

**C**ENTER for **J**UDICIAL **A**CCOUNTABILITY, INC.

Post Office Box 8220  
White Plains, New York 10602

Tel. (914) 421-1200  
Fax (914) 428-4994

E-Mail: [judgewatch@aol.com](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

*Elena Ruth Sassower, Director*  
Direct E-Mail: [judgewatchers@aol.com](mailto:judgewatchers@aol.com)

BY FAX: 212-428-2155 (3 pages)  
& CERTIFIED MAIL/RRR #7001-0360-0002-6822-1909

November 27, 2006

Office of Court Administration  
25 Beaver Street, 11<sup>th</sup> Floor  
New York, New York 10004

ATT: John Eiseman, Records Access Officer

RE: Request for documents pursuant to §124 of the Rules of the Chief Administrator & F.O.I.L.

- (1) Temporary Assignments of Westchester County Court Judge Gerald E. Loehr to Other Courts;
- (2) Rules, Procedures, & Guidelines for Temporary Assignments;
- (3) Article 78 Proceedings & Appeals Generated by Judge Loehr;
- (4) Complaints Received & Initiated against Judge Loehr

Dear Mr. Eiseman:

Pursuant to §124 of the Rules of the Chief Administrator and Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L)], request is hereby made for:

- (1) copies of all orders and/or notices of Chief Administrative Judge Jonathan Lippman authorizing the temporary assignment of Westchester County Court Judge Gerald E. Loehr to other courts, pursuant to §33.0 of the Rules of the Chief Judge;
- (2) copies of any rules, procedures, and guidelines by which the Chief Administrator determines the "need" for "temporary assignment of judges and justices" and its "advisability...consistent with the objectives of the Unified Court System", as required by §33.0 of the Rules of the Chief Judge;
- (3) copies of all orders and/or notices of Chief Administrative Judge Jonathan Lippman authorizing the temporary assignment of Westchester County Court Judge Gerald E. Loehr to the Supreme Court, pursuant to §121.1 of the Rules of the Chief Administrator;

- (4) copies of documents reflecting the membership of all evaluatory panels which, pursuant to §121.2(a) of the Rules of the Chief Administrator, recommended Westchester County Court Judge Gerald E. Loehr for temporary assignment to the Supreme Court, the dates of such recommendations, and the basis therefor;
- (5) copies of all implementing rules, procedures, and guidelines by which, pursuant to §121.2(a) of the Rules of the Chief Administrator, the evaluatory panels make their recommendations as to the selection of judges for temporary assignment to the Supreme Court, and, specifically, as to “the need for judges to be assigned” and “the availability of judges for assignment”;
- (6) copies of all implementing rules, procedures, and guidelines by which, pursuant to §121.2(d) of the Rules of the Chief Administrator:

“The Chief Administrator, upon consultation with and agreement of the Presiding Justice of the appropriate Appellate Division, may except a judge from all or part of the requirements of section 121.2(b) in determining the judge’s eligibility for an assignment not in excess of 20 calendar days if the needs of the courts warrant such action.”;
- (7) copies of all documents establishing “the needs of the courts” which, pursuant to §121.2(d) would warrant excepting Westchester County Court Judge Gerald E. Loehr from the qualifications requirements of §121.2(b) of the Rules of the Chief Administrator;
- (8) copies of documents reflecting the length of time Westchester County Court Judge Gerald E. Loehr “served in a court of limited jurisdiction”, as requisite for determining eligibility under §121.2(c) and §121.2(d) of the Rules of the Chief Administrator;
- (9) copies of all “standards and administrative policies”, promulgated pursuant to Article VI, §26(i) of the New York State Constitution, governing temporary assignments of judges to Surrogate’s Court, such as the temporary assignment of Westchester County Court Judge Gerald E. Loehr to the Westchester County Surrogate’s Court;
- (10) copies of all orders and/or notices of Administrative Judge Jonathan Lippman delegating powers of judicial appointment to Appellate Division, Second Department Presiding Justice A. Gail Prudenti and/or Ninth Judicial District Administrative Judge Francis A. Nicolai, pursuant to §80.1(b)(4) or §80.2(d) of the Administrative Delegations of the Chief Judge;

- (11) copies of all orders and/or notices signed by Appellate Division, Second Department Presiding Justice A. Gail Prudenti or Ninth Judicial District Administrative Judge Francis A. Nicolai assigning specific Supreme Court cases and Surrogate's Court cases to Westchester County Court Judge Gerald E. Loehr, from January 2005 to the present;
- (12) copies of any lists of Supreme Court and Surrogate's Court cases specifically assigned to Westchester County Court Judge Gerald E. Loehr, from January 2005 to the present;
- (13) copies of all documents reflecting the process and procedures by which Westchester County Court Judge Gerald E. Loehr was appointed Presiding Judge of the Westchester County Sex Offense Court in or about late 2005 or early 2006, including orders of designation, as well as all documents, including orders, pertaining to his termination/resignation/replacement in or about June or July 2006;
- (14) copies of all documents reflecting the case numbers, captions, and/or quantity of Article 78 proceedings and appeals generated by Westchester County Court Judge Gerald E. Loehr, in whatever judicial capacity, since he became a judge in January 2005;
- (15) copies of all documents reflecting complaints received or initiated against Westchester County Court Judge Gerald E. Loehr, in whatever judicial capacity, since he became a judge in January 2005.

Pursuant to §124.6 of the Rules of the Chief Administrator and Public Officers Law §89.3, your response is required "within five business days" of your receipt of this request.

Thank you.

Yours for a quality judiciary,



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