

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

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April 29, 2021
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FOR IMMEDIATE RELEASE

The Commission on Judicial Nomination Releases Its List of Seven Nominees for the Court of Appeals' Vacancy Created by Judge Paul G. Feinman's Retirement

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 vacancy on the Court created by Associate Judge Paul G. Feinman's unexpected retirement on March 23, 2021, and passing the following week, the Commission today 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.

Given the compressed schedule necessitated by the nature of the vacancy, the Commission's Report follows a concentrated period of outreach efforts that were conducted through public announcements and individual solicitations of applications. The Commission's outreach also included efforts to build on the substantial body of candidates who applied for the Court vacancy recently created by the retirement of Associate Judge Leslie Stein, effective June 4, 2021. These efforts resulted in the Commission's consideration of 75 applications.

The applicant pool was diverse. Of the 75 candidates, 36 (48%) were female and 23 (30%) were of diverse backgrounds. The Commission interviewed 32 candidates (which included interviews of candidates for the Judge Stein vacancy who were also considered for the Judge Feinman vacancy). Of those 32 candidates interviewed by the Commission, 20 (62%) were female and 10 (31%) were ethnic minorities or otherwise diverse.

Judge E. Leo Milonas, Chair of the Commission, stated: "My colleagues on the Commission and I were deeply saddened when we learned of Judge Feinman's passing, and, in his honor and memory, we reached out to the legal community to expeditiously fill his seat. We were impressed by the highly qualified pool of candidates whose applications we have reviewed to fill his seat on the Court — particularly including the seven whose names we are sending to the Governor today. That so many highly qualified candidates were interested in the current vacancy amply demonstrates the remarkable strength and depth of New York's legal community."

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

- Michael S. Bosworth, Esq., attorney in private practice (Latham & Watkins, LLP);
- Hon. Anthony Cannataro, Citywide Administrative Judge of the Civil Court of the City of New York and a Justice of the Supreme Court;
- Hon. Judith J. Gische, Associate Justice, Appellate Division, First Department;
- Caitlin J. Halligan, Esq., attorney in private practice (Selendy & Gay PLLC);
- Hon. Denise A. Hartman, Judge of the Court of Claims and Acting Justice of the Supreme Court;
- Hon. Erin M. Peradotto, Associate Justice, Appellate Division, Fourth Department; and,
- Hon. Troy Karen Webber, Associate Justice, Appellate Division, First Department.

By law, the Governor is required to make his appointment from among this list no sooner than May 14, 2021 nor later than May 29, 2021. The State Senate then, within 30 days after receipt of the Governor's choice, must confirm or reject the appointment.

The next scheduled vacancy on the Court of Appeals will occur on January 1, 2022, due to Associate Judge Eugene M. Fahey's mandatory retirement by reason of age.

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April 29, 2021

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 Associate Judge of the Court of Appeals of 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 occurred on March 23, 2021 due to the retirement of Associate Judge Paul G. Feinman.

Under Section 68(2) of the Judiciary Law, the Commission had 120 days from the date on which it was notified of this Court vacancy to solicit candidates, conduct its investigations, and complete its deliberations. (This is a shorter period than the time allowed for the Commission to complete the process in connection with scheduled vacancies that occur due to the completion of a Judge's term.) The Commission was also mindful of the extraordinary circumstances presented by Judge Feinman's unexpected retirement, and the need to ensure his vacancy was swiftly filled. This was especially true, given that a second vacancy on the

Court was (and is) immanent, due to the retirement of Judge Leslie E. Stein, effective June 4, 2021.

At the same time, the Commission was obliged to, and did, take many steps to seek out the largest number of well-qualified applicants, consistent with the Commission's mandate to "conduct broad outreach to encourage wide participation in the application process." 22 N.Y.C.R.R. § 7100.6. The day after being notified of the vacancy, the Commission disseminated statewide notice of the vacancy and application procedure, including to the media, bar associations, New York law schools, and members of the judiciary. As the process of evaluating candidates for the Judge Stein vacancy was proceeding simultaneously on a separate track, the notice announced that candidates who submitted applications for the Judge Stein vacancy, would also be considered for the Judge Feinman vacancy. Commissioners also engaged in individual solicitation of applications by qualified candidates.

