

NEW YORK STATE COMMISSION ON JUDICIAL NOMINATION
666 FIFTH AVENUE, 28TH FLOOR
NEW YORK, NEW YORK 10103-0084
(212) 841-0715
FAX (212) 262-5153

TELEFAX COVER SHEET

CONFIDENTIAL

DATE: October 20, 2003
FROM: Stuart A. Summit, Counsel **PAGES (INCLUDING THIS PAGE):** 7

NAME	FIRM/COMPANY	ADDRESSEE'S TELEPHONE NO.	ADDRESSEE'S FAX NO.
Elena Ruth Sassower, Coordinator	CJA	914 421-1200	914 428-4994

MESSAGE:

Attachment: Report to the Governor

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**STATE OF NEW YORK
COMMISSION ON JUDICIAL NOMINATION**
666 Fifth Avenue, 28th Floor
New York, New York 10103-0084
(212) 841-0715
FAX (212) 262-5152

John F. O'Mara, Chair
Warren Anderson
Edward F. Cox
Michael C. Finnegan
Joseph R. Jiempietro
Janet M. Kassar
Gerald B. Lefcourt
Alan Mansfield
E. Leo Milonas
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Muriel Siebert

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

October 15, 2003

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 resignation of Associate Judge Richard C. Wesley, as of June 17, 2003.

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.

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

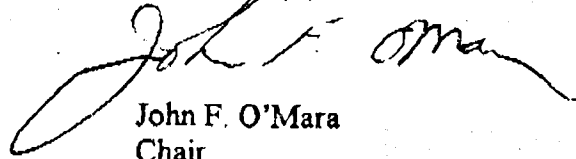
Daan Braveman
Steven W. Fisher
Helen E. Freedman
Stephen J. Friedman
Eugene F. Pigott, Jr.
Robert S. Smith
Guy Miller Struve

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**

October 15, 2003

DAAN BRAVEMAN

Currently serving as a Professor of Law of Syracuse University College of Law, he was born in 1947 and admitted to the Bar in 1982. Received an A.B. degree with honors from University of Rochester and a J.D. degree with honors from University of Pennsylvania School of Law. Law Clerk to Hon. Samuel J. Roberts, Supreme Court of Pennsylvania, 1972-73. Greater Upstate Law Project, Rochester, New York, 1973-77. Joined Syracuse College of Law in 1977 and served as Dean from 1994 through 2002. Supervised the College's Public Interest Law Firm. Reporter, Civil Justice Reform Act Advisory Group, Northern District of New York, 1993-95. Member, American Law Institute. Member, Syracuse Comprehensive Plan Advisory Committee. Active in professional, community and educational affairs. Author and lecturer on topics including constitutional law and Indian law.

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 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 and 2002 by this Commission to the Governor for appointment to the Office of Associate Judge of the Court of Appeals.

**STATE OF NEW YORK
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October 15, 2003

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. Judge, 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, N.Y.S. 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. Recommended previously in 2002 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals.

STEPHEN J. FRIEDMAN

Currently a partner in the law firm of Debevoise & Plimpton in New York City, he was born in 1938 and admitted to the Bar in 1962. Received an A.B. degree *magna cum laude* from Princeton University and an LL.B. degree *magna cum laude* from Harvard Law School. Law Clerk to Justice William J. Brennan, Jr., U.S. Supreme Court, 1962-63. Special Assistant, U.S. Maritime Administrator, 1964-65. Joined Debevoise in 1971 and subsequently became a partner. Deputy Assistant Secretary of the U.S. Treasury for Capital Markets Policy, 1977-79. Commissioner, U.S. Securities and Exchange Commission, 1980-81. Executive Vice President and General Counsel, The E.F. Hutton Group, Inc., 1986-88. Executive Vice President and General Counsel, Equitable Financial, Inc., 1988-93. Governor, National Association of Securities Dealers, 1991-94. President, Practicing Law Institute. Active in professional, community, educational and business affairs. Author and lecturer on topics including corporate and securities issues.

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October 15, 2003

EUGENE F. FIGOTT, 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. Recommended previously in 2002 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals.

ROBERT S. SMITH

Currently a private practitioner in New York City and Special Counsel to the firm of Kornstein Veisz Wexler & Pollard, LLP, he was born in 1944 and admitted to the Bar in 1968. Received a B.A. degree with highest honors from Stanford University and an LL.B. degree from Columbia Law School, where he was first in his class and Editor-in-Chief of the Law Review. Joined Paul, Weiss, Rifkind, Wharton & Garrison in 1968 as an associate and became a partner in 1976. Visiting Professor, Columbia Law School, 1980-81. Lecturer in Law, Columbia Law School, 1981-1990. Referee, New York State Commission on Judicial Conduct, 1997 and 2002. Co-Chair, Committee on Judicial Administration, New York State Bar Association, 2001-present. Author and lecturer on topics including civil practice and commercial litigation. Active in community, educational and professional affairs.

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October 15, 2003

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, 1998 and 2002 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals.