

State of New York
COMMISSION ON JUDICIAL NOMINATION
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**2008 QUESTIONNAIRE FOR CANDIDATES FOR
CHIEF JUDGE OF THE COURT OF APPEALS**

This questionnaire must be completed and verified before consideration of candidacy can commence.

Unless otherwise indicated, every question must be answered, although the answer may be negative, or by an indication that the question is inapplicable.

If the space given is insufficient for an answer, complete the answer on a sheet or sheets and attach them to this questionnaire.

Judiciary Law, Article 3-A, § 66 provides that all communications to the Commission, including applications among other things, shall be confidential and privileged and not available to any person, except as otherwise provided in Article 3-A, and except for the purposes of Article 210 of the Penal Law, which relates to perjury.

1. Full name. (If you have ever used or been known by any other name, state that name.)

2. Office Address, telephone and fax number

3. Email address and website (if applicable).

4. Present residence and residence telephone number and any other residences you have had within the past five years, including temporary residences, and the dates for each residence. (If you are not currently a resident of New York State, please indicate your willingness to become a New York State resident if appointed.)

5. Date and place of birth. *(In the event you were not born in the United States, submit evidence of your United States citizenship.)*

6. Present position or occupation.

7. If you are married, state your marriage date and full name and occupation of your spouse.

8. List all colleges and professional schools (other than law schools) ever attended; include degrees received, honors and class standing if known; and indicate the beginning and ending month and year of each period of attendance. If you did not receive a degree, state the reason and the nature of the course of study you pursued.

9. List all law schools attended, providing similar detail as requested in item 8.

10. List any other school attended, other than elementary or secondary schools, and identify any other courses of study you have taken, providing similar detail as requested in item 8.

11. If you have served in the Armed Forces, including the Reserve or National Guard, state your date of entry into and discharge from the service, the nature or type of discharge, your rank at the time of entry and discharge and state any award or citations received.

12. Have you been engaged in any occupation, business or profession other than the practice of law or judicial or other public office, since the date you graduated from law school?

- (a) If so, give details, including dates, and the circumstances under which you ceased to be so engaged.

- (b) In the event that the occupation, business or profession in which you were engaged was owned by you alone, state whether or not there are unpaid debts or claims with respect to the conduct of that occupation, business or profession.

- (c) In the event that the occupation, business or profession in which you were engaged was not owned by you alone, or owned by you with others, directly or indirectly, state the names and present addresses of any of those who shared the ownership and state whether or not there are unpaid debts or claims with respect to the conduct of that occupation, business or profession.

13. Are you an officer or director, or otherwise engaged in the management, of any enterprise?

- (a) If so, unless that enterprise is described above, give details, including name, dates, nature of business and description of your position.

- (b) Is it your intention to resign each such position and withdraw from participation in the management of any such enterprise, if you are nominated and confirmed?

If not, explain why resignation would not be necessary.

14. List all bars and the courts in the United States or elsewhere to which you are admitted to practice, other than on a pro hac vice basis, with your dates of admission.

15. List in chronological order the dates and location of every place you have practiced law and the nature of your practice since your graduation from law school. If you have practiced in partnership with others, include the partnership name and address. Include the areas of law in which you concentrated during the course of your practice.

16. In the event that you have been a practicing lawyer at any time within the last five years:

(a) Did you appear in court regularly, occasionally or not at all? If the frequency of your appearances in court varied during this period, explain the variance, giving dates.

(b) Describe your litigation practice, if any, during the last five years (i) indicating what percentage was civil or criminal or attributable to a more specific type of case such as personal injury, landlord and tenant, securities and the like and giving as much detail as is appropriate to provide an understanding of the nature of your litigation practice and (ii) listing ten recent cases in which you have taken part for the purpose of hearing, trial or appeal in any court and stating for each the name, present address and telephone number of your adversary and the court and the judge or judges before whom you appeared for the purpose of a hearing, trial or appeal.

(c) List your five most significant clients during the last five years.

17. Summarize your legal experience prior to the last five years, with a comparison to your answer with respect to the last five years.

18. List each judicial office you have held, including dates in office, and any specific functions or court parts to which you have been assigned within each particular court.

19. List each other experience or position of a judicial nature, such as arbitrator, mediator, referee, law clerk and the like, giving dates and explanatory detail.

