

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

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FOR IMMEDIATE RELEASE

The Commission on Judicial Nomination Releases Its List of Seven Nominees Following the Court of Appeals Vacancy Created by Judge Abdus-Salaam's Untimely Passing

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 the untimely passing of Associate Judge Sheila Abdus-Salaam in April, 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.

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 a public announcement and individual solicitations of applications. The Commission's outreach also included efforts to build on the substantial body of candidates who were interviewed by the Commission for the Court vacancy recently created by the December 2016 retirement of Senior Associate Judge Eugene F. Pigott, Jr. These efforts resulted in 40 applications for the current vacancy (exceeding the 35 applications received in connection with the Judge Pigott vacancy). The applicant pool was also diverse. Of those 40 applicants, 17 (42%) were women and 13 (32%) from diverse backgrounds. The Commission interviewed 16 candidates, of whom 10 (62%) were female and 4 (25%) were ethnic minorities.

Judge E. Leo Milonas, Interim Chair of the Commission, stated, "The members of the Commission were deeply saddened when we learned of Judge Abdus-Salaam's passing in April, and in her honor and memory, we reached out to the legal community to expeditiously fill her seat on the Court. 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:

- Eric O. Corngold, Esq., attorney in private practice (Friedman Kaplan Seiler & Adelman LLP);
- Hon. Paul G. Feinman, Associate Justice, Appellate Division, First Department;
- Hon. Judith J. Gische, Associate Justice, Appellate Division, First Department;
- Hon. Rosalyn H. Richter, Associate Justice, Appellate Division, First Department;
- Hon. Mary Kay Vyskocil, U.S. Bankruptcy Court Judge for the Southern District of New York;
- Hon. Troy Karen Webber, Associate Justice, Appellate Division, First Department; and
- Hon. Gerald J. Whalen, Presiding Justice, Appellate Division, Fourth Department.

By law, the Governor is required to make his appointment from among this list. The State Senate 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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June 1, 2017

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

Dear Governor Cuomo:

As Interim 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. The vacancy in that office is the result of Associate Judge Sheila Abdus-Salaam's untimely passing, of which the Commission was officially notified by the Clerk of the Court of Appeals on April 14, 2017. 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.

Under Judiciary Law Section 68(2), 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 was a much shorter period than the time allowed for the Commission to complete the process in connection with the last vacancy on the Court occasioned by the retirement of Associate Judge Eugene F. Pigott, Jr. Moreover, on May 5, 2017, you called on the Commission to accelerate the process to fill Judge Abdus-Salaam's vacancy to allow for the State Senate to take up confirmation before the conclusion of this year's legislative session at the end of June 2017.

The Commission was mindful of the extraordinary circumstances presented by Judge Abdus-Salaam's passing, and the need to ensure her vacancy was filled swiftly. 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. Within days after being notified of the vacancy, 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. Print and online media throughout the State devoted extensive coverage to the vacancy. The Commission invited all candidates who previously were granted an interview by the Commission less than a year ago in connection with the Judge Pigott vacancy to apply for the current vacancy. The Commissioners also engaged in individual solicitation of applications by qualified candidates.

These outreach efforts were very successful. The Commission disseminated 77 applications through its website. Ultimately, 40 candidates submitted applications to the Commission, thus exceeding the 35 applications received in connection with the Judge Pigott vacancy. Of the 40 candidates, 21 had previously submitted applications for at least one prior vacancy, and 19 candidates newly applied for the current vacancy. Seventeen (42%) of the applications were submitted by female candidates and 13 (32%) by candidates of diverse backgrounds.

The Commission met on May 30 and 31, 2017, to conduct in-person interviews of 16 candidates for the current vacancy. Of those 16 candidates, 10 (62%) were female, four (25%) were ethnic minorities and three (19%) came from otherwise diverse backgrounds. The Commission interviewed candidates from around the State, of varying personal and professional backgrounds, and drawing from the bench and 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.

