



Cornell Law School

Heather E. Murray
Associate Director
Cornell Law School
First Amendment Clinic

Phone: [REDACTED]
E-mail: [REDACTED]

July 31, 2025

FOIL Appeals Officer

amber
[REDACTED]

VIA E-MAIL

Re: Freedom of Information Law Appeal re: R [REDACTED] 24

Dear FOIL Appeals Officer:

We write on behalf of Scrutinize and Janon Fisher in response to your letter dated July 14, 2025, in which you denied a portion of their FOIL request, dated November 14, 2024, produced certain limited records, and stated that other records do not exist or were unable to be located. Because the Executive Chamber provided only partial responses to parts 1, 2, 3 and 6 of the request and improperly withheld additional records, we write to you to seek immediate disclosure of the remaining records. With respect to part 4 of the request, while we dispute that the request was not reasonably described, we write to narrow the scope of the request in an effort to expedite the release of the requested records.

Scrutinize and Mr. Fisher filed this request on November 14, 2024, seeking the following:

1. All members who have served on any of the Governor's Judicial Screening Committees, including but not limited to the State Committee, First Department Committee, Second Department Committee, Third Department Committee, and Fourth Department Committee, from 2000 to the present date.
2. For each committee member identified in Request No. 1, please provide records sufficient to identify:
 - a. The member's full name
 - b. Their professional or organizational affiliation at the time of their committee service, if available
 - c. The start and end dates of their committee membership
 - d. The specific committee(s) on which they served
 - e. Whether the member served as a chairperson of the committee; if so, the start and end of their service as chairperson
 - f. Who appointed or selected the member to the Committee (Governor, Chief Judge, etc.)
3. Any and all documents, including but not limited to memos, guidelines, handbooks, or other written materials, that provide guidance on:
 - a. How the committees are to evaluate candidates for judicial appointments or designations
 - b. What information the committees are to collect about



candidates c. Which individuals or organizations the committees are to contact for information about candidates

4. Any internal communications, reports, or documents discussing the establishment, operation, or modification of the Judicial Screening Committees and their processes from January 1, 2010 to the present.

5. Any statistics or reports on the number of candidates evaluated, recommended, or appointed through this process from January 1, 2000 to the present.

6. Copies of all Executive Orders since January 1, 2000 concerning the Governor's Judicial Screening Committees.

Attached as **Exhibit A** is a copy of the request. On November 14, 2024, the Executive Chamber acknowledged receipt of the request. Attached as **Exhibit B** is a copy of the acknowledgement of receipt of request. The Executive Chamber extended its time to respond to the request several times since November. Attached as **Exhibit C** are copies of those extensions. On July 14, 2025, the Executive Chamber responded as follows:

With respect to parts 1 and 2 of the request, it provided a link for the current members of the New York State Judicial Screening Committees and claimed that “no records were located” dating back to 2000 because “we do not maintain records in a manner that permits practical retrieval of the information requested.” Attached as **Exhibit D** is the Executive Chamber’s response. But that is not the standard to withhold records under FOIL. It is the agency’s burden to “establish that ‘the descriptions were insufficient for purposes of locating and identifying the documents sought.’” *Konigsberg v. Coughlin*, 68 N.Y.2d 245, 249 (1986). While the Executive Chamber does not need to search for a needle in a haystack, it has provided no basis whatsoever for its claim that it cannot easily locate the names of all members who have served on the Governor’s Judicial Screening Committees from 2000 to the present. Likewise, easily retrievable meeting minutes, calendar entries, written or email correspondence, news announcements or appointment letters, undoubtedly contain the related requested information regarding dates of service, committee makeup, service as chair if applicable, who selected the member to the Committee, and their professional affiliation at the time of appointment where available.

With respect to parts 3 and 6 of your request, the Executive Chamber provided links to two Executive Orders, but failed to even state whether this was a complete response to the request for all Executive Orders since 2000 (On information and belief it is not). *See* Ex. D. Nor did the Executive Chamber state whether it had conducted a search for any memos, guidelines, handbooks or other written materials concerning the evaluation of candidates as outlined in part 3 of the request.

With respect to part 4 of the request, the Executive Chamber denied the request, reproduced below, as not reasonably described. *Id.*

4. Any internal communications, reports, or documents discussing the establishment, operation, or modification of the Judicial Screening Committees and their processes from January 1, 2010 to the present.

Instead of appealing this ruling with respect to part 4, we write to resolve this issue without engaging further in the administrative appeal process by narrowing the request.