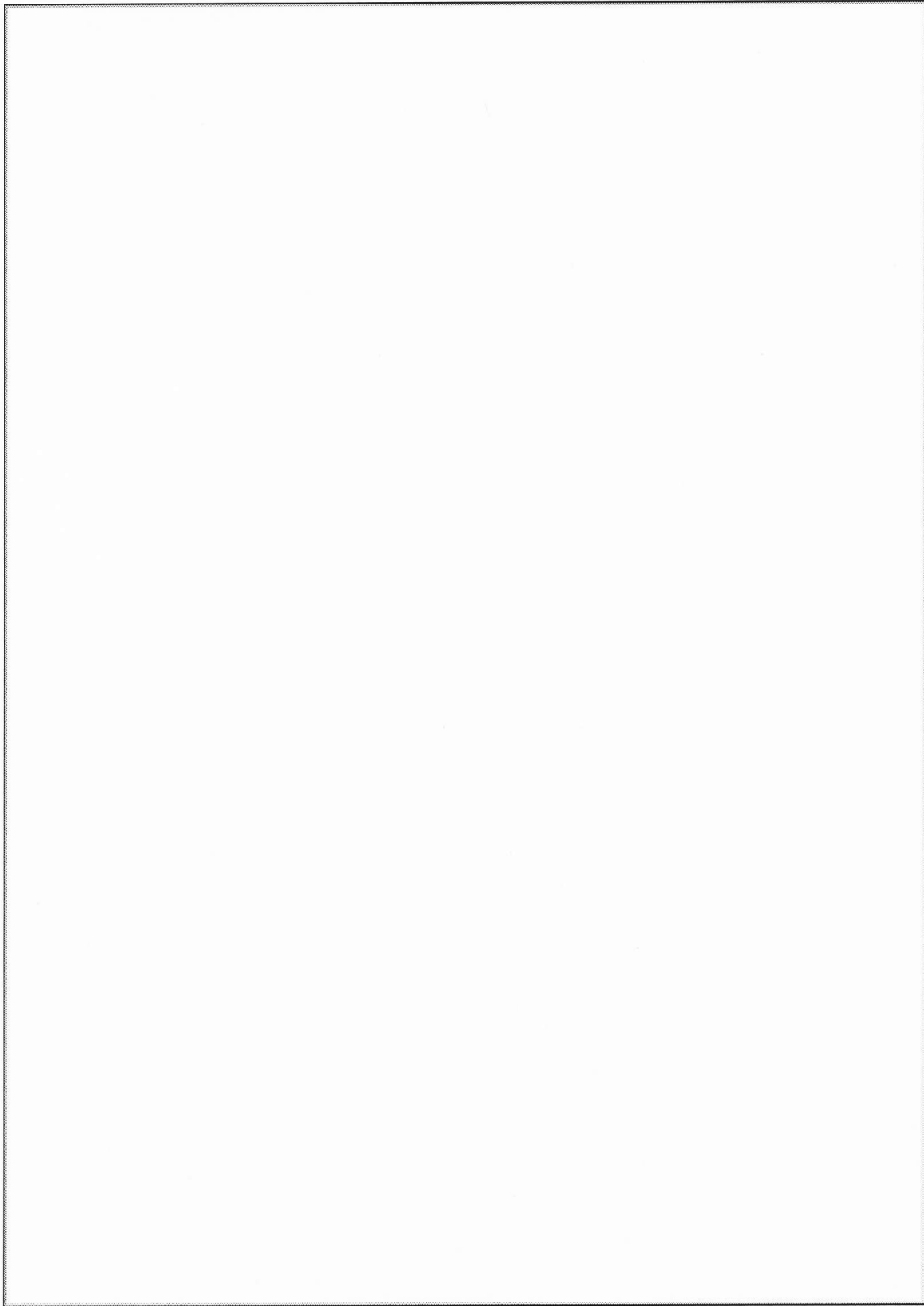
20. If you have held judicial or similar office during part or all of the last five years, submit a list of ten recent cases over which you have presided or written an opinion and include a separate list (which may overlap with the first list) of ten opinions you have written which you view as representative of your judicial writings. If published, give citations; if unpublished, supply copies. If names and addresses of all counsel in each case are not shown in the opinion, supply those names and addresses if available to you.

21. If you have held an administrative office during part or all of the last ten years, list that position and give a description of your administrative duties.

22. If you have held an executive office during part or all of the last ten years, list that position and give a description of your administrative duties.

