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December 19, 2001

New York State Senate Judiciary Committee
The Capitol, Room 413
Albany, New York 12247

ATT: Susan Zimmer, Clerk

RE: Request for Information Pertaining to Senate Confirmation of Governor George Pataki's Judicial Appointees to the Lower State Courts and to the New York Court of Appeals - and Request to Inspect Relevant Documents Pursuant to F.O.I.L.

Dear Ms. Zimmer:

This is to request the following information:

- (1) the number of Governor Pataki's judicial appointees¹ that the Senate Judiciary Committee has confirmed to the bench since the Governor took office in January 1995;
- (2) the names of all such judicial appointees, the dates on which Governor Pataki appointed them, and the courts to which they were appointed;
- (3) the nature of the documentation, if any, that Governor Pataki has transmitted to the Senate Judiciary Committee pertaining to the qualifications and fitness of his judicial appointees;

¹ Please consider appointment to include the Governor's reappointment of judges whose prior appointive terms had either expired or were expiring.

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 This
 FOI request is
 a roadmap to
 the story of
 Gov. Pataki's
 judicial
 appointments.
 and
 the
 questions
 you
 should
 pose
 to
 the
 Senate
 Judiciary
 Committee
 staff &
 members

- (4) whether, in confirming Governor Pataki's judicial appointees, the Senate Judiciary Committee has relied on any written procedures and standards – and whether such written procedures and standards are publicly available from the Committee;
- (5) whether the Senate Judiciary Committee required Governor's Pataki's judicial appointees to complete questionnaires for its review pertaining to their qualifications and fitness;
- (6) whether the Senate Judiciary Committee interviewed members of the public who contacted it with opposition to confirmation of any of Governor Pataki's judicial appointees and whether the Committee reviewed the evidentiary basis of their opposition;
- (7) what criteria is used by the Senate Judiciary Committee to evaluate requests by members of the public to testify in opposition to Governor Pataki's judicial appointees;
- (8) whether the Senate Judiciary Committee permitted members of the public to testify in opposition to any of Governor's Pataki's judicial appointees, the identity of such members of the public, and the judicial appointees whose confirmation they opposed;
- (9) the dates of the Senate Judiciary Committee's confirmation hearings (a.k.a. confirmation "meetings") for each of Governor Pataki's judicial appointees;
- (10) whether the Senate Judiciary Committee's confirmation hearings for Governor's Pataki's judicial appointees were recorded, stenographically or by audio or video – and if so, which hearings;
- (11) which documents relative to the Senate Judiciary Committee's confirmation of Governor Pataki's judicial appointees are publicly-available from the Committee – and whether such documents include the written statements received from members of the public opposing confirmation of specific appointees and requesting to testify in opposition at confirmation hearings;

- (12) whether, *prior* to Senate confirmation of Governor Pataki's judicial appointees, the Senate Judiciary Committee provided the Senators with *documents* pertaining to the appointees' qualifications and fitness --and if so, which documents;
- (13) whether, *prior* to Senate confirmation of Governor Pataki's judicial appointees, the Senate Judiciary Committee provided the Senators with *documents* pertaining to opposition to confirmation by members of the public -- and if so, documents pertaining to opposition to which confirmations;
- (14) whether, *prior* to Senate confirmation of any of Governor Pataki's judicial appointees, the Senate Judiciary Committee notified the Senators of opposition to confirmation by members of the public and the basis therefor -- and if so, notification of opposition to which confirmations;
- (15) whether any of the Senate Judiciary Committee's votes confirming Governor Pataki's judicial appointees have *not* been unanimous -- and if so, which ones;
- (16) whether any Senate votes confirming Governor's Pataki's judicial appointees have *not* been unanimous -- and if so, which ones.

To the extent the Senate Judiciary Committee maintains documents responsive to the foregoing inquiries, request is made to inspect such documents pursuant to the Freedom of Information Law (F.O.I.L.) [Public Officers Law, Article VI, §88].

To the extent responsive documents exist pursuant to F.O.I.L, your response is required within five business days of receipt of this written request [Public Officers §89.3].

Thank you.

Yours for a quality judiciary,



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