

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

Box 69, Gedney Station  
Plains, New York 10605-0069

Tel. (914) 421-1200  
Fax (914) 428-4994

E-Mail: [judgewatch@aol.com](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

Ruth Sassower, Coordinator

BY FAX: 212-262-5152 (3 pages)

BY MAIL

January 5, 2004

New York State Commission on Judicial Nomination  
666 Fifth Avenue, 28<sup>th</sup> Floor  
New York, New York 10103-0084

ATT: Stuart A. Summit, Counsel

RE: NYS Commission on Judicial Nomination's Threshold Obligations under the Freedom of Information Law (F.O.I.L.), Etc.

Dear Mr. Summit:

Please advise as to whether the Commission on Judicial Nomination has finally promulgated rules and regulations for records access pursuant to F.O.I.L., as required by §87.1 of the Public Officers Law, and compiled a "subject matter" list of "all records" in its possession, as Public Officers Law §87.3(c) requires?

As you know, by letter dated April 26, 1999, Robert Freeman, Executive Director of the Committee on Open Government, stated to us that you had informed him that

"the Commission is taking all necessary steps to comply with the Freedom of Information Law, including the promulgation of procedural rules and regulations."

Nevertheless, over the ensuing years, you have consistently ignored our inquiries as to whether rules and regulations had been promulgated and a "subject matter" list compiled. Likewise, you have consistently ignored our requests for copies of these documents, which we again reiterate<sup>1</sup>. For your convenience, a copy of Mr. Freeman's April 26, 1999 letter,

<sup>1</sup> For CJA's prior inquiries and requests, see, CJA's May 3, 1999 letter to you (at p. 1); CJA's September 15, 1999 supplemental ethics complaint to the NYS Ethics Commission (at p. 4); CJA's October 11, 2000 letter to you (at p. 4); CJA's November 16, 2000 letter to you (at p. 3); CJA's April 16, 2001 (at p. 1).

reflecting his conversation with you and your advice to him, is enclosed.

On a separate, but related subject, we have repeatedly requested<sup>2</sup> that you mail us a "hard copy" of the Commission's October 15, 2003 "written report" of the seven candidates recommended to the Governor as "well qualified", as well as a copy of the informational literature which the Commission provided to this most recent set of candidates for the New York Court of Appeals, including the Commission's current brochure and application packet containing its questionnaire form(s) and waivers. Please confirm that you are mailing these requested documents without further delay.

Thank you.

Yours for a quality judiciary,



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

cc: Robert Freeman, Executive Director  
Committee on Open Government

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<sup>2</sup> CJA's October 16, 2003 faxed letter, refaxed on October 17, 2003; CJA's December 8, 2003 faxed letter, refaxed on December 23, 2003; telephone messages on December 23, 2003 (with Allison Korn), and today (on your voice mail).