The Commission's outreach efforts were successful. Thirty candidates submitted applications just for the Judge Feinman vacancy. These applications, along with the 45 candidates that applied for the Judge Stein vacancy, provided the Commission with a pool of 75 candidates for the Judge Feinman vacancy. Of the 75 candidates, 36 (48%) were female and 23 (30%) were of diverse backgrounds.

The Commission met on April 28 and 29, 2021, to conduct virtual interviews of 15 candidates who applied for the Judge Feinman vacancy and relied on the prior interviews of the 17 candidates interviewed earlier this month in connection with the Judge Stein vacancy. Of those 32 candidates interviewed by the Commission, 20 (62%) were female and 10 (31%) were ethnic minorities or otherwise diverse. The Commission interviewed candidates from around the State, of varying personal and professional backgrounds, and drawing from the bench, the practicing bar and academia.

Consistent with past practice, 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 Commission's seven nominees (in alphabetical order) to the Governor are:

- Michael S. Bosworth, Esq., attorney in private practice (Latham & Watkins, LLP);
- Hon. Anthony Cannataro, Citywide Administrative Judge of the Civil Court of the City of New York and a Justice of the Supreme Court;
- Hon. Judith J. Gische, Associate Justice, Appellate Division, First Department;
- Caitlin J. Halligan, Esq., attorney in private practice (Selendy & Gay PLLC);

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- Hon. Denise A. Hartman, Judge of the Court of Claims and Acting Justice of the Supreme Court;
- Hon. Erin M. Peradotto, Associate Justice, Appellate Division, Fourth Department; and,
- Hon. Troy Karen Webber, Associate Justice, Appellate Division, First Department.

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.

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.

Thank you.

Respectfully,



E. Leo Milonas
Chair

NOMINEE BIOGRAPHIES (in alphabetical order):

Michael Bosworth, Esq.

Michael Bosworth, a partner at the law firm of Latham & Watkins LLP and Co-Chair of its Litigation & Trial 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. He was interviewed by the Commission for the Judge Fineman vacancy on April 28, 2021.

Mr. Bosworth received his undergraduate degree (summa cum laude) from Princeton University in 2000, where he was the recipient of the M. Taylor Pyne Honor Prize. He graduated from Yale Law School in 2003, where he was a Comments Editor of the Yale Law Journal. Following law school, Mr. Bosworth served as a law clerk for United States District Judge Jed S. Rakoff of the Southern District of New York (2003 to 2004), Hon. Robert A. Katzman of the United States Court of Appeals for the Second Circuit (2004 to 2005), and Hon. Stephen Breyer, Associate Justice of the Supreme Court of the United States (2007 to 2008). In addition, Mr. Bosworth served as an Assistant United States Attorney for the Southern District of New York from 2005-2007 and 2008-2013, where he was the Deputy Chief of the Public Corruption Unit in 2011 and the Co-Chief of the Complex Frauds Unit from 2011 to 2013. He went on to serve as Special Counsel to the Federal Bureau of Investigations from 2013 to 2014, and as Deputy Assistant and Deputy General Counsel to President Barack Obama from 2014 to 2017. Immediately prior to joining Latham & Watkins, Mr. Bosworth was the Deputy General Counsel of MacAndrews & Forbes Inc. from 2017 to 2020.

In 2017, Mr. Bosworth was appointed by President Obama to serve as a Member of the United States Holocaust Memorial Council, a position he continues to hold. Mr. Bosworth also is a Trustee of the John Jay College Foundation, Inc.; an Advisor to the American Law Institute, Principles of the Law: Policing; and an Adjunct Professor at NYU School of Law.

Hon. Anthony Cannataro

Anthony Cannataro, Citywide Administrative Judge of the Civil Court of the City of New York and a Justice of the Supreme Court, 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 for the Judge Feinman vacancy on April 28, 2021.