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

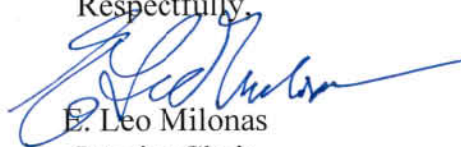
- Eric O. Corngold, Esq., attorney in private practice (Friedman Kaplan Seiler & Adelman LLP);
- Hon. Paul G. Feinman, Associate Justice, Appellate Division, First Department;
- Hon. Judith J. Gische, Associate Justice, Appellate Division, First Department;

- Hon. Rosalyn H. Richter, Associate Justice, Appellate Division, First Department;
- Hon. Mary Kay Vyskocil, U.S. Bankruptcy Court Judge for the Southern District of New York;
- Hon. Troy Karen Webber, Associate Justice, Appellate Division, First Department; and
- Hon. Gerald J. Whalen, Presiding Justice, Appellate Division, Fourth 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.

Respectfully,

A handwritten signature in blue ink, appearing to read "E. Leo Milonas", is written over the typed name.

E. Leo Milonas
Interim Chair

NOMINEE BIOGRAPHIES (in alphabetical order):

Eric O. Corngold, Esq.

Eric O. Corngold, a partner at the law firm of Friedman Kaplan Seiler & Adelman, LLP, was found by the Commission to be well qualified for the position of Associate Judge of the State of New York 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 2016. He was interviewed by the Commission for Judge Abdus-Salaam's vacancy on May 31, 2017.

Mr. Corngold received his undergraduate degree (with honors, Phi Beta Kappa) from Swarthmore College in 1980 and law degree in 1984 from Yale Law School, where he was Senior Editor of the Yale Law Journal. He began his legal career in private practice as an associate at a New York City law firm. From 1985 to 1986, he served as Law Clerk to the Hon. Charles P. Sifton of the United States District Court for the Eastern District of New York. Following his clerkship, he returned to private practice until 1990, when he became an Assistant United States Attorney for the Eastern District of New York. He later served as Chief and Deputy Chief of the General Crimes Unit from 1996 to 1999, Chief of the Business and Securities Fraud Unit from 1999 to 2005, and Chief Assistant United States Attorney from 2005 to 2007. In 2007, he joined the Office of the New York State Attorney General, where he served as Executive Deputy Attorney General for Economic Justice. He remained in that post until 2010, when he returned to private practice at his current law firm.

Mr. Corngold has been an Adjunct Professor of Law at St. John's University School of Law since 2000 and at Fordham University School of Law from 1995 to 2000. He is a Trustee of The State University of New York (SUNY), and served as Chair of the New York State Judicial Screening Committee from 2011 to 2016, and a Commissioner of the Moreland Commission to Investigate Public Corruption from 2013 to 2014.

Hon. Paul G. Feinman

Paul G. Feinman, 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 his character, temperament, professional aptitude, experience, qualifications and fitness for office. He was interviewed by the Commission on May 30, 2017.

Justice Feinman received his undergraduate degree from Columbia College, Columbia University in 1981 and law degree in 1985 from the University of Minnesota Law School. He began his legal career as a Staff Attorney in the Appeals Bureau of the Legal Aid Society of Nassau County. From 1987 to 1989, he served as Senior Staff Attorney, Criminal Defense Division in New York County. From 1989

to 1996, he served as Principal Law Clerk to the Hon. Angela M. Mazzarelli both at the Appellate Division, First Department and in Supreme Court. In 1996, he was elected Judge of the Civil Court of the City of New York from the 1st Municipal Court District (lower Manhattan), and was reelected in 2006. He sat in both the Criminal Court and the Civil Court in New York County prior to being designated in 2004 to serve as an Acting Justice of the Supreme Court, New York County. In 2007, he was elected a Justice of the Supreme Court, New York County, and in 2012 was appointed an Associate Justice of the Appellate Division, First Department.

Justice Feinman previously served as President (2015) and Chair of the Executive Committee (2016) of the Association of Supreme Court Justices of the State of New York, and currently serves as First Vice President of the Association of Supreme Court Justices of the City of New York, Inc. From 2008 to 2011, he served as President of the International Association of Lesbian and Gay Judges. Justice Feinman previously served as Presiding Member of the Judicial Section of the New York State Bar Association, and President of the Lesbian, Gay, Bisexual and Transgender Bar Association of Greater NY.

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 and 2016. She was interviewed by the Commission for Judge Abdus-Salaam's vacancy on May 30, 2017.

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. She currently serves as Chair of the Judicial Section of the New York County Lawyers' Association, 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.

Hon. Rosalyn H. Richter

Rosalyn H. Richter, 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 May 30, 2017.

