

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: cja@judgewatch.org
Website: www.judgewatch.org

BY E-MAIL: skerby@nycourts.gov

December 9, 2015

Shawn Kerby, Records Access Officer & Assistant Deputy Counsel
Office of Court Administration
25 Beaver Street, 11th Floor
New York, New York 10004

RE: FOIL/Records Request: The Dollar Amounts of the Judicial Salary Increases Recommended by the Commission on Judicial Compensation's August 29, 2011 Report – and "General State Charges" Resulting Therefrom

The first page of the Executive Summary of the Judiciary's "operating budget" for fiscal year 2016-2017 states that in the past six years, the Judiciary has "absorbed hundreds of millions of dollars in higher costs."¹ The annotating footnote 1 identifies these to include "judicial salary adjustments implemented pursuant to the recommendations of the 2011 Special Commission on Judicial Compensation."

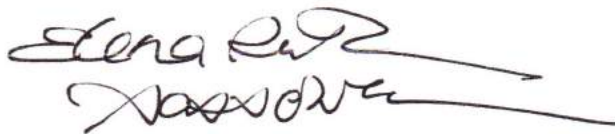
By the euphemism "judicial salary adjustments", the Judiciary means judicial salary increases – and their costs were borne by the taxpayers – just as the costs of additional "General State Charges" resulting therefrom.

The Judiciary's "operating budget" for fiscal year 2016-2017 does not furnish the dollar amounts of the judicial salary increases the Judiciary "absorbed" for fiscal years 2012-2013; 2013-2014; 2014-2015; 2015-2016, either as to those years individually or those years cumulatively. Nor does its separately-presented "General State Charges" identify dollar changes resulting from the judicial salary increases.

Pursuant to §124 of the Chief Administrator's Rules and Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], this is to request all publicly-available records identifying these dollar amounts in each of the four past fiscal years.

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

Thank you.



March 23, 2016
verified second
supplemental complaint
(1st citizen taxpayer action) EX-49-a

Center for Judicial Accountability

From: Shawn Kerby <skerby@nycourts.gov>
Sent: Wednesday, December 09, 2015 10:24 AM
To: Center for Judicial Accountability
Subject: RE: FOIL/Records Request: The Dollar Amounts of the Judicial Salary Increases Recommended by the Commission on Judicial Compensation's Aug 29, 2011 Report -- & 'General State Charges' Resulting Therefrom

Dear Ms. Sassower:

We will process your request and expect to respond within 20 business days.

Very truly yours,
Shawn Kerby
Assistant Deputy Counsel

From: Center for Judicial Accountability [<mailto:elena@judgewatch.org>]
Sent: Wednesday, December 09, 2015 9:07 AM
To: Shawn Kerby <skerby@nycourts.gov>
Subject: FOIL/Records Request: The Dollar Amounts of the Judicial Salary Increases Recommended by the Commission on Judicial Compensation's Aug 29, 2011 Report -- & 'General State Charges' Resulting Therefrom

Dear Ms. Kerby,

Attached is CJA's above-entitled FOIL/records request of today's date.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewidth.org>
Sent: Friday, January 22, 2016 10:26 AM
To: skerby@nycourts.gov
Subject: STATUS: RE: FOIL/Records Request: The Dollar Amounts of the Judicial Salary Increases Recommended by the Commission on Judicial Compensation's Aug 29, 2011 Report -- & 'General State Charges' Resulting Therefrom

Dear Ms. Kerby,

I have not received any further response from you to my December 9th records access/FOIL request, beyond your acknowledgment to me on that date.

The exchange of e-mails is below.

Please advise.

Thank you.

Elena Sassower
Center for Judicial Accountability, Inc. (CJA)
914-421-1200

From: Shawn Kerby [<mailto:skerby@nycourts.gov>]
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Center for Judicial Accountability

From: Shawn Kerby <skerby@nycourts.gov>
Sent: Friday, January 22, 2016 4:16 PM
To: Center for Judicial Accountability
Subject: RE: STATUS: RE: FOIL/Records Request: The Dollar Amounts of the Judicial Salary Increases Recommended by the Commission on Judicial Compensation's Aug 29, 2011 Report -- & 'General State Charges' Resulting Therefrom

Dear Ms. Sassower:

I am still processing your FOIL request to attempt to determine if responsive records exist that might relate to your broad request for "all" records concerning the budget footnote that you reference. I hope to be able to respond to you shortly.

