

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Director

BY E-MAIL: skerby@nycourts.gov

October 6, 2015

Shawn Kerby, Records Access Officer & Assistant Deputy Counsel
Office of Court Administration

RE: Records Request: Judicial Conference, Administrative Board – & Attorney
Discipline

Dear Ms. Kerby:

Attached is the print-out of the chart of the Judiciary's "Administrative Structure", accessible from its website: <http://www.nycourts.gov/Admin/AdminStructure.pdf>. Missing from the chart is the Judicial Conference, "continued" by Judiciary Law §214.

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

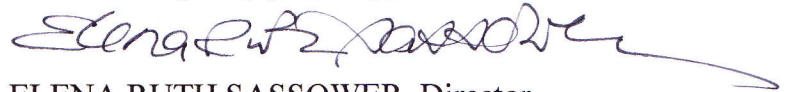
- (1) publicly-available records identifying the "one member of the bar" from "each judicial department" appointed or reappointed by the Administrative Board to two-year terms on the Judicial Conference since 1970;
- (2) all publicly-available records of the activity of the Administrative Board and Judicial Conference since 1970 with respect to attorney discipline, most importantly with respect to reports, recommendations, and critiques of bar associations and others pertaining to establishing a unitary statewide attorney disciplinary body; unifying the Appellate Divisions' rules of attorney discipline; and opening attorney disciplinary proceedings – specifically including those referred to at pages 17-27 of the September 24, 2015 Final Report of the Commission on Statewide Attorney Discipline¹;

¹ These are: (1) the American Bar Association's Model Rules of Lawyer Disciplinary Enforcement, adopted 1989, with amendments in 1993, 1996, 1999 and 2002 – referred to at p. 17; (2) the testimony of witnesses at the 2009 New York Senate Judiciary Committee hearings on attorney and judicial discipline—referred to at p. 19; (3) the 1985 report of the New York State Bar Association's Committee on Professional Discipline – referred to at p. 19; (4) the 1970 ABA report: "Problems and Recommendations in Disciplinary Enforcement" ("Clark Report") – referred to at pp. 19-20; (5) the two 1982 reports of the ABA's Committee on Professional Discipline evaluating New York's attorney disciplinary system, upon the invitation of Appellate Division, First Department Presiding Justice Francis Murphy and, thereafter, the invitation of New York Chief

Pursuant to §124.6 of the Chief Administrator's Rules and Public Officers Law §89.3, your response is required "within five business days" of your receipt of this request. I would appreciate if you e-mailed it to me at elena@judgewatch.org.

Thank you.

