

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8220
White Plains, New York 10602

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Director
Direct E-Mail: judgewatchers@aol.com

BY FAX: 518-426-6952 (2 pages)
BY E-MAIL: jdefranc@senate.senate.ny.us

September 5, 2006

Chairman John A. DeFrancisco
New York State Senate Judiciary Committee
Albany, New York 12247

RE: Senate confirmation of Appellate Division, Fourth Department Presiding Justice Eugene F. Pigott, Jr. to the New York Court of Appeals:

- (1) Request for publicly-available documents
- (2) Request to testify in opposition at the Senate Judiciary Committee's September 14, 2006 confirmation hearing

Dear Chairman DeFrancisco:

This letter follows up my telephone conversation at 9:30 this morning with your Legislative Director, Jeffrey Sandquist, regarding the Senate Judiciary Committee's hearing to confirm Governor Pataki's appointment of Appellate Division, Fourth Department Presiding Justice Eugene F. Pigott, Jr. to be an associate judge of the New York Court of Appeals, scheduled for Thursday, September 14, 2006¹.

Mr. Sandquist advised that all involved Senate Judiciary Committee personnel are on vacation this week, including your Chief of Staff, Carole Luther, and that no one would be able to get back to me until next Monday, September 11, 2006. In the interim, Mr. Sandquist stated that I should telephone the Secretary of the Senate, Steven Boggess, for the information I told him I was requesting. Although I expressed great skepticism that the Secretary of the Senate would have such information, I did promptly call Mr. Boggess' office (516-455-2051). I spoke with his Executive Assistant, Lois Ferro, explaining the situation and stating that I would fax her a copy of this written request for such action as Mr. Boggess deemed appropriate.

¹ I was first given that date when I telephoned (518-455-3511) on Thursday, August 31, 2006, requesting a copy of the hearing notice. Although I provided my name and fax number for such purpose, I received no copy of the notice.

My written request – pursuant to the Freedom of Information Law or such other law and rules as may be applicable – is as follows:

(a) for all publicly-available documents in the Committee's possession bearing upon Justice Pigott's qualifications and fitness to be an associate judge of the New York Court of Appeals;

(b) for any written procedures and standards governing the Committee's proceedings to confirm New York Court of Appeals judges. This would presumably reflect whether the Committee now requires nominees to our state's highest court to complete a publicly-available questionnaire, such as the U.S. Senate Judiciary Committee requires in its proceedings to confirm federal judges² – and whether it has developed any criteria by which it evaluates requests by members of the public to testify in opposition at its confirmation hearings.

Additionally, by this letter, the Center for Judicial Accountability requests to testify in opposition at the Senate Judiciary Committee's September 14, 2006 public hearing on Justice Pigott's confirmation.

Finally, please note our new mailing address, as above-indicated by our letterhead – and adjust your records accordingly.

Thank you.

Yours for a quality judiciary,



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

cc: Steven M. Boggess, Secretary of the Senate
By Fax: 518-455-3332
ATT: Lois Ferro, Executive Assistant

² A blank copy of the U.S. Senate Judiciary Committee questionnaire was annexed to CJA's January 17, 2003 letter to you relating to the New York State Senate Judiciary Committee's procedures in confirming Presiding Court of Claims Judge Susan P. Read to the New York Court of Appeals. It is included in the appendix to CJA's January 22, 2003 written testimony in opposition to her confirmation [A-34-40]. IF the State Senate Judiciary Committee is preserving the records of its proceedings to confirm Court of Appeals judges – as was requested by CJA's February 10, 2003 letter to you – all such documents should be readily accessible to you.