We request that the Executive Chamber conduct a search for the documents listed in part four by limiting the request to Governor Hochul's term in office starting on Aug. 24, 2021 to the present, and by running an electronic search limited to the following four search terms in combination with any of the additional terms below:

- "Judicial Screening Committee"
- "screening committee"
- "Screening panel"
- "JSC"

In combination with any of these other terms that suggest records about creation, structure, or operations:

establishment

creation

formation

restructure

amendment

modification

revision

operation

procedures

protocol

guidelines

policies

criteria

"evaluation standards"

"membership rules"

"appointment process"

vetting

"nomination review"

"rule change"

"policy change"

"internal memo"

memorandum

report

briefing

presentation

minutes

recommendations

advisory

"Governor's Office"

"Executive Chamber"

"Chief Counsel"

"Appointments Secretary"

“Executive Order”
“EO”

In short, we agree to limiting the scope by searching for each of the four committee phrases listed above along with each of these additional terms to help focus the search on documents about how the committees were established, operated, or modified.

For the reasons described above, we thus appeal the denial or partial denial or parts 1,2, 3, and 6 of the request and ask that these parts of the request be promptly granted within 10 business days as required under FOIL. And we additionally have narrowed part 4 of the request as described above in an effort to expedite a response to that request. Please let us know if it would be helpful to discuss part 4 of the request on the phone once you have reviewed the narrowed request.

Sincerely,

**CORNELL LAW SCHOOL
FIRST AMENDMENT CLINIC**

By: /s/ Heather E. Murray

A large black rectangular redaction box covering the signature of Heather E. Murray.

Counsel for Scrutinize and Janon Fisher

EXHIBIT A



Cornell Law School

Heather E. Murray

Associate Director

Cornell Law School First Amendment Clinic

Managing Attorney, Local Journalism Project

[REDACTED]

[REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

November 14, 2024

Christopher Ritchey
FOIL Counsel & Records Access Officer

[REDACTED] amber

[REDACTED] 24

VIA E-mail

Re: Freedom of Information Law Request

Dear Mr. Ritchey:

Pursuant to the New York Freedom of Information Law, I hereby request the following records sufficient to identify the following:

1. All members who have served on any of the Governor's Judicial Screening Committees, including but not limited to the State Committee, First Department Committee, Second Department Committee, Third Department Committee, and Fourth Department Committee, from 2000 to the present date.
2. For each committee member identified in Request No. 1, please provide records sufficient to identify:
 - a. The member's full name
 - b. Their professional or organizational affiliation at the time of their committee service, if available
 - c. The start and end dates of their committee membership
 - d. The specific committee(s) on which they served
 - e. Whether the member served as a chairperson of the committee; if so, the start and end of their service as chairperson
 - f. Who appointed or selected the member to the Committee (Governor, Chief Judge, etc.)
3. Any and all documents, including but not limited to memos, guidelines, handbooks, or other written materials, that provide guidance on:



- a. How the committees are to evaluate candidates for judicial appointments or designations
 - b. What information the committees are to collect about candidates
 - c. Which individuals or organizations the committees are to contact for information about candidates
4. Any internal communications, reports, or documents discussing the establishment, operation, or modification of the Judicial Screening Committees and their processes from January 1, 2010 to the present.
5. Any statistics or reports on the number of candidates evaluated, recommended, or appointed through this process from January 1, 2000 to the present.
6. Copies of all Executive Orders since January 1, 2000 concerning the Governor's Judicial Screening Committees.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes. Disclosure of the information is in the public interest, and we therefore request that any fees charged for fulfilling the request be waived. Please provide all of the requested records to us via email at [REDACTED], [REDACTED], and [REDACTED]. If a portion of the records cannot be emailed, please advise us of the available methods to obtain access to the remaining records.

If some of the requested records are located before others, please produce on a rolling basis.

If for any reason any portion of the request is denied, please inform us of the reasons for the denial in writing and provide the name, address, and email address of the person or body to whom an appeal should be directed. Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within five business days, as the statute requires.

Sincerely,

**CORNELL LAW SCHOOL
FIRST AMENDMENT CLINIC**

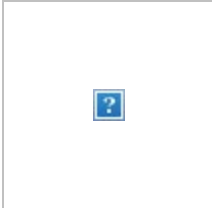
By: /s/ Heather E. Murray

A large black rectangular redaction box covering the signature of Heather E. Murray.

Counsel for Scrutinize and Janon Fisher

EXHIBIT B

From: [REDACTED]
To: [REDACTED]
Subject: FOIL Records Request :: R [REDACTED] 24
Date: Thursday, November 14, 2024 1:26:38 PM



Dear Heather Murray:

This message acknowledges receipt of your request. Your request was received in this office on 11/14/2024 and given the reference number R [REDACTED] 24 for tracking purposes.