Very truly yours,
Shawn Kerby
Assistant Deputy Counsel

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Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Wednesday, February 24, 2016 9:40 AM
To: skerby@nycourts.gov
Subject: AGAIN WHAT IS THE STATUS: Dec. 9, 2015 FOIL/Records Request: The Dollar Amounts of the Judicial Salary Increases Recommended by the Commission on Judicial Compensation's Aug 29, 2011 Report -- & 'General State Charges' Resulting Therefrom
Attachments: 12-9-15-foil-oca-judicial-compensation.pdf

Dear Ms. Kerby,

It has been over a month since I last heard from you with respect to my December 9, 2015 FOIL/records request for "all publicly-available records" pertaining to the dollar amounts of the judicial salary increases recommended by the Commission on Judicial Compensation's August 29, 2011 Report – and "General State Charges" resulting therefrom.

Your January 22, 2016 response to my status inquiry of that date is below.

Kindly furnish me with such responsive records as you have thus far obtained. You can supply the balance at a later date.

Thank you.

Elena Sassower

From: Shawn Kerby [<mailto:skerby@nycourts.gov>]
Sent: Friday, January 22, 2016 4:16 PM
To: Center for Judicial Accountability

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Assistant Deputy Counsel

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Subject: STATUS: RE: FOIL/Records Request: The Dollar Amounts of the Judicial Salary Increases Recommended by the Commission on Judicial Compensation's Aug 29, 2011 Report -- & 'General State Charges' Resulting Therefrom

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EX 49-e

Center for Judicial Accountability

From: FOIL <FOIL@nycourts.gov>
Sent: Wednesday, February 24, 2016 10:40 AM
To: Center for Judicial Accountability
Subject: RE: AGAIN WHAT IS THE STATUS: Dec. 9, 2015 FOIL/Records Request: The Dollar Amounts of the Judicial Salary Increases Recommended by the Commission on Judicial Compensation's Aug 29, 2011 Report -- & 'General State Charges' Resulting Therefrom

Dear Ms. Sassower:

This is in response to the below email and the prior email today inquiring about outstanding FOIL requests, dated January 4, 2016.

Given your numerous FOIL requests, we have been continuing to process them. Given litigation obligations as well, I will continue to process your request and hope to respond to all outstanding FOIL requests by next week.

Very truly yours,
Shawn Kerby
Assistant Deputy Counsel

From: Center for Judicial Accountability [<mailto:elena@judgewatch.org>]
Sent: Wednesday, February 24, 2016 9:40 AM
To: Shawn Kerby <skerby@nycourts.gov>
Subject: AGAIN WHAT IS THE STATUS: Dec. 9, 2015 FOIL/Records Request: The Dollar Amounts of the Judicial Salary Increases Recommended by the Commission on Judicial Compensation's Aug 29, 2011 Report -- & 'General State Charges' Resulting Therefrom

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Elena Sassower

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Sent: Friday, January 22, 2016 4:16 PM
To: Center for Judicial Accountability

Subject: RE: STATUS: RE: FOIL/Records Request: The Dollar Amounts of the Judicial Salary Increases



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

JOHN W. McCONNELL
COUNSEL

March 4, 2016

Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
P.O. Box 8101
White Plains, New York 10602

Via email to: elena@judgewatch.org

Dear Ms. Sassower:

This is in response to your Freedom of Information Law ("FOIL") request dated December 9, 2015, concerning the judicial salary increases recommended by the Commission on Judicial Compensation ("Commission") in its August 29, 2011 report.

Your request for "all publicly-available records identifying" budget amounts, "General State Charges," "costs," and "increases" for judicial salaries for four fiscal years is overly broad, does not reasonably identify specific records to permit a search, and would require interpretation, research, compilation of information, and creation of records. See Public Officers Law § 89(3).

To the extent you can compile related information, please refer to the following link regarding Judiciary budgets and General State Charges:
<http://www.nycourts.gov/admin/financialops/budgets.shtml>

You may wish to contact the Comptroller's Office in the event that agency maintains any responsive related records subject to public disclosure.

Very truly yours,

Shawn Kerby
Assistant Deputy Counsel

EX 49-9