



**NEW YORK  
CITY BAR**



**- 2012 -**

**HOW TO BECOME A JUDGE**

by

**The Association of the Bar of the City of New York  
Special Committee to Encourage Judicial Service © 2012**



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## **HOW TO BECOME A JUDGE**

### **Association of the Bar of the City of New York Special Committee to Encourage Judicial Service**

#### **I. Introduction**

##### **A. The Purpose of This Booklet**

The Special Committee to Encourage Judicial Service is seeking to expand the number of qualified candidates for judicial office by encouraging applications from persons who previously have not applied, including those from groups historically unrepresented or underrepresented in the judiciary as a whole, or in specific judicial offices, such as appellate courts.

In furtherance of these goals, this booklet is intended to provide a description of the methods of judicial selection; the relevant governmental, political and other bodies that participate in the selection processes; and the statutory and other criteria applicable to the selection process for each judicial position. This information applies to federal and state judicial offices in the City of New York, although some information is also applicable to judicial positions outside the City of New York. Of particular interest in New York City, with respect to Civil Court and Supreme Court, which are elected positions, the process for seeking political support varies from county to county. With respect to appointment to Criminal, Family and Housing Courts, the selection process is centralized and does not vary from county to county.

While many judicial positions are elective, a substantial number are appointive and are based on the recommendations of judicial screening or nominating committees, which accept applications from all eligible attorneys. In some instances, appointments are also made to fill vacancies in elective positions. The following is a partial list of judicial positions that are filled by appointment: Family Court, Criminal Court, Interim Civil Court, Housing Court, Interim Supreme Court, Court of Claims, Interim Surrogate's Court and Court of Appeals. All federal judicial positions are filled by appointment.

This booklet also describes several paid and unpaid quasi-judicial positions, such as arbitrator and support magistrate, which may provide a lawyer with an opportunity to serve in a decision-making capacity, as opposed to an adversarial position, to determine his or her affinity for a judicial role.

Those interested in any of these judicial positions are urged to follow the judicial and legislative processes developments in the press, in judicial decisions and on government websites.

**B. Sources of Further and Updated Information**

Much of the information in this booklet is subject to change. The booklet is current through April 1, 2012. Current information about specific judicial offices may be obtained from the sources identified in each respective section of this booklet.

The judiciary committees of county bar associations in the City of New York, listed in Appendix A, may be sources of further information.

**C. Prior Trial Experience and Political Party Affiliation or Activity May Not Be Necessary**

**1. Political Party Affiliation and Activity**

With respect to Family Court, Criminal Court and Housing Court, political party affiliation and activity, once a virtual prerequisite to obtaining judicial office, is not a listed criterion employed by the statutory nominating bodies (e.g., Advisory Council to the Housing Part of the Civil Court of the City of New York and the Mayor’s Advisory Committee on the Judiciary). Political affiliation or activity may be a consideration of the ultimate appointing authority.

In some counties, historically dominated by a single political party, the selection of candidates for nomination by that party has been virtually tantamount to election in the general election. In most counties, political considerations, including a history of political party activity, contributions to political party organizations and acquaintance with political party officials, may influence the selection process to varying degrees. Even where the nomination process appears to be virtually controlled by local political party organizations, the use of screening panels by these organizations has resulted in the nomination of candidates with little prior political involvement. The use of screening committees by the various county political organizations has expanded in recent years.

Because political party organizations have been involved in the selection of candidates for some of the judicial positions described in this booklet—especially elected judgeships—it may be helpful to communicate with local or county political party organizations to obtain further information about candidate selection, including the application process for any pre-primary election screening bodies. This is important because the procedures of these screening bodies may change from year to year.

Appendix B to this booklet lists some of the political organizations involved in the process of judicial selection.

## **2. Litigation Experience**

Traditionally, it was believed that a candidate for judicial office was required to possess substantial trial experience in order to receive serious consideration. While trial experience remains helpful, extensive trial experience may not be essential for many judicial positions.

Over the years, nonlitigators, including law secretaries, law clerks, professors, administrators and lawyers holding positions in government and private sector organizations, have been selected for judicial office and have proven their ability to learn and perform the duties of judicial officers. The realization that good jurists do not come exclusively from the courtroom, combined with the goal of many merit selection judicial screening or nominating bodies to broaden the pool of potential candidates, has led to a decrease in the importance of prior litigation experience.

### **D. Bar Association Review of Candidates**

In addition to the selection processes discussed in this booklet, the Committee on the Judiciary of the Association of the Bar of the City of New York, in conjunction with the county bar association in the relevant county, investigates and evaluates the qualifications of all candidates for judicial office in the City of New York. The results of these reviews are reported to the appointing authority in the case of appointed judgeships, and to the public by press release in the case of elective judgeships.

