

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

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December 1, 2014  
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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 New York Court of Appeals. 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 Associate Judge Robert S. Smith, as of December 31, 2014, 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 New York City. These efforts resulted in the receipt of 53 applications. The applicant pool was also diverse. Of those 53 applicants, approximately 34% were women, and 24% of diverse backgrounds. The Commission ultimately interviewed 22 candidates, of whom 10 (45%) were female, and 4 (18%) were ethnic minorities.

Judge Judith S. Kaye, Chair of the Commission, stated, "I am gratified by 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 to the Governor are, in alphabetical order:

- Kathy H. Chin, Esq., attorney in private practice (Cadwalader, Wickersham & Taft LLP);
- Hon. Eugene M. Fahey, Associate Justice, Appellate Division, Fourth Department;
- Hector Gonzalez, attorney in private practice (Dechert LLP);
- Hon. Erin M. Peradotto, Associate Justice, Appellate Division, Fourth Department;
- Mary Kay Vyskocil, Esq., attorney in private practice (Simpson Thatcher & Bartlett LLP);
- 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)

Pursuant to Judiciary Law § 68(1)(a), the Governor is to make his appointment from among these seven nominees between January 1 and 15, 2015. The State Senate has thirty days after receipt of the Governor's nomination to confirm or reject the appointment.

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December 1, 2014

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

Dear Governor Cuomo:

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 your consideration for appointment to the office of Associate Judge of the Court of Appeals. 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 Associate Judge Robert S. Smith by reason of age, as of December 31, 2014.

The Commission took many steps to seek out the largest number of well qualified applicants for this Court vacancy, consistent with our 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.

The Commission conducted an informational meeting on September 8, 2014, at the New York City Bar Association, 42 West 44th Street, New York, New York, concerning the vacancy and the candidate application process. The meeting included as speakers and panelists: Michael A. Cardozo, former Corporation Counsel for the City of New York; Carmen Beauchamp Ciparick, former Senior Associate Judge of the Court of Appeals; Howard A. Levine, former Associate Judge of the Court of Appeals; Debra L. Raskin, President, New York City Bar Association; George Bundy Smith, former Associate Judge of the Court of Appeals; Henry M. Greenberg, Counsel to the Commission; and myself.

The Commission's outreach efforts were once again successful. The Commission disseminated over 86 applications through its website. Ultimately, 53 candidates submitted applications to the Commission. Of the 53 candidates, 39 of them had previously submitted applications for at least one prior vacancy, and 14 candidates newly applied for the current vacancy. Approximately 34% of the applications were submitted by female candidates and 24% by candidates of diverse backgrounds.

The Commission met on November 3 and 4, 2014 to conduct in-person interviews of 22 candidates. Of the 22 total applicants interviewed in connection with the current vacancy, 10 (45%) were female, and 4 (18%) were ethnic minorities. As before, the Commission interviewed candidates from all corners of the State, of varying personal and professional backgrounds, drawing from the bench, the practicing bar and the private sector.

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.

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

- Kathy H. Chin, Esq.
- Hon. Eugene M. Fahey
- Hector Gonzalez, Esq.
- Hon. Erin M. Peradotto
- Mary Kay Vyskocil, Esq.
- Rowan D. Wilson, Esq.
- Stephen P. Younger, Esq.

Each candidate recommended for the office of Associate 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.

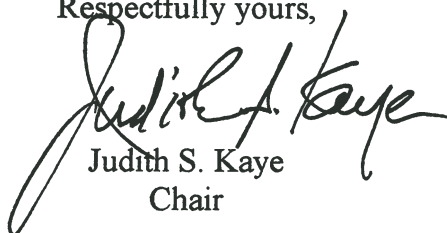
The Honorable Andrew M. Cuomo

December 1, 2014

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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.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Judith S. Kaye". The signature is written in a cursive style with a large, looping initial "J".

Judith S. Kaye  
Chair

## **NOMINEE BIOGRAPHIES (in alphabetical order)**

### **Kathy H. Chin, Esq.**

Kathy H. Chin, a partner at the law firm of Cadwalader, Wickersham & Taft LLP in New York City, was found by the Commission to be well qualified for the position of Associate Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for office. The Commission previously included Ms. Chin on a list submitted to the Governor for a prior vacancy in 2012. She was interviewed by the Commission for the current vacancy on November 4, 2014.

