

State of New York
Commission on Judicial Nomination
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Margaret S. Morton
Richard P. Nathan
David M. Schwartz
Edward A. Weinstein

January 18, 2007

Stephen P. Younger, Counsel
Stuart A. Summit, Senior Counsel

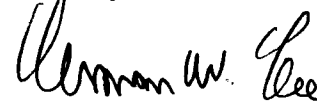
Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
Post Office Box 8220
White Plains, New York 10602

Ms. Sassower:

Enclosed, please find the a hard copy of the report on the nominees for the upcoming Chief Judge of the New York Court of Appeals vacancy, sent by the Commission to the Governor.

Additionally, please find a copy of the Commission's most recent brochure and questionnaire forms and releases.

Sincerely,



Norman W. Kee

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January 17, 2007

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FOR IMMEDIATE RELEASE

The New York State Commission on Judicial Nomination is announcing the persons nominated for the upcoming vacancy on the New York Court of Appeals. The vacancy is the result of the end of term of Chief Judge Judith S. Kaye. The Commission's Report, containing the nominees and their qualifications for the office, is attached.

The Commission on Judicial Nomination was created by Article 6, § 2 of the New York State Constitution. The Commission nominates seven persons for a vacancy in the office of Chief Judge, from whom the Governor must select his appointment for the vacancy. The Governor's appointment is subject to confirmation by the New York Senate. Of the twelve members of the Commission, four are chosen by the Governor, four by the Chief Judge of the State of New York, and one each by the Speaker of the Assembly, Temporary President of the Senate, Minority Leader of the Senate and Minority Leader of the Assembly.

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January 16, 2007

Stephen P. Younger, Counsel
Stuart A. Summit, Senior Counsel

The Honorable Eliot Spitzer
Executive Chamber
State Capitol
Albany, New York 12224

Dear Governor Spitzer:

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 Chief 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 expiration of the term of Chief Judge Judith S. Kaye, as of March 22, 2007.

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

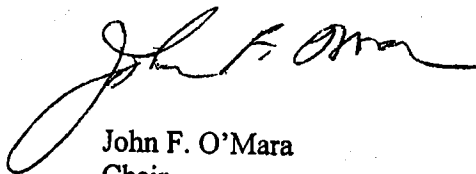
Richard T. Andrias
George F. Carpinello
Jeh C. Johnson
Judith S. Kaye
Stephen C. Krane
Thomas E. Mercure
David A. Schulz

Each candidate recommended for the office of Chief 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, Stephen P. Younger, stands ready to furnish you with any such material and to respond to your inquiries.

With warm greetings, and highest regard, always

Respectfully Yours,

A handwritten signature in cursive script, appearing to read "John F. O'Mara".

John F. O'Mara
Chair

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, and 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. Became a Supreme Court Justice, New York County in 1988. Designated an Associate Justice of the Appellate Division in 1996. Chair, Task Force on Processing Civilian Complaints by the Criminal Court, 1988-89. Member, New York State AIDS Advisory Council's ESAP Subcommittee, 2000-2003. Adjunct Professor, Pace Law School, 1992 to date. Author and lecturer on various legal topics. Active in professional, community and educational affairs. Recommended previously in 1998, 2000 and 2006 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals.

GEORGE F. CARPINELLO

Currently a partner in the law firm of Boies, Schiller & Flexner LLP in Albany, New York, he was born in 1950 and admitted to the Bar in 1976. Received a B.A. degree from Princeton University, magna cum laude, and a J.D. degree from Yale Law School. Engaged in the private practice of law in Washington, D.C. during 1977-79 and in Albany, New York from 1979 to date. Chair, New York State Advisory Committee on Civil Practice, 1985 to date. Director, Government Law Center, Albany Law School, 1990-92. Professor, Albany Law School, 1984-92. Member, Chief Judge's Commission on the Appointment of Fiduciaries in New York Courts, 2000-02. President, Legal Aid Society of Northeastern New York, 1986-88. Author and lecturer for professional organizations on ethics and New York practice. Active in professional, community and educational affairs. Recommended previously in 2006 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals.

