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Elena Ruth Sassower, Coordinator

BY FAX: 518-436-7109 (10 pages)
December 18, 2002

James McKinley, Jr., New York Times
Albany Bureau

Enclosed is the State Judicial Screening Committee's December 10, 2002 "written report" for Senator Lack, which you faxed me, in which the second sentence reads "On this day, the candidate appeared before the Committee..." What time was that appearance, such that there was time enough for the Judicial Screening Committee to get out its "written report" to the Governor, whose press release of the nomination is also dated December 10, 2002? And what time did the press release go out?

Also enclosed is a list for 1999, 2000, and 2001, correlating the 30 "written reports" for Court of Claims and interim lower court nominees – obtained from the Governor's office pursuant to CJA's March 30, 2001 FOIL request – with the materials obtained from the Senate Judiciary Committee two weeks ago – pursuant to CJA's December 19, 2001 FOIL request.

There is ONLY one other nominee whose "written report" of the judicial screening committee bears the SAME date as the date of the Governor's nomination and that is for Kathleen R. DeCataldo. For your convenience, enclosed is a copy of that "written report", which is from the Third Department Judicial Screening Committee, along with the materials pertinent thereto obtained from the Senate Judiciary Committee.

In checking the nomination/confirmation documents, rather than my list, I found I had made a typographical error in a date, the result of which was that I mistakenly believed that, as to one nominee, the "written report" of the screening committee was months after the nomination. I was wrong.

Finally, I think it would be most useful if, in addition to reading my 11-page letter to the Senate leadership, you peeked into the box of substantiating documentation – and began reading the first page and a half of the very first document: my April 18, 1996 letter to Senate Judiciary Committee Counsel David Gruenberg.

**New York State Judicial Screening Committee
Chairperson: Paul Shechtman**

December 10, 2002

George E. Pataki
Governor, State of New York
Capitol Building
Albany, New York 12224

Appointment Report
Applicant: James J. Lack

The New York State Judicial Screening Committee reviewed the qualifications of James J. Lack for a potential appointment as a Judge of the Court of Claims. On this day, the candidate ~~appeared before~~ the Committee. After evaluating the candidate's intellect, judgment, temperament, character and experience the Committee determined that James J. Lack was highly qualified for appointment as a Judge of the Court of Claims, Paragraph A and Non-A.

Since 1979, Mr. Lack has served as a New York State Senator, and since 1994 as Chair of the Senate Committee on the Judiciary. He also serves as a member of the following Committees: Codes, Consumer Protection, Elections (Chair, 1981-1985), Energy and Telecommunications, Ethics, Finance, Labor (Chair, 1985-1993), and Water Resources. He has been the primary sponsor of over 400 laws, including the Beverage Deposit Container Act, Workers Compensation and Child Labor Reform Act and the Jury Reform Act. Since 1982, Senator Lack has also served as a partner in the firm of Smyth & Lack in Huntington. From 1977 until 1978, he served as president of the Better Business Bureau of Metropolitan New York. From 1974 until 1977, he served as Commissioner of the Suffolk County Consumer Affairs Department. From 1972 until 1974, he served as a Suffolk County Principal Assistant District Attorney. From 1970 until 1972, he served as Counsel to the New York State Consumer Protection Board.

Senator Lack serves as a member of the New York State Bar Association, Suffolk County Bar Association, and is a member of the Board of Directors of the State and Local Legal Center.

Senator Lack served in the New York Army National Guard from 1969 until 1972 and the New York Air National Guard from 1972 until 1974 and received an honorable discharge. He is a graduate of the University of Pennsylvania (B.A., 1966) and Fordham University School of Law (J.D., 1969).

Dec 10, 2002

FOR IMMEDIATE RELEASE:
December 10, 2002

*What
time this
was released
in Dec 10th*

GOVERNOR NOMINATES SENATOR LACK TO SERVE ON COURT OF CLAIMS

Highly Qualified, Experienced Attorney Nominated to Serve on the Court in Long Island

Governor George E. Pataki today nominated Senator James J. Lack as a Judge of the Court of Claims. The State Judicial Screening Committee found him highly qualified to serve as a Judge of the Court of Claims based on his intellect, judgment, temperament, character and experience. The appointment is subject to Senate confirmation.

"Jim Lack is uniquely qualified to serve on our Court of Claims by virtue of his extraordinary intellect, voluminous knowledge of the law and his more than two decades of service as a member of the Senate, including his superb stewardship as Chair of the Senate Judiciary Committee, and his wealth of experience for thirty years in the private practice of law," Governor Pataki said. "I am pleased that this highly gifted and dedicated legislator will continue to serve the people of New York and I am confident he will continue to do so with great distinction as a member of the judiciary."

