



STATE OF NEW YORK
UNIFIED COURT SYSTEM
25 BEAVER STREET
NEW YORK, NEW YORK 10004
TEL: (212) 428-2150
FAX: (212) 428-2155

A. GAIL PRUDENTI
Chief Administrative Judge

JOHN W. McCONNELL
Counsel

March 20, 2013

Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
283 Soundview Avenue
White Plains, New York 10606-3821

Via email to: elena@judgwatch.org

Dear Ms. Sassower:

In response to your recent Freedom of Information Law ("FOIL") request, please be advised that we have no existing records, as the Inspector General's Office does not prepare "annual reports of its activities."

With regard to your request for "annual appropriations," please be advised that the Inspector General's Office is part of the "Executive Direction" portion of the "Administration and General Support" budget. That information for the 2013-2014 Judiciary budget is contained on page 131 of the budget, which is available at the following link:

<http://www.nycourts.gov/admin/financialops/BGT13-14/Final-13-14Budget.pdf>

Similarly, the Judiciary budget for prior years is available by following the links at the court system's website, which budgets also will reflect a page for "Administration and General Support" and the "Executive Direction" budget amounts.

Regarding your request for “rules and procedures” concerning the Inspector General, information for that Office can be located at the following link: <http://www.nycourts.gov/admin/ig/index.shtml>. In addition, enclosed please find a copy of the administrative order establishing the Office of Inspector General. The Office was established in 1982. I have been unable to locate a signed copy of the order, as our database does not contain all scanned orders dating back to 1982.

Very truly yours,

A handwritten signature in black ink, appearing to read "Shawn Kerby". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Shawn Kerby
Assistant Deputy Counsel

By the power vested in me as Chief Judge of the State of New York (Administrative Judge of the State of New York) the following is hereby ordered.

SEC. 1. CREATION OF INSPECTOR GENERAL

The position of Inspector General of the Unified Court System is established.

SEC. 2. RESPONSIBILITIES OF INSPECTOR GENERAL

The Inspector General shall have the general responsibility for the investigation and elimination of infractions of discipline standards, criminal activities, corrupt activity, conflicts of interest, misconduct, misfeasance and incompetence on the part of (i) non-judicial employees of the court system, (ii) persons or corporations doing business with the court system with respect to their dealings with the courts. For these purposes the Inspector General shall; (a) assist in establishing and maintaining standards of conduct together with fair and effective disciplinary systems; (b) oversee the background investigations of employees to be appointed to positions in the court system; (c) receive complaints and information from the public with respect to non-judicial employees as well as persons dealing with the courts, and to take appropriate action with respect of such complaints; (d) undertake any investigation or study of affairs, functions, accounts, methods, personnel or efficiency of any court unit; and (f) act as liaison with federal, state and local law enforcement and regulatory agencies concerning all matters within the scope of this Order.

SEC. 3. INVESTIGATIONS

(a) The Inspector General shall have authority to examine, copy or remove any document prepared, maintained or held within the confines of the United Court System relating to non-judicial personnel except those documents which may not be disclosed according to law.

(b) The Inspector General may require any non-judicial employee of the Unified Court System to answer questions concerning any matter related to the performances of his or her official duties. The refusal of an employee to answer questions shall constitute cause for removal from employment or other appropriate penalty.

(c) Beginning (date) all contracts, leases or other agreements entered into by the Office of Court Administration shall contain a provision approved as to form by the Attorney General of the State of New York permitting the Office of Court Administration to terminate such agreement or to take other appropriate action upon the refusal of a person dealing with the Office of Court Administration to answer questions in relation to such agreements.

(d) Every non-judicial employee of the Unified Court System shall cooperate fully with the Inspector General. Interference with or obstruction of an investigation conducted by the Inspector General shall constitute cause for removal from office or employment or other appropriate penalty.

(e) Every non-judicial employee of the Unified Court System shall have the affirmative obligation to report directly and without undue delay to the Inspector General any and all information concerning conduct which they know or should reasonably know to involve corrupt or other criminal activity or conflict of interest; (i) by another employee of the Unified Court System or which concerns his or her office or employment; or (ii) by persons dealing with the Unified Court System. The knowing failure of any employee to report as required above shall constitute cause for removal from employment or other appropriate penalty.

(f) No employee of the Unified Court System other than the Inspector General or an employee under the Inspector General's supervision, shall conduct any investigation concerning corrupt or other criminal activity or conflicts of interest without the prior written approval of the Inspector General or the Deputy Chief Administrator for Management and Support.

SEC. 4. FORMAL DISCIPLINARY PROCEEDINGS

(a) The Inspector General shall be responsible for working together with the Counsel's office on all formal disciplinary proceedings. The prosecution of such disciplinary proceeding shall be done by Counsel's office or a designee of Counsel's office.