A bar association review typically includes the candidate's response to a questionnaire submitted by the association, one or more interviews with representatives of the judiciary committee of the association, review of the candidate's writings and interviews by committee members of adversaries, judges and others with whom the candidate has dealt.

Appendix A lists the various county bar associations. See Appendix I for a sample of questions a committee may ask.

### **E. Standards of Review**

The descriptions of the judicial positions discussed in this booklet indicate the minimum qualifications required by statute for each position. In addition, the various nominating, screening, reviewing and appointing bodies may have developed other requirements.

It is difficult to set forth definitive criteria for evaluating candidates for judicial office. The general standards most often stated include:

General intellectual ability;

Knowledge of the law, including knowledge of the specific body of law applicable to the court in which the position is sought. Because judges often sit in courts to which they were not originally elected or appointed (e.g., Civil Court judges may sit by assignment in the Criminal Court or in the Criminal Term of the Supreme Court), knowledge of other areas of the law also is important;



Appropriate demeanor and judicial temperament, including an ability to deal patiently and considerately with both attorneys and pro se litigants and, in the case of appellate courts, with other judges in a collegial setting;

Industriousness and a proven willingness to work hard;

An ability to discern facts and weigh conflicting evidence;

An ability to understand legal arguments and to make prompt, correct determinations of legal issues;

An absence of bias and a commitment to equal justice for all;

Integrity, candor and an absence of outside political or other influence; and

A commitment to public service, particularly to judicial service.

**F. When to Apply**

Vacancies in judicial offices and the commencement of selection processes are usually announced in the press. However, the announcement may be small and may be printed only by the New York Law Journal and on courts' websites. In some cases (e.g., selections made by the Mayor's Advisory Committee), the selection process is an ongoing one. Accordingly, regular inquiry of the appointing, nominating, reviewing and screening bodies listed in this booklet is suggested in order to assure that a potential candidate is aware of a vacancy in time to complete the application process.

Additional information on anticipated vacancies may be available from Hon. Ann Pfau, Chief Administrative Judge, The Office of Court Administration, 25 Beaver Street, 11<sup>th</sup> Floor, New York, New York 10004, (212) 428-2120.

**II. New York City Courts**

**A. Appointments to Terms on the Family Court and Criminal Court and to Interim Appointments to Fill Unexpired Terms for Vacancies on the Civil Court**

General Comments - Appointment of Family Court and Criminal Court Judges and interim appointments (of up to one year) to fill vacancies on the Civil Court are made by the Mayor of the City of New York from a list of candidates submitted by the Mayor's Advisory Committee on the Judiciary.

The Mayor's Advisory Committee is composed of up to nineteen members, all of whom are volunteers and are appointed as follows: The Mayor selects nine members. The Chief Judge of the New York Court of Appeals nominates four members; the Presiding Justices of the Appellate Divisions of the Supreme Court for the First and Second Judicial Departments each nominate two members and deans of the law schools in the City of New York, on an annual rotating basis, each nominate one member. The Mayor's approval of selections is necessary. See Appendices D and E.

Questionnaires and other information may be obtained from the Committee at:

Mayor's Advisory Committee on the Judiciary  
Desirée Kim, Executive Director  
253 Broadway, 10<sup>th</sup> Floor  
New York, New York 10007  
(212) 788-2401

Additional information is available at <http://www.nyc.gov/html/acj/html/home/home.shtml>. Generally, nominees of the Mayor's Committee are reviewed by the Mayor's Advisory Committee on the Judiciary and the Judiciary Committee of the Bar Association of the City of New York and will not be selected or appointed if found not qualified by those committees. For a list of the present membership of the Mayor's Advisory Committee, see Appendix C. The application for the Mayor's Advisory Committee is available on the Internet at [http://www.nyc.gov/html/acj/html/application/judicial\\_application.shtml](http://www.nyc.gov/html/acj/html/application/judicial_application.shtml). See also Appendix I.

## **1. Jurisdiction of Family Court, Criminal Court and Civil Court**

### **i. Family Court**

The Family Court has jurisdiction over actions and proceedings concerning (1) the protection, treatment, correction and commitment of minors in need of the exercise of the authority of the court because of circumstances of neglect, delinquency or dependency, as the legislature may determine; (2) the custody of minors, except for custody incidental to actions and proceedings for marital separation, divorce, annulment of marriage and dissolution of marriage; (3) the adoption of persons; (4) the support of dependents, except when incidental to actions and proceedings in this state for marital separation, divorce, annulment of marriage or dissolution of marriage; (5) the establishment of paternity; (6) proceedings for conciliation of spouses; and (7) as may be provided by law, the guardianship of minors, in conformity with the provisions of section seven of this article, and crimes and offenses by or against minors or between spouses or between parent and child or between members of the same family or household. The family court may also take jurisdiction over certain matters referred to it by the Supreme Court. N.Y. Const. art. 6, §§ 13(b)(1)–13(b)(7), 13(c), and art. 6, § 7(a).

