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STATE OF NEW YORK
COMMISSION ON JUDICIAL NOMINATION

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Alan Mansfield
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Margaret S. Morton
Muriel Siebert

Stuart A. Summit, Counsel
Stephen P. Younger, Assistant Counsel
Frederick B. Warder III, Assistant Counsel

January 6, 2003

Ms. Elena Ruth Sassower
Coordinator
Center for Judicial Accountability, Inc.
P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Re: Commission on Judicial Nomination Materials

Dear Ms. Sassower:

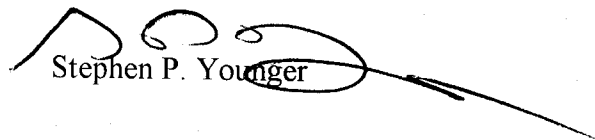
In response to your FOIL request dated December 6, 2002, the only materials that you requested that are subject to FOIL are the following:

The Commission's Report to the Governor, dated December 2, 2002;
Blank Questionnaire for Candidates for Associate Judge of the Court of Appeals;
An informational brochure that was sent with the Questionnaire.

The work of the commission is subject to a statutory confidentiality privilege found in Judiciary Law § 66 and any other materials are not discoverable under FOIL.

We appreciate your interest in the Commission's work.

Very truly yours,


Stephen P. Younger

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December 2, 2002

**Stuart A. Summit, Counsel
Stephen P. Younger, Assistant Counsel
Frederick B. Warder III, Assistant Counsel**

**The Honorable George Pataki
Executive Chamber
State Capitol
Albany, New York 12224**

Dear Governor Pataki:

As Chair of the Commission on Judicial Nomination, I have the honor to report to you on behalf of the Commission, pursuant to Article 6, Section 2 of the Constitution, and Section 63(3) of Article 3-A of the Judiciary Law, the names of seven candidates for appointment to the office of Associate Judge of the Court of Appeals, who in the collective judgment of the Commission are "well-qualified," by their character, temperament, professional aptitude, experience, qualifications and fitness for office, to discharge the duties of that high office and are considered the best qualified of those who filed applications for consideration in accordance with the Commission's rules. The vacancy in that office is the result of the mandatory retirement of Associate Judge Howard A. Levine, as of December 31, 2002.

As in the past, the Commission took many steps to seek the largest possible number of qualified applicants for the position, including Statewide notification of the application procedure, and individual solicitation of applications.

Also as in the past, the Commission caused an investigation to be conducted of the qualifications of the large number of applicants it determined to interview. The result of each investigation was reported to the Commission and discussed before and after the interviews. The Commission sought by its investigations and interviews assurance of each candidate's integrity, sound judgment, judicial temperament and high intellectual quality and writing ability.

STATE OF NEW YORK COMMISSION ON JUDICIAL NOMINATION

The Honorable George Pataki

December 2, 2002

Page 2

The candidates thus nominated by the Commission for the office of Associate Judge, listed in alphabetical order, are:

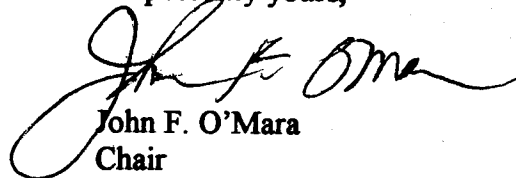
Steven W. Fisher
Helen E. Freedman
L. Priscilla Hall
Eugene F. Pigott, Jr.
Susan P. Read
Guy Miller Struve
James A. Yates

Each candidate recommended for the office of Associate Judge has been interviewed by the Commission and each has filed the financial statement required by law being transmitted to you separately. A summary of the careers of the recommended candidates is attached.

Section 66(2) of the Judiciary Law provides that "the governor shall have access to all papers and information relating to persons recommended to him by the commission." The Commission, through its Chair, and its Counsel, Stuart A. Summit, stands ready to furnish you with any such material and to respond to your inquiries.

With warm greetings, and highest regard, always

Respectfully yours,



John F. O'Mara
Chair

JFO/ic
Enclosure

**STATE OF NEW YORK
COMMISSION ON JUDICIAL NOMINATION**

December 2, 2002

STEVEN W. FISHER

Currently serving as a Justice of the Supreme Court, Queens County and Administrative Judge for the Eleventh Judicial District of the Supreme Court, he was born in 1946 and admitted to the Bar in 1973. Received a B.A. degree from Queens College and a J.D. degree *cum laude* from Brooklyn Law School. Assistant District Attorney, Kings County 1972-76. Engaged in private practice of law in New York City, 1977-79. Served as Principal Law Clerk to Presiding Justice, Appellate Division, Second Department, 1979-83. Became a Judge of the Criminal Court of the City of New York in 1983. Acting Supreme Court Justice, Kings County, 1986-89; Queens County, 1990-92. Became a Justice of the Supreme Court, Queens County in 1993 and Administrative Judge of Supreme Court for the Eleventh Judicial District in 1998. Co-Chair, Committee on Criminal Jury Instructions. Member, Capital Cases Judicial Resource Committee. Author and lecturer for judicial and professional organizations on criminal law topics. Active in professional and community affairs. Recommended previously in 2000 by this Commission to the Governor for appointment to the Office of Associate Judge of the Court of Appeals.

