

**State of New York
Commission on Judicial Nomination**

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October 15, 2015
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FOR IMMEDIATE RELEASE

**The Commission on Judicial Nomination Releases List of Seven Nominees In
Connection With Upcoming Vacancy**

Under New York's Constitution, the Commission on Judicial Nomination is charged with evaluating, and then recommending to the Governor, candidates to fill vacancies on the State's highest court, the Court of Appeals of the State of New York. The Commission vigorously seeks out, carefully evaluates and then nominates to the Governor well qualified candidates from the extraordinary, diverse community of lawyers who have been admitted to practice in New York State for at least 10 years.

In connection with the upcoming vacancy on the Court created by the mandatory age retirement of Chief Judge Jonathan Lippman, as of December 31, 2015, the Commission today has released its Report to the Governor. The Report contains the names of seven candidates who in the Commission's collective judgment are well qualified, by virtue of their character, temperament, professional aptitude, experience, qualifications and fitness for office, to fulfill the duties of that high office.

The Commission's Report follows months of outreach efforts that were conducted through public announcements, individual solicitations of applications and an informational meeting held by the Commission in Albany. These efforts resulted in the receipt of 33 applications. The applicant pool was also diverse. Of those 33 applicants, eight (24.2%) were women and seven (21.2%) of diverse backgrounds. The Commission ultimately interviewed 16 candidates, of whom eight (50%) were female, and five (31.3%) were ethnic minorities.

Judge Judith S. Kaye, Chair of the Commission, stated, "I am gratified at the extraordinary quality and diverse backgrounds of our applicants. That so many exceptional candidates were motivated to apply demonstrates the remarkable strength and depth of the legal profession in the State of New York."

The Commission's seven nominees (in alphabetical order) to the Governor are:

- Hon. Janet DiFiore, Westchester County District Attorney;
- Carey R. Dunne, Esq., attorney in private practice (Davis Polk & Wardwell LLP);
- Michael J. Garcia, Esq., attorney in private practice (Kirkland & Ellis LLP);
- Caitlin J. Halligan, Esq., attorney in private practice (Gibson, Dunn & Crutcher LLP);
- Hon. A. Gail Prudenti, Executive Director of the Center for Families, Children and the Law at the Maurice A. Deane School of Law, Hofstra University;
- Rowan D. Wilson, Esq., attorney in private practice (Cravath, Swaine & Moore, LLP);
- Stephen P. Younger, Esq., attorney in private practice (Patterson Belknap Webb & Tyler LLP).

By law, the Governor is required to make his Chief Judge appointment from among the Commission's list of seven nominees between November 15, 2015 and December 1, 2015. The State Senate then, within thirty days after receipt of the Governor's Chief Judge choice, must confirm or reject the appointment.

Although the Commission on Judicial Nomination has now completed its role with respect to the Chief Judge vacancy, the Commission still must furnish another slate of candidates to fill the vacancy left on the Court of Appeals by the recent resignation of Judge Susan P. Read. The Commission must deliver its list to the Governor no later than December 22, 2015.

The next scheduled vacancy on the Court of Appeals will occur on January 1, 2017, due to Associate Judge Eugene F. Pigott, Jr.'s mandatory retirement by reason of age.

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October 15, 2015

The Honorable Andrew M. Cuomo
Executive Chamber
State Capitol
Albany, New York 12224

Dear Governor Cuomo:

As Chair of the Commission on Judicial Nomination, it is my privilege 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 your consideration for appointment to the office of Chief Judge of the Court of Appeals and the State of New York. These candidates in the collective judgment of the Commission are well qualified, by virtue of their character, temperament, professional aptitude, experience, qualifications and fitness for office, to discharge the duties of that high office. The vacancy in that office is the result of the mandatory retirement of Chief Judge Jonathan Lippman by reason of age, as of December 31, 2015.

Candidate List

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

- Hon. Janet DiFiore
- Carey R. Dunne, Esq.
- Michael J. Garcia, Esq.