Senate Majority Leader Joseph L. Bruno said, "New York State is fortunate to have a man of Jim Lack's character and intellect serve on the Court of Claims. Jim has worked diligently representing the people of Suffolk County as a member of the State Senate for more than twenty years, and has been an exemplary Chair of the Senate Judiciary Committee for the last nine. While his extraordinary knowledge and experience will be sorely missed among his colleagues, it is the people of New York that will benefit greatly from his intense dedication, his integrity and his knowledge of and respect for the law."

Chief Administrative Judge Jonathan Lippman said, "I can think of no other more qualified candidate than Senator James Lack for appointment to the bench. As Chair of the Senate Judiciary Committee for the last nine years, Senator Lack has been a stalwart champion of the courts, and he is held in the highest regard by those of us in the judiciary who have had the privilege of working with him. His encyclopedic knowledge of the courts and his keen understanding of the role of judges in our system of government make him uniquely suited to this new challenge in his career. I welcome him to the judiciary and look forward to working with him in the years ahead."

Senator Lack was nominated to fill a vacancy created by the retirement of Judge Leonard Silverman, and is for a term expiring on March 22, 2003.

Senator Lack, who will hear civil cases on Long Island, has served in the New York State Senate since 1979, and as Chair of the of the Senate Committee on the Judiciary since 1994. Since 1982, he has been engaged in the private practice of law as a partner in the firm of Smyth & Lack in Huntington. From 1977 until 1978, he was president of the Better Business Bureau of Metropolitan New York. From 1974 until 1977, he served as Commissioner of the Suffolk County Consumer Affairs Department. From 1972 until 1974, he served as a Suffolk County Principal Assistant District Attorney. From 1970 until 1972, he served as Counsel to the New York State Consumer Protection

COMMITTEE AGENDA

SENATE STANDING COMMITTEE ON JUDICIARY

Senator James J. Lack, Chair

1:00 PM, Monday, May 15, 2000

Room 124 CAP

The committee will consider the following nominations.

Kathleen R. DeCataldo of Niskayuna a Judge of the Family Court for the County of Schenectady

Annette L. Guarino of Rye as a Judge of the Family Court for the County of Westchester

Gerald V. Hayes of Poughkeepsie as a Judge of the Dutchess County Court

Printed No.	Sponsor	Title
7256	Maziarz	An act to amend the estates, powers and trusts law and the not-for-profit corporation law, in relation to public notice of the filing of annual returns by private foundations .

Third Department Judicial Screening Committee
Chairperson: Dale M. Thuillez

April 19, 2000

George E. Pataki
Governor, State of New York
Capitol Building
Albany, New York 12224

Appointment Report
Applicant: Kathleen R. DeCataldo

The Third Department Judicial Screening Committee reviewed the qualifications of Kathleen R. DeCataldo for a potential appointment to the office of Judge of the Family Court of Schenectady County. On this day, the candidate appeared before the Committee. After evaluating the candidate's intellect, judgment, temperament, character and experience the Committee determined that Kathleen R. DeCataldo was highly qualified for appointment to the office of Judge of the Family Court of Schenectady County.

Since 1988, Ms. DeCataldo has been engaged in the private practice of law, concentrating in Family Court matters, matrimonial and public sector labor relations. Since that time she has also served as a Law Guardian.

Ms. DeCataldo serves as a member of the Schenectady County Bar Association, Capital District Women's Bar Association, and the Family Law and Labor and Employment Law Sections of the New York State Bar Association. She also serves as a member of the Board of Directors of the Law, Order and Justice Center and the Child Guidance Center.

She is a graduate of the State University of New York at Stony Brook (B.S., 1978) and Albany Law School of Union University (J.D., 1988).

