



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

MICHAEL JERRY
ASSISTANT ATTORNEY GENERAL
RECORDS ACCESS OFFICER

November 3, 2016

via e-mail: elena@judgewatch.org
Ms. Elena Sassower
Center for Judicial Accountability, Inc.
P.O. Box 8101
White Plains, NY 10602

RE: Freedom of Information Law (FOIL) Request # 160706

Dear Ms. Sassower:

This letter responds to your correspondence dated September 28, 2016, which, pursuant to FOIL, requested the following:

“[P]ublicly-available records pertaining to:

- (1) the professional background, qualifications, and employment history of Assistant Attorney General Adrienne Kerwin;
- (2) Assistant Attorney General Kerwin’s annual salary during the years of her employment at the Attorney General’s office;
- (3) the names of the attorneys in the Attorney General’s office responsible for supervising Assistant Attorney General Kerwin’s work, presently and since March 28, 2014;
- (4) the meaning of, and basis for, the ‘of counsel’ designation of Assistant Attorney General Kerwin in the just-commenced citizen taxpayer action Center for Judicial Accountability v. Cuomo, et. al. (Albany Co. #5122-16) and in the now-concluded citizen taxpayer action Center for Judicial Accountability v. Cuomo, et al., commenced on March 28, 2014 (Albany County #1788-14);
- (5) the Attorney General’s guidelines, policies, and procedures pertaining to designation, payment, and oversight of its ‘of counsel’ attorneys;
- (6) the Attorney General’s guidelines, policies, and procedures for evaluating

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conflicts of interest of its attorneys and for retaining outside counsel;

(7) the Attorney General's guidelines, policies, and procedures for determining the 'interest of the state', pursuant to Executive Law §63.1, and its duty to represent plaintiffs and/or intervene in their behalf in citizen-taxpayer actions, pursuant to State Finance Law Article 7-A.

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."

Portions of your correspondence request information rather than records. FOIL requires the Office of the Attorney General ("OAG") to provide you with records in its possession. FOIL does not require the OAG to provide you with advice or information. Nor does FOIL require that we create records to respond to a FOIL request.

Attached to this e-mail are documents numbered 160706-1 through 160706-3 that respond to your request.

Please be advised that some of the records that respond to your request have been withheld in their entirety, or portions have been redacted and appear as blacked out in the documents produced to you. These records are exempt from disclosure pursuant to:

- Public Officers Law § 87(2)(a), which provides that records that are exempted from disclosure by state or federal statute are exempt from disclosure under FOIL. The records constitute confidential communication[s] made between attorney and client, which is exempt from disclosure under Civil Practice Law and Rules § 4503(a). *See Morgan v. New York State Department of Environmental Conservation*, 9 A.D.3d 586, 587 (3rd Dept. 2004).;
- Public Officers Law § 87(2)(a), which provides that records that are exempted from disclosure by state or federal statute are exempt from disclosure under FOIL. The records constitute attorney work product, which is exempt from disclosure under Civil Practice Law and Rules § 3101(c);
- Public Officers Law § 87(2)(b), because disclosure of the records would constitute an unwarranted invasion of personal privacy; and
- Public Officers Law § 87(2)(g), because the records are inter-agency or intra-agency materials.

You have a right to appeal the foregoing decision. If you should elect to file such an appeal, your written appeal must be submitted, within 30 days, to Kathryn Sheingold, Records Appeals Officer, State of New York, Office of the Attorney General, Division of Appeals and

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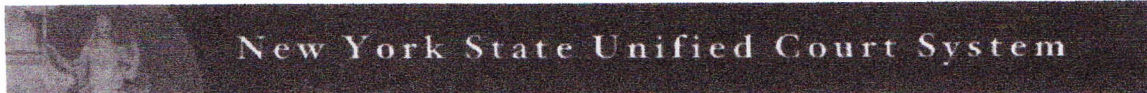
Opinions, The Capitol, Albany, New York 12224. You may reach the Records Appeals Officer at (518) 776-2009.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael Jerry", written over a light blue horizontal line.

Michael Jerry
Assistant Attorney General

Attachment



Attorney Search



Attorney Registration

Attorney Detail

as of 10/06/2016

Registered In-House Counsel Search

Registration Number: 2941110

In-House Counsel Registration

ADRIENNE JENNIFER KERWIN
OFFICE OF THE ATTORNEY GENERAL / LITIGATION BUREAU
THE CAPITOL
ALBANY, NY 12224-0341
United States
(Albany County)
(518) 776-2608

Resources

E-Courts

Contact Us

E-mail Address:
Year Admitted in NY: 1999
Appellate Division Department of Admission: 3
Law School: ALBANY LAW SCHOOL OF UNION UNIVERSITY
Registration Status: Currently registered
Next Registration: Dec 2017
Disciplinary History: No record of public discipline

Search Again

The Detail Report above contains information that has been provided by the attorney listed, with the exception of REGISTRATION STATUS, which is generated from the OCA database. Every effort is made to insure the information in the database is accurate and up-to-date.

The good standing of an attorney and/or any information regarding disciplinary actions must be confirmed with the appropriate Appellate Division Department. Information on how to contact the Appellate Divisions of the Supreme Court in New York is available at www.nycourts.gov/courts.

