



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

JOHN W. McCONNELL
COUNSEL

March 4, 2016

Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
P.O. Box 8101
White Plains, New York 10602

Via email to: elena@judgewatch.org

Dear Ms. Sassower:

This is in response to your Freedom of Information Law ("FOIL") request dated December 7, 2015, addressed to the Commission on Legislative, Judicial and Executive Compensation ("Commission").

Regarding your request for a copy of a response by the Commission to your e-mail dated November 18, 2015 about a public hearing on judicial compensation, you already would possess any responsive record.

Your remaining requests for "all publicly-available records establishing" the dates and manner in which the Commission sent a media advisory to 100 media outlets and wire services, as well as the names and e-mail addresses of those outlets and services, are overly broad, do not reasonably identify specific records to permit a search, and would require compilation of information, and creation of records. See Public Officers Law § 89(3).

Very truly yours,

Shawn Kerby
Assistant Deputy Counsel

Shawn Kerby

From: FOIL
To: Center for Judicial Accountability
Subject: FW: FOIL/Records Request: Your media advisory to 100 media outlets throughout the state & wire services

Dear Ms. Sassower:

Please be advised that we will process your FOIL request and expect to respond within 20 business days.

Very truly yours,
Shawn Kerby
Assistant Deputy Counsel

From: Center for Judicial Accountability [<mailto:elena@judgewidth.org>]
Sent: Monday, December 07, 2015 3:44 PM
To: Sheila Birnbaum <SheilaBirnbaum@quinnemanuel.com>; nyscompensation@gmail.com;
barry.cozier@leclairryan.com; gajohnson@mec.cuny.edu
Subject: FOIL/Records Request: Your media advisory to 100 media outlets throughout the state & wire services

TO: Records Access Officer/Commission on Legislative, Judicial and Executive Compensation

At the outset of today's Commission meeting, Chair Birnbaum stated that the media advisory about the Commission's November 30, 2015 public hearing – posted on the Commission's website – had been sent to 100 media outlets throughout the state and wire services.

There is only a single media advisory about the Commission's November 30, 2015 hearing posted on the Commission's website, <http://www.nyscommissiononcompensation.org/> – and it is dated November 19, 2015. That would be the day after the November 18, 2015 e-mail I sent to Chair Birnbaum and the Commission entitled "Informing the Public about the Commission's Nov. 30 Public Hearing on Judicial Compensation & its Opportunity to be Heard" – to which I received no response. A copy of that e-mail is below.

Pursuant to FOIL [Freedom of Information Law Article VI], please furnish all publicly-available records establishing:

- (1) the response, if any, that Chair Birnbaum and/or the Commission sent me with regard to my November 18, 2015 e-mail;
- (2) the date(s) the Commission sent its November 19, 2015 media advisory to the 100 media outlets and wire services;
- (3) the manner in which the Commission sent the November 19, 2015 media advisory to the 100 media outlets and wire services;
- (4) the names of the 100 media outlets and wire services to which the Commission sent its November 19, 2015 media advisory – and the addresses/e-mails utilized;
- (5) the date the Commission posted the November 19, 2015 media advisory on its website – believed to be December 1, 2015.

Finally, inasmuch as the Commission's website posts no media advisories for the meeting the Commission held today – or which it had scheduled for December 16 – I assume it sent out none. Is this correct?

Pursuant to Public Officers Law §89.3, your response is required "within five business days" of receipt of this request. I would appreciate if you e-mailed it to me at elena@judgewatch.org.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200