### **ii. Criminal Court**

The Criminal Court has City-wide criminal jurisdiction over crimes and other violations of law, other than those prosecuted by indictment, provided, however, that the Legislature may grant to the Criminal Court jurisdiction over misdemeanors prosecuted by indictment and over such other actions and proceedings not within the exclusive jurisdiction of the Supreme Court, as may be provided by law. N.Y. Const. art. 6, § 15(c).

Specifically, this includes jurisdiction to hear, try and determine all misdemeanor charges, except libel, and all offenses of a grade less than misdemeanor. N.Y. City Crim. Ct. Act § 31. In addition, the Criminal

Court has trial jurisdiction over all offenses other than felonies and preliminary jurisdiction of all offenses, subject to divestment by the Supreme Court and its grand juries. N.Y. Crim. Proc. Law § 10.30(1).

iii. **Civil Court**

See point B below.

**2. Selection Process**

Appointment by the Mayor of the City of New York from a list of candidates submitted by the Mayor's Advisory Committee on the Judiciary. See General Comments, II(A), supra; Fam. Ct. Act § 123; N.Y. City Crim. Ct. Act § 22(2).

**3. Eligibility Requirements**

N.Y. Fam. Ct. Act § 124; N.Y. City Crim. Ct. Act § 22(1); N.Y. City Civ. Ct. Act § 102-a; N.Y. Const. art. 6, §§ 13, 15, 20.

- i. New York City resident.
- ii. Admitted to practice as an attorney in New York for ten years before selection.
- iii. Age limit - Service until December 31st of the year in which the judge reaches 70 years-old. N.Y. Const. art. 6, § 25(b).

**4. Term**

Ten years. N.Y. Const. art. 6, § 13(a); N.Y. Fam. Ct. Act § 123; N.Y. City Crim. Ct. Act § 22(2).

**5. Salary**

Family Court - \$140,300-160,000. N.Y. Jud. Law § 221-e. Criminal Court - \$147,100. N.Y. Jud. Law § 221-g. These figures reflect the salary increases effective April 1, 2012 approved by vote of the Special Commission on Judicial Compensation. See Final Report of the Special Commission on Judicial Compensation (2011), available at <http://www.judicialcompensation.ny.gov/>.

**B. Election to the Civil Court of the City of New York**

General Comments - Political party nomination (especially the Democratic Party nomination, in all counties except Richmond) is very important for election. A candidate needs to file petitions to be considered a candidate for a party's nomination in the General Election. Petitions containing 4,000 signatures are needed for a county-wide seat, and petitions containing 1,500 signatures are necessary for a district seat. In practice, it is necessary to get additional signatures above the minimum—perhaps two or three times the minimum—as petitions may be challenged by opponents. Support from political clubs can ease a candidate's burden in collecting signatures, as club members

will frequently provide labor to collect signatures. In the counties, the presence of competing factions within the political parties has provided an opportunity for many well-qualified persons to be nominated in spite of past political inactivity. Interested persons should communicate with any screening panels and the various political party organizations active in their respective districts. See Appendix B.

### **1. Jurisdiction**

City-wide jurisdiction over actions and proceedings for the recovery of money and chattels; foreclosure of mechanics' liens and liens on personal property up to \$25,000, exclusive of costs and interest; summary proceedings to recover possession of real property and to remove tenants therefrom; and unlimited jurisdiction to enter judgment upon a counterclaim for the recovery of money. N.Y. Const. art. 6, § 15(b).

### **2. Selection Process**

Election from districts, with vacancies filled by the mayor and service continuing until the last day of December after next election. See N.Y. City Civ. Ct. Act § 102-a(3).

### **3. Eligibility Requirements**

- i. New York City resident. N.Y. City Civ. Ct. Act § 102-a(1).
- ii. Admitted to practice as an attorney in New York for ten years before taking office. N.Y. City Civ. Ct. Act § 102-a(1).
- iii. Age Limit - Service until December 31st of the year in which the judge reaches the age of 70 years-old. N.Y. Const. art. 6, § 25(b).

### **4. Term**

Ten years. N.Y. Const. art. 6, § 15(b).

### **5. Salary**

\$147,100. N.Y. Jud. Law § 221-g. This figure reflects the salary increases effective April 1, 2012 approved by vote of the Special Commission on Judicial Compensation. See Final Report of the Special Commission on Judicial Compensation (2011), available at <http://www.judicialcompensation.ny.gov/>.

## **C. Housing Part of the Civil Court**

General Comments - Judges of the Housing Part of the Civil Court are appointed by the Administrative Judge of the Civil Court from a list of candidates found qualified by the Advisory Council to the Housing Part of the Civil Court. N.Y. City Civ. Ct. Act § 110(f).

