

**State of New York  
COMMISSION ON JUDICIAL NOMINATION**

**666 Fifth Avenue, 28<sup>th</sup> Floor  
New York, New York 10103-0084  
Telephone: (212) 841-0715  
Telefax: (212) 262-5152**

*John F. O'Mara, Chair  
Warren Anderson  
Edward F. Cox  
Michael C. Finnegan  
Josephine L. Gambino  
Patricia Green  
Berta E. Hernandez  
Janet M. Kassar  
Gerald B. Lefcourt  
Alan Mansfield  
Basil A. Paterson  
Muriel Siebert*

*Stuart A. Summit, Counsel  
Stephen P. Younger, Assistant Counsel*

February 24, 1999

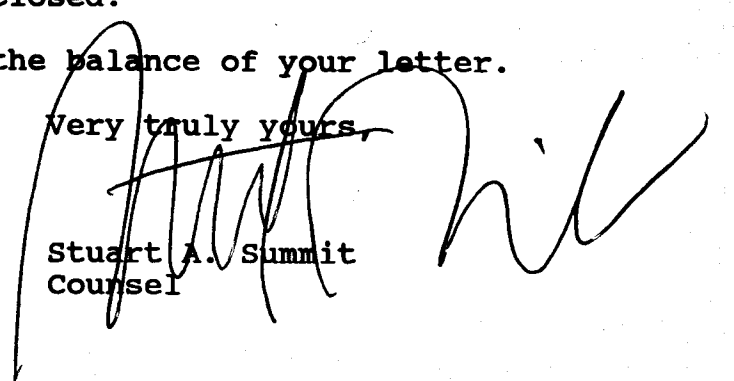
Elena Ruth Sassower, Esq.  
Center for Judicial Accountability, Inc.  
P.O. Box 69, Gedney Station  
White Plains, New York 10605-0069  
(0132) 99810/002

Dear Ms. Sassower:

Your letter of February 5, 1999 requested a copy of the Commission's Report to the Governor, which was delivered November 12, 1998. A copy is enclosed.

I will not respond to the balance of your letter.

Very truly yours,

  
Stuart A. Summit  
Counsel

SAS/dd  
Enclosure

EX-2-1"

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*Stephen P. Younger, Assistant Counsel*

November 12, 1998

**CONFIDENTIAL**

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 results from the resignation of Vito J. Titone on September 1, 1998.

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.

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

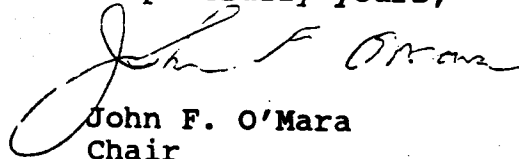
Richard T. Andrias  
George B. Daniels  
Michael J. Hutter, Jr.  
Albert M. Rosenblatt  
Guy Miller Struve  
Joseph P. Sullivan  
James A. Yates

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 and 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

Enclosure

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**RICHARD T. ANDRIAS**

Currently serving as an Associate Justice of the Appellate Division, First Department, he was born in 1943 and admitted to the Bar in 1971. Received a B.A. degree from Bowdoin College, cum laude, a J.D. degree from Columbia Law School, cum laude. Engaged in the private practice of law in New York City during 1970-71 and 1975-83. Became a Judge of the Criminal Court of the City of New York in 1983, Deputy Supervising Judge of that Court and Acting Supreme Court Justice in 1985, and became a Supreme Court Justice, New York County in 1988. Designated an Associate Justice of the Appellate Division, 1996. Chair, Task Force on Processing Civilian Complaints by the Criminal Court, 1988-89. Chair, Office of Court Administration Advisory Board establishing Community Dispute Referral Centers, 1991-92. Has written and lectured extensively on various legal topics, and as part of the Russian Lawyer Jury Trial Project. Active in professional, community and educational affairs.