Ms. Chin received her undergraduate degree (magna cum laude) from Princeton University in 1975. She graduated in 1980 from Columbia University School of Law, where she was Editor-in-Chief of the Columbia Journal of Transnational Law and a Harlan Fiske Stone Scholar. Following law school, she joined the Cadwalader firm as an associate, and became a partner in 1990.

In her litigation practice, Ms. Chin has handled cases in the areas of health care and real estate involving air rights, zoning, leasehold valuation, mortgage foreclosure, employment discrimination, RICO, and other commercial matters. Ms. Chin has also been actively involved in pro bono matters, including assisting families of uniformed personnel who perished on 9/11.

Since 2003, Ms. Chin has served on the New York City Commission to Combat Police Corruption; and since 2013 she has served on Chief Judge Jonathan Lippman's Commercial Division Advisory Council. She also was a member of Governor Mario M. Cuomo's Screening Committee for the First Judicial Department; the New York City Planning Commission; the Magistrate Judge Merit Selection Panel for the Eastern District of New York; the Second Circuit Judicial Conference Planning and Program Committee; Chief Judge Judith S. Kaye's Commission to Promote Public Confidence in Judicial Elections; and Chief Judge Lippman's Attorney Emeritus Advisory Council.

### **Hon. Eugene M. Fahey**

Justice Eugene M. Fahey, an Associate Justice of the Appellate Division, Fourth Department, was found by the Commission to be well qualified for the position of Associate Judge based on his character, temperament, professional aptitude, experience, qualifications and fitness for office. The Commission previously included Justice Fahey on lists submitted to the Governor for prior vacancies in 2012, 2013 and 2014. He was interviewed by the Commission for the current vacancy on November 3, 2014.

Justice Fahey received his undergraduate degree (cum laude) from SUNY at Buffalo in 1974 and his law degree from SUNY Buffalo Law School in 1984. He



subsequently received an M.A. in European History from SUNY at Buffalo in 1998. Following law school, he worked in private practice from 1985 through 1993. From 1995 to 1996, he served as a Judge on the Buffalo City Court, and as a Justice of the New York State Supreme Court, Eighth Judicial District, from 1997 to 2006. During 2005 and 2006, Justice Fahey was assigned to the Commercial Division. He was appointed to the Appellate Division in 2006.

Previously, Justice Fahey served as a member of Buffalo's Common Council both before and after law school (1978-1983, 1988-1994). Justice Fahey has been involved in Western New York community organizations including Deaf Adult Services of Western New York, Inc., Buffalo Neighborhood Housing Services and Fillmore-Leroy Area Residents, Inc.

### **Hector Gonzalez, Esq.**

Hector Gonzalez, a partner at the law firm of Dechert LLP in New York City, was found by the Commission to be well qualified for the position of Associate Judge based on his character, temperament, professional aptitude, experience, qualifications and fitness for office. He was interviewed by the Commission on November 3, 2014.

Mr. Gonzalez received his undergraduate degree from Manhattan College in 1985. He graduated in 1988 from the University of Pennsylvania Law School, where he was an Editor of the Law Review. In 1995, Mr. Gonzalez received an M.A. in Criminal Justice from the City University of New York.

Mr. Gonzalez began his legal career as an associate at a large law firm in New York City from 1988 through 1990. He was an Assistant District Attorney at the New York County District Attorney's Office from 1990 through 1993, and returned to private practice from 1993 through 1994. In 1994, Mr. Gonzalez joined the United States Attorney's Office for the Southern District of New York, where he served as an Assistant United States Attorney in the Criminal Division until 1997 and as Deputy Chief and then Chief of the Narcotics Unit from 1997 through 1999. In 1999, he became a partner at the law firm of Mayer Brown LLP, where he remained until he joined his current firm in 2011.

In his litigation practice, Mr. Gonzalez has handled criminal, civil, and regulatory matters, including cases in the areas of securities, bankruptcy, antitrust, white collar crime, and professional liability. In 2012, he was appointed as a Special Master by the U.S. District Court for the district for the Eastern District of New York in a discrimination case involving the New York City Fire Department.

Since 2003, Mr. Gonzalez has served on the Board of Directors of the New York Lawyers for the Public Interest. He has been a member of the New York City Civilian Complaint Review Board and the Latino Justice Board of Directors.