HELEN E. FREEDMAN

Currently serving as a Justice in the Commercial Division of the Supreme Court, New York County, she was born in 1942 and admitted to the Bar in 1967. Received a B.A. degree from Smith College and a J.D. degree from New York University School of Law. Staff Attorney, American Arbitration Association, 1967-69. Engaged in the private practice of law in New York City, 1970-74. Law Secretary to Hon. Seymour Schwartz, Civil Court of the City of New York, 1974-76. Senior Attorney, N.Y.C. Department of Housing Preservation and Development, 1976. Supervising Attorney, District Council 37 Legal Services Plan, 1976-78. Served as a Judge of the Civil Court of the City of New York, 1979-84. Became a Justice of the Supreme Court in 1984. Associate Justice, Appellate Term, First Department, 1995-99. Presiding Justice, New York State Litigation Coordinating Panel, 2002-present. President, N.Y.S. Association of Women Judges, 1995-97. Member, Committee on Pattern Jury Instructions. Author, *New York Objections* (James Publishing 1998). Author and lecturer on civil litigation topics. Active in professional, community and educational affairs.

**STATE OF NEW YORK
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December 2, 2002

L. PRISCILLA HALL

Currently serving as a Justice of the Supreme Court, Kings County, she was born in 1946 and admitted to the bar in 1974. Received a B.A. degree from Howard University, *magna cum laude*, an M.S. degree with honors from Columbia School of Journalism and a J.D. degree from Columbia Law School. In-house counsel, General Electric Co., 1973-74. Assistant District Attorney, New York County, 1974-79. Inspector General, N.Y.C. Department of Employment, 1979-1982. Inspector General, N.Y.C. Human Resources Administration, 1982-86. Became a Judge of the Criminal Court of the City of New York in 1986. Judge, New York State Court of Claims, 1990-94. Became a Justice of the Supreme Court, Kings County in 1994. Member, Capital Cases Judicial Resource Committee. Author and lecturer on criminal law and judicial topics. Active in community and educational affairs.

EUGENE F. PIGOTT, JR.

Currently serving as Presiding Justice of the Appellate Division, Fourth Department, he was born in 1946 and admitted to the Bar in 1974. Received a B.A. degree from LeMoyne College and a J.D. degree from State University of New York at Buffalo School of Law. Engaged in private practice of law in Buffalo, 1974-81 and 1986-97. County Attorney, Erie County, 1982-86. Became a Justice of the Supreme Court, Eight Judicial District in 1997. Designated an Associate Justice, Fourth Department in 1998 and became Presiding Justice in 2000. Legal Aid Society, Erie County (Director, 1982-86; President, 1986-88). Active in professional, community and educational affairs. Lecturer on topics including appellate practice and civil litigation.

SUSAN P. READ

Currently serving as Presiding Judge of the New York State Court of Claims, she was born in 1947 and admitted to the Bar in 1974. Received a B.A. degree, *summa cum laude*, from Ohio Wesleyan University and a J.D. degree from University of Chicago Law School. In-house counsel, State University of New York, 1974-77. In-house counsel, General Electric Co., 1977-88. Engaged in private practice of law in Albany, 1988-94. Deputy Counsel, Governor's Counsel's Office, 1995-97. Became a Judge of the Court of Claims in 1998 and Presiding Judge in 1999. Past member, New York State Bar Association Executive Committee. Author on environmental law topics. Active in professional and judicial affairs. Recommended previously in 2000 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals.

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December 2, 2002

GUY MILLER STRUVE

Currently a partner in the law firm of Davis Polk & Wardwell in New York City, he was born in 1943 and admitted to the Bar in 1967. Received an A.B. degree, *summa cum laude*, from Yale College and an LL.B. degree, *magna cum laude*, from Harvard Law School. Law Clerk to Chief Judge J. Edward Lumbard, U.S. Court of Appeals for the Second Circuit, 1966-67. Joined Davis Polk in 1967 as an associate and became a partner in 1973. Associate Counsel, Office of Independent Counsel, Lawrence E. Walsh, 1987-94. Member, American Law Institute. Chair, Civil Litigation Committee of the United States District Court for the Eastern District of New York. Active in community, educational and professional affairs. Recommended previously in 1997 and 1998 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals.

JAMES A. YATES

Currently serving as Justice of the Supreme Court, New York County, he was born in 1946 and admitted to the Bar in 1974. Received an A.B. degree *cum laude* from Princeton University in 1967 and a J.D. degree from Rutgers University School of Law in 1973. Served as a Staff Attorney in the Legal Aid Society during 1973-79. Served as Senior Counsel to the N.Y.S. Assembly Committee on Codes, 1979-86. Served as Counsel to the Majority, N.Y.S. Assembly, 1987-88. Served as Legislative Counsel to the Speaker of the N.Y.S. Assembly, 1989-92. Appointed to the Court of Claims in 1992 and served through 1997 when he became a Supreme Court Justice, New York County. Member, National Commission on Uniform State Laws, 1989-92. Chair, Criminal Law Committee of the Association of the Bar for the City of New York, 1995-98. Author and lecturer on diverse topics including criminal law, legislation and evidence. Active in professional, community and educational affairs. Recommended previously in 1998 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals.