

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY HAND

February 25, 2000

New York State Attorney General
120 Broadway
New York, New York 10271

RECEIVED

FEB 25 2000

NYS Office of the Attorney General
Division of Public Advocacy

ATT: Terry Brown, Records Access Officer

RE: The Attorney General's *partial response* to CJA's October 15, 1999 F.O.I.L. request (Ref. # 99-149) and *non-response* to CJA's December 6, 1999 F.O.I.L. request

Dear Mr. Brown:

This follows up your February 1, 2000 letter, which purports to be "responsive" to CJA's October 15, 1999 letter for publicly-accessible documents, pursuant to F.O.I.L.

The 22 xeroxed pages – for which I paid the \$4.75 requested in your January 19, 2000 letter¹ – did contain the requested educational qualifications and employment history for the 13 indicated employees of the Attorney General's office. However, it did NOT contain their requested current salaries. Since those salaries are paid by New York taxpayers, this is surely publicly-available information, reflected on publicly-accessible documents.

Also NOT included among those 22 pages were any pages relating to the educational qualifications, employment history, and current salary of Attorney General Spitzer – which CJA's October 15, 1999 letter had likewise sought.

¹ It would appear that I was overcharged by \$.50. The first 5 of the 22 pages are supposed to be "free of charge", with the additional pages costing \$.25 each [17 x \$.25 = \$4.25].

February 25, 2000

More significantly, your February 1, 2000 letter ignores, *without* comment, the very first request presented by CJA's October 15, 1999 letter, *to wit.*:

"access to the litigation files of all cases, state and federal, in which the New York Attorney General defended the New York State Commission on Judicial Conduct, sued by complainants for not pursuing their judicial misconduct complaints."

This, notwithstanding CJA's October 15, 1999 letter provided an itemization of those cases – and we discussed that request when you telephoned me on December 14, 1999.

By that time, you had received CJA's follow-up December 6, 1999 letter, reminding you that we had received no substantive response to our October 15, 1999 letter, and presenting three additional F.O.I.L. requests for "inspection" of publicly-available documents as to:

- (1) the Attorney General's procedures, pursuant to CPLR §7804(c), upon receipt of Article 78 proceedings and, in particular, Article 78 proceedings against the NYS Commission on Judicial Conduct;
- (2) the responsibilities of the Attorney General's "Section 'D'" – including the number of lawyers assigned to that Section, their identities, and titles;
- (3) the Attorney General's procedures for ensuring the workproduct of assistant attorneys general assigned to defense of Article 78 proceedings and, in particular, those against the NYS Commission on Judicial Conduct.

Please advise as to the status of the foregoing F.O.I.L. requests, presented by CJA's October 15, 1999 and December 6, 1999 letters.

Thank you.

Yours for a quality judiciary,



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