



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

December 15, 2004

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

Dear Ms. Sassower:

This letter is to acknowledge that, on or about December 8, 2003, this office received your Freedom of Information Law (FOIL) request for "materials pertaining to Governor Pataki's appointment of Robert S. Smith, Esq. to the New York Court of Appeals from among the seven candidates nominated by the Commission on Judicial Nomination," including "evaluations and supporting materials received from the bar associations for [the] seven candidates," as well as "the financial statement that Mr. Smith was required to submit."

After a thorough review of our records, I have determined that this office possesses ninety-six (96) pages of documents that are responsive to your request. I am constrained, however, to deny you access to eighty-nine (89) pages of these documents as they are exempt pursuant to Public Officers Law §§ 87(2)(a), (b), and (g). I am hereby granting you access to the seven (7) pages of documents that are not exempt. If you would like copies of these documents, please so indicate by letter and include a check or money order for \$1.75, payable to the Executive Chamber. The fees for the documents you seek are authorized by Public Officers Law § 87(1)(b)(iii).

Pursuant to the provisions of Public Officers Law § 89 (4), you have thirty (30) days to take a written appeal of this determination. The designated appeals officer is W. Brooks DeBow, Deputy Counsel to the Governor, at the above address.

Sincerely,

Ryan T. McAllister
Assistant Counsel to the Governor
Records Access Officer

