



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, NY 10007

September 22, 2025

Re: FOIL-2025-002-00855 Appeal Decision

Dear Heather E. Murray:

This letter is in response to your September 8, 2025, e-mail appealing the response to your request received on November 14, 2024, under the Freedom of Information Law, Public Officers Law § 84 *et seq.* ("FOIL").

Your requests sought:

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.

On September 8, 2025, you appealed on the basis that the Records Access Officer's (RAO) actions to date constitute a constructive denial and that the Mayor's Office violated FOIL because "(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.."

The Office of the Mayor takes seriously the importance of disclosing information to the public consistent with the law. Postponements are certainly to be avoided whenever possible; at times, however, they are necessary particularly when dealing with requests that require the careful review of a large number of documents. Reviewing records to determine if they are responsive and if they may be disclosed pursuant to Public Officers Law § 87 is a time and labor-intensive process and every effort is made to respond to each request in as timely a manner as is possible.

I find that the request has not been constructively denied. Courts have repeatedly held that there are no absolute deadlines under FOIL. *See Matter of New York Times Co. v City of New York Police Dept.*, 103 A.D.3d 405, 407 (N.Y. App. Div. 2013) ("Public Officers Law § 89 (3) mandates no time period for denying or granting a FOIL request, and rules and regulations purporting to establish an absolute time period have been held invalid."); *Legal Aid Soc'y v. N.Y.C. Police Dep't*, 274 A.D.2d 207, 215 (N.Y. App. Div. 2000) ("section 89 (3) mandates no time period for disclosing records under FOIL"); *Matter of Gajadhar v. N.Y. Police Dep't*, 61 Misc. 3d 1218(A) (N.Y. Sup. Ct. 2018); FOIL-AO-14913 (Sept. 24, 2004) ("[T]here is no precise time period within which an agency must grant or deny access to records.").

Nonetheless, I am acknowledging the request and remanding your appeal to the RAO with instructions to produce responsive records, subject to any applicable privileges or exemptions, by October 22, 2025.

You may seek judicial review of this determination pursuant to CPLR Article 78.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey Lowell".

Jeffrey Lowell  
Records Appeals Officer