

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

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November 24, 2009

New York State Commission on Judicial Nomination
1133 Avenue of the Americas
New York, New York 10036-6710

ATT: Stephen P. Younger, Counsel & Records Access Officer

RE: The Commission's "Transparency" –
& Compliance with F.O.I.L. & 22 N.Y.C.R.R. §7101

Dear Mr. Younger,

Reference is made to the Commission's November 18, 2009 press release announcing that the Commission's second draft of its proposed revised rules is based on its having:

“received and carefully considered a number of comments [to its first draft of proposed revised rules]...from private and public individuals and organizations, including the New York State Bar Association, the City Bar Association, the New York County Lawyers' Association and The Fund for Modern Courts” –

many of which it has “incorporate[d]”.

Consistent with the “transparency” the Commission now purports, including by its unchanged proposed rule 22 N.Y.C.R.R. §7100.0, the Center for Judicial Accountability, Inc. (CJA) requests that the Commission post, on its website, all written comments received by the Commission to its first draft of proposed revised rules. This includes, most importantly, the written comments the Commission did not “carefully consider[]” and/or “incorporate” in its

* **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful. Its administrative/corporate office is in White Plains, New York.

second draft.¹

Should the Commission not post all such written comments to its first draft of proposed revised rules, CJA alternatively requests to inspect same at the Commission's office, pursuant to F.O.I.L. and the Commission's Part 7101 "Rules for Public Access to Records". Under F.O.I.L. and 22 N.Y.C.R.R. §7101.6(c), your response is required within five business days of receipt of this request.

Finally, what is the status of the Commission's "subject matter" list of "all records" in its possession, which the Commission was required to compile under F.O.I.L. (Public Officers Law §87.3(c)). By letter dated September 3, 2009, the Commission's assistant counsel, Norman W. Kee, responded to CJA's most recent request for the Commission's "subject matter" list by advising that it was "being finalized" and would be sent "upon completion". I have yet to receive it.

Thank you.

Yours for a quality judiciary,



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

Enclosure

cc: Senate Judiciary Committee

ATT: Chairman John L. Sampson

Ranking Member George D. Maziarz

Assembly Judiciary Committee Member Rory I. Lancman

Norman W. Kee, Assistant Counsel, Commission on Judicial Nomination

¹ As reflected by the annexed page, when the federal judiciary was circulating a proposed revision of the Code of Conduct for United States Judges last year, it posted on its website the public comment it received in response to its solicitation for same.

**PUBLIC COMMENTS RECEIVED ON PROPOSED REVISIONS TO CODE OF CONDUCT
FOR UNITED STATES JUDGES**

Original Request For Public Comments
Proposed New Code
Current Code (with proposed revisions)

March 7, 2008 - April 18, 2008

	Submittal	Date
Comment #1	Carl Bernofsky, Louisiana	03/31/2008
Comment #2	Frank H. Easterbrook, Illinois	04/13/2008
Comment #3	Suzanne M. Blonder, Senior Counsel, HALT, Inc., Washington, D.C.	04/15/2008
Comment #4	Thomas B. Bennett, National Conference of Bankruptcy Judges, Alabama	04/16/2008
Comment #5	James Sample, Brennan Center for Justice, NYU School of Law, New York	04/16/2008
Comment #6	Walter M. Weber, Senior Litigation Counsel, American Center for Law & Justice, Washington, D.C.	04/18/2008
Comment #7	Nan Aron, President, Alliance for Justice, Washington, D.C.	04/17/2008
Comment #8	Cynthia Gray, Director, Center for Judicial Ethics, American Judicature Society, Illinois	04/18/2008
Comment #9	Beverly Mann, Michigan	04/18/2008
Comment #10 Attachment 1 Attachment 2	Elena Ruth Sassower, Director, Center for Judicial Accountability, Inc., New York	04/18/2008
Comment #11	Denise Cardman, Acting Director, Governmental Affairs Office, American Bar Association, Washington, D.C.	04/18/2008

Note: Does not include submissions deemed not germane to the proposed revisions to the Code of Conduct, including complaints about individual judges and cases. Comments have been redacted to delete references to commenters' web sites, and names and identifying information about individual judges and staff.