The Advisory Council is a statutory body composed of fourteen members, who serve without compensation, appointed by the Administrative Judge with the approval of the Presiding Justices of the Appellate Divisions of the Supreme Court for the First and Second Judicial Departments. The Advisory Council members represent the real estate industry (2), tenants' organizations (2), civic groups (2), bar associations (2), the public (4), the Mayor of the City of New York (1), and the Commissioner of Housing and Community Renewal (1). N.Y. City Civ. Ct. Act § 110(g). For a list of the present membership of the Advisory Council, see Appendix E.

Persons interested in positions as Housing Judges should request questionnaires and additional information from:

Chief Administrative Judge  
Civil Court of the City of New York  
111 Centre Street, Room 1240  
New York, New York 10013  
(646) 386-5400

**1. Jurisdiction**

Actions and proceedings involving the enforcement of state and local laws for the establishment and maintenance of housing standards including, but not limited to, the Multiple Dwelling Law and the Housing Maintenance Code, and the Building Code and Health Code of the Administrative Code of the City of New York, as provided in N.Y. City Civ. Ct. Act § 110(a).

**2. Selection Process**

Appointment by the Administrative Judge from a list of candidates selected annually by the Advisory Council. N.Y. City Civ. Ct. Act § 110(f).

**3. Eligibility Requirements**

Admission to practice as an attorney in New York for five years, two of which must have been in active practice, before taking office. Reappointment possible. N.Y. City Civ. Ct. Act § 110(i).

**4. Term**

Five years. Id.

**5. Salary**

\$115,400. N.Y. City Civ. Ct. Act § 110(f).

### III. New York State Courts

#### A. Election to the Supreme Court of the State of New York

General Comments – The following information is a description of the current statutory scheme for election to the State Supreme Court.

Democrats are most often elected as Supreme Court Justices in New York City as a result of New York City's predominantly Democratic electorate. Under current procedures, each political party holds a judicial nominating convention for each judicial district. The conventions are attended by delegates elected in each Assembly District or, in some cases, a part thereof, at the primary immediately preceding the election involved. N.Y. Election Law § 6-124. The rules governing time, place and procedure of conventions are left to committees appointed under the rules of the state committee of each political party. Id. § 6-126(1).

For administrative purposes, New York State is divided into 12 judicial districts, with the following judicial districts in New York City (N.Y. Jud. Law § 140):

First District	-	Manhattan (New York)
Second District	-	Brooklyn (Kings) and Staten Island (Richmond)
Eleventh District	-	Queens
Twelfth District	-	Bronx

Each judicial district has the following number of justices of the Supreme Court (N.Y. Jud. Law § 140-a):

First District	-	38
Second District	-	49
Eleventh District	-	39
Twelfth District	-	25

Nominees need not be enrolled members of the political party by which they are nominated. Historically, Supreme Court nominees usually have been selected from among sitting Criminal Court, Civil Court or Family Court Judges.

#### 1. **Jurisdiction**

General, original and appellate jurisdiction in law and equity (see Appellate Term and Appellate Division, infra). In the City of New York, jurisdiction concurrent with that of the Criminal Court over certain misdemeanors prosecuted by indictment and with the Family Court over crimes and offenses by or against minors or between members of the same family or household, and exclusive jurisdiction over all other crimes prosecuted by indictment. N.Y. Const. art. 6, § 7; N.Y. Fam. Ct. Act § 115, N.Y. Fam. Ct. Act § 812; N.Y. City Crim. Ct. Act § 31.

#### 2. **Selection Process**

Election by judicial district. N.Y. Const. art. 6, § 6(c).

### **3. Eligibility Requirements**

- i. Admission to practice as an attorney in New York for ten years. N.Y. Const. art. 6, § 20(a); N.Y. Jud. Law § 140-a.
- ii. Age Limit - A Supreme Court Justice may serve until December 31st of the year in which he or she reaches age 70, and may thereafter perform duties as a Supreme Court Justice if it is certified that his or her services are necessary to expedite the business of the Court, and that he or she is physically and mentally competent to fully perform the duties of such office. Certification is valid for a two-year term and may be extended for up to two additional two-year terms, but in no event longer than December 31st in the year in which he or she reaches age 76. N.Y. Const. art. 6, § 25(b).

### **4. Term**

14 years. Id. § 6(c).

### **5. Salary**

\$160,000 (automatic increases on first day of April in each year on or after 2012, if annual salary of judge of U.S. District Court increased within preceding twelve months). N.Y. Jud. Law § 221-b. This figure reflects the salary increases effective April 1, 2012 approved by vote of the Special Commission on Judicial Compensation. See Final Report of the Special Commission on Judicial Compensation (2011), available at <http://www.judicialcompensation.ny.gov/>.

## **B. Interim Appointments To Fill Vacancies and Unexpired Terms on the Supreme Court**

General Comments - Appointments to fill vacancies on the Supreme Court in the five counties of New York City, created other than by expiration of a term, are made by the Governor upon advice and consent of the State Senate. N.Y. Const. art. 6, § 21(a).

