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January 29, 2009

New York State Senate Standing Committee on the Judiciary
Room 506, Legislative Office Building
Albany, New York 12247

ATT: Tim Spotts, Counsel

RE: NYS Senate Judiciary Committee Procedures for Confirmation
of Judicial Nominees

Dear Mr. Spotts:

Enclosed, as discussed, is the questionnaire form that the United States Senate Judiciary Committee requires federal judicial nominees to complete BEFORE it schedules their confirmation hearings. The U.S. Senate Judiciary Committee then makes the completed questionnaires publicly-available, except for the confidential portion.

New York's Senate Judiciary Committee should do likewise – and inaugurate such beneficial procedure for the confirmation of New York's most important state court judge: the Chief Judge of the New York Court of Appeals, whose confirmation hearing it has not yet scheduled.

Thank you.

Yours for a quality judiciary,



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

Enclosure

**QUESTIONNAIRE FOR NOMINEES BEFORE THE COMMITTEE ON THE JUDICIARY,
UNITED STATES SENATE**

1. **Name:** Full name (include any former names used).
2. **Position:** State the position for which you have been nominated.
3. **Address:** List current office address and telephone number. If state of residence differs from your place of employment, please list the state where you currently reside.
4. **Birthplace:** State date and place of birth.
5. **Marital Status:** (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es). Please, also indicate the number of dependent children.
6. **Education:** List in reverse chronological order, listing most recent first, each college, law school, and any other institutions of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.
7. **Employment Record:** List in reverse chronological order, listing most recent first, all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or job description where appropriate.
8. **Military Service:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number and type of discharge received.
9. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.
10. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.
11. **Bar and Court Admission:** List each state and court in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.
12. **Memberships:** List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, charitable, or other organizations since graduation from college, other than those listed in response to Questions 10 or 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion—either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.
13. **Published Writings:** List the titles, publishers, and dates of books, articles, reports, or other material you have written or edited, including material published on the Internet. Please supply four (4) copies of all published material to the Committee, unless the Committee has advised you that a copy has been obtained from another source. Also, please supply four (4) copies of all speeches delivered by you, in written or videotaped form over the past ten years, including the

date and place where they were delivered, and readily available press reports about the speech.

14. **Congressional Testimony:** List any occasion when you have testified before a committee or subcommittee of the Congress, including the name of the committee or subcommittee, the date of the testimony and a brief description of the substance of the testimony. In addition, please supply four (4) copies of any written statement submitted as testimony and the transcript of the testimony, if in your possession.

15. **Health:** Describe the present state of your health and provide the date of your last physical examination.

* 16. **Citations:** If you are or have been a judge, provide:

(a) a short summary and citations for the ten (10) most significant opinions you have written;

(b) a short summary and citations for all rulings of yours that were reversed or significantly criticized on appeal, together with a short summary of and citations for the opinions of the reviewing court; and

(c) a short summary of and citations for all significant opinions on federal or state constitutional issues, together with the citation for appellate court rulings on such opinions.

If any of the opinions or rulings listed were in state court or were not officially reported, please provide copies of the opinions.

17. **Public Office, Political Activities and Affiliations:**

(a) List chronologically any public offices you have held, federal, state or local, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or nominations for appointed office for which were not confirmed by a state or federal legislative body.

(b) List all memberships and offices held in any political party or election committee during the last ten (10) years.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last ten (10) years.

* 18. **Legal Career:** Please answer each part separately.

(a) Describe chronologically your law practice and legal experience after graduation from law school including:

(1) whether you served as clerk to a judge, and if so, the name for the judge, the court and dates of the period you were a clerk;

(2) whether you practiced alone, and if so, the addresses and dates;

(3) the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

(b) (1) Describe the general character of your law practice and indicate by date if and when its character has changed over the years.

- (2) Describe your typical former clients, and mention the areas, if any, in which you have specialized.
- (c) (1) Describe whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe each such variance, providing dates.
- (2) Indicate the percentage of these appearances in:
- (A) federal courts;
 (B) state courts of record;
 (C) other courts.
- (3) Indicate the percentage of these appearances in:
- (A) civil proceedings;
 (B) criminal proceedings.
- (4) State the number of cases in courts of record you tried to verdict or judgment rather than settled, indicating whether you were sole counsel, chief counsel, or associate counsel.
- (5) Indicate the percentage of these trials that were decided by a jury.
- (d) Describe your practice, if any, before the United States Supreme Court. Please supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the U.S. Supreme Court in connection with your practice.
- (e) Describe legal services that you have provided to disadvantaged persons or on a *pro bono* basis, and list specific examples of such service and the amount of time devoted to each.

