

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

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Elena Ruth Sassower, Coordinator

BY FAX: 518-436-7109 (5 pages)

December 20, 2001

James C. McKinley, Jr.
The New York Times
Albany Bureau

RE: Getting a Head Start on Governor Pataki's 2002 Re-Election Campaign
by Examining his Record on Judicial Appointments

Dear Mr. McKinley:

Following up our several conversations since June in which you were receptive to my proposal of examining Governor Pataki's judicial appointments process -- and your particular interest in the Governor's appointment and reappointment of Justice William Wetzell, in whose law office the Governor worked -- enclosed is a copy of my yesterday's letter to the Senate Judiciary Committee requesting information and documents about the Senate's confirmation of the Governor's judicial appointees.

As you were unavailable last Thursday and this past Monday when I telephoned, I would appreciate if you would call me at your convenience so that we can schedule a meeting for January at which I can provide you with copies of CJA's voluminous correspondence with the Governor and Senate Judiciary Committee on the subject.

Thank you.

Yours for a quality judiciary,



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

Enclosure

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BY FAX: 518-426-6904 (3 pages)

BY CERTIFIED MAIL/RRR: 7000-1670-0007-9431-9950

December 19, 2001

New York State Senate Judiciary Committee
The Capitol, Room 413
Albany, New York 12247

ATT: Susan Zimmer, Clerk

RE: Request for Information Pertaining to Senate Confirmation of Governor George Pataki's Judicial Appointees to the Lower State Courts and to the New York Court of Appeals – and Request to Inspect Relevant Documents Pursuant to F.O.I.L.

Dear Ms. Zimmer:

This is to request the following information:

- (1) the number of Governor Pataki's judicial appointees¹ that the Senate Judiciary Committee has confirmed to the bench since the Governor took office in January 1995;
- (2) the names of all such judicial appointees, the dates on which Governor Pataki appointed them, and the courts to which they were appointed;
- (3) the nature of the documentation, if any, that Governor Pataki has transmitted to the Senate Judiciary Committee pertaining to the qualifications and fitness of his judicial appointees;

¹ Please consider appointment to include the Governor's reappointment of judges whose prior appointive terms had either expired or were expiring.

- (4) whether, in confirming Governor Pataki's judicial appointees, the Senate Judiciary Committee has relied on any written procedures and standards – and whether such written procedures and standards are publicly available from the Committee;
- (5) whether the Senate Judiciary Committee required Governor's Pataki's judicial appointees to complete questionnaires for its review pertaining to their qualifications and fitness;
- (6) whether the Senate Judiciary Committee interviewed members of the public who contacted it with opposition to confirmation of any of Governor Pataki's judicial appointees and whether the Committee reviewed the evidentiary basis of their opposition;
- (7) what criteria is used by the Senate Judiciary Committee to evaluate requests by members of the public to testify in opposition to Governor Pataki's judicial appointees;
- (8) whether the Senate Judiciary Committee permitted members of the public to testify in opposition to any of Governor's Pataki's judicial appointees, the identity of such members of the public, and the judicial appointees whose confirmation they opposed;
- (9) the dates of the Senate Judiciary Committee's confirmation hearings (a.k.a. confirmation "meetings") for each of Governor Pataki's judicial appointees;
- (10) whether the Senate Judiciary Committee's confirmation hearings for Governor's Pataki's judicial appointees were recorded, stenographically or by audio or video – and if so, which hearings;
- (11) which documents relative to the Senate Judiciary Committee's confirmation of Governor Pataki's judicial appointees are publicly-available from the Committee – and whether such documents include the written statements received from members of the public opposing confirmation of specific appointees and requesting to testify in opposition at confirmation hearings;

- (12) whether, *prior* to Senate confirmation of Governor Pataki's judicial appointees, the Senate Judiciary Committee provided the Senators with *documents* pertaining to the appointees' qualifications and fitness --and if so, which documents;
- (13) whether, *prior* to Senate confirmation of Governor Pataki's judicial appointees, the Senate Judiciary Committee provided the Senators with *documents* pertaining to opposition to confirmation by members of the public - and if so, documents pertaining to opposition to which confirmations;
- (14) whether, *prior* to Senate confirmation of any of Governor Pataki's judicial appointees, the Senate Judiciary Committee notified the Senators of opposition to confirmation by members of the public and the basis therefor - and if so, notification of opposition to which confirmations;
- (15) whether any of the Senate Judiciary Committee's votes confirming Governor Pataki's judicial appointees have *not* been unanimous -- and if so, which ones;
- (16) whether any Senate votes confirming Governor's Pataki's judicial appointees have *not* been unanimous - and if so, which ones.

To the extent the Senate Judiciary Committee maintains documents responsive to the foregoing inquiries, request is made to inspect such documents pursuant to the Freedom of Information Law (F.O.I.L.) [Public Officers Law, Article VI, §88].

To the extent responsive documents exist pursuant to F.O.I.L, your response is required within five business days of receipt of this written request [Public Officers §89.3].

Thank you.

Yours for a quality judiciary,



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

TRANSMISSION VERIFICATION REPORT

TIME : 12/19/2001 16:02

NAME : CJA

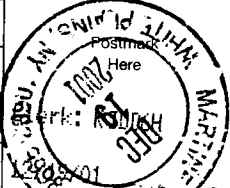
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TEL : 9144211200

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Sent To *NYS Senate Judiciary Committee*
Susan Zimm, Clerk
Street, Apt. No. or PO Box No.
The Capitol, Room 413
City, State, ZIP+4
Albany, NY 12247

PS Form 3800, May 2000

See Reverse for Instructions

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