

# CENTER for JUDICIAL ACCOUNTABILITY, INC.\*

Post Office Box 3002  
Southampton, New York 11969

Tel. (631) 377-3583  
Fax (631) 377-3582

E-Mail: [cja@judgewatch.org](mailto:cja@judgewatch.org)  
Website: [www.judgewatch.org](http://www.judgewatch.org)

BY FAX: 212-406-9252 (3 pages)

September 17, 2009

New York County Lawyers Association  
ATT: Marilyn J. Flood, Counsel

RE: The New York County Lawyers' Association's "Valuable Input" to  
The New York State Commission on Judicial Nomination

Following up our phone conversation yesterday, enclosed is the July 20, 2009 press release of the New York State Commission on Judicial Nomination pertaining to its proposed revised rules, acknowledging the "valuable input" of the New York County Lawyers' Association "[o]ver the past year".

As New York County Lawyers' Association did not testify at the Senate Judiciary Committee's hearings on the Commission on Judicial Nomination, held on January 27, 2009, February 3, 2009, May 21, 2009, and June 5, 2009, please advise as to what form that "valuable input" consisted of.

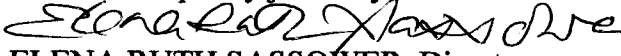
I understood from you that New York County Lawyers' Association did not submit any written statement to the Senate Judiciary Committee, but had sent a letter to Governor Paterson concerning the diversity issue he raised at the end of last year. However, I have not been able to locate that letter on the Association's website.

I did locate on the Association's website (albeit without its attached "Roadmap for Reform"), the County Lawyers' March 10, 2009 letter to Assemblyman Rory Lancman, opposing his introduction of Bill A 3866-A to remove the restriction on the number of nominees the Commission on Judicial Nomination may forward the governor. Did New York County Lawyers' Association send any other letters to legislators concerning the Commission on Judicial Nomination "[o]ver the past year"?

Please advise by fax or e-mail, as indicated on this letterhead, with copies of such letters.

Thank you.

Yours for a quality judiciary,

  
ELENA RUTH SASSOWER, Director  
Center for Judicial Accountability, Inc. (CJA)

Enclosure

---

\* Center for Judicial Accountability, Inc. (CJA) is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

State of New York  
Commission on Judicial Nomination  
1133 Avenue of the Americas  
New York, New York 10036-6710  
(212) 336-2685  
FAX (212) 336-2222  
[spyounger@pbwt.com](mailto:spyounger@pbwt.com)  
[www.nysegov.com/cjn](http://www.nysegov.com/cjn)

Judith S. Kaye, Chair  
Edward F. Cox  
Ruth Friendly  
Janet M. Kassar  
Elena H. Kiam  
Gerald B. Lefcourt  
Alan Mansfield  
E. Leo Milonas  
Margaret S. Morton  
Richard P. Nathan  
David M. Schwartz

Stephen P. Younger, Counsel  
John J. Halloran, Jr., Deputy Counsel  
Katrina E. James, Assistant Counsel  
Norman W. Kee, Assistant Counsel  
Stuart A. Summit, Senior Counsel

July 20, 2009

Contact: Stephen P. Younger, Counsel  
Phone: (212) 336-2685  
email: [spyounger@pbwt.com](mailto:spyounger@pbwt.com)

**FOR IMMEDIATE RELEASE**

The Commission on Judicial Nomination has today released for public comment proposed revisions to the rules under which it operates and nominates candidates for appointment to the Court of Appeals, New York's highest court and the Nation's preeminent common law court.

Judith S. Kaye, the Commission Chair and former Chief Judge, stated, "I am pleased that the Commission is releasing proposed rule revisions that reflect the experience of the Commission gathered over the last 30 years as well as the insights of many others to assure that, for the future, the Commission will continue to serve the public interest well."

Over the last year, the Commission has considered valuable input from the Governor, Legislators, and the Attorney General, as well as various individuals and organizations, including the New York State Bar Association, the City Bar Association, the New York County Lawyers' Association, and The Fund for Modern Courts. These new rules are the result of the Commission's work to incorporate this collected wisdom in a manner that is faithful to its overarching constitutional and statutory mandate. The Constitution and statute require that the Commission vigorously seek out, carefully evaluate, and then nominate to the Governor well-qualified candidates from the extraordinary, diverse community of lawyers admitted to practice in New York State.

The Commission on Judicial Nomination was created in 1977 by an amendment to the New York State Constitution. The members of the Commission are appointed by the three branches of government, and the Commission is constitutionally charged as an independent body

to evaluate and nominate candidates for vacancies on the New York Court of Appeals. The Commission serves a critical role in our State's government: to ensure that the judges who sit on the Court of Appeals are chosen from among the State's most highly qualified and accomplished judges, practicing lawyers and legal scholars.

The creation of the Commission on Judicial Nomination was a landmark, collaborative achievement of New York's judicial leaders, political leaders, the leaders of the bar, and public interest groups that were and remain vitally committed to the nomination of outstanding judges for the Court of Appeals. The Commission has served New York's citizens well for over 30 years.

The revised rules are treated as proposed changes to State regulations. All changes to State regulations are filed with the Secretary of State and published in the State Register. The public is given 45 days to comment from the date of publication. The Commission must assess any comment received. If the Commission makes no substantive changes to the rules based on such public comment, the rules may be adopted by the Commission. If substantive changes are made, however, the proposed amended rules must be republished in the State Register and a 30-day comment period is commenced from the date when those revised rules are published.

The proposed substantive changes to the rules include: formalization of a protocol for broad outreach to and solicitation of candidates; addition of an explicit commitment to diversity; simplification of the application process; a requirement that the Commission's report to the Governor include more details about each nominee, as well as a description of the Commission's outreach to candidates; and a protocol for the Commission's website.

The revised rules are available on the Commission's website (<http://nysegov.com/cjn>). Comments on the revised rules may be sent to the Commission's counsel, Stephen P. Younger, at [spyounger@pbwt.com](mailto:spyounger@pbwt.com).