(b) The Inspector General may, with the approval of the Deputy Chief Administrator for Management and Support, suspend any non-judicial employee for a period of one month pending the timely service of formal charges.

(c) Officers or employees of the Unified Court System convicted of a crime relating to their office or employment, involving moral turpitude or which bears upon their fitness or ability to perform their duties or responsibilities, shall be removed from such offices or employment unless compelling mitigating circumstances are shown in writing to the satisfaction of the Administrative Judge of the State of New York. Proof of said conviction, as a basis for removal or other disciplinary action, must be established in accordance with applicable law.

SEC. 5 INFORMAL DISCIPLINARY PROCEEDINGS

(a) Each Chief Clerk shall with the advice of the Inspector General establish appropriate reporting requirements, disposition standards and other administrative procedures for informal disciplinary proceedings to permit the fair expeditious resolution of minor violations of the standards of conduct established under this Order, without prejudice to any rights provided to employees of the Unified Court System by law or by contract.

(b) Informal disciplinary proceedings may be undertaken on the condition the employee who is the subject of such proceedings shall consent to accept a predetermined penalty upon a finding of cause in lieu of the filing of a formal disciplinary charge.

SEC. 6. BACKGROUND INVESTIGATIONS

(a) The Inspector General shall oversee the conducting of background investigations of all persons to be appointed to or employed by the Unified Court System in a non-judicial position.

(b) The appointment or employment of any person requiring background investigations under this Order shall be made subject to the completion of such investigation and a determination by the appointing authority that the appointee has the appropriate qualifications, is free from actual or potential conflicts of interest and is one in whom the public trust may be placed.

(c) All prospective appointees and employees subject to background investigations under this Order shall comply with all procedures established by the Inspector General for such purpose including the completion of a background questionnaire and full disclosure of financial holdings and relationships.

(d) Background investigations conducted under this Order shall include the collection of all available criminal history information relating to the prospective appointee, which shall be considered in accordance with applicable law.

(e) The making by a person of an intentional false or misleading statement in connection with a background investigation required under this Order, or otherwise failing to comply with the background investigation procedures established by the Inspector General, may constitute cause for removal from office or employment or other appropriate penalty.

SEC. 7. DISSEMINATION OF INFORMATION

(a) All Chief Clerks shall distribute to each employee of their respective units within 30 days of the effective date of this Order, and to each employee appointed thereafter, a statement prepared by the Inspector General explaining the responsibilities of the Inspector General under this Order.

(b) Knowledge of the responsibilities of the Inspector General and the relevant provisions of Article 195 and 200 of the Penal Law, the Code of Ethics and this Order shall constitute an employment responsibility which every non-judicial employee is expected to know and to implement as part of their job duties.

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.*

Post Office Box 8101
White Plains, New York 10602

Tel. (914)455-4373

E-Mail: cja@judgewatch.org

Website: www.judgewatch.org

BY FAX: 212-428-2155 (1 page)

BY E-MAIL: skerby@courts.state.ny.us

March 7, 2013

Shawn Kerby, Records Access Officer & Assistant Deputy Counsel
Office of Court Administration
25 Beaver Street, 11th Floor
New York, New York 10004

RE: Request for Records Relating to the Office of Inspector General:
Annual Appropriations, Annual Reports, & Rules & Procedures
Pursuant FOIL and §124 of the Rules of the Chief Administrator

Dear Ms. Kerby:

Pursuant to FOIL and §124 of the Rules of the Chief Administrator, this is to request inspection of all records pertaining to the annual appropriations for the Office of Court Administration's Office of Inspector General, all annual reports of its activities since its inception in 2000, and all records pertaining to its rules and procedures.

Pursuant to §124.6 of the Chief Administrator's Rules and Public Officers Law §89.3, your response is required "within five business days" of your receipt of this request.

To expedite our receipt of same, kindly e-mail me at elena@judgewatch.org.

Thank you.

Yours for a quality judiciary,



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

* Center for Judicial Accountability, Inc. (CJA) is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

Shawn Kerby - Re: Superseding Request for Records: Annual Appropriations & Reports of the Office of Inspector General

From: Shawn Kerby
To: Center for Judicial Accountability, Inc. (CJA)
Date: 3/8/2013 9:43 AM
Subject: Re: Superseding Request for Records: Annual Appropriations & Reports of the Office of Inspector General

Dear Ms. Sassower:

We will process your FOIL request, and expect to be able to respond within 20 business days, which will be on or before April 5, 2013.

Very truly yours,
Shawn Kerby
Assistand Deputy Counsel



..Please consider the environment before printing this email.

>>> "Center for Judicial Accountability, Inc. (CJA)" <elena@judgewatch.org> 3/7/2013 4:38 PM >>>

Dear Ms. Kerby,

Please supersede the request previously sent with this one – adding a request to inspect records pertaining to the Office of Inspector General's rules and procedures. It will, additionally, be faxed.

Apologies for any inconvenience.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-455-4373