## **C. Acting Supreme Court Justice**

### **1. Jurisdiction**

Same as Supreme Court Justice.

### **2. Selection Process**

Designation by the Chief Administrator of the Courts upon consultation and agreement with the presiding justice of the appropriate Appellate Division. Selection made upon recommendations from an evaluatory panel consisting of the appropriate Deputy Chief Administrator for the Courts, the Deputy Chief Administrator for Management Support, the Administrative Judge for Matrimonial Matters and the Administrative Judge of the court where the judge

serves. The panel shall consult with Administrative Judges, bar associations and other persons or groups as may be appropriate, and shall consider the productivity, scholarship, temperament and work ethic of eligible candidates and any complaints made against an applicant. See 22 N.Y. A.D.C. Parts 33 and 121.2.

### **3. Eligibility Requirements**

Service as a judge in a court of limited jurisdiction (Court of Claims, County Court, Surrogate's Court, Civil, Criminal or Family Court) for at least two years, 22 N.Y. A.D.C. Part 121.2(c), and residence in the Department for which the appointment is made. N.Y. Const. art. 6, § 26.

### **4. Term**

No greater than one year. 22 N.Y. A.D.C. § 121.3. Judges are eligible for redesignation at the end of term. Id.

Judges interested in serving as Acting Supreme Court Justices in the City of New York should proceed through the judicial administration of the court in which they sit.

## **D. Supreme Court, Appellate Terms**

### **1. Jurisdiction**

The Appellate Division of the Supreme Court in each Judicial Department may establish an Appellate Term for the Department, Judicial District or County within that Department, and may authorize the Appellate Term to hear appeals authorized by law to be taken to the Supreme Court or the Appellate Division, other than appeals from the Supreme Court, a Surrogate's Court or appeals in criminal cases prosecuted by indictment or information. See N.Y. Const. art. 6, § 8(a), (d).

### **2. Selection Process**

The Appellate Term is composed of between three and five Supreme Court Justices designated by the Chief Administrator of the Courts with the approval of the presiding justice of the appropriate appellate division. Id. § 8(a).

### **3. Eligibility Requirements**

Service as a Supreme Court Justice. Id.

## **E. Supreme Court, Appellate Division, First and Second Departments**

### **1. Jurisdiction**

Appeals from judgments or orders as to which appeal is authorized from the Supreme Court, Surrogate's Court, Appellate Term of the Supreme Court, Family



Court, Court of Claims and County Courts (except as directed to the Appellate Term). N.Y. C.P.L.R., § 5701; N.Y. Const. art. 6, § 5; N.Y. Fam. Ct. Act § 1111.

## **2. Selection Process**

Designation by the Governor from among the Supreme Court Justices of the State (N.Y. Const. art. 6, § 4(c)). See Appendices G & I.

## **3. Eligibility Requirements**

Supreme Court Justice. The Presiding Judge must be a resident of the Department for which the designation is made. N.Y. Const. art. 6, § 4(c). A majority of Associate Judges also must be residents of the Departments in which they serve. Id. § 4(f).

## **4. Term**

- i. Presiding Judge - until expiration of term as Supreme Court Justice. Id. § 4(c).
- ii. Associate Judge - earlier of five years from date of appointment or expiration of term as Supreme Court Justice. Id.

## **5. Salary**

- i. Presiding Judge - \$172,800. N.Y. Jud. Law § 221-a.
- ii. Associate Judge - \$168,600. Id.

These figures reflect the salary increases effective April 1, 2012 approved by vote of the Special Commission on Judicial Compensation. See Final Report of the Special Commission on Judicial Compensation (2011), available at <http://www.judicialcompensation.ny.gov/>.

# **F. Court of Claims**

## **1. Jurisdiction**

- i. “Part A Judges” - Seventeen originally authorized judges of the Court of Claims have jurisdiction over, inter alia, claims against the State for the appropriation of any real or personal property, breach of contract, torts of state officers and employees committed while acting as such, claims for damages against the State for unjust conviction and imprisonment and special proceedings to distribute moneys pursuant to Eminent Domain Procedure Law § 304(E). N.Y. Ct. Cl. Act §2(2).
- ii. “Part B Judges” - Pursuant to Sections 2(2)(b)–(d) of the N.Y. Court of Claims Act, a specified number of additional Court of Claims judges may be appointed. Pursuant to 22 N.Y.C.R.R. Parts 33 and 121.2, most of the additional “Part B” Court of Claims Judges have been appointed

immediately to serve as Acting Justices of the Supreme Court, Criminal Term.

**2. Selection Process**

Appointment by the Governor with the consent of the State Senate. N.Y. Ct. Cl. Act § 2(2)(a). See Appendices G & I.

