

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

BY E-MAIL: skerby@nycourts.gov

December 9, 2016

Shawn Kerby, Records Access Officer & Assistant Deputy Counsel
Office of Court Administration
25 Beaver Street, 11th Floor
New York, New York 10004

RE: FOIL/Records Request: Chief Administrative Judge Marks' approvals of increases, decreases, and interchanges in fiscal year 2016-2017, as authorized by §2 of Legislative/Judiciary Budget Bill #S.6401-a/A.9001-a

Dear Records Access Officer Kerby,

The Judiciary's "single budget bill" for fiscal year 2016-2017 – embodied, without revision, in the Governor's Legislative/Judiciary Budget Bill #S.6401/A.9001 and retained in the amended/enacted bill, #S.6401-a/A.9001-a – consisted of two sections: §2 containing a schedule of appropriations and §3 containing a schedule of reappropriations.

The text in §2, directly beneath the word "Schedule", was as follows:

"Notwithstanding any provision of law, the amount appropriated for any program within a major purpose within this schedule may be increased or decreased in any amount by interchange with any other program in any other major purpose, or any appropriation in section three of this act, with the approval of the chief administrator of the courts."

Missing from the Judiciary's December 1, 2016 budget request for fiscal year 2017-2018 is any disclosure of what increases, decreases, and interchanges were made for fiscal year 2016-2017 pursuant to this §2. Consequently, pursuant to §124 of the Chief Administrator's Rules and Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], I request to inspect and copy records of all Chief Administrative Judge Lawrence Marks' approvals of same.

Needless to say, the interchanges of greatest interest to me are those that enabled the Judiciary to fund the "force of law" judicial salary increases for 2016-2017 recommended by the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation – and, additionally, to fund the increases in general state charges resulting therefrom.

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

Thank you.

Center for Judicial Accountability, Inc. (CJA)

From: Shawn Kerby <skerby@nycourts.gov>
Sent: Friday, December 9, 2016 3:18 PM
To: Center for Judicial Accountability, Inc. (CJA)
Subject: RE: FOIL/Records Request: Chief Administrative Judge Marks' approvals of increases, decreases & interchanges in fiscal year 2016-2017, as authorized by Sec. 2 of Leg/Judiciary Budget Bill S.6401-a/A.9001-a

Dear Ms. Sassower:

We will process your request and expect to respond within 20 business days.

Very truly yours,
Shawn Kerby
Assistant Deputy Counsel

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Friday, December 09, 2016 2:43 PM
To: Shawn Kerby <skerby@nycourts.gov>
Subject: FOIL/Records Request: Chief Administrative Judge Marks' approvals of increases, decreases & interchanges in fiscal year 2016-2017, as authorized by Sec. 2 of Leg/Judiciary Budget Bill S.6401-a/A.9001-a

Attached is the Center for Judicial Accountability's above-entitled FOIL/records request of today's date.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200
www.judgewatch.org

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, February 22, 2017 4:25 AM
To: 'skerby@nycourts.gov'
Subject: STATUS: Dec. 9, 2016 FOIL/Records Request: Chief Administrative Judge Marks' approvals of increases, decreases & interchanges in fiscal year 2016-2017, as authorized by Sec. 2 of Leg/Judiciary Budget Bill S.6401-a/A.9001-a
Attachments: 12-9-16-oca-foil-transfers2016-2017.pdf

Dear Ms. Kerby,

I have received no response from you to CJA's attached, above-entitled December 9, 2016 FOIL/records request – other than your below December 9, 2016 e-mail acknowledgment that you “expect[ed] to respond within 20 business days”.

Please advise.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200
www.judgewatch.org

From: Shawn Kerby [mailto:skerby@nycourts.gov]
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Attached is the Center for Judicial Accountability's above-entitled FOIL/records request of today's date.

Thank you.

Center for Judicial Accountability, Inc. (CJA)

From: Shawn Kerby <skerby@nycourts.gov>
Sent: Wednesday, February 22, 2017 10:53 AM
To: Center for Judicial Accountability, Inc. (CJA)
Subject: RE: STATUS: Dec. 9, 2016 FOIL/Records Request: Chief Administrative Judge Marks' approvals of increases, decreases & interchanges in fiscal year 2016-2017, as authorized by Sec. 2 of Leg/Judiciary Budget Bill S.6401-a/A.9001-a

Dear Ms. Sassower:

We are still processing the request and expect to respond shortly. I apologize for the delay.

Very truly yours,
Shawn Kerby
Assistant Deputy Counsel

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
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To: Shawn Kerby <skerby@nycourts.gov>
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