- Caitlin J. Halligan, Esq.
- Hon. A. Gail Prudenti
- Rowan D. Wilson, Esq.
- Stephen P. Younger, Esq.

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, which is 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.” At your request, the Commission will furnish you with any such material or information, which requests should be directed to the Commission’s Counsel, Henry M. Greenberg.

Commission Outreach

In assembling the Candidate List, the Commission amply complied with its mandate to “conduct broad outreach to encourage wide participation in the application process.” 22 N.Y.C.R.R. § 7100.6. For example, the Commission disseminated statewide notice of the vacancy and application procedure, and continued its outreach efforts through the date of the application deadline. Notice was sent to the media, bar associations, New York law schools, and members of the judiciary and the State government. The Commissioners also engaged in individual solicitation of applications by qualified candidates.

The Commission conducted an informational meeting on June 19, 2015, at the New York State Bar Association, in Albany, New York, concerning the vacancy and the candidate application process. The meeting included as speakers and panelists: Alicia Ouellette, President & Dean of Albany Law School; Janet Silver, President of the Albany County Bar Association; Howard A. Levine, former Associate Judge of the Court of Appeals; Henry M. Greenberg, Counsel to the Commission; and myself. Likewise, on May 18, 2015, Mr. Greenberg and I appeared at a meeting of New York State-Federal Judicial Council and provided information about the application process for the vacancy.

These outreach efforts were once again successful. The Commission disseminated more than 77 applications through its website. Ultimately, 33 candidates submitted applications to the Commission. Of the 33 candidates, 14 of them had previously submitted applications for at least one prior vacancy, and 19 candidates newly applied for the current vacancy. Eight (24.2%) of the applications were submitted by female candidates and seven (21.2%) by candidates of diverse backgrounds.

The Commission met on October 12 and 13, 2015, to conduct in-person interviews of 16 candidates. Of the 16 total applicants interviewed in connection with the current vacancy, eight (50%) were female, and five (31.3%) were ethnic minorities. As before, the

Commission interviewed candidates from around the State, of varying personal and professional backgrounds, drawing from the bench and the practicing bar.

Consistent with past practice, the Commission staff investigated the qualifications of the applicants. 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 to address each candidate's character, temperament, professional aptitude, experience, qualifications and fitness for office.

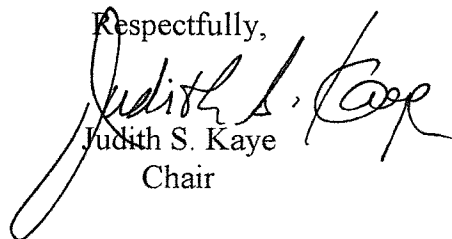
Importance of Timing of the Appointment

Chief Judge Lippman officially leaves office on December 31, 2015. The Court's January Session begins on Monday January 4, 2016 without him or Associate Judge Susan P. Read (who resigned from the Court on August 24, 2015). Thus the Session begins without a Chief Judge and with a bench of only five Judges rather than its constituency of seven (a Chief Judge and six Associate Judges).

By law, the Governor is required to make his Chief Judge appointment from among the Commission's list of seven nominees between November 15, 2015 and December 1, 2015. The State Senate then, within thirty days after receipt of the Governor's Chief Judge choice, must confirm or reject the appointment. We underscore the importance of compliance with these mandates, so that the successor Chief Judge is able timely to assume the vital leadership responsibilities of the Court and the Third Branch of State Government, as close as possible to January 1, 2016.

Finally, although the Commission on Judicial Nomination has now completed its role with respect to the Chief Judge vacancy, the Commission still must furnish another slate of the candidates to fill the vacancy left on the Court of Appeals by the resignation of Judge Read. The Commission must deliver its list to the Governor no later than December 22, 2015. Again, hopefully the selection of a successor Associate Judge will be timely made and confirmed, and the Court returned to full strength as promptly as possible.