23. List each public position you have held, other than of a judicial nature, giving dates and explanatory detail.

24. List any teaching position you have held, including part-time or occasional positions, with dates and a description of the subject-matter and educational institution or sponsor.

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25. State any other experience you have had which may be relevant for the position of Chief Judge.

26. List any bar association, other professional society or community organization of any kind of which you are or have been a member and give the title and dates of any office, chairmanship or committee membership which you have held.

27. (a) List any other organization, association or club of which you are or have been a member, including social or fraternal, and give the title and dates of any office, chairmanship or committee membership which you have held.

- (b) Do any of the organizations, associations or clubs identified in subpart (a) of which you are or have been a member have any restriction on membership based on gender, race, religion, national origin, sexual orientation or physical handicap?

- (c) If the answer to subpart (b) is yes, please describe the restriction(s).

28. Furnish a bibliography of your legal articles, books, briefs, editorials, letters to the editor, op-ed pieces or other writings published during the last five years. Furnish at least five examples which reflect your personal work and which you consider representative. Indicate the degree to which the writings are your personal work, in the event of joint authorship.

29. Describe briefly any speeches or lectures you have given during the past five years other than regular classes you have taught. To the extent you have a written copy of the speech or lecture, please provide it.

30. Have you ever written, edited, or otherwise contributed to an on-line publication, journal or "blog"? If so, please describe briefly.

31. To your knowledge, has any complaint or charge ever been made against you as a lawyer before a professional disciplinary committee, or have you ever been the subject of a motion for sanctions? If so, furnish full details, including the entity to which the charge was referred, the nature of the complaint or charge, the outcome and the dates involved.¹

32. (a) To your knowledge, has any complaint or charge ever been made against you in connection with your service in a judicial office? Your response should include any question raised or inquiry conducted of any kind by any agency or official of the judicial system.

- (b) If the answer to subpart (a) is "Yes", furnish full details, including the agency or officer making or conducting the inquiry, the nature of the question or inquiry, the outcome and relevant dates.²

¹ Judiciary Law, Article 3-A § 64(3) provides that this Commission may require from any court or other agency of the State any information or data as will enable it properly to evaluate qualifications of candidates, subject to an absolute judicial or executive privilege where one exists.

² Judiciary Law, Article 3-S § 64(3) provides that this Commission may require from any court or other agency of the State any information or data as will enable it properly to evaluate qualifications of candidates, subject to an absolute judicial or executive privilege where one exists.

33. Have you ever been subject to any adverse discipline, suspension, reprimand or termination or discharge for cause with respect to your college or graduate school education, or your work or business career? If so, furnish the full details, including the entity involved, the nature of the matter, the outcome and the dates involved.

34. State whether you have ever: (Answer each subdivision of this question "Yes" or "No").

- (a) been summoned, arrested, taken into custody, indicted, convicted, tried for or charged with, pleaded guilty to or accepted an adjournment in contemplation of dismissal relating to the violation of any law, ordinance or the commission of any felony, misdemeanor or contempt of court, or been requested to appear before any prosecuting or investigative agency in any matter other than a traffic offense?

- (b) failed to answer on the return date any ticket, summons or other legal process served upon you personally at any time?

If so, was any warrant, subpoena or further process issued against you as a result of your failure to respond to such legal process?

- (c) as a member of any armed forces, been the subject of any charges, complaints or proceedings, formal or informal, or been a defendant in any courts martial?

- (d) been declared a ward of any court, or adjudged an incompetent or been the subject of any proceedings to have you declared a ward of any court or adjudged an incompetent, or been committed to any institution for the care of persons suffering from mental or nervous disorders or drug addiction or alcoholism?³

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If your answer is “Yes” to any subdivision of Question No. 34, state facts in detail and give in each case the name and locality of the court or agency, the dates of beginning and termination of the action or proceeding and the judgment or other disposition.

35. (a) Are there any unsatisfied judgments against you? _____. If so, list the same giving the name and address of judgment creditor and the court by which judgment was rendered, together with the date and the amount thereof and the nature of the claim on which the judgment was based.
- (b) Are you in violation of or default in the performance or discharge of any duty or obligation imposed upon you by any law, regulation, governmental agency decree or order of any court? _____. If so, state the facts.
- (c) Have you ever made an assignment for the benefit of creditors? _____. Has any petition for bankruptcy ever been filed by or against you? _____. If so, state the facts and the relevant dates.
- (d) During the past 10 years, have you been a party in any litigation other than an Article 78 proceeding brought against you as a public officer? _____. Are you aware of any legal claims or demands of a material nature that are likely to result in litigation by or against you in the near future? _____. If so, state the facts, provide the relevant dates and provide a copy of the complaint and any judicial decision in the action, or as to future claims please describe the circumstances.

