

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

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January 11, 2013

New York State Senate
State Capitol
Albany, New York

ATT: Francis W. Patience, Secretary of the Senate

RE: The Senate's "Freedom of Information" Rule XV
Transcript of the Senate Judiciary Committee's February 11, 2009 hearing to confirm then Appellate Division, First Department Presiding Justice Jonathan Lippman as Chief Judge of the Court of Appeals

Dear Secretary Patience:

Under the Senate's new Rules – not yet posted on the Senate's website – former Senate Rule XIV for 2011-2012, entitled "Freedom on Information – is now Rule XV. §1(a) remains unchanged, in stating:

"Publication of records relating to Senate legislative and administrative records. Recognizing that legislative records available by request under the 'freedom of information law' are of important public interest, the Senate shall make available through a searchable and sortable database on the Senate website: records of committees, agendas, votes, minutes, reports, attendance, fiscal notes, and records of the chamber including, active lists, votes, transcripts, calendars, the Senate payroll report and expenditure reports."

I assume that such section also appeared in Senate Rules for 2009-2010 pertaining to "Freedom of Information".

* **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

Nevertheless, the transcript of the Senate Judiciary Committee's February 11, 2009 hearing to confirm the nomination of then Appellate Division, First Department Presiding Justice Jonathan Lippman as Chief Judge of the Court of Appeals is not posted on the Senate's website – nor, for that matter, the transcript of the February 11, 2009 Senate floor proceedings confirming his nomination, the videos of either, or any other records and votes pertaining thereto.

By a February 13, 2009 letter to your predecessor, Angelo Aponte, we requested, pursuant to FOIL, the transcript of the Senate's February 11, 2009 floor proceedings on Justice Lippman's confirmation, the Senate vote, and Senate certification. We were charged \$.25 per page pursuant to FOIL – and, upon obtaining the requested Senate documents, promptly posted them to CJA's website, www.judgewatch.org, for the benefit of the public, free of charge. Here's the direct link, for your convenience: <http://www.judgewatch.org/web-pages/judicial-selection/nys/judicial-selection-ny-lippman.htm> .

We now wish to post, on our website, the transcript of the Senate Judiciary Committee's February 11, 2009 confirmation hearing – at which I and fellow citizen and CJA member, William Galison, testified. Please, therefore, make such available from the Senate website – consistent with §1(a) of the Senate's "Freedom of Information" Rule, so that we may link to it from our website – or, upon downloading it, scan and post it onto our site – again, for the benefit of all, free of charge.

At very least, I request – pursuant to Senate Rule XV and FOIL – the transcript pages of my testimony and that of Mr. Galison before the Senate Judiciary Committee at its February 11, 2009 confirmation hearing, including our colloquy with the Senators.

As you know, FOIL requires your response "within five business days" of your receipt of this request (Public Officers Law §89.3). I would appreciate if you e-mailed it to me at elena@judgewatch.org.

Thank you.

Yours for a quality judiciary,



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

cc: William Galison
Robert Freeman, Committee on Open Government