

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

CERTIFIED MAIL/RRR 7001-0320-0004-5457-4743
BY FAX: 518-474-8099 (3 pages)

January 9, 2003

Mark Ustin, Records Access Officer for the Governor
Executive Chamber
Room 214
Albany, New York 12224

RE: CJA's *unresponded-to* December 6, 2002 F.O.I.L.
request – herein now supplemented

Dear Mr. Ustin:

We have received no response to our December 6, 2002 F.O.I.L. request – which, according to the certified mail/return receipt, was received by your office on December 9, 2002 -- one month ago.

Pursuant to F.O.I.L. [Public Officers Law, Article VI, §89.3], your response was due within five business days of receipt.

Please advise why no response has been forthcoming – and when we may expect your substantive response to the requested records.

We also take this opportunity to supplement our December 6, 2002 F.O.I.L. request so as to include inspection and copying of all records pertinent to Section VII of the Uniform Rules for Governor Pataki's State Judicial Screening Committees, entitled "Solicitation of Candidates". ¶1 of that Section states:

"1. When the Chairman of a Judicial Screening Committee, or the Executive Director, has been duly notified or becomes aware that a vacancy on a court within its jurisdiction has occurred or is about to occur, its respective Chairman and the Executive Director shall arrange for broadly disseminated public notice of

the existence of the vacancy, of the procedure to be followed by prospective candidates in order to be considered by the Committee, and of any date that has been set after which questionnaires may no longer be accepted. Notice of the vacancy shall be given to newspapers of general circulation, bar associations, and such other persons and organizations as the Committee or its respective Chairman and Executive Director may deem appropriate and reasonable of accomplishment to ensure that highly qualified candidates are drawn from a cross-section of the jurisdiction involved, reflecting a diversity of experience and background.” [underlining added for emphasis].

Herein specifically requested are all notices during the Governor’s tenure¹ reflecting the aforesaid solicitation of candidates to fill judicial vacancies – including advertisements, such as the enclosed from the November 26, 1997 New York Law Journal. Please begin with all notices relating to the Court of Claims vacancy to which Governor Pataki nominated Senate Judiciary Committee Chairman James J. Lack on December 10, 2002.

Thank you.

Yours for a quality judiciary,



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

Enclosure

¹ See also ¶2a of Governor Pataki’s November 25, 1997 Executive Order #10.1, replicating the identical ¶2a of his April 25, 1995 Executive Order #10, requiring each of his Judicial Screening Committees to:

“Actively recruit candidates for appointment or designation to the judicial offices within the committee’s jurisdiction, to the end of obtaining candidates reflecting the diverse backgrounds and experience of the citizens of this State.”

NYC

11/26/97

The New York State Judicial Screening Committee

is now accepting resumes to fill twelve (12) current and anticipated vacancies for the position of Judge of the Court of Claims: four (4) paragraph (a) (civil) vacancies; and eight (8) non-paragraph (a) (criminal) vacancies. Judges of the Court of Claims exercise statewide jurisdiction, and judicial assignments are made on the basis of the Court's operational needs. Areas of identified need include New York City, Westchester County and Long Island. Applicants must be attorneys admitted to practice law in New York State for at least ten (10) years. Attorneys interested in seeking the position should submit a resume to: Nan Weiner, Executive Director, NYS Judicial Screening Committee, 633 Third Avenue, 38th Floor, New York, NY 10017. All resumes must be received by the close of business on December 5, 1997.

*confirmed receipt with
Cathy
518-474-8343*

*Mark Ostin
Records Access
Officer for the Gov.*

TRANSMISSION VERIFICATION REPORT

TIME : 01/09/2003 14:32
NAME : CJA
FAX : 9144284994
TEL : 9144211200

DATE/TIME	01/09 14:31
FLIGHT NUMBER	15104748059
DURATION	00:01:33
PHASE 1	31
PHASE 2	3
MODE	STANDARD LDM

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

ALBANY, NY 12224

Postage	\$ 0.60	UNIT ID: 0136
Return Receipt Fee (Postage Required)	2.30	
Restricted Delivery Fee (Postage Required)	1.75	
Total Postage & Fees	4.65	

Postmark Here
Clerk: KSKXQZ
01/10/03

Sent To: *Mark Ostin, Records Access Officer*
Executive Chamber Room
Albany, NY 12224

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:
*Mark Ostin, Records Access Officer
Executive Chamber
Room 214
Albany, NY 12224*

2. Article Number
(Transfer from service label)

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A. Signature: *[Signature]* Agent Addressee

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 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
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4. Restricted Delivery? (Extra Fee) Yes

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