Records Requested: 1. All members who have served on any of the Governor's Judicial Screening Committees, including but not limited to the State Committee, First Department Committee, Second Department Committee, Third Department Committee, and Fourth Department Committee, from 2000 to the present date. 2. For each committee member identified in Request No. 1, please provide records sufficient to identify: a. The member's full name b. Their professional or organizational affiliation at the time of their committee service, if available c. The start and end dates of their committee membership d. The specific committee(s) on which they served e. Whether the member served as a chairperson of the committee; if so, the start and end of their service as chairperson f. Who appointed or selected the member to the Committee (Governor, Chief Judge, etc.) 3. Any and all documents, including but not limited to memos, guidelines, handbooks, or other written materials, that provide guidance on: a. How the committees are to evaluate candidates for judicial appointments or designations b. What information the committees are to collect about candidates c. Which individuals or organizations the committees are to contact for information about candidates 4. Any internal communications, reports, or documents discussing the establishment, operation, or modification of the Judicial Screening Committees and their processes from January 1, 2010 to the present. 5. Any statistics or reports on the number of candidates evaluated, recommended, or appointed through this process from January 1, 2000 to the present. 6. Copies of all Executive Orders since January 1, 2000 concerning the Governor's Judicial Screening Committees.

We will provide you with a status update on or before 12/13/2024.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed.

New York State Executive Chamber Records Access Office

To monitor the progress or update this request please log into the [Records Access Center](#)



EXHIBIT C

From: [REDACTED]
To: [REDACTED]
Subject: [Records Center] FOIL Records Request :: R [REDACTED] 24
Date: Friday, December 13, 2024 5:06:13 PM

--- Please respond above this line ---



RE: FOIL Records Request of November 14, 2024, Reference # R [REDACTED] 24

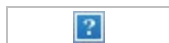
Dear Heather Murray,

Please be advised that we require additional time to complete our response to your FOIL request dated November 14, 2024. We will provide you with a status update on or before January 16, 2025, if we have not completed our response by then.

Thank you for your courtesy in this matter.

New York State Executive Chamber Records Access Office

To monitor the progress or update this request please log into the [Records Access Center](#)



From: [REDACTED]
To: [REDACTED]
Subject: [Records Center] FOIL Records Request :: R [REDACTED] 24
Date: Thursday, January 16, 2025 2:41:12 PM

--- Please respond above this line ---



RE: FOIL Records Request of November 14, 2024, Reference # R [REDACTED] 24

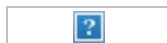
Dear Heather Murray,

Please be advised that we require additional time to complete our response to your FOIL request dated November 14, 2024. We will provide you with a status update on or before February 14, 2025, if we have not completed our response by then.

Thank you for your courtesy in this matter.

New York State Executive Chamber Records Access Office

To monitor the progress or update this request please log into the [Records Access Center](#)



From: [REDACTED]
To: [REDACTED]
Subject: [Records Center] FOIL Records Request :: R [REDACTED] 24
Date: Friday, February 14, 2025 3:16:30 PM

--- Please respond above this line ---



RE: FOIL Records Request of November 14, 2024, Reference # R [REDACTED] 24

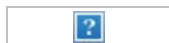
Dear Heather Murray,

Please be advised that we require additional time to complete our response to your FOIL request dated November 14, 2024. We will provide you with a status update on or before March 17, 2025, if we have not completed our response by then.

Thank you for your courtesy in this matter.

New York State Executive Chamber Records Access Office

To monitor the progress or update this request please log into the [Records Access Center](#)



From: [REDACTED]
To: [REDACTED]
Subject: [Records Center] FOIL Records Request :: R [REDACTED] 24
Date: Monday, March 17, 2025 1:24:22 PM

--- Please respond above this line ---



RE: FOIL Records Request of November 14, 2024, Reference # R [REDACTED] 24

Dear Heather Murray,

Please be advised that we require additional time to complete our response to your FOIL request dated November 14, 2024. We will provide you with a status update on or before April 14, 2025, if we have not completed our response by then.

Thank you for your courtesy in this matter.

