

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Director

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BY FAX: 518-426-6952 (3 pages)

BY E-MAIL: jdefranc@senate.state.ny.us

September 28, 2006

Chairman John A. DeFrancisco
New York State Senate Judiciary Committee
307 Legislative Office Building
Albany, New York 12247

ATT: Carole Luther, Chief of Staff

- RE: (1) Reiterated request for applicable Senate Rules and Regulations;
(2) F.O.I.L. request for stenographic transcript of the Senate Judiciary Committee's September 14, 2006 "hearing" to confirm Justice Eugene F. Pigott, Jr. to the Court of Appeals, etc.

Dear Ms. Luther:

More than two and a half years ago, by letter to you dated January 13, 2004, I asked as to:

"...the Senate Judiciary Committee's procedures with respect to the stenographic transcripts of its 'hearings' to confirm nominees to the New York Court of Appeals.

Are witnesses who request a copy of the transcript required to pay \$.25 per page – the 'going rate' under F.O.I.L. – or are they entitled to a copy free of charge, in recognition of the public service they rendered the Committee by their testimony? At very least, are witnesses given the 'courtesy' of the pages of the transcript that constitute their testimony and interaction with Committee members?"

Your response, by a January 20, 2006 e-mail, was to advise

"In accordance with the Senate Rules and Regulations, we must charge you \$.25 a page"

Despite my January 23, 2004 letter to you requesting that you "identify the *specific* Senate Rules and Regulations to which you refer and furnish a copy", I do not believe you responded with that

information. Kindly do so now.

Enclosed is my letter of yesterday's date to Secretary of State Steven Boggess – to which Chairman DeFrancisco is an indicated recipient. Pursuant to F.O.I.L., I hereby request a copy of the stenographic transcript of the Senate Judiciary Committee's September 14, 2006 "hearing" to confirm Appellate Division, Presiding Justice Eugene F. Pigott as an associate judge of the Court of Appeals, at which I was a witness. Additionally, I request a copy of the witness list for the September 14, 2006 "hearing", which I did not receive on that date.

Thank you.

Yours for a quality judiciary,

A handwritten signature in black ink, appearing to read "Elena Ruth Sassower", with a long horizontal flourish extending to the right.

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

Enclosure

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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September 27, 2006

Steven M. Boggess, Secretary of the Senate
State Capitol, Room 321
Albany, New York 12247

RE: FREEDOM OF INFORMATION LAW (FOIL) REQUEST:
Payment & Information as to Policy and Procedure

Dear Mr. Boggess:

Thank you for your prompt response to CJA's September 18, 2006 FOIL request.


As to the documents available directly from your office, I will send a check by mail for the indicated amount of \$6.25, payable to the New York State Senate.

As for CJA's request for "a copy of the transcript of the Senate Judiciary Committee's September 14, 2006 'hearing' on Justice Pigott's confirmation to the New York Court of Appeals", as to which you state "I refer you to Senator DeFrancisco's office as Chairman of the Senate Judiciary Committee", please advise whether it is your standard policy and procedure, as Secretary of Senate, NOT to automatically refer such FOIL request to the correct Senator or Senate committee so as to obviate the necessity that the requesting party separately do so.

Meantime, I will make a separate FOIL request to Chairman DeFrancisco for the transcript of the Senate Judiciary Committee's September 14, 2006 confirmation "hearing".

Thank you.

Yours for a quality judiciary,



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

Enclosure: \$6.25 check (by mail)

cc: Senate Judiciary Committee Chairman John DeFrancisco

By Fax: 518-426-6952 & E-Mail: jdefranc@senate.senate.ny.us