**3. Eligibility Requirements**

Admission to practice as an attorney in New York, with at least ten years experience in practice. N.Y. Ct. Cl. Act § 2(7). No age limit.

**4. Term**

Nine years. N.Y. Ct. Cl. Act § 2(3).

**5. Salary**

- i. Presiding Judge - \$168,600. N.Y. Jud. Law § 221-c.
- ii. Judge - \$160,000. Id.

These figures reflect the salary increases effective April 1, 2012 approved by vote of the Special Commission on Judicial Compensation. See Final Report of the Special Commission on Judicial Compensation (2011), available at <http://www.judicialcompensation.ny.gov/>.

**6. Vacancies and Unexpired Terms**

Vacancies other than by expiration of term are filled for the unexpired term in the same manner as an original appointment. N.Y. Const. art. 6, § 21(b).

**G. Surrogate's Court**

General Comments - There are two Surrogates in New York County and Kings County; there is one in each of the other counties in New York City.

**1. Jurisdiction**

Full and complete general jurisdiction in law and in equity to administer justice in all matters relating to estates and the affairs of decedents. N.Y. Surr. Ct. Proc. Act § 201(3).

**2. Selection Process**

County-wide election. Candidates should communicate with political party organizations and judicial screening panels in the county in which they seek to be elected. See Appendix B.

### **3. Eligibility Requirements**

- i. Admission to practice as an attorney in New York for ten years. N.Y. Surr. Ct. Proc. Act § 2603(4).
- ii. Age Limit - Service until December 31st of the year in which the judge reaches the age of 70.

### **4. Term**

Fourteen years in New York City. N.Y. Const. art. 6, § 12(c).

### **5. Salary**

\$140,300-160,000. N.Y. Jud. Law § 221-f. These figures reflect the salary increases effective April 1, 2012 approved by vote of the Special Commission on Judicial Compensation. See Final Report of the Special Commission on Judicial Compensation (2011), available at <http://www.judicialcompensation.ny.gov/>.

### **6. Vacancies and Unexpired Terms**

Appointments to fill vacancies in the Surrogate's Court, other than those created by expiration of a term, are made by the Governor upon advice and consent of the State Senate. N.Y. Const. art. 6, § 21(a).

## **H. Court of Appeals**

General Comments - Appointments by the Governor as Associate Judge or Chief Judge of the Court of Appeals are made from a list of nominees found well-qualified by the State of New York Commission on Judicial Nomination. N.Y. Const. art. 6, § 2(c). The members of the Commission, who serve without compensation, are appointed by the Governor (four), the Chief Judge of the Court of Appeals (four), the Speaker of the State Assembly (one), the Temporary President of the State Senate (one), the Minority Leader of the State Assembly (one) and the Minority Leader of the State Senate (one). N.Y. Const. art. 6, § 2(d). Among each group of four members appointed by the Governor and the Chief Judge, respectively, no more than two may be enrolled in the same political party, two must be members of the bar of the State and two must be laypersons. N.Y. Const. art. 6, § 2(d). See Appendix G.

### **1. Jurisdiction**

Jurisdiction is limited to the review of questions of law except where the judgment is of death, or where the Appellate Division, on reversing or modifying a final or interlocutory judgment in an action or a final or interlocutory order in a special proceeding, finds new facts and a final judgment and a final order pursuant thereto is entered. N.Y. Const. art. 6, § 3.

## **2. Selection Process**

Appointment by the Governor from a list of nominees prepared by the Commission on Judicial Nomination, with the advice and consent of the State Senate. Id. § 2(e).

## **3. Eligibility Requirements**

Residence in New York and admission to practice as an attorney in New York for ten years. Id. No age limit.

## **4. Term**

Fourteen years. Id. § 2(a).

## **5. Salary**

- i. Chief Judge - \$182,600. N.Y. Jud. Law § 221.
- ii. Associate Judges - \$177,000. Id.

These figures reflect the salary increases effective April 1, 2012 approved by vote of the Special Commission on Judicial Compensation. See Final Report of the Special Commission on Judicial Compensation (2011), available at <http://www.judicialcompensation.ny.gov/>.

## **6. Vacancies and Unexpired Terms**

Appointments to fill vacancies on the Court of Appeals are made in the same manner as original appointments. N.Y. Const. art. 6, § 2(f). The Commission publishes notices of vacancies and application information locally in the New York Law Journal.

# **I. Judicial Hearing Officer**

## **1. Jurisdiction**

Judicial Hearing Officers have been assigned to hear and report, with recommendations, to a judge of the Unified Court System.

## **2. Selection Process**

Subject to the rules of the Chief Administrator of the Courts, any person who has served as a judge or justice of a court of record of the Unified Court System or of a city court which is not a court of record, but who no longer holds judicial office, may, upon completion of a prescribed application, be designated by the chief administrator as a judicial hearing officer upon the determination of the chief administrator that (a) the former judge has the mental and physical capacity to perform the duties of such office and (b) the services of that former judge are necessary to expedite the business of the courts. N.Y. Jud. Law § 850(1).

