

State of New York  
Commission on Judicial Nomination  
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September 3, 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 expiration of Senior Associate Judge Victoria A. Graffeo's 14-year term, 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 32 applications. The applicant pool was also diverse. Of those 32 applicants, approximately 25% were women, and 15% were ethnic minorities. The Commission ultimately interviewed 16 candidates, of whom 7 (43%) were female, and 3 (18%) 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 to the Governor are, in alphabetical order:

- Daniel S. Alter, Esq., General Counsel, New York State Department of Financial Services;
- Preeta D. Bansal, Esq., Visiting Scholar, Harvard Law School and Senior Legal and Policy Advisor, MIT Media Lab;
- Hon. Eugene M. Fahey, Associate Justice, Appellate Division, Fourth Department;
- Hon. Victoria A. Graffeo, Senior Associate Judge, New York Court of Appeals;
- Hon. Leslie E. Stein, Associate Justice, Appellate Division, Third Department;
- Maria T. Vullo, Esq., attorney in private practice (Paul, Weiss, Rifkind, Wharton & Garrison, LLP); and
- Rowan D. Wilson, Esq., attorney in private practice (Cravath, Swaine & Moore, LLP)

By law, the Governor is to make his appointment from among these seven nominees no sooner than fifteen nor more than thirty days after receipt of the Commission's Report. The Governor's appointment is subject to confirmation by the State Senate.

The next vacancy on the Court of Appeals will occur on January 1, 2015, due to Associate Judge Robert S. Smith's mandatory retirement by reason of age.

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September 3, 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 expiration of Senior Associate Judge Victoria A. Graffeo's 14-year term, effective November 29, 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 by qualified candidates.

The Commission conducted an informational meeting on May 20, 2014, 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: Penelope Andrews, President and Dean of Albany Law School; Peter G. Crummey, President of the Albany County Bar Association; John A. Cirando, Commissioner, Commission on Judicial Nomination; Howard A. Levine, 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 55 applications through its website. Ultimately, 32 candidates submitted applications to the Commission. Of the 32 candidates, 21 of them had previously submitted applications for at least one prior vacancy, and 11 candidates newly applied for the current vacancy. Approximately 25% of the applications were submitted by female candidates and 15% by candidates of diverse backgrounds.

The Commission met on August 25 and September 2 to conduct in-person interviews of 16 candidates. Of the 16 total applicants interviewed in connection with the current vacancy, 7 (43%) were female, and 3 (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:

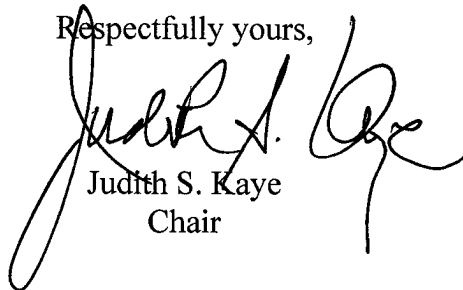
- Daniel S. Alter, Esq.
- Preeta D. Bansal, Esq.
- Hon. Eugene M. Fahey
- Hon. Victoria A. Graffeo
- Hon. Leslie E. Stein
- Maria T. Vullo, Esq.
- Rowan D. Wilson, Esq.

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  
September 3, 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 fluid and cursive, with a large initial "J" and a long, sweeping underline.

Judith S. Kaye  
Chair

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

### **Daniel S. Alter, Esq.**

Daniel S. Alter, Esq., General Counsel of the New York State Department of Financial Services, 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. Mr. Alter was interviewed by the Commission on August 25, 2014.

Mr. Alter received his undergraduate degree (summa cum laude) from Columbia College in 1988 and his law degree from Yale Law School in 1991. At Yale, he was a Coker Fellow from 1990-1991. He began his legal career as a Law Clerk to Hon. John M. Walker, Jr., Judge (later Chief Judge) of the United States Court of Appeals for the Second Circuit. He worked in private practice at a large law firm in New York City from 1992-1994, and served as Law Clerk to Hon. Guido Calabresi, Judge of the United States Court of Appeals for the Second Circuit from 1994-1995.

In 1995, Mr. Alter joined the United States Attorney's Office for the Southern District of New York, where he served as Assistant United States Attorney in the Civil Division until 2001 and as Acting Chief/Deputy Chief of the Civil Division from 2002-2003. In 2003, he worked in private practice, and then served as National Civil Rights Director of the Anti-Defamation League from 2004 through 2006. From 2007 to 2010, he served as Director of the Litigation Risk Strategies & Finance Group at Credit Suisse Securities. In 2011, Mr. Alter returned to public service as Senior Advisor & Special Counsel to New York State Attorney General Eric T. Schneiderman, where he remained until appointed to his current position in 2012.

### **Preeta D. Bansal, Esq.**

Preeta D. Bansal, Visiting Scholar at Harvard Law School and Senior Legal and Policy Advisor for MIT Media Lab, 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. Ms. Bansal was interviewed by the Commission on September 2, 2014.

Ms. Bansal received her undergraduate degree (magna cum laude) from Harvard-Radcliffe College in 1986 and her law degree (magna cum laude) from Harvard Law School in 1989. She was Supervising Editor of the Harvard Law Review. She served as Law Clerk to Hon. James L. Oakes, Chief Judge of the United States Court of Appeals for the Second Circuit from 1989-1990 and Justice John Paul Stevens of the United States Supreme Court from 1990-1991. From 1993-1996, she served in various roles for the United States Department of Justice, the Office of the White House Counsel, and the Office of Policy Development. Additionally, she was Solicitor General of the State of New York from 1999-2001, and General Counsel and Senior Policy Advisor for the Office of Management and Budget of the Executive Office of the White House from 2009-2011.

