



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])