Respectfully,

A handwritten signature in black ink, appearing to read "Judith S. Kaye", written over the typed name and title.

Judith S. Kaye
Chair

NOMINEE BIOGRAPHIES (in alphabetical order)

Hon. Janet M. DiFiore

Janet M. DiFiore, District Attorney of Westchester County, was found by the Commission to be well qualified for the position of Chief Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for office. She was interviewed by the Commission on October 12, 2015.

Ms. DiFiore received her undergraduate degree from C.W. Post College of Long Island University in 1977 and her law degree from St. John's University School of Law in 1981. Upon graduation from law school, she began her career as an Assistant District Attorney in the Westchester County District Attorney's Office, where she served from 1977 to 1987 and 1994 to 1999. In 1987, she joined Goodrich & Bendish, where she engaged in private practice until 1993.

In 1998, Ms. DiFiore was elected a Judge of the County Court for Westchester County. She presided over civil and criminal matters, and sat by designation in Family Court, Surrogate's Court, and Supreme Court. She also presided in the Domestic Violence and Drug Treatment Courts. In 2002, she was elected Justice of the New York State Supreme Court, and was appointed Supervising Judge of the Criminal Courts for the 9th Judicial District. In 2005, Ms. DiFiore was elected District Attorney for Westchester County, and has twice been reelected to that office.

Ms. DiFiore is currently Co-Chair of the New York State Justice Task Force. She has also served on the Commission on Youth Safety and Justice (2014), and as Chair of the New York State Joint Commission on Public Ethics (2011-2013). From 2011 to 2012, she was President of the District Attorney's Association of the State of New York.

Carey R. Dunne, Esq.

Carey R. Dunne, Esq., a partner at the law firm of Davis Polk & Wardwell LLP in New York City, was found by the Commission to be well qualified for the position of Chief Judge of the State of New York based on his character, temperament, professional aptitude, experience, qualifications and fitness for office. He was interviewed by the Commission on October 13, 2015.

Mr. Dunne received his undergraduate degree from Oberlin College in 1980 and his law degree from Harvard Law School (cum laude) in 1984. Upon graduation from law school, Mr. Dunne began his career as an Assistant District Attorney in the New York County District Attorney's Office, where he served from 1984 through 1987. He joined Davis Polk & Wardwell LLP in 1987 as an associate, becoming a partner in 1993.

Mr. Dunne's litigation practice has focused on criminal and regulatory investigations and complex commercial litigation, including in the areas of securities, antitrust, contract

disputes, sanctions violations, environmental crimes, obstruction of justice and foreign corrupt payments.

Mr. Dunne has long been active in the New York City Bar Association, serving as Chair of the Judiciary Committee from 2007 to 2010, Vice President and Member of the Executive Committee from 2006 to 2007, and as President from 2012 to 2014. In 2006, Mr. Dunne was appointed Chair of the Special Commission on the Future of New York State Courts, which issued reports and recommendations on state court restructuring and the future of the Town and Village Courts. He was appointed a member of the Commission on the Future of Indigent Defense Services from 2004 to 2006, and served as Counsel to the New York State Commission on Drugs and the Courts from 1999 to 2000.

Mr. Dunne is a current member of the Lawyers' Committee for The Innocence Project, and is a former Director of the National Center for Law and Economic Justice, New York Lawyers for the Public Interest, Volunteers of Legal Service and the Fund for Modern Courts, where he chaired the Task Force on Judicial Selection.

Michael J. Garcia, Esq.

Michael J. Garcia, a partner at the law firm of Kirkland & Ellis LLP in New York City, was found by the Commission to be well qualified for the position of Chief Judge based on his character, temperament, professional aptitude, experience, qualifications and fitness for office. Mr. Garcia was interviewed by the Commission on October 12, 2015.