³ Judiciary Law, Article 3-S § 64(3) provides that this Commission may require from any court or other agency of the State any information or data as will enable it properly to evaluate qualifications of candidates, subject to an absolute judicial or executive privilege where one exists.

36. In responding to the following questions, please answer as fully as possible to the extent that there is any circumstance that a reasonable person would find relevant to the performance of the duties of Chief Judge of the Court of Appeals.

(a) What is the present state of your health?

(b) Have you in the past ten years (i) been hospitalized or otherwise confined due to injury or illness or (ii) been prevented from working due to injury or illness or otherwise incapacitated for a period in excess of ten days? If so, give the particulars, including the causes, the dates, the places of hospitalization or confinement or incapacitation.

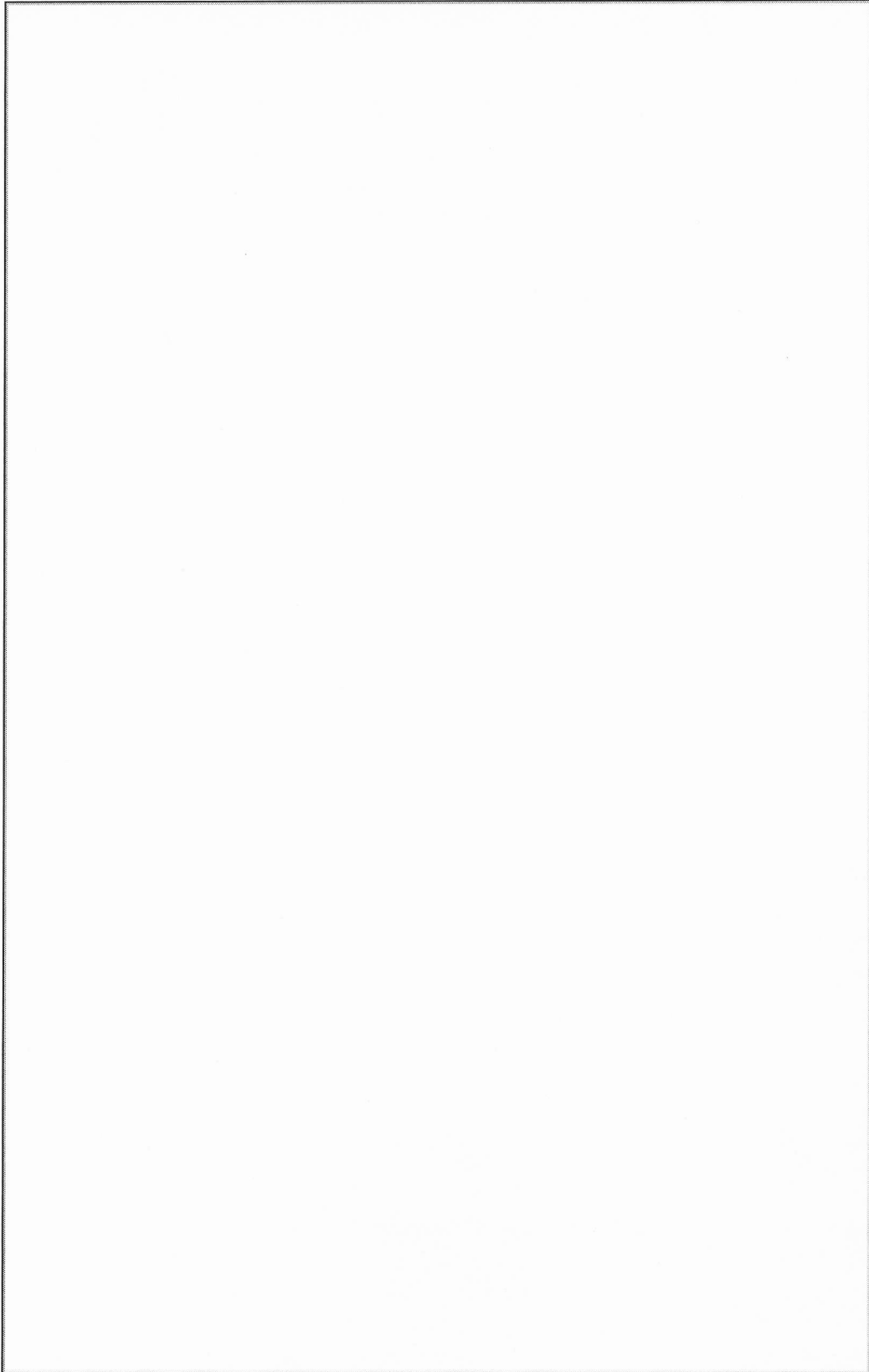
(c) Is your physical or mental condition impaired in any way?