Justice Cannataro received his undergraduate degree from Columbia University (cum laude) in 1993 and law degree from New York Law School (cum laude) in 1996. Upon graduation from law school, he served as an Assistant Corporation Counsel in the Manhattan Trial Unit of the New York City Law Department. He served as a law clerk to Hon. Carmen Beauchamp Ciparick, an Associate Judge of the Court of Appeals from 2000 to 2003 and Hon. Lottie E. Wilkins in Supreme Court, New York County from 2003 to 2011. He was elected a

Judge of the New York City Civil Court, New York County in 2011 and was an Acting Judge of the Family Court in Kings County from 2012 through 2013. He then sat in the New York City Civil Court, Bronx County from 2014 through 2015. In 2016, he was appointed Supervising Judge of New York City Civil Court, New York County. He was elected to the Supreme Court, New York County, in 2017 and, starting in 2018, was appointed Citywide Administrative Judge for the Civil Court of the City of New York.

Justice Cannataro serves as Co-Chair of the High-Volume Courts Subcommittee of the Chief Judge's ADR Advisory Committee and is a member of the Plain Language Committee of the Permanent Commission on Access to Justice. He is Co-Chair the Richard C. Failla LGBT Commission of the New York State Courts and a Commissioner of the Commission to Reimagine the Future of New York's Courts; and serves on the Chief Judge's Advisory Committee on Alternative Dispute Resolution and committees in several bar associations, including the New York State Bar Association and the New York County Lawyers Association.

Hon. Judith J. Gische

Judith J. Gische, an Associate Justice of the Appellate Division, First 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 previously nominated by the Commission for the position of Associate Judge of the Court of Appeals in 2015, 2016 and 2017. She was interviewed by the Commission for the Judge Feinman vacancy on April 29, 2021.

Justice Gische received her undergraduate degree (magna cum laude, Phi Beta Kappa) from The State University of New York at Buffalo in 1977 and law degree from SUNY Buffalo Law School in 1980. She served as a Judicial Clerk for the Appellate Division, Third Department, from 1980 through 1981, after which she was in private practice in New York City from 1982 until 1990. From 1990 to 1993, she was a Judge of the Housing Part of the Civil Court of the City of New York. In 1993, she was elected Judge of the Civil Court of the City of New York, and in 1997 was designated an Acting Justice of the New York State Supreme Court. In 2008, she was elected Justice of the New York State Supreme Court, New York County, and in 2012 was appointed an Associate Justice of the Appellate Division, First Department.

Justice Gische has served as an Adjunct Professor at New York Law School, and a lecturer and mentor for the Summer Justice Academy for Young Women, a collaboration of the New York State Women Judges Association and Pace Law School. In 2018, she received the Champion for Justice Award from the Weinberg Center for Elder Justice, and currently serves as Board member of the New York City chapter of the New York Women's Bar Association and member of the Dean's Advisory Committee of SUNY Buffalo Law School.

Caitlin J. Halligan, Esq.

Caitlin J. Halligan, a partner at the law firm of Selendy & Gay, 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 previously nominated by the Commission for the positions of Chief Judge of the Court of Appeals in 2015, and as an Associate Judge in 2015, 2016 and 2021. She was interviewed by the Commission on April 6, 2021.

Ms. Halligan received her undergraduate degree (cum laude) from Princeton University in 1988 and law degree from Georgetown University Law Center (magna cum laude) in 1995. She was Managing Editor of the Georgetown Law Review. Upon graduation from law school, she served as Law Clerk to Hon. Patricia Wald of the United States Court of Appeals for the District of Columbia Circuit (1995 to 1996) and Hon. Stephen Breyer, Associate Justice of the Supreme Court of the United States (1997 to 1998). She also served as an associate at Wiley, Rein, and Fielding in Washington, D.C. (1996 to 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 County District Attorney's Office. She remained in that post until 2013, when she became a partner at the law firm of Gibson, Dunn & Crutcher LLP. In 2019, she joined Selendy & Gay.

