

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station  
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Elena Ruth Sassower, Coordinator

BY FAX: 212-428-2155 (2 pages)

April 12, 2002

Office of Court Administration  
25 Beaver Street  
New York, New York 10004

ATT: Shawn Kerby, Assistant Deputy Counsel

RE: Requests Pursuant to the Freedom of Information Law  
[FOIL] and Part 124 of the Chief Administrator's Rules for  
Public Access to Records

Dear Ms. Kerby:

In connection with your handling of my April 3, 2002 letter to Mr. Hogan regarding "Rule §38.1: Retention and Disposition of Records of the Courts of the Unified Court System"<sup>1</sup> -- which you have advised is being treated as a FOIL request -- please add the following:

- (1) OCA rules and schedules for retention and disposition of papers submitted to the New York Court of Appeals in connection with notices of appeal and motions for leave to appeal, where the Court of Appeals *accepts* review<sup>2</sup>;
- (2) OCA rules and schedules for retention and disposition of case files in courts of original jurisdiction, and, in particular, in Supreme Court and Surrogates Court.

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<sup>1</sup> Judiciary Law §211.1(f) would appear to be the statutory authority for §38.1 of the Chief Administrator's Rules as it pertains to the OCA promulgation of "standards and administrative policies" for "[t]he form, content, maintenance and disposition of court records".

<sup>2</sup> The request in my April 3<sup>rd</sup> letter was for OCA rules and schedules for retention and disposition where the New York Court of Appeal *rejects* review.

Additionally, please also provide for inspection and copying of any publicly-available records pertaining to OCA "standards and administrative policy" for "publication of judicial opinions", pursuant to Judiciary Law §211.1(a).

Thank you.

Yours for a quality judiciary,

*Elena Ruth Sassower*

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

cc: Rick Hogan, Chief Records Officer  
[By Fax: 212-428-2880]

*Shawn Kerby, Asst Deputy Counsel*  
*OCA*

TRANSMISSION VERIFICATION REPORT

TIME : 04/12/2002 09:51  
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FAX : 9144284994  
TEL : 9144211200

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## FAX COVER SHEET

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DATE: 4/12/02 TIME: 9:55 am FAX #: 212-428-2880

TO: Rick Hogan, Chief Records Officer  
OCA

RE: Records Retention + Disposition

FROM: ELENA RUTH SASSOWER, Coordinator

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MESSAGE: Enclosed is my letter of  
today's date to Mr Kerby -  
to which you are an  
indicated recipient.

I would greatly appreciate  
your assistance in expediting  
my request for info as to  
records retention + disposition  
rules + schedules of the OCA.

CENTER for JUDICIAL ACCOUNTABILITY, INC. is a national, non-partisan, non-profit citizens' organization documenting how judges break the law and get away with it.

Thanks