(d) Are you currently under treatment for an illness or physical condition? If so, give details.

(e) During the past ten years, have you been treated for, or had any problem with, alcohol or drug abuse or any other form of substance abuse? If so, give details.

(f) During the past ten years, have you been treated for or suffered from any mental illness? If so, give details.

37. List the names, addresses and telephone numbers of ten persons who know you well in a context relevant to your professional career and to your candidacy with whom the Commission may communicate with respect to your candidacy.

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37. Set forth any information not elicited by this questionnaire which would affect, favorably or unfavorably, your eligibility for the office for which you are a candidate or bear upon the Commission's consideration of your candidacy.

38. Please describe in short essay form attached hereto what you believe your qualifications are for the position of Chief Judge of the Court of Appeals. Include the Chief Judge's roles both within the Court of Appeals itself and with regard to the Unified Court System.

Date: _____

Signature

(The Commission requests that, if you change your address or telephone number, or if anything occurs which would affect your answers to this questionnaire, notice of the change be promptly sent to the Commission.)

**PLEASE EXECUTE VERIFICATION
ON NEXT PAGE,
AND HAVE IT NOTARIZED**

STATE OF NEW YORK)
 :
COUNTY OF)

The undersigned, being duly sworn, states that (s)he is the person who has signed the foregoing questionnaire, that (s)he understands that the filing of this questionnaire with the Commission on Judicial Nomination constitutes his/her consent to be a candidate for the office of Chief Judge of the Court of Appeals and that the information contained in the questionnaire is true to his/her own knowledge, except as to matters therein stated to be on information and belief and as to those matters (s)he believes the information to be true.

(Signature)

Sworn to before me this
____ day of _____, 2008

Notary Public

**PLEASE EXECUTE CONSENTS
CONTAINED ON
THE FOLLOWING PAGES**

INFORMATION AND PRIVACY WAIVER

(New York State and Miscellaneous)

I hereby waive the privilege of privacy and confidentiality including, without limitation, any confidentiality under Section 90 of the Judiciary Law, with respect to any information which concerns me and is known, recorded with, on file with or in the possession of any person or organization including, without limitation, any governmental, judicial, investigative or other official agency, grievance or disciplinary committee, body or court, any bar association or other professional association, and any educational institution, doctor or hospital; I hereby consent to the release of all such information to the New York State Commission on Judicial Nomination and consent to the issuance, without notice, of any order necessary or appropriate to obtain such information; I hereby authorize a representative of the New York State Commission on Judicial Nomination to request and any such information; and I hereby request any such organization or person in possession of such information to deliver it to a representative of the New York State Commission on Judicial Nomination.

I specifically consent to the release of any such information in the possession of the New York State Commission on Judicial Conduct and request that the same be delivered to a representative of the New York State Commission on Judicial Nomination.

(Signature)

Sworn to before me this
____ day of _____, 2008

(Print Name)

Notary Public

INFORMATION AND PRIVACY WAIVER

(Federal)

I am informed that as part of a routine check of my background in connection with possible appointment to a position on the New York State Court of Appeals, the Commission on Judicial Nomination may wish to make inquiries concerning me to various agencies of the Federal government. Having been advised that information from the files of Federal agencies may be unavailable to the Judicial Nomination Commission without my written consent due to the Privacy Act of 1974, 5 United States Code Section 552a, and the Freedom of Information Act, 5 U.S.C. Section 552, I hereby consent to inquiries concerning me by the Commission on Judicial Nomination to any Federal agency and to the disclosure to the Commission on Judicial Nomination by such Federal agency of any information the agency may have pertaining to me with the exception of any material which is specifically exempt from disclosure by a Federal statute other than the Privacy Act of 1974 or the Freedom of Information Act.

(Signature)

Sworn to before me this
____ day of _____, 2008

(Print Name)

Notary Public