If the name of the attorney you are searching for does not appear, please try again with a different spelling. In addition, please be advised that attorneys listed in this database are listed by the name that corresponds to their name in the Appellate Division Admissions file. There are attorneys who currently use a name that differs from the name under which they were admitted. If you need additional information, please contact the NYS Office of Court Administration, Attorney Registration Unit at 212-428-2800.

www.NYCOURTS.gov

Employee History Information Additional Pay Summary

KERWIN, ADRIENNE J

ID [REDACTED]

Empl 0

Record

SSN [REDACTED]

Effdt	Act / Res	Pos #	NYS Title	Annly Dt	Salary	EE% / Ind	Appl Cd	EE Type	Long NYS Title
Seq #	Agency	NYS Pos#	Grade	Inc Cd	PBC	Jur Cl	Pay Grp	Earn Prog	Long Agency Name
EE Status	Act Dt	Line#	BU	FIS Sal	Comp RI	Wk Sch	Pos FTE	Company	Position Loc Code
04/07/2016	PAY SAC	00373453	ASSNT ATTO	10/08/2007	\$ 17300.00	1.0000 / F	PERM	8	ASSNT ATTORNEY GEN Office of the Attorney General 0110
04/07/2016	PAY CSL	00373453	ASSNT ATTO	10/08/2007	\$116000.00	1.0000 / F	PERM	8	ASSNT ATTORNEY GEN Office of the Attorney General 0110
04/07/2016	PAY FAC	00373453	ASSNT ATTO	10/08/2007	\$105690.00	1.0000 / F	PERM	8	ASSNT ATTORNEY GEN Office of the Attorney General 0110
04/04/2016	PAY BDA	00373453	ASSNT ATTO	10/08/2007	\$116000.00	1.0000 / F	PERM	8	ASSNT ATTORNEY GEN Office of the Attorney General 0110
07/02/2015	PAY CSL	00373453	ASSNT ATTO	10/08/2007	\$105690.00	1.0000 / F	PERM	8	ASSNT ATTORNEY GEN Office of the Attorney General 0110
07/02/2015	PAY SAC	00373453	ASSNT ATTO	10/08/2007	\$89223.00	1.0000 / F	PERM	8	ASSNT ATTORNEY GEN Office of the Attorney General 0110
03/28/2015	PAY BDA	00373453	ASSNT ATTO	10/08/2007	\$103820.00	1.0000 / F	PERM	8	ASSNT ATTORNEY GEN Office of the Attorney General 0110
03/26/2015	PAY SAC	00373453	ASSNT ATTO	10/08/2007	\$87277.00	1.0000 / F	PERM	8	ASSNT ATTORNEY GEN Office of the Attorney General 0110
03/26/2015	PAY FAC	00373453	ASSNT ATTO	10/08/2007	\$95370.00	1.0000 / F	PERM	8	ASSNT ATTORNEY GEN Office of the Attorney General 0110
03/27/2014	PAY SAC	00373453	ASSNT ATTO	10/08/2007	\$96370.00	1.0000 / F	PERM	8	ASSNT ATTORNEY GEN Office of the Attorney General 0110
03/27/2014	PAY SIC	00373453	ASSNT ATTO	10/08/2007	\$83500.00	1.0000 / F	PERM	8	ASSNT ATTORNEY GEN Office of the Attorney General 0110
03/28/2013	PAY SIC	00373453	ASSNT ATTO	10/08/2007	\$90500.00	1.0000 / F	PERM	8	ASSNT ATTORNEY GEN Office of the Attorney General 0110
03/29/2012	PAY FAC	00373453	ASSNT ATTO	10/08/2007	\$88893.00	1.0000 / F	PERM	8	ASSNT ATTORNEY GEN Office of the Attorney General 0110
03/31/2011	PAY PAV	00373453	ASSNT ATTO	10/08/2007	\$89993.00	1.0000 / F	PERM	8	ASSNT ATTORNEY GEN

[REDACTED]									Office of the Attorney General 0110
03/31/2011	PAY FAC	00373453	ASSNT ATTO 10/08/2007	\$83483.00	1.0000 / F	PERM	S		ASSNT ATTORNEY GEN Office of the Attorney General 0110
[REDACTED]									
04/02/2006	DTA IWH	00373453	ASSNT ATTO 10/08/2007	\$83483.00	1.0000 / F	PERM	S		ASSNT ATTORNEY GEN Office of the Attorney General 0110
[REDACTED]									
04/03/2008	PAY SAC	00373453	ASSNT ATTO 10/08/2007	\$83483.00	1.0000 / F	PERM	S		ASSNT ATTORNEY GEN Office of the Attorney General 0110
[REDACTED]									
10/08/2007	PAY CBL	00373453	ASSNT ATTO 10/08/2007	\$81061.00	1.0000 / F	PERM	S		ASSNT ATTORNEY GEN Office of the Attorney General 0110
[REDACTED]									
10/08/2007	PAY NEW	00373453	ASSNT ATTO 10/08/2007	\$78700.00	1.0000 / F	PERM	S		ASSNT ATTORNEY GEN Office of the Attorney General 0110
[REDACTED]									
10/08/2007	HIR APT	00373453	ASSNT ATTO 10/08/2007		1.0000 / F	PERM	S		ASSNT ATTORNEY GEN Office of the Attorney General 0110
[REDACTED]									

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