of the transcript to witnesses who testify – or at least the pages of their testimony – in recognition of the public service they rendered the Committee by testifying?

Before forwarding the indicated \$20.25 for the 81 transcript pages, please confirm that the Committee is also charging \$.25 per page to the other witnesses who testified at the September 14, 2006 hearing, as well as to Justice Pigott – and not providing the transcript to them, either whole or in part, free of charge.

To avoid further delay, please respond by fax and/or e-mail. Thank you.

Yours for a quality judiciary,



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