

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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May 23, 2018

TO: Assembly Records Access Officer Robin Marilla
Secretary of the Senate Francis Patience

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: FOIL/RECORDS REQUEST: The Legislature's appointment of Acting Attorney General Barbara Underwood to fill the vacancy in the office of Attorney General, pursuant to Article V, §1 of the New York State Constitution & Public Officers Law §41

Pursuant Article III, §10 of the New York State Constitution, Assembly Rule VIII, "Public Access to Records", Senate Rule XV, "Freedom of Information", and Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], request is made for:

- (1) the transcript of the May 22, 2018 Assembly-Senate joint session to fill the vacancy in the office of attorney general; the roster of legislators present; and the roster of votes cast by each legislator on each of the three votes taken, *to wit*:
 - (a) on the nomination of Assembly Speaker Carl Heastie as presiding officer of the joint session;
 - (b) on Joint Resolution #3 to fill the vacancy in the office of attorney general;
 - (c) on the nomination of Acting Attorney General Barbara Underwood to fill the vacancy;
- (2) all publicly-available records of any meetings of any Assembly or Senate standing committee, from May 8, 2018 to May 22, 2018, at which the attorney general vacancy and the Legislature's duties with respect thereto were discussed and/or voted on – these committees being, in particular, the Assembly and Senate Judiciary Committees; the Assembly and Senate Codes Committees; the Assembly Committee on Governmental Operations; the Senate Committee on Investigations and Government Operations; the Assembly Committee on Oversight, Analysis and Investigation – and, additionally, the joint Legislative Commission on Government Administration;
- (3) all publicly-available records of the Assembly and Senate majority and minority party conferences, from May 8, 2018 to May 22, 2018, at which the attorney general vacancy and the Legislature's duties with respect thereto were discussed and/or voted on;

- (4) all publicly-available records reflecting the “process” and “internal discussions” of the Assembly/Senate “bi-partisan, bi-cameral committee” following its May 15-May 16, 2018 public interviews of 11 of 13 candidates – including its subsequent meeting(s) and its filed report to the Legislature, consistent with the final statement of its Assembly chair, Joseph Lentol, at the end of the May 16, 2018 public interviews:

“This concludes our process, and we will be back here, the committee will meet at some future time together, to discuss the nominees and a report will be filed to the Legislature”.

Thank you.



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