



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@judgewidth.org

Dear Ms. Sassower:

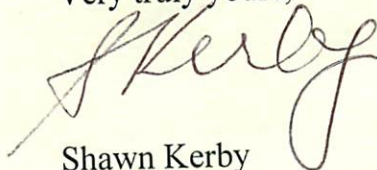
This is in response to your Freedom of Information Law (“FOIL”) request dated January 4, 2016, addressed to the Commission on Legislative, Judicial and Executive Compensation (“Commission”).

The FOIL request refers to portions of transcripts from two meetings of the Commission, for December 7, 2015 and December 14, 2015, pertaining to “numbers,” “real dollars,” and “cost” concerning the judicial compensation subject matter of the Commission. Your request for “all records” distributed to the commissioners containing... those related phrases are overly broad, do not reasonably identify specific records to permit a search, and would require interpretation. See Public Officers Law § 89(3).

To the extent the transcript portions refer to “continuation of deliberations” and interim numbers for various scenarios, the overly broad request might also implicate inter- or intra-agency, non-final, subjective, and deliberative materials, which would be exempt from FOIL. See Public Officers Law § 87(2)(g).

You may find information related to your request in the publicly posted transcripts, reports, written submissions, and other materials at the following website for the Commission: <http://nyscommissiononcompensation.org/index.shtml>

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Kerby". The signature is written in a cursive style with a large, sweeping initial "S".

Shawn Kerby
Assistant Deputy Counsel

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BY E-MAIL

January 4, 2016

TO: Commission on Legislative, Judicial and Executive Compensation
FROM: Elena Sassower, Director/Center for Judicial Accountability, Inc. (CJA)
RE: FOIL: records containing the "numbers" as to "real dollars" & "cost"

Reference is made to the Commission's two meetings following its November 30, 2015 hearing.

At the December 7, 2015 meeting, Chair Birnbaum stated:

"We are back from our recess. During the recess one of the things we talked about was trying to get some numbers. And our staff is going to put together some numbers on phases of different scenarios that people can see what impact certain of the things we have been talking about having real dollars, so that will be sent out to all the commissioners as soon as this gets done hopefully in the next day or two. But it's going to be hard to do all those things, and therefore we can see how the scenarios will be." [transcript, p. 61-62]

"And what we will do when we send around the numbers, I think we should also include in that what now, what these people would be making now and what they would be making under the recommendation." [transcript, p. 72]

At the December 14, 2015 meeting, Chair Birnbaum stated:

"This is a continuation of deliberations that we had last week, and in the interim, the commissioners asked for some numbers to be run on the cost of several scenarios and that was distributed to the commissioners." [transcript, p. 1]

"Mulling this over the weekend and looking at numbers we were provided..." [transcript, p. 22]

Pursuant to Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], this is to request all records distributed to the commissioners containing the referred-to "numbers on different scenarios...having real dollars" and "the cost of several scenarios" – as not a single commissioner disclosed their content at the December 14, 2015 meeting.

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

Thank you.

