



NEW YORK STATE  
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS  
CHIEF ADMINISTRATIVE JUDGE

JOHN W. McCONNELL  
COUNSEL

February 22, 2018

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

Via email to: [elena@judgewidth.org](mailto:elena@judgewidth.org)

Dear Ms. Sassower:

This is in response to your Freedom of Information Law ("FOIL") request concerning the 2018-2019 Judiciary Budget.

Your request for records authorizing "increases, decreases, and interchanges" from fiscal year 2017-2018 to fiscal year 2018-2019, is overly broad, does not reasonably identify specific records, and would require compilation of information or creation of records. See Public Officers Law § 89(3).

Current and prior Judiciary budget records are available at the following public link: <http://www.nycourts.gov/admin/financialops/budgets.shtml>. You may conduct your own review and research of these budget materials, including related Legislative materials, from which process you can compile information regarding the request, including budgetary changes between fiscal years.

Please be aware that you have a \$17.25 balance pending since our December 21, 2016 response to your numerous FOIL requests, for 69 pages of records we previously provided (69 pages @ \$ .25). See Public Officers Law § 87(1)(b)(iii); 22 NYCRR § 124.8.

Very truly yours,

Shawn Kerby  
Assistant Deputy Counsel

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January 26, 2018

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

RE: FOIL/Records Request: Chief Administrative Judge approvals of increases, decreases, and interchanges in fiscal year 2017-2018, as authorized by §2 of Legislative/Judiciary Budget Bill #S.2001/A.3001

Dear Records Access Officer Kerby,

The Judiciary's "single budget bills" – embodied, *verbatim*, in the Governor's Legislative/Judiciary budget bills – consist of two sections: §2 containing a schedule of appropriations and §3 containing a schedule of reappropriations.

The text in §2, directly beneath the word "Schedule", is as follows:

"Notwithstanding any provision of law, the amount appropriated for any program within a major purpose within this schedule may be increased or decreased in any amount by interchange with any other program in any other major purpose, or any appropriation in section three of this act, with the approval of the chief administrator of the courts."

Missing from the Judiciary's budget request for fiscal year 2018-2019 is any disclosure of what increases, decreases, and interchanges in fiscal year 2017-2018 were made, pursuant to this provision. Consequently, pursuant to §124 of the Chief Administrator's Rules and Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], request is herein made to inspect and copy records of all approvals by Chief Administrative Judge Marks in fiscal year 2017-2018, authorizing such increases, decreases, and interchanges.

§124.6 of the Chief Administrator's Rules and Public Officers Law §89.3 requires your response "within five business days" of receipt of this request. I would appreciate if you e-mailed it to me at [elena@judgewatch.org](mailto:elena@judgewatch.org).

Thank you.

