



September 8, 2025

FOIL Appeals Officer
New York City Mayor's Office
[REDACTED]

VIA E-MAIL

Re: Freedom of Information Law Appeal of MACJ Request, dated November 14, 2024

Dear FOIL Appeals Officer:

We write on behalf of Scrutinize and Janon Fisher regarding the Freedom of Information Law (FOIL) request that they submitted to the Office of the Mayor on November 14, 2024. The Office's final response to the request is long overdue, and indeed the Office has constructively denied the request repeatedly by never acknowledging receipt of the request or issuing a date certain by which it would respond, let alone a date that is reasonable under the circumstances of the request. Because the Office has violated FOIL in multiple ways, we appeal the Office's constructive denial of the request and ask that the records be released within 10 business days.

Scrutinize and Janon Fisher filed their request on November 14, 2024. The request seeks records sufficient to identify the following information related to the Mayor's Advisory Committee on the Judiciary:

1. All members who have served on the Mayor's Advisory Committee on the Judiciary from January 1, 2000 to the present date.
2. For each committee member identified in Request No. 1, please provide:
 - 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. Whether the member served as a chairperson of the committee, and if so, the start and end dates of their service as chairperson
 - e. Who nominated the member to the Committee (Mayor, law school deans, 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 committee is to evaluate candidates for judicial appointments or designations
 - b. What information the committee is to collect about candidates
 - c. Which individuals or organizations the committee is to contact for information about candidates



- d. The committee's process for recruiting and encouraging highly qualified persons to apply for appointment
4. Any internal communications, reports, or documents discussing the establishment, operation, or modification of the Mayor's Advisory Committee and its processes from January 1, 2010 to the present.
 5. Any publicly available statistics or reports on the number of candidates evaluated, recommended, or appointed through this process.
 6. Copies of all Executive Orders since January 1, 2000 enacting or changing the working or makeup of the Mayor's Advisory Committee on the Judiciary.
 7. Information about the Committee's process for considering judges seeking reappointment, including any criteria used to determine whether an incumbent is qualified for reappointment.

Attached as **Exhibit A** is a copy of the request. The Office never acknowledged receipt of the request or issued a date certain by which it would respond.

The Office has constructively denied the request and violated FOIL for at least two independent reasons: (1) it never acknowledged receipt of the request; and (2) never issued a date certain by which it would respond, let alone a date that is reasonable under the circumstances of the request.

FOIL and its implementing regulations establish a clear timeline for an agency to respond to a request. An agency must respond within five business days and provide "an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than 20 business days after the date of the acknowledgment." 21 N.Y.C.R.R. § 1401.5(c)(3). If the agency knows that "circumstances prevent disclosure within 20 business days," it must provide "a statement in writing stating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part." *Id.*; see also N.Y. Pub. Off. Law § 89(3)(a). In other words, an agency must grant or deny the request within 20 days of receiving it, or else explain why it cannot and give a reasonable "date certain" when it will grant or deny the request.

An agency's "failure to comply" with those timing requirements "shall constitute a denial of a request that may be appealed." 21 N.Y.C.R.R. § 1401.5(e); see also N.Y. Pub. Off. Law § 89(4)(a) ("Failure by an agency to conform to the provisions of subdivision three of this section shall constitute a denial.").



For the reasons described above, we thus appeal the constructive denial of the request and ask that it be promptly granted within 10 business days as required under FOIL. Please let us know if it would be helpful to discuss on the phone.

Sincerely,

**CORNELL LAW SCHOOL
FIRST AMENDMENT CLINIC**

By: /s/ [DRAFT]

Heather E. Murray

[REDACTED]

Tel.: [REDACTED]

[REDACTED]

Counsel for Scrutinize and Janon Fisher

CC: David Goldin

[REDACTED]

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

FOIL Officer

Office



VIA E-mail

Re: Freedom of Information Law Request

Dear FOIL Officer:

Pursuant to the New York Freedom of Information Law, I hereby request the following records sufficient to identify the following information related to the Mayor's Advisory Committee on the Judiciary:

1. All members who have served on the Mayor's Advisory Committee on the Judiciary from January 1, 2000 to the present date.
2. For each committee member identified in Request No. 1, please provide:
 - 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. Whether the member served as a chairperson of the committee, and if so, the start and end dates of their service as chairperson
 - e. Who nominated the member to the Committee (Mayor, law school deans, 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 committee is to evaluate candidates for judicial appointments or designations
 - b. What information the committee is to collect about candidates
 - c. Which individuals or organizations the committee is to contact for information about candidates



- d. The committee's process for recruiting and encouraging highly qualified persons to apply for appointment
4. Any internal communications, reports, or documents discussing the establishment, operation, or modification of the Mayor's Advisory Committee and its processes from January 1, 2010 to the present.
5. Any publicly available statistics or reports on the number of candidates evaluated, recommended, or appointed through this process.
6. Copies of all Executive Orders since January 1, 2000 enacting or changing the working or makeup of the Mayor's Advisory Committee on the Judiciary.
7. Information about the Committee's process for considering judges seeking reappointment, including any criteria used to determine whether an incumbent is qualified for reappointment.

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

[REDACTED]



Counsel for Scrutinize and Janon Fisher