

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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## BY FAX AND MAIL

4 pages

June 10, 1997

Paul D. Siegfried, Executive Director  
Mayor's Advisory Committee on the Judiciary  
Room 203  
36 West 44th Street  
New York, New York 10036

RE: Public Access

Dear Mr. Siegfried:

My name is Kelly Ballinger. I have recently completed my first year at New York Law School. I am currently working on a research project with the Center for Judicial Accountability, Inc. (CJA), in which I am examining the processes of "merit selection" under Mayors Giuliani, Dinkins, and Koch.

As you know, CJA's coordinator, Elena Ruth Sassower, has had correspondence with you, Mayor Giuliani, and others on the subject of Mayor Giuliani's "merit" selection process. Such correspondence includes an April 26, 1996 letter to you in which Ms. Sassower requested "to inspect and copy" all transcripts of public hearings held on the Mayors' judicial appointees (Exhibit "A"). By letter dated May 1, 1996, you responded by ignoring that part of Ms. Sassower's letter that sought to "inspect" the transcripts, stating that "a certified or official bank check" in the amount of \$290.50 would be required before the Advisory Committee would make copies of the transcripts. (Exhibit "B").

Because I desired to inspect those hearing transcripts, Ms. Sassower telephoned you earlier today to make the appropriate arrangements for inspection. I was present in the room and was able to hear her end of the conversation. Upon conclusion of the phone call, which lasted no more than a minute, Ms. Sassower told me what you said -- which was, in any event, apparent from what I heard her tell you. Your position, it seems, was that the Advisory Committee would not permit inspection of the transcripts of the public hearings and that the only way in which members of the public could review same was upon payment for the purchase of copies.

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I clearly heard Ms. Sassower ask you to put forth that position in writing. She tells me that you refused and stated to her that you had already written to her the May 1st letter, setting forth the only means for examining the transcripts (Exhibit "B").

So that there is no doubt on the subject, I would appreciate your setting forth the legal authority for such position so that I can make it part of my research studies.

If, upon reflection, you agree that the public has a right to inspect transcripts of public hearings, which, presumably the public pays for, I would like to make *prompt* arrangements to inspect them, as well as other documents necessary to developing a proper understanding as to how the Mayors' "merit selection" processes operate. These include, of course, the pertinent Executive Orders of Mayors Guiliani, Dinkins, and Koch and procedural forms and guidelines provided to applicants. Additionally, I would like to know the annual budget to the Advisory Committee, which, I assume, is paid by taxpayers.

Inasmuch as I hope to begin this research as soon as possible, please feel free to call me at home (718) 748-4922 so that we can arrange the proper scheduling. Needless to say, as part of my research project, I would like to interview you, as Executive Director, and various members of the Committee, past and present, including its chairmen.

Very truly yours,

*Kelly Ballinger*  
KELLY BALLINGER

Enclosures