COMMITTEE VOTING AND ATTENDANCE RECORD
SENATE STANDING COMMITTEE ON JUDICIARY
 Senator James J. Lack, Chair
 May 15, 2000

		VOTING RESULTS			
		Maziarz			
MEMBERS	Attendance	S.7256			
Lack, Ch.	Present	Aye			
Marchi	Present	Aye			
Volker	Present	Aye			
Farley	Present	Aye			
Velella	Present	Aye			
Saland	Present	Aye			
LaValle	Present	Aye			
DeFrancisco	Present	Aye			
Meier	Present	Aye			
Stafford	Present	Aye			
Balboni	Present	Aye			
Bonacic	Present	Aye			
Breslin, RM.	Present	Aye			
Dollinger	Present	Aye			
Sampson	Present	Aye			
Gentile	Present	Aye			
Duane	Present	Aye			
Seabrook	Present	Aye			
Schneiderman	Present	Aye			
Smith M	Present	Aye			
VOTING TOTALS	AYE NAY	20 0			
Action Taken		RULES			
Voting Codes: AYE - Yes; NAY - No; AYE W/R - Aye without Recommendation; Ex - Excused; ABS - Absent; ABT - Abstain Action Codes: FIRST - First Report; Special - Special Report; W/A - With Amendments; RC - Report & Commit; Third - Third Reading					

Finalized - Actions: 05/15/2000 03:45 PM Voting: 05/15/2000 03:45 PM

Submitted to Journal Clerk's Office By: Susan J. Zimmerman Date: 5/15/00

A message from the Governor
has received and read in the words
following

State of New York



JUDICIARY

In Senate,

Confirmed _____ 19 _____

The following nomination was received from the Governor and confirmed by the Senate:

State of New York Executive Chamber ALBANY

April 19, 2000

TO THE SENATE:

I hereby nominate as a Judge of the Family Court
for the County of Schenectady

KATHLEEN R. DECATALDO

of Niskayuna, for a term expiring on December 31, 2000.

(L.S.)

IN SENATE
CONFIRMED MAY 15 2000

/s/ George E. Pataki

**LACK
FARLEY**

May O. Donohue
President

Steven M. Bagnall
Secretary

Senate
Cafeteria
↓

1999 (19)	Name	Appt'd/Reappt'd	Expiration
1/20/99	James T. Hayden	1/8/99 to Co. Ct-Chemung	12/31/99
3/9/99	Felix J. Catena	2/1/99 to Co. Ct-Montgomery	12/31/99
4/13/99	John D. Austin	3/10/99 to Co. Ct-Warren	12/31/99
	Arthur M. Diamond	3/25/99 to Co. Ct-Nassau	12/31/99
	Peter M. Forman	3/25/99 to Family Ct-Dutchess	12/31/99
	Joel B. Gewanter	3/26/99 to Co Ct-Nassau	12/31/99
	W. Howard Sullivan	3/10/99 to Co. Ct-Chenango	12/31/99
4/12/99	Stephen W. Cass	4/12/99 to Surrogate's Ct-Chautauqua	12/31/99
5/17/99	John V. Centra	4/23/99 to S.Ct-5 th Jud. Dist	12/31/99
	Joseph K. West	5/6/99 to S.Ct-9 th Jud. Dist [4/13/99 report]	12/31/99
6/22/99	Susan Phillips Read	5/26/99 to Ct of Claims [4/5/99 report]	3/17/08
	Anthony F. Marano	5/18/99 to S.Ct-10 th Jud. Dist [4/13/99 report]	12/31/99
	J. Timothy Breen	5/18/99 to Family Ct-Warren [5/3/99 report]	12/31/99
7/13/99	Louis C. Benza	6/17/99 to S.Ct-12 th Jud. Dist [6/15/99 report]	6/17/99
	James T. King	6/29/99 to Co. Ct-Jefferson [6/24/99 report]	12/31/99
12/14/99	Robert E. Miller	11/22/99 to Co. Ct-Putnam [9/21/99 report]	12/31/00*
	Lawrence A. Sardelli	12/9/99 to Family Ct-Oneida [12/2/99 report]	12/31/00*
	Richard A. Molea	*6/7/99 to Ct of Claims [4/5/99 report]	3/31/06
	Alton R. Waldon, Jr.	*6/7/99 to Ct of Claims [4/5/99 report]	12/31/07