### **Hon. Erin M. Peradotto**

Justice Erin M. Peradotto, an Associate Justice of the Appellate Division, Fourth Department, was found by the Commission to be well qualified for the position of Associate Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for office. She was interviewed by the Commission on November 3, 2014.

Justice Peradotto received her undergraduate degree (magna cum laude) from SUNY at Buffalo in 1981 and law degree from SUNY Buffalo Law School in 1984. Following law school, from 1985 to 1987, she worked in private practice as a trial attorney. From 1997 to 1998, she worked as Assistant Attorney General in Charge of the Buffalo Regional Office of the New York State Attorney General. She returned to private practice from 1999 to 2004, when she was elected Justice of the New York State Supreme Court, Eighth Judicial District. She was appointed to the Appellate Division in 2006.

Justice Peradotto has served on the New York State Ethics Commission for the Unified Court System since 2011, and served as President of the Bar Association of Erie County from 1997 to 1998. In 2013, she received the Lamplight Award from the Eighth Judicial District Gender & Racial Fairness Committee, and in 2011 she received the M. Dolores Denman Lady Justice Award for lifetime achievement from the Women's Bar Association of the State of New York, Western New York Chapter.

### **Mary Kay Vyskocil, Esq.**

Mary Kay Vyskocil, a partner at the law firm of Simpson Thatcher & Bartlett LLP in New York City, was found by the Commission to be well qualified for the position of Associate Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for her office. She was interviewed by the Commission on November 4, 2014.

Ms. Vyskocil received her undergraduate degree (summa cum laude) in 1980 from Dominican College of Blauvelt, where she was valedictorian. She graduated in 1980 from St. John's University School of Law, where she was a member of the national moot court team and received a St. Thomas More scholarship. Following law school, she joined Simpson Thatcher as an associate and became a partner in 1991.

In her litigation practice, Ms. Vyskocil has handled cases in the areas of insurance, re-insurance, contract and tort, bankruptcy, securities and antitrust. Primarily, her practice is concentrated in insurance and reinsurance coverage litigation, securities cases and cases involving the financial services industry.

In 2014, Ms. Vyskocil was elected to the Board of the Historical Society of the New York Courts, and since 2013 has been a member of the Board of Directors of New York



Community Trust and served on the New York State Commercial Division's Advisory Council. In addition, she is Treasurer and a Member of the Executive Committee of the Federal Bar Council and was Chair of its Second Circuit Court Committee. She is a founding Member and Officer of the New York Inn of Court. She has also served as a hearing referee on the Lawyers' Disciplinary Committee and on both the U.S. District Court for the Southern District of New York's Judicial Improvement Committee Advisory Group and Judicial Merits Selection Panel. She is a trustee of St. Joseph's Seminary and the Dominican College of Blauvelt. She is President Emeritus of the Alumni Board of Directors at St. John's University School of Law and serves on the Dean's Advisory Council of the Law School. She is also on the Board of Directors of the Judges & Lawyers Breast Cancer Alert and is the immediate past-Chair and a Member of the Board of Directors of ARIAS-US.

**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 Associate Judge based on his character, temperament, professional aptitude, experience, qualifications and fitness for office. The Commission has previously included Mr. Wilson on lists submitted to the Governor for previous vacancies in 2013 and 2014. He was interviewed by the Commission for the current vacancy on November 4, 2014.

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. Mr. Wilson has also been actively involved in pro bono matters, including representation of a class of employees of Jefferson County, Alabama, in an ongoing lawsuit alleging non-compliance with a consent decree designed to assure fair hiring practices and opportunities for career advancement for minorities.

Since 1996, Mr. Wilson has served as Chair of the Neighborhood Defender Service of Harlem.

**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 Associate Judge based on his character, temperament, professional aptitude, experience,

qualifications and fitness for office. He was interviewed by the Commission on November 3, 2014.

Mr. Younger received his undergraduate degree from Harvard College in 1977. He graduated in 1982 from Albany Law School (*magna cum laude*), where he was Editor-in-Chief of the Albany Law Review. Following law school, from 1982 to 1984, he served as a 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.

For more than 30 years, Mr. Younger has been an active member of the State Bar Association, where he served as President from 2010 to 2011. He is 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.