### **3. Eligibility Requirements**

Any person who has served for at least one year as a judge or justice of a court of the Unified Court System, other than a town or village court, who is no longer serving in such capacity, except a person who was removed from a judicial position pursuant to N.Y. Const. art. 6, § 22(h). Uniform Rules of Chief Administrator, 22 N.Y.C.R.R. Part 122.1.

### **4. Term**

One year, with possible extension for an additional year without further application, and with possible designation for additional two-year terms. 22 N.Y.C.R.R. Part 122.3.

### **5. Salary**

Reasonable and necessary expenses incurred in performance of duties, plus compensation in an amount established by the Chief Administrator of the Courts, currently, \$300 per diem. 22 N.Y.C.R.R. Part 122.8. Such expenses and compensation shall be state charges payable out of funds appropriated to the administrative office for the courts for this purpose. A judicial hearing officer shall receive no other compensation for the performance of services in this capacity. N.Y. Jud. Law § 852(1).

## **J. Supreme Court Special Master (volunteer)**

Special Masters dispose of disputes between parties relating to discovery matters. Ten years' intensive motion/trial experience is required. An attorney wishing to perform as a special master must submit an affirmation declaring his or her good standing as an attorney, the absence of any prior instances of misconduct and the extent and nature of his or her trial experience. Applications may be obtained from:

New York County Lawyers' Association  
14 Vesey Street  
New York, New York 10007-2992  
(212) 267-6646

The Special Masters Committee reviews the applications of prospective Special Master candidates.

Special Masters serve on a continuing basis, provided that they respond affirmatively to the annual inquiry sent to Special Masters requesting whether they wish to continue to serve.

## **K. Civil Court Arbitrator (paid)**

General Comments - The Chief Administrator of the courts may establish an arbitration program in any trial court. 22 N.Y.C.R.R. Part 28.2(a).

## **1. Jurisdiction**

In each county with an arbitration program, all civil actions for a sum of money, except those commenced in small claims parts and not subsequently transferred to a regular part of the Court, that are noticed for trial or commenced in the Supreme Court, County Court, the Civil Court of the City of New York, a District Court or a City Court, where recovery sought for each cause of action is \$6,000 or less or \$10,000 or less in the Civil Court of the City of New York, or such other sum as may be authorized by law, exclusive of costs and interest, shall be heard and decided by a panel of arbitrators. 22 N.Y.C.R.R. Part 28.2(b). Includes jurisdiction of any counterclaim or cross-claim without reference to amount. Id. Part 28.2(d).

In addition, parties may stipulate that any civil action pending or thereafter commenced for a sum of money, regardless of the amount in controversy, shall be arbitrated, with the award not limited to the monetary jurisdiction of the court. Id. Part 28.2(c).

Unless the award is vacated or a demand is made for a trial de novo, with the fees of the arbitrator paid simultaneously therewith, arbitrator's awards are final and judgment may be entered thereon. Id. Part 28.11(b).

## **2. Selection Process**

Members of arbitration panels are appointed by the Arbitration Commissioner from the list of attorneys established by the Chief Administrator of the courts. Names of attorneys are drawn at random. Where a three-arbitrator panel is utilized, the first name drawn for each three-arbitrator panel shall be the chairperson thereof. Id. Parts 28.4(a), (b).

## **3. Eligibility Requirements**

The panel chairperson must be admitted to practice in New York for at least five years. Other panel members must be admitted, but there is no durational requirement. Id. Part 28.4(b).

## **4. Term**

No attorney who has served as arbitrator is eligible to serve again until all other attorneys on the current list of the Chief Administrator of the courts have had an opportunity to serve. Id. Part 28.4(c).

## **5. Salary**

The Chief Administrator of the Courts provides for compensation and expenses to the extent funds are available for this purpose. Id. Part 28.10(a).

**L. Civil Court Small Claims Arbitrator (volunteer)**

**1. Jurisdiction**

Any claim for money not in excess of \$5,000, exclusive of costs and interest, may be arbitrated where the defendant (except an infant or incompetent) resides or transacts business or is regularly employed within the City. N.Y. Civ. Ct. Act § 1801; 22 N.Y.C.R.R. § 208.41(n).

**2. Selection Process**

Volunteer arbitrators are appointed by the Administrative Judge of the Civil Court for duty at that term of the court. Id. § 208.41(n)(l).

