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September 8, 2025

Christopher Ritchey
FOIL Counsel & Records Access Officer
Executive Chamber



VIA E-mail

Re: Freedom of Information Law Request

Dear Mr. Ritchey:

On November 14, 2024, Scrutinize and Janon Fisher requested records that the FOIL Appeals Officer denied as not reasonably described. *See* Appeal Denial Letter, dated August 14, 2025, attached as **Exhibit A** (discussion of part 4 of the request). While the requesters had narrowed the request in response to the agency's claim that the request was not reasonably described in an effort to resolve the request, the FOIL Appeals Officer instructed instead that the requesters file a new request. Given that the request was filed nearly 10 months ago, we request that the narrowed request filed today be handled on an expedited timeline. And that if the Executive Chamber claims that the narrowed request is still not reasonably described, that it arrange for a phone conversation in the next 20 business days in an effort to resolve any concerns it has without further unwarranted delay.

Pursuant to the New York Freedom of Information Law, I hereby request the following records on behalf of Scrutinize and Janon Fisher sufficient to identify the following:

1. Any internal communications, reports, or documents discussing the establishment, operation, or modification of the Judicial Screening Committees and their processes from August 24, 2021 to the present.



We request that the Executive Chamber conduct a search for the documents 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”

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

Heather E. Murray

[REDACTED]

Tel.: [REDACTED]

Counsel for Scrutinize and Janon Fisher

EXHIBIT A



August 14, 2025

Via Email:

Heather E. Murray ([REDACTED])

RE: FOIL no. R [REDACTED] 24

Dear Heather E. Murray:

This letter responds to the appeal you requested dated July 31, 2025, challenging the Executive Chamber's (the "Chamber") determination regarding FOIL request no. R001417-111424.

1. Background

On or about November 14, 2024, you submitted FOIL request no. R [REDACTED] 24 to the Chamber, which sought:

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
 - 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.

By correspondence dated July 14, 2025, the Records Access Officer of the Chamber ("RAO") notified you of its determination. With respect to parts 1 and 2 of your request, the RAO provided a link to documents that may be responsive and further stated that regarding that portion of your request seeking documents dating back to 2000, no documents were located following a diligent search as records are not maintained in a manner that permits practical retrieval. With respect to parts 3 and 6 of your request, the RAO provided a link to documents that may be responsive. The RAO denied your request with respect to part 4, finding that such request was not reasonably described under Public Officer's Law ("POL") Section 89(3). Regarding part 5 of the request, the RAO determined that following a diligent search, no responsive records were located.

By letter dated July 31, 2025, you submitted an appeal with respect to parts 1-3, and 6 and requested that additional searches be conducted with respect to part 4.¹

2. Determination

I have reviewed the matter as well as conferred with the RAO. Based on my review, I am remanding this matter back to the RAO for reconsideration of parts 1, 2 and 3 of your request and directing the RAO to issue a determination setting forth the reasons to grant or deny disclosure, in whole or in part, upon reconsideration of those parts of the request, to the extent the parts are reasonably described. I am further directing the RAO to provide to you a status update within twenty business days of the date of this letter and periodically thereafter, as needed.

With respect to part 6 of your request and having conferred with the RAO, I find that the RAO conducted a reasonable search and provided to you records that may be responsive. I hereby affirm the RAO's determination with respect to part 6.

With respect to part 4, I agree with and hereby affirm the RAO's determination to deny on the basis that such part was not reasonably described. Pursuant to POL Section 89(3), a request for records must be "reasonably described" in order to enable the responding governmental entity or agency to locate and identify the records in question. *Bader v. Bove*, 273 A.D.2d 466 (2d Dept. 2000); *Reclaim the Records v. New York State Department of Health*, 185 A.D.3d 1268 (3d Dept. 2020), NYS Committee on Open Government's FOIL Advisory Opinion 18949. The request, as drafted, does not contain sufficient limitations to enable the Chamber to use reasonable efforts to locate or identify the records sought. Terms such as "[a]ny internal communications, reports or documents," "discussing the establishment, operation, or modification" and the timeframe "from January 1, 2010 to the present" render the

¹ A copy of the appeal is enclosed for reference. No appeal with respect to part 5 of the request was received.



vague, ambiguous and overbroad. When viewed in totality, including the broad nature of the terms and the timeframe, the request is not reasonably described. *See Fisher and Fisher v. Davidson*, NYLJ (Sup. Ct. NY Cnty 1988). I note that although you requested in the appeal that the RAO conduct additional searches using purportedly narrower terms, because such requests were not before the RAO, I do not address them here. To the extent you seek records using such purportedly narrowed terms, you may file another FOIL request with such terms.

This decision may be appealed in accordance with Article 78 of the Civil Practice Law and Rules.

Very truly yours,

Bella S. Satra
Assistant Counsel to the Governor
FOIL Appeals Officer

cc:

Shoshanah Bewlay, Executive Director, NYS Committee on Open Government

([REDACTED])

NYS Executive Chamber Records Access Office ([REDACTED])