Ms. Bansal has extensive private sector experience, having practiced in law firms from 1991-1993, 1996-1999 and 2004-2009. Ms. Bansal was also Global General Counsel, Litigation and Regulatory Affairs, for HSBC Holdings plc, from 2012-2013.

Ms. Bansal has been a member and past chair of the United States Commission on International Religious Freedom. She also served on several government commissions, including the New York City Election Modernization Task Force and the New York City Campaign Finance Board.

**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. Justice Fahey was previously nominated by the Commission for the position of Associate Judge of the Court of Appeals in 2012 and 2013. He was interviewed by the Commission on August 25, 2014.

Justice Fahey received his law degree in 1984 from SUNY Buffalo Law School. He previously received his undergraduate degree (cum laude) from SUNY at Buffalo in 1974 and subsequently received an M.A. in European History from SUNY at Buffalo in 1998. After graduation from 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.

**Hon. Victoria A. Graffeo**

Judge Victoria A. Graffeo, currently Senior Associate Judge of the New York Court of Appeals, 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. Judge Graffeo was interviewed by the Commission on September 2, 2014.

Judge Graffeo received her undergraduate degree (high honors) from SUNY at Oneonta in 1974, and her law degree from Albany Law School of Union University in 1977. She engaged in private practice from 1978 to 1982, and entered government service in 1982 as Assistant Counsel to the New York State Division of Alcoholism and Alcohol Abuse. She served in the New York State Legislature as Counsel to Assembly Minority Leader Pro

Tempore Kemp Hannon from 1984 through 1988, and as Chief Counsel to Assembly Minority Leader Clarence D. Rappleyea, Jr. from 1989 through 1994.

Judge Graffeo served as Solicitor General for the State of New York from January 1, 1995 to September 1996, when she was appointed to fill a vacancy in the State Supreme Court, Third Judicial District. She was elected that November to a full term as Justice of the State Supreme Court, and, in April 1998, became an Associate Justice of the Appellate Division, Third Department. Her appointment as an Associate Judge for the Court of Appeals by Governor George E. Pataki was confirmed by the State Senate on November 29, 2000.

Among her professional and community activities, Judge Graffeo serves as Chair of the Advisory Committee on the Pro Bono Scholars Program, Advisory Committee on Pro Bono Service by In-House Counsel in New York State, the Advisory Committee on New York State Pro Bono Bar Admissions Requirements and the New York State-Federal Judicial Council. She is also a member of the Zonta Club of Albany, an organization that provides volunteer services and supports programs to improve the economic status of women and children. Judge Graffeo has received a number of professional honors, including the 2014 Award for Excellence in Public Service from the New York State Bar Association Committee on Attorneys in Public Service. She is a frequent author and lecturer on various topics, including pro bono and public service.

### **Hon. Leslie E. Stein**

Leslie E. Stein, an Associate Justice of the Appellate Division, Third 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. Justice Stein was interviewed by the Commission on August 25, 2014.

Justice Stein received her undergraduate degree from Macalester College, St. Paul, Minnesota, in 1978, and received her law degree (magna cum laude) from Albany Law School of Union University in 1981. After graduating from law school, she served as Confidential Law Clerk to the Schenectady County Family Court, from 1981 to 1983. She then worked in private practice from 1983 until 1996, where she specialized in matrimonial and family law. She was elected Albany City Court Judge in 1997, and served as Acting Albany County Family Court Judge in 2001. She was elected Justice of the State Supreme Court in 2001, and served as Presiding Judge of the Rensselaer County Integrated Domestic Violence Part from 2006 to February 2008. In February 2008, Justice Stein was appointed Justice of the Appellate Division, Third Department, where she currently serves.

Among her various professional and community activities, Justice Stein is a founding member of the New York State Judicial Institute on Professionalism in the Law, and serves on the Advisory Committee on Bar Admissions and the Family Violence Task Force of the New York State Unified Court System.



**Maria T. Vullo, Esq.**

Maria T. Vullo, currently a partner at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison 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. She was previously nominated by the Commission for the position of Associate Judge of the Court of Appeals in 2013. She was interviewed by the Commission on August 25, 2014.

Ms. Vullo received her undergraduate degree (summa cum laude) from the College of Mount Saint Vincent in 1984. She graduated from New York University School of Law in 1987, where she was Senior Editor of the Moot Court Board. In January 2012, Ms. Vullo received an M.P.A. from New York University's Wagner Graduate School of Public Service. Upon graduation from law school, from 1987 to 1988, Ms. Vullo served as Law Clerk to Hon. John A. MacKenzie, United States District Judge for the Eastern District of Virginia. Thereafter, Ms. Vullo joined Paul, Weiss as an associate and became a partner in 1996.

In her litigation practice, Ms. Vullo has handled civil, criminal and regulatory matters, including cases in the areas of securities, antitrust, healthcare, real estate, tax, bankruptcy, constitutional law, intellectual property and environmental law. In 2010, Ms. Vullo served as Executive Deputy Attorney General for Economic Justice in the Office of New York State Attorney General Andrew M. Cuomo.

Ms. Vullo has served as a member of the First Department Judicial Screening Committee since March 2007. She serves as Vice Chair of the National Organization of Italian American Women, and is a member of the Boards for The Fund for Modern Courts, Inc. and NARAL Pro-Choice America.

**Rowan D. Wilson, Esq.**

Rowan D. Wilson, currently 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. He was previously nominated by the Commission for the position of Associate Judge of the Court of Appeals in 2013. He was interviewed by the Commission on September 2, 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.