



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

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ASSISTANT ATTORNEY GENERAL

December 7, 2011

Elena Sassower, Esq.
Center for Judicial Accountability, Inc.
P.O. Box 3002
Southampton, NY 11969

RE: Freedom of Information Law (FOIL) Request # 110599

Dear Ms. Sassower:

This letter responds to your correspondence, which, pursuant to FOIL, requested the following:

“[R]e: Request for Records Pertaining to Retention of Outside Counsel to Represent Defendants in the Judicial Compensation Lawsuits, Pursuant to FOIL & the Attorney General’s Project Sunlight Initiative

Pursuant to Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)] and Attorney General Schneiderman’s Project Sunlight Initiative of his Public Integrity Unit, this is to request all publicly-available records pertaining to the decisions made during the tenure of former Attorney General Andrew Cuomo that the Attorney General’s Office would not represent some or all of the defendants in the various judicial compensation lawsuits brought against the State by judges and the Office of Court Administration, that the law firm Schlam, Stone & Dolan, LLP would be retained for such representation, and reflecting the terms of retention, services rendered, and payments made by the State.

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

Enclosed is a compact disc (CD) containing documents numbered 110599-1 through 110599-126 that respond to your request.

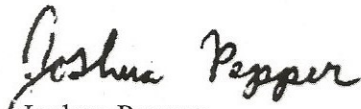
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Please be advised that pursuant to Public Officers Law § 87(2)(a), an agency may deny access to records or portions thereof that are specifically exempted from disclosure by state or federal statute. Accordingly, records that respond to your request are exempt from production pursuant to Civil Practice Law and Rules § 4503(a) because they constitute confidential communication[s] made between attorney and client. *See Morgan v. New York State Department of Environmental Conservation*, 9 A.D.3d 586, 587 (3rd Dept. 2004).

Please be further advised that records or portions of records are exempt from production because they are inter-agency or intra-agency materials pursuant to Public Officers Law § 87(2)(g).

You have a right to appeal the foregoing decision. If you should elect to file such an appeal, your written appeal must be submitted no later than 30 days after your receipt of this letter to David Lawrence III, Records Appeals Officer, State of New York, Office of the Attorney General, 120 Broadway, New York, New York, 10271-0332.

Sincerely,

A handwritten signature in cursive script that reads "Joshua Pepper".

Joshua Pepper
Assistant Attorney General

cc: David Lawrence III, Esq.
Enclosure