**GEORGE B. DANIELS**

Currently serving as a Justice of the Supreme Court, New York County, he was born in 1953 and admitted to the Bar in 1979. Received a B.A. degree from Yale University in 1975 and a J.D. degree from the University of California at Berkeley in 1978. Served in the Criminal Defense Division of the Legal Aid Society, 1978-80. Served as a Law Clerk to Chief Justice Rose Bird of the California Supreme Court, 1980-81. Engaged in private practice of law in New York City, 1981-83. Served as an Assistant U.S. Attorney in the Eastern District of New York during 1983-89. Appointed as a Judge of the Criminal Court of the City of New York 1989-90 and 1993-95. Served as Counsel to the Mayor of the City of New York 1990-93. Became a Supreme Court Justice, New York County in 1996. Active in professional, community and educational affairs.

**MICHAEL J. HUTTER, JR.**

Currently serving as a Professor of Law at Albany Law School of Union University, he was born in 1945 and admitted to the Bar in 1971. Received an A.B. degree with high honors from Brown University in 1967 and a J.D. degree from Boston College Law School in 1970, where he was Editor in Chief, Boston College Law Review (Annual Survey). Served as Law Clerk to Hon. Matthew J. Jasen, Associate Judge of the New York Court of Appeals, 1970-72. Engaged in private practice in Buffalo during 1972-74. Served as Assistant Professor of Law at Western New England School of Law, 1974-76, when he joined the faculty of Albany Law School. Served as

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Executive Director of the N.Y.S. Law Revision Commission, 1979-84. Has also served as Special Counsel to Thuillez, Ford, Gold & Connelly in Albany since 1983. Author and lecturer on various topics including evidence, antitrust and unfair trade practices. Active in professional, community and educational affairs.

**ALBERT M. ROSENBLATT**

Currently serving as an Associate Justice of the Appellate Division, Second Department, he was born in 1936 and admitted to the Bar in 1961. Received a B.A. degree from the University of Pennsylvania and an LL.B. degree from Harvard Law School. Engaged in private practice in New York City, 1961-64, and in Poughkeepsie, 1964-69. Assistant District Attorney, 1964-69, and District Attorney, 1969-75, Dutchess County. County Court Judge, Dutchess County, 1975-81. Became a Supreme Court Justice, Ninth Judicial District in 1981. Served as Chief Administrative Judge of the State of New York, 1987-89. Designated an Associate Justice of the Appellate Division, Second Department in 1989. Author and lecturer on various legal topics for judicial and bar organizations, and universities. Also has written and lectured on diverse non-legal topics. Active in professional, community and educational affairs. Recommended previously in 1993 and 1997 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals.

**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. Co-Chair, Joint Committee on Local Rules of the Southern and Eastern Districts of New York. Active in community, educational and professional affairs. Recommended previously in 1997 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals.

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**JOSEPH P. SULLIVAN**

Currently serving as an Associate Justice of the Appellate Division, First Department, he was born in 1931 and admitted to the Bar in 1957. Received a B.A. degree from St. John's University, an LL.B. degree from St. John's University School of Law and an LL.M. degree from the University of Virginia School of Law. Engaged in the private practice of law in New York City from 1958-64. Law Secretary to Justice Charles G. Tierney of the Supreme Court, First Judicial District, 1965-68. Became a Judge of the Civil Court of the City of New York in 1969 and a Justice of the Supreme Court, First Judicial District, in 1973. Designated an Associate Justice of the Appellate Division, First Department in 1978. Chairman, Committee on Appellate Division Procedures, Calendars and Assignments, and serves on other court committees. Lecturer to judicial, professional and lay organizations on business law, trial and appellate practice. Active in professional, community and educational affairs. Recommended in each of 1983, 1985 (twice), 1986 and 1992, twice in 1993 and again in 1997 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals. Also recommended in 1985 and 1993 by this Commission to the Governor for appointment to the office of Chief Judge of the State of New York.

**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, Committee on Automation and Technology, N.Y.S. Office of Court Administration, 1993-97. Author and lecturer on diverse topics including criminal law, legislation and evidence. Active in professional, community and educational affairs.