* 19. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, and for each provide the date of representation, the name of the court, the name of the judge or judges before whom the case was litigated and the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties. In addition, please provide the following:

- (a) the citations; if the cases were reported, and the docket number and date if unreported;
- (b) a detailed summary of the substance of each case outlining briefly the factual and legal issues involved;
- (c) the party or parties whom you represented; and
- (d) describe in detail the nature of your participation in the litigation and the final disposition of the case.

20. **Prior Arrest:** State whether you have ever been arrested for, charged with or convicted of a crime, within twenty years of your nomination, other than a minor traffic violation, that is reflected in a record available to the public, and if so, provide the relevant dates of arrest, charge and disposition and describe the particulars of the offense.

21. **Party to Civil or Administrative Proceedings:** State whether you, or any business of which you are or were an officer, have ever been a party or otherwise involved as a party in any civil or administrative proceeding that is reflected in a record available to the public. If so, please describe in detail the nature of your participation in the litigation and the final disposition of the case. Include all proceedings in which you were a party in interest. Do not list any proceedings

in which you were a guardian *ad litem*, stakeholder, or material witness.

22. **Potential Conflict of Interest**: Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts of interest during your initial service in the position to which you have been nominated.
23. **Outside Commitments During Court Service**: Do you have any plans, commitments, or arrangements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.
24. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding the nomination, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding \$500. If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.
25. **Statement of Net Worth**: Complete and attach the financial net worth statement in detail. Add schedules as called for.
26. **Selection Process**: Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts?
 - (a) If so, did it recommend your nomination?
 - (b) Describe your experience in the judicial selection process, including the circumstances leading to your nomination and the interviews in which you participated.
 - (c) Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking or seeking a commitment as to how you would rule on such case, issue, or question? If so, please explain fully.

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UNITED STATES SENATE

CONFIDENTIAL

NAME:

HOME ADDRESS:

TELEPHONE NUMBER:

1. **Employment History:** State whether you have ever been discharged from employment for any reason or have ever resigned after being informed that your employer intended to discharge you.
2. **Bankruptcy and Tax Information:** Information under this heading must be provided for yourself and your spouse.
 - (a) Have you and your spouse filed and paid all taxes (federal, state, and local) as of the date of your nomination? Please indicate if you filed "married filing separately." Did you make any back tax payments, and if so, indicate if you have made any back tax payments with in the past three (3) years. If so, please provide full details.
 - (b) Has a tax lien or other collection procedure(s) ever been instituted against you or your spouse by federal, state, or local authorities? If so, please provide full details.
 - (c) Have you or your spouse ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, please provide full details.
 - (d) Have you or your spouse ever declared bankruptcy? If so, please provide full details.
3. **Past Investigations and Complaints:** State whether, to your knowledge, you have ever been under federal, state, or local investigation for a possible violation of any civil or criminal statute or administrative agency regulation. If so, please provide full details.
 - (a) Has any organization of which you were an officer, director, or active participant ever been the subject of such an investigation with respect to activities within your responsibility? If so, please provide full details.
 - (b) Have you ever been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group for a breach of ethics, unprofessional conduct or a violation of any rule of practice? If so, please provide full details.
4. **Disclosure:** Please advise the Committee of any unfavorable information that may affect your nomination, including prior use, possession, purchase or distribution of any illegal substance.

QUESTIONNAIRE FOR NOMINEES BEFORE THE COMMITTEE ON THE JUDICIARY,
UNITED STATES SENATE

AFFIDAVIT

I, _____, being duly sworn, hereby state that I have read and signed the foregoing Questionnaire for Nominees Before the Committee on the Judiciary and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20__.

Notary Public

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks				Notes payable to banks-secured			
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities-add schedule				Notes payable to relatives			
Unlisted securities--add schedule				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule			
Real estate owned-add schedule				Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property							
Cash value-life insurance							
Other assets itemize:							
				Total liabilities			
				Net Worth			
Total Assets				Total liabilities and net worth			
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)			
On leases or contracts				Are you defendant in any suits or legal actions?			
Legal Claims				Have you ever taken bankruptcy?			
Provision for Federal Income Tax							
Other special debt							

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