Justice Richter received her undergraduate degree (*magna cum laude*) from Barnard College, Columbia University in 1976 and law degree from Brooklyn Law School in 1979. She began her legal career in private practice in 1979. From 1980-1983, she served as Executive Director of the LAMBDA Legal Defense and Education Fund. From 1983 to 1987, she was a Supervisor in the Appeals Bureau at the Kings County District Attorney's Office. In 1987, she became an Administrative Law Judge at the New York City Office of Administrative Trials and Hearings. In 1990, she was appointed a Criminal Court Judge in New York County, where she served until 1996, while also sitting on the Midtown Community Court from 1993 to 1996. In 1997, she was designated an Acting Supreme Court Justice, Bronx County Criminal Term. She served as Supervising Judge, Bronx Criminal Court, from 1998 to 2000, and as an Acting Supreme Court Justice in New York County from 2000 to 2002. In 2002, she was elected a Justice of the Supreme Court in New York County, and was appointed an Associate Justice of the Appellate Division, First Department in 2009.

Justice Richter has been an Adjunct Professor of Law at New York Law School since 2000, and formerly at Brooklyn Law School. She has also authored several chapters in a law school casebook, *Domestic Violence & the Law*. She serves on the Richard C. Falla LGBTQ Commission, the Chief Judge's Commercial Division Advisory Committee, the Permanent Judicial Commission on Justice for Children, and the Joint Appellate Division Seminar Committee. She has also served on the board of SAGE USA, a non-profit that addresses aging issues in the LGBT community. From 1997 to 2009, she was Co-Chair of the OCA Advisory Committee on the Americans with Disabilities Act.

Hon. Mary Kay Vyskocil

Mary Kay Vyskocil, a United States Bankruptcy Judge for the Southern District of New York, 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. She was interviewed by the Commission for Judge Abdus-Salaam's vacancy on May 30, 2017.

Judge Vyskocil received her undergraduate degree (*summa cum laude*) in 1980 from Dominican College of Blauvelt, where she was the class 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 for full tuition. Following law school, she joined Simpson Thatcher, becoming a partner in 1991, and practicing law there for more than thirty years as a member of the firm's Litigation Department. In 2016, she was appointed to her current post as a United States Bankruptcy Judge.

Judge Vyskocil currently serves as a Director of St. Joseph's Seminary and Judges and Lawyers Breast Cancer Alert, and a Trustee of Dominican College and the Historical Society of the New York Courts. She also serves as President-Elect of the Federal Bar Counsel and is a member of its Executive Committee. She is Vice President of the New York American Inn of Court, and a member of its Executive Committee. In 2016, she received the Top Women in Law Award from the New York Law Journal, and in 2015, she received an Above & Beyond Achievement Award for Distinguished Pro Bono Service from Sanctuary for Families.

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 May 30, 2017.

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. She sits on the faculty of the New York State Judicial Institute, and has served 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.

Hon. Gerald J. Whalen

Gerald J. Whalen, the Presiding 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. He was interviewed by the Commission on May 30, 2017.

Justice Whalen received his undergraduate degree from Canisius College in 1977 and law degree from SUNY Buffalo Law School in 1983. He began his legal career as an associate at Offerman, Mahoney, Cassano, Pigott, Greco & Whalen, where he became a partner in 1988. From 1993 to 2001 he was principal trial counsel in the defense and prosecution of personal injury, labor law, products liability, complex commercial and criminal matters as a shareholder at Williams, Stevens, McCarville & Frizzell, P.C., and then at Hiscock & Barclay, LLP, where he was a partner until 2005 and served on the firm's Diversity Committee. In 2006, he was elected a Justice of the Supreme Court from the Eighth Judicial District, and was appointed to the Appellate Division, Fourth Department in 2012, and as Presiding Justice of the Court in 2016.

Justice Whalen has served as an Adjunct Professor and a member of the Pre-Law Advisory Committee at Canisius College, and a lecturer on constitutional law at SUNY Buffalo. He was elected and served as President of the Supreme Court Justices Association, Eighth Judicial District, in 2012. He also served as Chair of the Bar Association of Erie County Judges' Committee from 2011 to 2012. From 2002 to 2012, he served on the Fourth Department, Eighth Judicial District Committee on Character and Fitness. For twenty-five years, he was a member of the Judge John J. Hillery Memorial Scholarship Foundation, which provides scholarships for students in need.