Senate confirmation

2000 (26)	Name	Appt'd/Reappt'd	Expiration
3/7/00	David M. Brockway Martha Walsh Hood Gilbert L. Abramson	2/18/00 to Family Ct-Chemung 2/16/00 to Family Ct-Onondaga 3/2/00 to Family Ct-Saratoga	12/31/00 12/31/00 12/31/00
5/15/00	Kathleen R. DeCataldo Annette L. Guarino Gerald V. Hayes	4/19/00 to Family Ct-Schenectady [4/19/00 report]* 4/29/00 to Family Ct-Westchester [12/12/00 report] 3/31/00 to Co Ct-Dutchess [3/1/00 report]	12/31/00 12/31/00 12/31/00
5/23/00	Carol Savits Klein	5/23/00 to Family Ct-Orange [5/3/00 report]	12/31/00
5/31/00	David D. Egan Alphonse M. Naclerio Thomas H. Scuccimarra	3/31/00 to S.Ct-7 th Jud. Dist [3/8/00 report] 4/27/00 to Co. Ct-Weschester [8/10/99 report] 3/15/00 to Co. Ct-Putnam [9/21/99 report]	12/31/00 12/31/00 12/31/00
6/7/00	Margaret L. Clancy Anthony I. Giacobbe Guy James Mangano, Jr. Stephen J. Mignano Norman I. Siegel Richard Sise Leslie Crocker Snyder Lewis Bart Stone	3/30/00 to Ct of Claims [4/5/99 report] 5/30/00 to Ct of Claims [2/16/00 report] 5/30/00 to Ct of Claims [4/5/99 report] 5/30/00 to Ct of Claims [2/16/00 report] 5/30/00 to Ct of Claims [9/13/99 report] 5/30/00 to Ct of Claims [9/13/99 report] 2/16/00 to Ct of Claims [4/6/99 report] 5/30/00 to Ct of Claims	12/31/04 12/31/04 5/29/01 3/13/02 3/31/02 1/22/04 3/31/06 8/26/00
6/7/00	Elma A. Bellini Arthur M. Diamond Anne G. Feldman John P. Lane Christopher J. Mega Sara S. Sperrazza	5/31/00 to Co. Ct-Monroe [4/27/00 report] 5/31/00 to Co. Ct-Nassau 5/31/00 to S.Ct-2 nd Jud. Dist [5/5/00 report] 5/31/00 to S.Ct-8 th Jud. Dist [4/27/00 report] 5/31/00 to S.Ct-1 st Jud. Dist [5/5/00 report] 5/31/00 to Co. Ct-Niagara [3/8/00 report]	12/31/00 12/31/00 12/31/00 12/31/00 12/31/00 12/31/00
6/22/00	Edward D. Burke	5/30/00 to Ct of Claims [2/16/00 report]	6/30/08
11/29/00	Victoria A. Graffeo	11/2/00 to Ct of Appeals	

*Senators
Ct Madison*

<u>2001 (26)</u>	<u>Name</u>	<u>Appt'd/Reappt'd</u>	<u>Expiration</u>
4/3/01	Robert J. Madigan, Jr. Dennis K. McDermott Eli I. Taub	3/27/01 to Family Ct-Broome [3/21/01] 3/27/01 to Co. Ct-Madison [3/21/01 report] 3/27/01 to Family Ct-Schenectady [3/8/01 report]	12/31/01 12/31/01 12/31/01
5/8/01	John M. Czygier, Jr. Judith E. Samber Thomas H. Scuccimarra	4/26/01 Surrogate's Ct-Suffolk [2/14/01 report] 4/24/01 to Co. Ct-Allegany 4/24/01 to Ct of Claims [4/6/01 report]	12/31/01 12/31/01 3/31/06
5/22/01	Albert J. Emanuelli Renee F. Minarik	4/24/01 to Ct of Claims 4/24/01 to Ct of Claims	6/30/08 12/31/08
6/12/01	Robert A. Spolzino	5/30/01 to S.Ct-9 th	12/31/01
6/19/01	Caesar D. Cirigliano Joseph Fisch Richard M. Klein Richard C. Kloch, Sr. Martin Marcus Charles J. Tejada Lawrence J. Tonetti	6/12/01 to Ct of Claims 6/12/01 to Ct of Claims 6/12/01 to Ct of Claims 6/13/01 to Ct of Claims 6/12/01 to Ct of Claims 6/12/01 to Ct of Claims 6/12/01 to Ct of Claims	8/26/09 6/30/08 8/26/09 12/31/04 6/30/08 6/30/08 8/26/09
6/20/01	Edward D. Carni Michael A. Corriero Dora L. Irizarry S. Michael Nadel Mario J. Rossetti Edward A. Sheridan Rena K. Uviller William A. Wetzel	5/15/01 to S.Ct-5 th 6/12/01 to Ct of Claims 6/12/01 to Ct of Claims	12/31/01 6/30/08 8/26/09 8/23/09 8/26/09 8/26/09 8/26/09 6/30/08
8/2/01	Carolyn Geller	7/25/01 to S.Ct-11 th	12/31/01
10/15/01	Robert J. Collini	8/23/01 to S.Ct-2 nd	12/31/01