New York State Executive Chamber Records Access Office

To monitor the progress or update this request please log into the [Records Access Center](#)



From: [REDACTED]
To: [REDACTED]
Subject: [Records Center] FOIL Records Request :: R [REDACTED] 24
Date: Friday, April 11, 2025 4:45:11 PM

--- Please respond above this line ---



RE: FOIL Records Request of November 14, 2024, Reference # R [REDACTED] 24

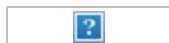
Dear Heather Murray,

Please be advised that we require additional time to complete our response to your FOIL request dated November 14, 2024. We will provide you with a status update on or before May 12, 2025, if we have not completed our response by then.

Thank you for your courtesy in this matter.

New York State Executive Chamber Records Access Office

To monitor the progress or update this request please log into the [Records Access Center](#)



From: [REDACTED]
To: [REDACTED]
Subject: [Records Center] FOIL Records Request :: R [REDACTED] 24
Date: Monday, May 12, 2025 4:46:07 PM

--- Please respond above this line ---



RE: FOIL Records Request of November 14, 2024, Reference # R [REDACTED] 24

Dear Heather Murray,

Please be advised that we require additional time to complete our response to your FOIL request dated November 14, 2024.

We will provide you with a status update on or before June 10, 2025, if we have not completed our response by then.

Thank you for your courtesy in this matter.

New York State Executive Chamber Records Access Office

To monitor the progress or update this request please log into the [Records Access Center](#)



EXHIBIT D

From: [REDACTED]
To: [REDACTED]
Subject: [Records Center] FOIL Records Request :: R [REDACTED] 24
Date: Monday, July 14, 2025 5:37:24 PM

--- Please respond above this line ---



RE: FOIL Records Request of November 14, 2024, Reference # R [REDACTED] 24

Dear Heather Murray,

This letter responds to your request dated November 14, 2024, which pursuant to FOIL, requested:

1. All members who have served on any of the Governor's Judicial Screening Committees, including but not limited to the State Committee, First Department Committee, Second Department Committee, Third Department Committee, and Fourth Department Committee, from 2000 to the present date. 2. For each committee member identified in Request No. 1, please provide records sufficient to identify: a. The member's full name b. Their professional or organizational affiliation at the time of their committee service, if available c. The start and end dates of their committee membership d. The specific committee(s) on which they served e. Whether the member served as a chairperson of the committee; if so, the start and end of their service as chairperson f. Who appointed or selected the member to the Committee (Governor, Chief Judge, etc.) 3. Any and all documents, including but not limited to memos, guidelines, handbooks, or other written materials, that provide guidance on: a. How the committees are to evaluate candidates for judicial appointments or designations b. What information the committees are to collect about candidates c. Which individuals or organizations the committees are to contact for information about candidates 4. Any internal communications, reports, or documents discussing the establishment, operation, or modification of the Judicial Screening Committees and their processes from January 1, 2010 to the present. 5. Any statistics or reports on the number of candidates evaluated, recommended, or appointed through this process from January 1, 2000 to the present. 6. Copies of all Executive Orders since January 1, 2000 concerning the Governor's Judicial Screening Committees.

With respect to parts 1 and 2 of your request, please see the following link for the current members of the New York State Judicial Screening Committees:

[REDACTED]

With respect to your request for records dating back to 2000, we have completed a diligent search for records and no documents were located as we do not maintain records in a manner that permits practical retrieval of the information requested.

With respect to parts 3 and 6 of your request, records responsive to your request are included within the following links: https://www.governor.ny.gov/sites/default/files/2021-10/EO_6.pdf and [REDACTED]

With respect to part 4 of your request, this portion of your request is denied pursuant to Public Officers Law § 89(3) which requires a request for records to be “reasonably described.” Whether a request is reasonably described may be dependent upon the nature of an agency’s filing or record keeping system and agency employees are not required to engage in herculean or unreasonable efforts to locate records (see *Konigsberg v. Coughlin*, 68 N.Y.2d 245 (N.Y. 1986) and the NYS Committee on Open Government’s FOIL Advisory Opinions 18949 and 18863). Your request seeking “any” records of “internal communications” “discussing” a broad topic for a fourteen-year period does not sufficiently identify the types of records sought to enable the Executive Chamber to facilitate a search and locate responsive records. Specifically, your request does not include any reasonable search terms, custodians or time period for which a search may be conducted.

With respect to part 5 of your request, we have conducted a diligent search and have not located any records responsive to your request.

Pursuant to Public Officers Law § 89(4)(a), you have thirty (30) days to take a written appeal of this determination. You may appeal by writing: FOIL Appeals Officer, Executive Chamber, [REDACTED], Albany, New York, 12224; or by email at [REDACTED].

Sincerely,

New York State Executive Chamber Records Access Office

To monitor the progress or update this request please log into the [Records Access Center](#)