Mr. Garcia received his undergraduate degree (with honors) from State University of New York at Binghamton in 1983, and an M.A. degree from the College of William & Mary 1984. In 1989, he received his law degree (summa cum laude) from Albany Law School, where he graduated as valedictorian. He began his legal career as an associate at Cahill Gordon & Reindel LLP. From 1990 to 1992, he served as Law Clerk to Hon. Judith S. Kaye, Associate Judge for the New York Court of Appeals.

From 1992 to 2001, Mr. Garcia served as an Assistant United States Attorney for the Southern District of New York. In 2001, he became Assistant Secretary of Commerce for Export Enforcement in the Bureau of Industry and Security, and in December, 2002, he became Acting Commissioner of the Immigration and Naturalization Service at the United States Department of Justice. From March 2003 to August 2005, he served as Assistant Secretary for Immigration and Customs Enforcement at the United States Department of Homeland Security. Mr. Garcia was the United States Attorney for the Southern District of New York from 2005 to 2008, when he joined Kirkland & Ellis LLP.

Mr. Garcia is the Chair of the Board of Trustees of El Museo del Barrio. He previously was Vice President of the Americas for INTERPOL, the international police organization from 2003 to 2006. From 2012 to 2014, he was Chair of the Investigatory Chamber of the Ethics Committee of the Federation Internationale de Football Association.

Caitlin J. Halligan, Esq.

Caitlin J. Halligan, a partner at the law firm of Gibson, Dunn & Crutcher LLP in New York City, was found by the Commission to be well qualified for the position of Chief Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for office. Ms. Halligan was interviewed by the Commission on October 13, 2015.

Ms. Halligan received her undergraduate degree (cum laude) from Princeton University in 1988 and her law degree (magna cum laude) from Georgetown University Law Center in 1995. She was Managing Editor of the Georgetown Law Review. Upon graduation from law school, Ms. Halligan served as Law Clerk to Hon. Patricia Wald of the United States Court of Appeals for the District of Columbia Circuit (1995-1996), and Hon. Stephen Breyer, Associate Justice of the Supreme Court of the United States (1997-1998). She also served as an associate at Wiley, Rein and Fielding in Washington, D.C. (1996-1997) and Howard, Smith & Levin in New York City (1998 to 1999).

From 1999 to 2000, Ms. Halligan served as head of the Internet Bureau in the Office of the New York State Attorney General. In 2001, she became First Deputy Solicitor General for the State of New York, and from 2001 to 2007 served as Solicitor General for the State of New York. Ms. Halligan returned to private practice in 2007 as a partner at Weil, Gotshal & Manges LLP. In 2009, she became General Counsel to the New York City District Attorney's Office. She remained in that post until 2013, when she joined Gibson, Dunn & Crutcher LLP as Co-Chair of the Appellate and Constitutional Law practice group.

Since 2005, Ms. Halligan has been a member of Columbia Law School's Adjunct Faculty.

Hon. A. Gail Prudenti

A. Gail Prudenti, Executive Director of the Center for Families, Children and the Law at the Maurice A. Deane School of Law at Hofstra University, was found by the Commission to be well qualified for the position of Chief Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for office. Ms. Prudenti was previously nominated by the Commission for the position of Associate Judge of the Court of Appeals in 2006. She was interviewed by the Commission on October 12, 2015.

Ms. Prudenti received her undergraduate degree from Marymount College of Fordham University in 1974 and her law degree from the University of Aberdeen, Scotland in 1978. After graduating from law school she clerked for the Suffolk County Surrogate's Court from 1978 to 1980. She then worked as an Assistant District Attorney in the Suffolk County District Attorney's Office from 1980 to 1982, and in private practice from 1982 to 1991.

In 1991 Ms. Prudenti was elected Justice of the New York State Supreme Court, Tenth Judicial District, assigned to the Dedicated Matrimonial Part from 1992 to 1994. From 1995 to 2000 she was a Judge of the Surrogate's Court, Suffolk County, assigned to the Guardianship Part of Supreme Court, Suffolk County from 1999 to 2000. In 1999 she was

appointed District Administrative Judge of Suffolk County, serving in that role until 2001 when she was appointed Associate Justice of the Second Department. From 2002 to 2011, Ms. Prudenti served as Presiding Justice of the Appellate Division, Second Department, and in December 2011 she was appointed Chief Administrative Judge of the Courts of New York State, serving in that position until July of 2015.