Yours for a quality judiciary,



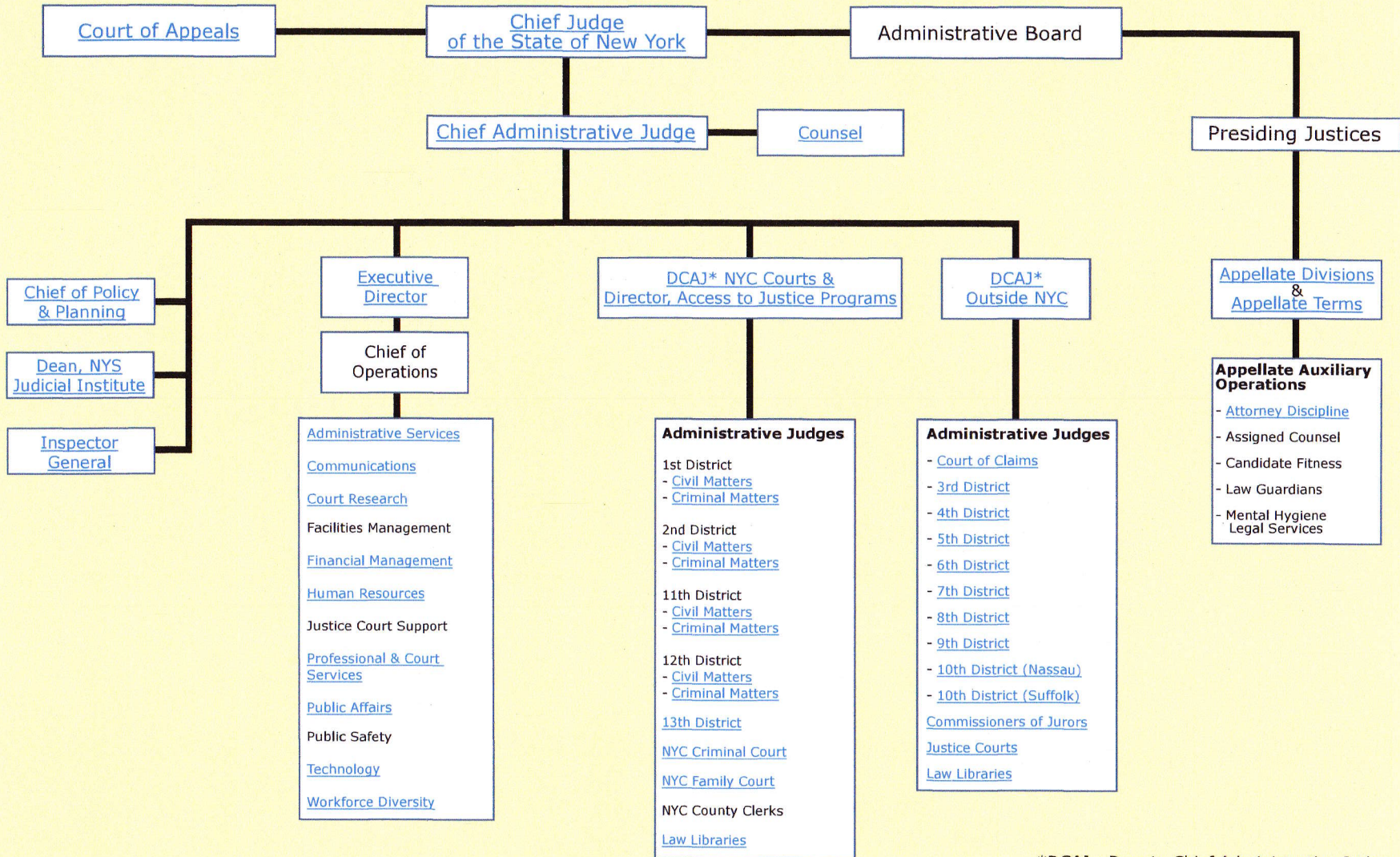
ELENA RUTH SASSOWER, Director
Center for Judicial Accountability, Inc. (CJA)

Enclosure

Judge Lawrence Cooke, recommending "a total dismantling of the current disciplinary structure" and establishment of a statewide court/administrative body – referred to at p. 20; (6) the 1983 reports of New York State Bar Association, Brooklyn Bar Association, Association of the Bar of the City of New York, and New York County Lawyers Association opposing the ABA recommendation – referred to at p. 21; (7) the 2014 critique of Commissioner/Professor Stephen Gillers "*Lowering the Bar: How Lawyer Discipline in New York Fails to Protect the Public*" – referred to at pp. 22-23, 26-27; (8) the annual reports of the New York State Bar Association's Committee on Professional Discipline – referred to at p. 22; (9) the 1992 report of the New York City Bar's Committee on Professional Discipline, echoing another committee report from a decade earlier, that confidentiality be lifted upon the filing of formal charges – referred to at p. 25; (10) the 1995 "similar reform" proposed by the New York State Bar Association's Task Force on the Profession – referred to at p. 25; (11) the 1996 recommendation of the Chief Judge's Committee on the Profession and the Courts which "followed suit" – referred to at p. 25; (11) the 1995 finding of the New York State Bar Association's Committee on Professional Discipline that the attorney disciplinary system was "essentially working well" – referred to at pp. 25-26; (12) the 1999 recommendation of the Chief Judge's Committee to Promote Public Trust and Confidence in the Legal System that "supported openness" – referred to at p. 26; (13) the 2000 special committee of the State Bar that "did the same" in supporting openness – referred to at p. 26; (14) the 2002 New York State Bar (resolution) urging the Appellate Divisions to "formulate statewide rules" – referred to at p. 26; (15) the 1986 ABA adoption of the Standards for Imposing Lawyer Sanctions "to promote consistency" – referred to at p. 26; (16) the 1992 ABA report of its Commission on Evaluation of Disciplinary Enforcement ("McKay Commission report") supporting open disciplinary hearings – referred to at p. 26.

ADMINISTRATIVE STRUCTURE

Note: Print this chart on legal paper (8.5in x 14in).



New York State Unified Court System

*DCAJ - Deputy Chief Administrative Judge