Ms. Halligan is a member of the American Law Institute and a fellow of the American Academy of Appellate Lawyers. She serves on the board of Princeton-in-Asia, the Arc's Criminal Justice Advisory Panel, and the New York County District Attorney's Conviction Integrity Committee. She currently teaches a seminar on states and public law as a lecturer on law at Harvard Law School.

Hon. Denise A. Hartman

Denise A. Hartman, Judge of the Court of Claims and Acting Justice of the Supreme Court, Albany County, 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 for the Judge Feinman vacancy on April 28, 2021.

Judge Hartman received her undergraduate degree from Cornell University in 1977 and law degree from Syracuse University College of Law (magna cum laude) in 1983, where she was an editor of the law review. Upon graduation from law school, she served as a law clerk for the Appellate Division, Fourth Department from 1983 to 1985. She served as an Assistant Solicitor General in the New York Office of the Attorney General from 1985 to 2015. She

was appointed as a Judge of the Court of Claims and an Acting Justice of the Supreme Court, Albany County in 2015. Prior to her legal career, Justice Hartman worked as a civil and environmental engineer from 1977 to 1982.

Justice Hartman serves as Assistant Presiding Member of the Judicial Section of the New York State Bar Association and will commence her term as Presiding Member in June 2021. She formerly co-chaired the New York State Bar Association Committee on Courts of Appellate Jurisdiction. Justice Hartman was the principal author and editor of the 2014 Report on Appellate Division Rules, adopted by the New York State Bar Association. Justice Hartman received the Albany County Bar Association Commitment to Excellence Award in 2018 and received the Louis J. Lefkowitz Award for Outstanding Service at the New York Office of the Attorney General in 2000, 2009, and 2012.

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 previously nominated by the Commission for the position of Associate Judge of the Court of Appeals in 2014, 2015, 2016 and 2021. She was interviewed by the Commission on April 7, 2021.

Justice Peradotto received her undergraduate degree (magna cum laude, Phi Beta Kappa) from The State University of New York at Buffalo in 1981 and law degree from SUNY Buffalo Law School in 1984. From 1985 to 1987, she worked in private practice as a trial attorney. From 1997 to 1998, she served 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. 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 was President of the Bar Association of Erie County from 1997 to 1998. She also served on the State of New York's Attorney Grievance Committee for the 8th Judicial District from 2001 to 2003. She has served as a delegate to the New York State Bar Association's House of Delegates, a director of the Women Lawyers of Western New York, a director of the Volunteer Lawyers Project, and a director of the SUNY at Buffalo Law Alumni Association.

Hon. Troy Karen Webber

Troy Karen Webber, an Associate Justice of the Appellate Division, First 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 April 6, 2021.

Justice Webber received her undergraduate degree from New York University in 1978 and law degree from New York University School of Law in 1981. She served as an Assistant District Attorney in the New York County District Attorney's Office from 1981 to 1986, when she left to become Principal Law Clerk for the Hon. William J. Davis, a Justice of the Supreme Court, New York County. From 1988 to 1989, she served as an Assistant Attorney General in the Office of the New York State Attorney General, Antitrust Bureau, after which she was in private practice in New York City from 1989 until 1992. From 1992 to 1994, she was Deputy Assistant Chief at the New York City Law Department. In 1994, she was elected Judge of the Civil Court, New York County. She was designated an Acting Supreme Court Justice in 2000 and assigned to Bronx Supreme Court, Criminal Term. She was elected to that position in 2002 and remained in that post until 2009, when she was designated Acting Surrogate Judge for New York County. In 2016, she was appointed an Associate Justice of the Appellate Division, First Department.

Justice Webber has served as an Adjunct Professor at Touro College, Monroe College, and John Jay College of Criminal Justice, and as a panelist and lecturer on issues including SORA and search and seizure law. She is co-Chair of the Franklin Williams Commission, which advises decision makers in the New York Court System on issues affecting employees and litigants of color.