

STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
25 BEAVER STREET  
NEW YORK, NEW YORK 10004  
TEL: (212) 428-2150  
FAX: (212) 428-2155

**A. GAIL PRUDENTI**  
Chief Administrative Judge

**JOHN W. McCONNELL**  
Counsel

July 2, 2012

Mr. George Sassower  
10 Stewart Place  
White Plains, New York 10603-3856

Dear Mr. Sassower:

This is in response to your follow-up correspondence to this Office, and to your correspondence to Chief Administrative Judge A. Gail Prudenti, regarding attorney Vincent Berger.

Please be advised that you can access 22 NYCRR Part 36 fiduciary appointment and compensation information for free at the following link: <https://iapps.courts.state.ny.us/fiduciary/jsp/home.html>. Enclosed please find 14 pages of printouts from that database regarding Mr. Berger. Please remit a check or money order, payable to the Office of Court Administration, in the amount of \$3.50 (14 pages @ \$ .25). See 22 NYCRR § 124.8.

You may refer to Part 36 for additional information regarding appointments and compensation, as well as Judiciary Law § 35-a.

This Office cannot assist you with regard to your claims regarding the estate matters you reference. You should address such matters to the courts where those matters are pending.

Please be advised that FOIL does not require that we answer questions or compile information to create a record to respond to a request. See Public Officers Law § 89(3). We are not required to answer your question regarding "vindicated" attorneys, or interpret your request to compile information regarding such matters.

Donald Humphrey served in the title of Chief Attorney for the Ninth Judicial District Grievance Committee from March 1978 to August 1981. As I previously

informed you, the title known as "Chief Counsel" that Mr. Humphrey occupied from July of 1977 was reclassified under a Classification Plan to "Chief Attorney" in March 1978.

Gary Casella's current title is Chief Attorney for the Ninth Judicial District Grievance Committee. He has been in that title since December 1981.

Robert P. Guido has served in the title is Special Counsel for Grievance Matters since February 2005. He was appointed by then-Presiding Justice A. Gail Prudenti. His current salary is \$142,232.

As I previously informed you, we have no responsive budget information regarding your request for amounts expended between 1978 and 1982 "for the prosecution of [your]self and Doris L. Sassower...."

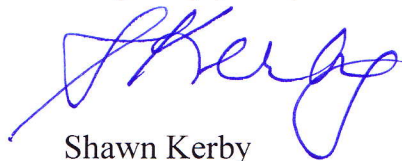
With regard to your new request for "bills" submitted by a hearing officer or stenographer, in connection with your case, please be advised that any fiscal records from 1978-1982 no longer exist. Pursuant to the record retention schedules, accounts payable records are retained from three to six years. The records retention schedule for fiscal records is available at the following link:

[http://www.nycourts.gov/admin/recordsmanagement/adminrec/ADMIN\\_FISCAL\\_final.pdf](http://www.nycourts.gov/admin/recordsmanagement/adminrec/ADMIN_FISCAL_final.pdf).

With regard to your request for assistance with your prior requests to the Appellate Division, Second Department, please be advised that access to court records is not governed by FOIL, as the judiciary is exempt from FOIL. See Public Officers Law § 86(3). Access to court records is governed by section 255 of the Judiciary Law, and such requests should be directed to the custodian of those court records. This Office is not a custodian of court files or records. You should follow up with the clerk of the Appellate Division, Second Department, regarding your requests for certain historic court records that you are seeking for matters handled in that court.

By contrast, you may continue to direct your FOIL requests for administrative records to me at the above address, as you have done in the past.

Very truly yours,



Shawn Kerby  
Assistant Deputy Counsel