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BY E-MAIL

October 6, 2016

TO: Commission on Legislative, Judicial and Executive Compensation

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

RE: FOIL Request: The Commission's Public Hearings

Enclosed is a print-out of the Commission's webpage of its "Hearings on Legislative & Executive Compensation. It lists three – the most recent being a supposed hearing on September 22, 2016. In fact, this was a meeting – and it is so-identified on the Commission's webpage of its "Meetings on Legislative & Executive Compensation", which posts the substantiating notice, video, and transcript. The print-out of this further webpage is also enclosed.

With respect to the other two hearings, on March 10, 2016 in Manhattan and on March 23, 2016 in Albany, the Commission posts a "Notice of Public Hearing and Request for Written Submissions and Testimony" for each.

Pursuant to Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], this is to request records establishing:

- (1) the date the Commission posted each of these two notices on its website;
- (2) the manner in which the Commission publicized the March 10, 2016 and March 23, 2016 hearings, apart from posting each notice on its website, specifically including copies of all e-mails to journalists and media outlets alerting them to each hearing and/or copies of records setting forth the names of the journalists and media outlets the Commission contacted to inform them of each hearing.

Curiously, the Commission's webpage of its hearings does not list the Commission's scheduled, but cancelled, April 23, 2016 hearing in Syracuse, which at the Commission's April 25, 2016 meeting, Chair Birnbaum announced had been "canceled because no one had signed up for it" (enclosed p. 2/transcript). Nor does the webpage list the Commission's scheduled, but cancelled, May 25, 2016 hearing in Rochester, as to which the Commission had posted a website notification, now gone, that

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“The May 25 Rochester public hearing has been cancelled due to the lack of witness testimony”
(print-out enclosed).

Pursuant to Public Officers Law, Article VI [Freedom of Information Law: FOIL], this is to request:

- (1) the Commission’s “Notice of Public Hearing for Written Submissions and Testimony”, if any, for the April 23, 2016 Syracuse hearing and for the May 25, 2016 Rochester hearing – and, with respect thereto, records reflecting the date each notice was posted on the Commission’s website, if ever posted;
- (2) records establishing the manner in which the Commission publicized the April 23, 2016 and May 25, 2016 hearings, specifically including copies of all e-mails to journalists and media outlets alerting them to each hearing and/or copies of records setting forth the names of the journalists and media outlets the Commission contacted to inform them of each hearing; and
- (3) records reflecting the date each hearing was cancelled.

Pursuant to Public Officers Law §89.3, your response is required “within five business days” of receipt of this request. I would appreciate if you e-mailed it to me at elena@judgewatch.org.

Thank you.

A handwritten signature in black ink, appearing to read "Elena R. [unclear]". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Enclosures (4)

NEW YORK STATE COMMISSION ON LEGISLATIVE, JUDICIAL, & EXECUTIVE

Hearings on LEGISLATIVE & EXECUTIVE COMPENSATION

Public Hearing – Sept. 22, 2016

- [Submissions](#)

Public Hearing – March 23, 2016

- [Notice of Public Hearing and Request for Written Submissions and Testimony](#)
- [Submissions](#)
- [List of Witnesses](#)
- [Video of Hearing](#) | [Transcript](#)

Public Hearing – March 10, 2016

- [Notice of Public Hearing and Request For Written Submissions and Testimony](#)
- [Submissions](#)
- [List of Witnesses](#)
- [Video of Hearing](#) | [Transcript](#)

www.nyscommissiononcompensation.org | Web page updated: September 26, 2016

NEW YORK STATE COMMISSION ON LEGISLATIVE, JUDICIAL, & EXECUTIVE

Meetings on LEGISLATIVE & EXECUTIVE COMPENSATION

Public Meeting – Sept. 22, 2016

- [Notice of Public Meeting](#)
- [Video of September 22 Meeting](#)
- [Transcript of September 22 Meeting](#)

Public Meeting: New York City Bar Association – July 26, 2016

- [Notice of Public Meeting](#)
- [Video of July 26 Meeting](#) (Chrome, Internet Explorer, or Safari browser required)
- [Transcript of July 26 Meeting](#)

Public Meeting: New York City Bar Association – June 28, 2016

- [Notice of Public Meeting](#)
- [Video of June 18 Meeting](#) (Chrome, Internet Explorer, or Safari browser required)
- [Transcript of June 18 Meeting](#)

Public Meeting: New York City Bar Association – April 25, 2016


- [Video of Apr. 25 Meeting](#)
- [Transcript of Apr. 25 Meeting](#)

Public Meeting: New York City Bar Association – February 22, 2016

- [Notice of Public Meeting](#)
- [Video of Feb .22 Meeting](#)
- [Transcript of Feb. 22 Meeting](#)

April 25, 2016 Public Meeting
Commission on Legislative Judicial
& Executive Compensation²
Proceedings

1
2 MS. BIRNBAUM: Good morning. This is going
3 to be a meeting of the Commission on Judicial Executive
4 and Legislative Compensation. This is a sort of
5 process procedural meeting to figure out what we have
6 already done and where we are going. All of the
7 commission members are here. Thank you all for your
8 prompt attention and attendance.

9 Just to bring everyone up to speed, we have
10 had hearings in New York and in Albany. We were
11  supposed to have a hearing in Syracuse, which was
12 canceled, because no one had signed up for it.

13 There's some suggestions, from a number of
14 people, that, they wanted us to have a hearing in
15 Rochester. We have been looking for a date for that
16 hearing so that we could get, at least, a substantial
17 number of the commission members there.

18 I think where we are is, we would like to
19 have that hearing in Rochester done by video, if we
20 can, because we think it would make it more efficient
21 and would not cause the taxpayer a lot of money in
22 travel. So, we will be announcing, on our website, a
23 date for the Rochester meeting, probably, in late May
24 or early June by video. And, we invite all of those in
25 Rochester, who would like to testify, to, please, sign
26 up to do so. So, we will post that date.

NEW YORK STATE COMMISSION ON LEGISLATIVE, JUDICIAL, &

Overview

The New York State Commission on Legislative, Judicial, & Executive Compensation is an independent body tasked with examining, evaluating and making recommendations with respect to compensation for New York State's judges, members of the state legislature, and state officials named in section 169 of the Executive Law. The recommendations take effect unless modified or abrogated by legislation prior to taking effect.

Every four years, beginning June 2015, the Commission is established with seven appointed members – three are designated by the Governor, one by the President Pro Tempore of the New York State Senate, one by the Speaker of the New York State Assembly, and two by the Chief Judge of the New York State Court of Appeals, one of whom serves as chair of the Commission.

[Final Report on Judicial Compensation, December 24, 2015](#)

Commissioners

- [Sheila Birnbaum, Chair](#)
- [Hon. Barry A. Cozier \(Ret.\)](#)
- [Roman B. Hedges](#)
- [Mitra Hormozi](#)
- [Gary Johnson](#)
- [Hon. James J. Lack \(Ret.\)](#)
- [Fran Reiter](#)

Notice of Public Meeting



The May 25 Rochester public hearing has been cancelled due to the lack of witness testimony.

The Commission will hold public meetings in New York City at a location to be announced on June 28, 2016 and July 26, 2016 at 11 a.m.