



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

JOHN W. McCONNELL
COUNSEL

August 31, 2018

Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
P.O. Box 8101
White Plains, New York 10602

Via email to: mail@judgewidth.org

Dear Ms. Sassower:

This is in response to your Freedom of Information Law ("FOIL") request concerning a "Counsel" legal memorandum referenced in a May 14, 2018 Daily News article, and "any correspondence responding and relating thereto."

The request for "any correspondence responding and relating thereto" is overly broad, does not reasonably identify specific records, and would require compilation of information or creation of records. See Public Officers Law § 89(3).

To the extent we can identify a related legal memorandum, it consists of a three-page draft, reflecting legal opinion, analysis, assessment, and evaluation. It is exempt from disclosure under FOIL as non-final, non-factual intra-agency material (Public Officers Law § 87(2)(g)) and on the ground that it is privileged attorney communication and work product. See Public Officers Law, § 87(2)(a); CPLR § 4503; CPLR § 3101(b), (c).

As a reminder, we have advised you previously that you have an outstanding balance of \$17.25 for FOIL fees, pending since our December 21, 2016 response to your numerous FOIL requests, in which we provided 69 pages of records (69 pages @ \$.25). See Public Officers Law § 87(1)(b)(iii); 22 NYCRR § 124.8.

Very truly yours,

Shawn Kerby
Assistant Deputy Counsel

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