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September 26, 2011

Elena Sassower, Esq.
Center for Judicial Accountability, Inc.
P.O. Box 3002
Southampton, NY 11969

RE: Freedom of Information Law (FOIL) Request # 110450

Dear Ms. Sassower:

This letter responds to your correspondence dated July 19, 2011, which, pursuant to FOIL, requested the following:

“[R]e: FOIL & Project Sunlight Requests: Posting of the Record of the Judicial Compensation Lawsuits on the Attorney General’s Website, &/or Providing the Record to the Center for Judicial Accountability for Posting on its Website

Tellingly, neither the OCA, the other judicial parties to the judicial compensation lawsuits, the judicial associations, the bar associations, nor any other advocate of judicial pay increases has posted the record of the judicial compensation lawsuits on a publicly-accessible website so that the public - and scholars - might independently evaluate the course of those proceedings and the legitimacy of the decisions.

Tellingly, too, although New York boasts more than 160,000 lawyers - more than any other state - and 15 law schools, including some of our nation’s most prestigious, they have not generated even one law review article or analytic critique of the February 23, 2010 Court of Appeals decision - at least none that we have found.

To rectify this - and to determine whether the public interest was adequately represented in the judicial compensation lawsuits, as, for instance, by the inexplicable failure of the Attorney General’s Office and the Dolan firm to have

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moved to reargue the palpably deficient February 23, 2010 decision before the Court of Appeals and/or to have filed a petition for a writ of certiorari with the U.S. Supreme Court, where the consequences were so violative of the New York Constitution and so potentially catastrophic to New York taxpayers - and where the dissent of Judge Smith would have dismissed all claims - we request that you post the record of the judicial compensation lawsuits on your Attorney General's website or, alternatively, that you provide us with the record, in pdf format, so that we may post it on ours.

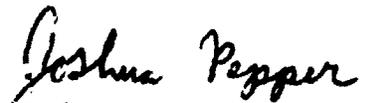
To secure such access, we hereby invoke the Freedom of Information Law [F.O.I.L.: Public Officers Law, Article VI] as well as your Project Sunlight initiative of your Public Integrity Unit, whose goal - according to your website - is:

'to promote [the people's] right to know and to monitor governmental decision-making....to increase the government's transparency and accountability to [the people]. As James Madison, the Founding Father of the Bill of Rights observed, 'Knowledge will forever govern ignorance; and people who mean to be their own governors must arm themselves with the power which knowledge gives.'
(<http://www.sunlightny.com/sn11/app/index.jsp>)."

Enclosed is a compact disc (CD) containing documents numbered 110450-1 through 110450-2781 that respond to your request.

This FOIL request is now closed.

Sincerely,


Joshua Pepper
Assistant Attorney General

Enclosure