

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Friday, July 30, 2021 1:49 PM
To: 'skerby@nycourts.gov'
Subject: FOIL/Records Request: CJA's July 21, 2015 FOIL request -- "(1) Record Retention of Attorney Misconduct Complaints and Proceedings..."
Attachments: 7-21-15-records-retention-statistics-annual-reports.pdf

TO: OCA FOIL-Records Access Officer/Assistant Deputy Counsel Shawn Kerby

In 2015, as I was preparing to testify at the Commission on Statewide Attorney Discipline's August 11, 2015 hearing and, thereafter, as I was preparing to respond to the Commission's September 24, 2015 report, I filed a series of FOIL requests. CJA's webpage on which they are posted – with your responses -- is here: <http://www.judgewidth.org/web-pages/searching-nys/attorney-discipline/2015-FOIL-gathering-evidence.htm>.

There is one FOIL request for which I have no record of response from you – my above-attached July 21, 2015 FOIL request entitled "Record Retention of Attorney Misconduct Complaints and Proceedings; (2) Grievance Committee Statistical Summaries; (3) Appellate Division Annual Reports for Attorney Discipline".

Pursuant to Public Officers Law VI and §124 of the Chief Administrator's Rules [FOIL], this is to request such response as you then furnished, if any – and, if none, the response you would now furnish to its request for:

"schedules, policies, and procedures governing record retention of attorney disciplinary matters by New York's attorney grievance committees, Appellate Divisions, and the Court of Appeals. This especially includes schedules, policies, and procedures relating to retention of the attorney misconduct complaints that the grievance committees have dismissed."

The balance is sufficiently encompassed by my most recent July 28, 2021 FOIL request entitled "Attorney Grievance Committee Annual Reports", which is below.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Wednesday, July 28, 2021 8:48 AM
To: 'skerby@nycourts.gov' <skerby@nycourts.gov>; 'Foil@nycourts.gov' <Foil@nycourts.gov>

Subject: FOIL/Records Request: Attorney Grievance Committee Annual Reports

TO: OCA FOIL-Records Access Officer/Assistant Deputy Counsel Shawn Kerby

Reference is made to the Unified Court System's webpage for its eight attorney grievance committees, run by the four appellate divisions of the four judicial departments.

Notwithstanding the Commission on Statewide Attorney Discipline's September 24, 2015 report recommended greater uniformity – which the Appellate Divisions purported to implement by its Part 1240 Rules for Attorney Disciplinary Matters -- the linked webpages for the attorney grievance committees of the four judicial departments are – excepting the now uniform names of the committees – as dissimilar to each other as they were then.

As in 2015, the Second Department and the Third Department do not post ANY annual reports of their attorney grievance committees. The First Department posts an archive of its annual reports, *to wit*, pdfs for each year spanning from 2002 to 2019. The Fourth Department features a webpage of what it represents as the current “Annual Report” for 2019 – but its content is a fraction of what comprises each of the First Department’s annual reports, being essentially the appendix pages of “ATTORNEY DISCIPLINE ACTIVITIES” – form #UCS-176, which are statistics.

Therefore, pursuant to Public Officers Law VI and §124 of the Chief Administrator’s Rules [FOIL], this is to request:

- (1) records of the Unified Court System’s uniform requirements, if any, for the annual reports of the eight attorney grievance committees of its four judicial departments;
- (2) the annual reports of the Second, Third, and Fourth Department attorney grievance committees, from 2014 to 2020;
- (3) the annual report of the First Department attorney grievance committee for 2020 – and, with respect to its 2019 Annual Report, the missing pages 72-73 – these being its Appendix D, whose identification in the table of contents is “Annual Report to OCA”, but which – as reflected by prior annual reports, as for example for 2018 and 2017 – is presumably “ATTORNEY DISCIPLINE ACTIVITIES” for 2019 – form #UCS-176.

Thank you.

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