

rec'd 11/15/03



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

November 5, 2003

Elena Ruth Sassower, Coordinator
Center for Judicial Accountability, Inc.
P.O. Box 69, Gedney Station
White Plains, NY 10605-0069

Dear Ms. Sassower:

This letter is in response to your FOIL request, received on or about April 16, 2003, for various "publicly-available records pertaining to Governor Pataki's 'Federal Appointments Screening Committee'". My response to each specific request is as follows:

1. "[A]ny Executive Orders pertaining to such Committee": After a thorough review of our records, I have determined that this office does not possess any documents responsive to this request.
2. "[A]ny documents reflecting the Governor's appointments of the Committee's Chairman and its members, including the dates thereof": I have determined that this office possesses a one-page document that is responsive to your request.
3. "[A]ny documents setting forth the Committee's rules and procedures": After a thorough review of our records, I have determined that this office does not possess any documents responsive to this request.
4. "[A]ny documents reflecting the Committee's solicitation of candidates": After a thorough review of our records, I have determined that this office does not possess any documents responsive to this request.
5. "[C]opies, in blank, of any and all questionnaire forms which the Committee has required candidates for federal judgeships and for positions of U.S. Attorney and U.S. Marshal to complete": FOIL does not require the disclosure of the questionnaire insofar as the committee at issue performs a purely advisory function. See Baumgarten v. Koch, 97 Misc.2d 449 (New York Co., 1978).

November 6, 2003

6. "[A]ny documents containing statistical information as to the number of candidates who have applied for consideration by the Committee - and the specific federal offices for which they have applied": After a thorough review of our records, I have determined that this office does not possess any documents responsive to this request.
7. "[A]ny documents containing statistical information as to the number of candidates who have been recommended by the Committee - and the specific federal offices for which they have been recommended": After a thorough review of our records, I have determined that this office does not possess any documents responsive to this request.
8. "[A]ny documents reflecting the names of candidates recommended by the Committee, the federal offices for which they were recommended and the dates of such recommendations - particularly if such recommendations were thereafter affirmatively acted upon by Governor Pataki and/or President George W. Bush": After a thorough review of our records, I have determined that this office does not possess any documents responsive to this request.
9. "[C]opies of the Committee's screening reports for candidates subsequently nominated by President Bush for federal office": After a thorough review of our records, I have determined that this office does not possess any documents responsive to this request.

Under the Public Officers Law, you have the right to inspect and make photocopies of the document to which access has been granted at a cost of twenty five cents (\$.25) per page. However, in this instance, I am waiving this fee and enclosing the document herewith at no cost.

Pursuant to the provisions of Public Officers Law § 89(4), you have thirty (30) days to take a written appeal of this determination. The designated appeals officer is W. Brooks DeBow, Deputy Counsel to the Governor, at the above address.

Sincerely,



Mark R. Ustin
Assistant Counsel to the Governor
Records Access Officer

Enclosure

FOR IMMEDIATE RELEASE:

February 28, 2002

GOVERNOR ANNOUNCES FEDERAL JUDICIAL SCREENING COMMITTEE

Committee Will Review Candidates for Federal Judiciary

Governor George E. Pataki today announced the membership of the Federal Judicial Screening Committee, which will carefully review the qualifications of individuals interested in serving on the federal judiciary. At the request of President George W. Bush, Governor Pataki will recommend for the President's consideration highly qualified candidates for federal judicial vacancies in New York State.

"I am pleased that this distinguished and diverse group of New Yorkers will help ensure that the individuals I recommend to President Bush for these important federal judicial offices are exceptionally well-qualified," Governor Pataki said.

The Committee will review candidates interested in filling vacancies on the U.S. District Court for the Southern, Eastern, Western and Northern Districts of New York and the U.S. Court of Appeals for the Second Circuit. At present, there is one vacancy in the U.S. District Court for the Southern District and one in the U.S. District Court for the Eastern District.

The Federal Judicial Screening Committee members are:

- John O'Mara, Chair; Davidson & O'Mara, PC
- Neil Connolly; Frontier Insurance Company
- Thomas Engel; Engel & McCarney
- Kevin Gilligan; Costello, Cooney & Fearon, LLP
- Hector Gonzalez; Mayer, Brown, Rowe & Maw
- Stanley E. Grayson; Attorney; Commissioner, Moreland Act Commission on New York City Schools; former Managing Director, Public Finance Department of Prudential Securities Inc.,; former Deputy Mayor for Finance and Economic Development, City of New York
- William P. Harrington; Bleakley, Platt & Schmidt
- Marilyn Palumbo - Perla; Law Office of Marilyn Palumbo - Perla
- Bradford J. Race; Of Counsel, Dewey Ballantine LLP; former Secretary and Chief of Staff to the Governor
- Carol Robles - Roman; Deputy Mayor for Legal Affairs, City of New York
- Max R. Shulman; Cravath, Swaine & Moore
- Arlene Zalayet; Law Office of Arlene Zalayet

Individuals interested in being considered by the Governor's Committee should send a letter of interest and a resume to Nan Weiner, the Committee's Executive Director, at Room 242, State Capitol, Albany 12224.

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