

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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December 3, 2012

New York State Senate
State Capitol
Albany, New York

ATT: Francis W. Patience, Secretary of the Senate

RE: (1) Senate Violation of its Rule VII, §4(d) & Rule XIV, §1(a):
Annual Reports of the Senate's 33 Standing Committees
(2) FOIL Request: Senate Judiciary Committee Annual Reports

Dear Mr. Patience:

Reference is made to the Senate's website: www.nysenate.gov, which posts the Senate's Rules for 2011-2012.

Senate Rule VII is entitled "Standing Committees" and 33 are listed in its §1. According to its §4(d):

"Each standing committee is required to file with the secretary of the senate an annual report, detailing its legislative and oversight activities. Such report shall be posted to the Senate web site."

As I am unable to locate any of the annual reports for the Senate's 33 standing committees on the Senate's website, please advise where they are posted. If they have not been posted, kindly state the reason and confirm that for 2011 each of the Senate's 33 standing committees did, in fact, file annual reports with you, as Senate Rule VII, §4(d) requires.

As for 2012, please advise as to the date by which the Senate's 33 standing committees are required to file with you their annual reports, as no due date is specified by Senate Rule VII, §4(d). This contrasts with Assembly Rule IV "Committees", §9, which specifies a due date in requiring that each

of the Assembly's committees make its annual report to the Assembly Speaker "On or before December fifteenth"¹.

Ironically, although the Assembly Rules – unlike the Senate Rules – do not require that the annual reports of the Assembly's 37 committees be posted on the Assembly website, reports are posted. Indeed, www.nyassembly.gov has a convenient sidebar panel entitled "Legislative Reports", from which Assembly Committee annual reports for 2011 and 2010 are accessible.²

Please note there are a myriad of respects in which the Senate's website is non-compliant with Senate Rule XIV, entitled "Freedom of Information", whose §1(a) states:

"Publication of records relating to Senate legislative and administrative records. Recognizing that legislative records available by request under the 'freedom of information law' are of important public interest, the Senate shall make available through a searchable and sortable database on the Senate website: records of committees, agendas, votes, minutes, reports, attendance, fiscal notes, and records of the chamber including, active lists, votes, transcripts, calendars, the Senate payroll report and expenditure reports."

Pursuant to the Freedom of Information Law (FOIL), please advise as to what annual reports the Senate has for its Judiciary Committee, other than the 2009 annual report, which was once, but no longer, accessible from the Senate Judiciary Committee website.

As you know, FOIL requires your response "within five business days" of your receipt of this request (Public Officers Law §89.3). I would appreciate if you e-mailed it to me at elena@judgewatch.org.

Thank you.

Yours for a quality judiciary,



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

¹ Assembly Rule IV, §9 reads:

"Annual reports by standing committees. On or before December fifteenth in each year each standing committee shall make a report to the Speaker of the Assembly of its activities together with its legislative proposals."

² For 2011, the Assembly's website posts annual reports for 24 Assembly committees. For 2010, its website posts annual reports for 30 Assembly committees.