JEH C. JOHNSON

Currently a partner in the law firm of Paul, Weiss, Rifkind, Wharton & Garrison, LLP in New York City, he was born in 1957 and admitted to the Bar in 1983. Received a B.A. degree from Morehouse College, cum laude, and a J.D. degree from Columbia Law School. Engaged in the private practice of law in New York City from 1983 to 1988, 1992 to 1998, and 2001 to the present. Served as an Assistant United States Attorney in the Southern District of New York, 1989 to 1991. Served as General Counsel, Department of the Air Force, 1998 to 2001. Member, American College of Trial Lawyers. Served as Chair of the Judiciary Committee of the Association of the Bar of the City of New York and now serves on its Executive Committee. Serves as a Director of The Fund for Modern Courts. Serves on the Board of Directors of the Federal Bar Council. Active in professional, community, and educational affairs.

JUDITH S. KAYE

Currently serving as Chief Judge of the New York Court of Appeals, she was born in 1938 and admitted to the Bar in 1963. Received a B.A. degree from Barnard College, and an LL.B. degree from New York University School of Law, cum laude. Engaged in the private practice of law in New York, 1963-1964 and 1969-1983. Corporate Legal Staff, International Business Machines Corporation, 1964-1965. Research Assistant, New York University School of Law. 1965-1968. Appointed Associate Judge of the Court of Appeals in 1983. Appointed Chief Judge of the Court of Appeals in 1993. Recognized for her reforms of New York's court system. Past President, Conference of Chief Justices and Past Chair, National Center for State Courts. Serves as Chair, Permanent Judicial Commission on Justice for Children. Director, Institute of Judicial Administration of New York University School of Law. Author and lecturer on various legal topics. Recommended in 1983 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals and in 1993 for appointment to the office of Chief Judge.

STEVEN C. KRANE

Currently a partner in the law firm of Proskauer Rose LLP in New York City, he was born in 1957 and admitted to the Bar in 1982. Received a B.A. from State University of New York at Stony Brook, cum laude, and a J.D. from New York University School of Law. Engaged in the private practice of law in New York City from 1982 to 1984 and 1985 to present. Law Clerk to Hon. Judith S. Kaye, New York State Court of Appeals, 1984-1985. Served as President of the New York State Bar Association, 2001-2002, and continues to serve as Chair of its Committee on Standards of Attorney Conduct. Member, A.B.A. House of Delegates. Trustee, Historical Society of the Courts of the State of New York. Frequent lecturer on professional responsibility and antitrust matters. Active in professional, community, and educational affairs.

THOMAS E. MERCURE

Currently serving as an Associate Justice of the Appellate Division, Third Department, he was born in 1943 and admitted to the Bar in 1969. Received a B.A. degree cum laude from St. Michael College and a J.D. degree from Georgetown University Law Center. Engaged in the private practice of law in Fort Edward, New York, 1969-80. First Assistant District Attorney, Washington County, 1974-76. District Attorney of the Supreme Court, Fourth Judicial District, in 1982. Designated an Associate Justice of the Appellate Division, Third Department, in 1988. Member, Committee on Pattern Jury Instructions. Member, Advisory Committee on Judicial Ethics. Member, Federal-State Judicial Council. Active in community affairs. Recommended previously in 2006 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals.

DAVID A. SCHULZ

Currently a partner at the law firm of **Levine Sullivan Koch & Schulz, LLP** in New York City, he was born in 1952 and admitted to the Bar in 1979. Received a B.A. from **Knox College**, magna cum laude, an M.A. in economics from Yale University, and a J.D. from Yale Law School. Engaged in the private practice of law in New York City from 1979 to the present. Founding partner of **Levine Sullivan Koch & Schulz, LLP** in 2003. Adjunct professor at **Fordham University School of Law** and **Brooklyn Law School**. Past President, **Defense Counsel Section of the Libel Defense Resource Center**. Past Chair, **Communications and Media Law Committee of the Association of the Bar of the City of New York**. Serves as a Trustee of **Knox College**. Frequent author and lecturer on topics related to the press and the **First Amendment**. Active in professional, community, and educational affairs.