Ms. Prudenti is the Chair of the Commission on Statewide Attorney Discipline, Pro Bono Scholars Task Force Committee, and State of New York Court Facilities Capital Review Board. She also serves on the New York State Permanent Commission on Access to Justice, and was a member of the Advisory Committee on the Uniform Bar Examination.

Rowan D. Wilson, Esq.

Rowan D. Wilson, a partner at the law firm of Cravath, Swaine & Moore in New York City, was found by the Commission to be well qualified for the position of Chief Judge based on his character, temperament, professional aptitude, experience, qualifications and fitness for office. He was previously nominated by the Commission for the position of Associate Judge of the Court of Appeals in 2013 and twice in 2014. He was interviewed by the Commission on October 13, 2015.

Mr. Wilson received his undergraduate degree (cum laude) from Harvard College in 1981. He graduated from Harvard Law School (cum laude) in 1984, where he was a member of the Civil Rights/Civil Liberties Law Review. Following law school, from 1984 to 1986, Mr. Wilson served as Law Clerk to Hon. James R. Browning, Chief Judge of the United States Court of Appeals for the Ninth Circuit. Thereafter, Mr. Wilson joined Cravath as an associate, and became a partner in 1992.

In his litigation practice, Mr. Wilson has handled cases in the areas of antitrust, intellectual property, contract, securities fraud, civil rights and employment law. He is currently the partner in charge of supervision of Cravath's pro bono work and has also been actively involved in pro bono matters himself, including representation of a class of employees of Jefferson County, Alabama, in an ongoing lawsuit alleging noncompliance with a consent decree designed to assure fair hiring practices and opportunities for career advancement for minorities.

Mr. Wilson has served as Chair of the Neighborhood Defender Service of Harlem since 1996, and recently joined the Board of Directors of Wide Horizons for Children.

Stephen P. Younger, Esq.

Stephen P. Younger, a partner at the law firm of Patterson Belknap Webb & Tyler LLP in New York City, was found by the Commission to be well qualified for the position of Chief Judge based on his character, temperament, professional aptitude, experience, qualifications and fitness for office. He was previously nominated by the Commission for the position of

Associate Judge of the Court of Appeals in 2014. He was interviewed by the Commission on October 13, 2015.

Mr. Younger received his undergraduate degree (cum laude) from Harvard College in 1977. He received his law degree (magna cum laude) in 1982 from Albany Law School, where he was Editor-in-Chief of the Albany Law Review. Following law school, from 1982 to 1984, he served as Law Clerk to Hon. Hugh R. Jones, Associate Judge for the New York Court of Appeals. Thereafter, Mr. Younger joined Patterson Belknap as an associate, and became a partner in 1990.

Mr. Younger's litigation practice concentrates in the areas of commercial litigation and arbitration, cross-border disputes, alternative dispute resolution, appellate practice and government investigations. He also has been actively involved in pro bono matters and was recognized for his pro bono work by the New York State Bar Association and the Volunteer Lawyers Project. Mr. Younger also served as Associate General Counsel to the Commission on Judicial Nomination from 1993-2006, and as Counsel to the Commission from 2006-2013.

For more than 30 years, Mr. Younger has been an active member of the New York State Bar Association, where he served as President from 2010 to 2011. He is a Vice-Chair of the Historical Society of the New York Courts. He also is a member of the Governor's Judicial Screening Committee for the First Department, Chief Judge Jonathan Lippman's Commercial Division Advisory Council, the Brooklyn Legal Services Corporation Advisory Council, and a past member of Chief Judge Lippman's Task Force on Commercial Litigation in the 21st Century.