



STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
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**ANN PFAU**  
Chief Administrative Judge

**JOHN W. McCONNELL**  
Counsel

July 22, 2011

Elena Ruth Sassower, Director  
Center for Judicial Accountability, Inc.  
P.O. Box 3002  
Southampton, New York 11969

Dear Ms. Sassower:

This is in response to your recent Freedom of Information Law (“FOIL”) request regarding an article in the New York Times, entitled “Pay Frozen, More New Judges Leave Bench.”

As I previously informed you, we do not maintain our records in a manner that would permit us to respond to your request for a list of the New York State judges who have resigned from office for specific reasons related to compensation, nor does FOIL require that we compile such information and create a record to respond to your request. See Public Officers Law § 89(3).

Similarly, with regard to your new request for “all” documents related to “questions” and “answers” “underlying and substantiating” the above-referenced newspaper article, we are not required to compile information or create records to answer your questions about a newspaper article. See Public Officers Law § 89(3).

Although you previously did not request judicial attrition statistics, to the extent that the information can assist you, you should be aware that we do have statistical information regarding solely the number of judges who leave the bench annually. Those numbers reflecting annual judicial attrition, which may have been utilized by the media, are as follows:

1999: 48  
2000: 58  
2001: 53  
2002: 57  
2003: 58  
2004: 59  
2005: 60  
2006: 62  
2007: 89  
2008: 70  
2009: 84  
2010: 110

We have no existing records responsive to your request for copies of a “new study,” notwithstanding how you or the media characterize information. For your information, the above-referenced article does not state that any studies were conducted, or numbers provided, by this Office regarding judges who leave the bench for a particular reason. That the article referred to “at least a dozen” judges who may have publicly declared their reasons for resigning does not suggest otherwise. Similarly, that a judge personally decides to make a public declaration about his or her reasons for leaving the bench does not require this Office to file, or compile for you, personnel records based upon the reasons in which employment commences or ceases.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Kerby', written in a cursive style.

Shawn Kerby  
Assistant Deputy Counsel