

State of New York  
Commission on Judicial Nomination

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The Honorable David A. Paterson  
Executive Chamber  
State Capitol  
Albany, New York 12224

December 1, 2008

Dear Governor Paterson:

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 mandatory retirement of Chief Judge Judith S. Kaye, as of December 31, 2008.

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 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:

George F. Carpinello  
Evan A. Davis  
Steven W. Fisher  
Theodore T. Jones, Jr.  
Jonathan Lippman  
Eugene F. Pigott, Jr.  
Peter L. Zimroth

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 “[t]he 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,

John F. O’Mara  
Chair

## 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 and 2007 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals, and in 2007 for appointment to the office of Chief Judge.

## EVAN A. DAVIS

Currently a partner at Cleary Gottlieb Steen & Hamilton LLP, he was born in 1944 and admitted to the Bar in 1973. Received a B.A. degree from Harvard College and a J.D. degree from Columbia Law School. Editor-in-Chief of the Columbia Law Review. Law Clerk to Judge Harold Leventhal of the District of Columbia Circuit Court, 1969-70. Law Clerk to Justice Potter Stewart, United States Supreme Court, 1970-71. General Counsel, New York City Budget Bureau, 1971. Chief of Consumer Protection Division, New York City Law Department, 1972. Staff of United States House Judiciary Committee, 1974. Engaged in the private practice of law, 1975-85, and 1991 to date. Counsel to Governor Mario M. Cuomo, 1985-90. President, Association of the Bar of the City of New York, 2000-2002. Previously Vice President and Member of the Executive Committee, Legal Aid Society. Recipient of the William J. Brennan, Jr. Award for Outstanding Contribution to Public Discourse, 1999. Active in professional and community affairs.

## STEVEN W. FISHER

Currently serving as Associate Justice of the Appellate Division, Second Department, he was born in 1946 and admitted to the Bar in 1973. Received a B.A. degree from Queens College and a J.D. degree from Brooklyn Law School. Assistant District Attorney, Kings County 1972-76. Engaged in the private practice of law in New York City, 1977-79. Served as Principal Law Clerk to Presiding Justice, Appellate Division, Second Department, 1979-83. Became a Judge of the Criminal Court of the City of New York in 1983. Acting Supreme Court Justice, Kings County, 1986-89; Queens County, 1990-92. Became a Justice of the Supreme Court, Queens County in 1993 and Administrative Judge for the Eleventh Judicial District in 1998. Designated an Associate Justice of the Appellate Division in 2004. Previously served as Member, Capital Cases Judicial Resources Committee. Recommended previously in 2000, 2002, 2003, and twice in 2006 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals.

THEODORE T. JONES, JR.

Currently serving as Associate Judge of the New York Court of Appeals, he was born in 1944 and admitted to the Bar in 1973. Received a B.A. degree from Hampton University and a J.D. degree from St. John's University School of Law. Served in the Criminal Defense Division of the Legal Aid Society, 1973-74. Confidential Law Secretary to Hon. Howard Jones, New York State Court of Claims, 1974-75. Captain, United States Army, honorably discharged in 1975. Engaged in the private practice of law in Brooklyn, New York, 1975-89. Justice of the Supreme Court, Kings County, 1990-2006, serving as Administrative Judge, Civil Term, in 2006. Member, Appellate Division, Second Department, Committee on Character and Fitness to Practice Law, 1978-90. Adjunct Professor, City University of New York, 1991-98. Adjunct Professor, St. John's University School of Law 1997-2001. Active in professional and 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.

JONATHAN LIPPMAN

Currently Presiding Justice, Appellate Division, First Department, he was born in 1945 and admitted to the Bar in 1968. Received a B.A. degree from New York University and a J.D. Degree from New York University School of Law. Teacher, New York City Board of Education, 1968-71. Law Assistant to Supreme Court Justices, First Judicial District, 1972-74. Law Clerk to Justice, and later Surrogate, Samuel Spiegel, 1974-77. Principal Court Attorney, Law Department, Supreme Court, New York County, 1977-83. Chief Clerk and Executive Officer, Supreme Court, New York County, Civil Branch, 1983-89. Deputy Chief Administrator, New York State Unified Court System, 1989-95. Judge, Court of Claims, 1995-2005. Chief Administrative Judge, New York Unified Court System, 1996-2007. Justice, Appellate Term, Ninth and Tenth Judicial Districts, 2006-07. Justice, Supreme Court, Ninth Judicial District, 2006-07. Recipient of the 2008 William H. Rehnquist Award for Judicial Excellence. Active in professional and community affairs.

EUGENE F. PIGOTT, JR.

Currently serving as Associate Judge of the New York Court of Appeals, he was born in 1946 and admitted to the Bar in 1974. Received a B.A. degree from LeMoyne College and a J.D. degree from State University of New York at Buffalo School of Law. Engaged in private practice of law in Buffalo, 1974-81 and 1986-97. County Attorney, Erie County, 1982-86. Justice of the Supreme Court, Eighth Judicial District in 1997-98. Associate Justice, Fourth Department, 1998-2000, and served as Presiding Justice from 2000-06. Became Associate Judge of the New York Court of Appeals in 2006. Legal Aid Society, Erie County (Director, 1982-86; President, 1986-88). Honorably Discharged from the United States Army in November 1970. Former Director and Officer in the Council of Chief Judges. Active in professional, community and educational affairs. Lecturer on topics including appellate practice and civil litigation. Recommended previously in 2002 and 2003 by this Commission to the Governor for appointment to the office of Associate Judge of the Court of Appeals.

PETER L. ZIMROTH

Currently a partner at Arnold & Porter, LLP, he was born in 1943 and admitted to the Bar in 1968. Received a B.A. degree from Columbia College and a LL.B. degree from Yale Law School. Editor-in-Chief of the Yale Law Journal. Law Clerk to Chief Justice David Bazelon of the District of Columbia Circuit Court, 1966-67. Law Clerk to Justice Abe Fortas, United States Supreme Court, 1967-68. Assistant U.S. Attorney, Southern District of New York, 1968-70. Associate, Assistant, and Full Professor, New York University School of Law, 1970-75. Assistant District Attorney, New York County, 1975-80. Corporation Counsel for the City of New York, 1987-89. Engaged in the private practice of law in New York City, 1980-85 and from 1990 to date. Director, New York State Capital Defender Office since 2000. Previously Director and Member of the Executive Committee, Legal Aid Society. Member, Mayor's Committee on the Judiciary, 1980-87. Received the Corporation Counsel's Award for Distinguished Service in 2004. Active in professional, community, and educational affairs.