



STATE OF NEW YORK
UNIFIED COURT SYSTEM
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A. GAIL PRUDENTI
Chief Administrative Judge

JOHN W. McCONNELL
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July 22, 2013

Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
283 Soundview Avenue
White Plains, New York 10606-3821

Via email to: elena@judgwatch.org

Dear Ms. Sassower:

This is in response to your three Freedom of Information Law ("FOIL") requests.

(1) Regarding your request for all records regarding the proposal by the Judiciary "to establish a mechanism for the regular review of judicial salaries," as referenced in the Executive Summary of the Judiciary's 2009-2010 Budget Request, your request does not identify a specific record that you are seeking to permit us to determine what responsive records might exist. See Public Officers Law § 89(3).

However, please be advised that we have no responsive budget records. As judicial salaries are governed by statute, such matters also may have been addressed by the Legislature. Information regarding the budget bill submitted by the Judiciary is available at the following link:

<http://www.nycourts.gov/admin/financialops/PY-Budgets.shtml>

To the extent that your request concerns the subject matter of judicial salaries, many related publications are available at the court system's website, www.nycourts.gov. In particular, the following links might be of assistance:

<http://www.nycourts.gov/publications/benchmarks/issue6/Compensation.shtml>
<http://www.nycourts.gov/publications/pdfs/NCSCJudicialCompReport.pdf>

(2) Regarding your request to inspect "three cartons of primary-source documents that [you] hand-delivered" to Michael Sweeney, counsel for the Commission to Promote

Public Confidence in Judiciary Elections, and for the Commission to transmit those documents to the Governor, please be advised that you should direct your inquiry to Mr. Sweeney. This Office does not maintain such records or exercise control over the Commission's records.

With regard to your request for records pertaining to the "financing" of the Commission, you reference from the preface of the Commission's report that the Commission acknowledged "support" from many public and private organizations, including the Office of Court Administration. Aside from the fact that support may not suggest financial support, please be advised that we have no existing responsive budget records, and it does not appear that any such budgetary funding was requested or allocated. In the event that the Commission submitted any requests for fiscal reimbursement, given that the Commission report was dated in 2006, any fiscal records from that time or before the report would no longer be retained, as the records retention schedule for fiscal records ranges from three to six years.

(3) Regarding your request for records itemizing complaints handled by the Inspector General's Office ("IG") and dispositions, since 1982, related to "infractions of discipline standards, criminal activities, corrupt activity, conflicts of interest, misconduct, misfeasance and incompetence," please be advised FOIL does not require the compilation of information or creation of records to respond to a request. See Public Officers Law § 89(3).

In any event, please be advised that the records pertaining to investigations by the Inspector General are confidential and are exempt from disclosure under FOIL, as disclosure would constitute an unwarranted invasion of personal privacy (see Public Officers Law §§ 87(2)(b), 89(2)(b)), and the records constitute intra- and inter-agency materials (see Public Officers Law §87(2)(g)).

With regard to your request pertaining to the budget for the IG, please allow me to clarify. I have been informed that the budget for the IG does not fall within the Executive Direction portion of Administration and General Support. Rather, the IG budget falls within the Court Support Services portion of Administration in the Judiciary. The breakdown for Court Support Services, including for the IG, is available in the Judiciary Budgets, which are available on line at the following link: <http://www.nycourts.gov/admin/financialops/PY-Budgets.shtml>. For example, for the current fiscal year budget, information for the Court Support Services budget is available on pages 62-68. The prior years' budgets also are available at the links on the court system's website regarding budgets, as reflected above.

With regard to your request for a copy of any “internal fiscal and operational audit” of the IG conducted by the “Office of Internal Affairs,” we have no existing responsive records.

Very truly yours,

Shawn Kerby
Assistant Deputy Counsel