**M. Family Court Support Magistrates (paid)**

General Comments - Support Magistrates hear and decide support proceedings under the New York City Family Court Act, except issues of violations of a support order, commitment, contested paternity, custody, visitation, orders of protection and exclusive possession of the home. N.Y. Fam. Ct. Act § 439(a). Support Magistrates hear and determine all matters in any proceeding to establish paternity, including the making of an order of filiation, where admitted or acknowledged. Id. § 439(b). Support Magistrates can issue subpoenas, administer oaths and direct disclosure. Id. § 439(d). In proceedings presenting issues of commitment, custody, visitation, orders of protection or exclusive possession of the home, the Support Magistrate makes a temporary order of support and refers the matter to a judge. N.Y. Fam. Ct. Act § 439(c).

**1. Selection Process**

The Administrative Judge for the New York City Family Court will publish an announcement in the New York Law Journal and communicate directly with bar associations to invite applications from the bar. Applicants are screened for character and ability to handle Support Magistrate responsibilities by a Committee consisting of an administrative judge, a judge of the Family Court and a designee of the Chief Administrator of the courts, which submits recommendations to the Chief Administrator who makes the order of appointment. 22 N.Y.C.R.R. § 205.32(c).

**2. Eligibility Requirements**

Support Magistrates must be admitted to practice in New York State for at least five years and must be knowledgeable about Family Court, family law and federal and state support law and programs. 22 N.Y.C.R.R. § 205.32(a).

**3. Term**

Full-time appointment for three years, remaining eligible for subsequent reappointment for additional term which may be 5 years in length. N.Y. Fam. Ct. Act § 439(f).

#### **4. Salary**

Compensation is fixed by the Chief Administrator of the courts. 22 N.Y.C.R.R. § 205.32(e).

#### **N. Community Dispute Resolution Mediator (paid)**

Seeking to resolve minor disputes expeditiously, especially those that would otherwise be handled by the criminal justice system. Community Dispute Resolution Centers provide services without cost to indigents or at nominal or no cost to other participants. Centers are administered by nonprofit organizations established to resolve disputes or for religious, charitable or educational purposes. The Chief Administrator of the courts selects Centers for funding pursuant to contracts between the Unified Court System and grant recipients. See, e.g., 22 N.Y.C.R.R. § 116.

#### **O. State Administrative Law Judge**

##### **Parking Violations Bureau**

Applicants must be attorneys admitted to practice three or more years in New York State.

Application forms may be obtained from:

Gail Prudenti  
Office of Court Administration  
25 Beaver Street  
New York, NY 10007  
(212) 428-2120

#### **IV. United States Courts**

##### **Court of Appeals and District Court**

United States Court of Appeals and District Court judges are appointed by the President, with the advice and consent of the Senate. Each is a lifetime appointment, except in the territories (but not Puerto Rico), where appointments are for eight-year terms.

Appointments to federal judgeships historically have been made at the suggestion of a United States Senator from the state within the territorial jurisdiction of the court. The selection process for federal appointments may change in the upcoming year with the election of a new president and anticipated appointment of a new Senator from New York.



**A. United States Court of Appeals for the Second Circuit**

**1. Selection Process**

The President, with the advice and consent of the Senate, appoints thirteen judges for the Second Circuit. 28 U.S.C. § 44(a).

**2. Eligibility Requirements**

Each Circuit Judge must be a resident of the Circuit. 28 U.S.C. § 44(c).

**3. Term**

Circuit Judges hold office during good behavior. 28 U.S.C. § 44(b).

**4. Salary**

\$184,500. See Barbara L. Schwemle, Cong. Research Serv., RL 33245, Legislative, Executive, and Judicial Officials: Process for Adjusting Pay and Current Salaries 8 (2011).

**B. United States District Court for the Southern and Eastern Districts of New York**

**1. Selection Process**

The President, with the advice and consent of the Senate, appoints district judges for the various judicial districts, i.e., 28 district judges for the Southern District of New York, and 15 district judges for the Eastern District of New York. 28 U.S.C. § 133.

**2. Eligibility Requirements**

District Judges in the Eastern and Southern Districts must reside within twenty miles of the districts for which they are appointed. 28 U.S.C. § 134(b).

**3. Term**

District Judges hold office during good behavior. Id. § 134(a).

**4. Salary**

\$174,000. See Barbara L. Schwemle, Cong. Research Serv., RL 33245, Legislative, Executive, and Judicial Officials: Process for Adjusting Pay and Current Salaries 8 (2011).

**C. United States Magistrate Judge**

General Comments - Vacancies or positions as U.S. Magistrates in the Southern and Eastern Districts of New York (and instructions to applicants for submission of their qualifications) are announced in the New York Law Journal as such vacancies arise.

**1. Selection Process**

The judges of each U.S. District Court appoint a screening committee of attorneys and community leaders to make recommendations to them. Magistrate Judges are then selected with the concurrence of a majority of the judges in the District for which the appointment is made, or by the Chief Judge of the District. 28 U.S.C. § 631(a).

**2. Eligibility Requirements**

- i. Member in good standing of the bar for five years. 28 U.S.C. § 631(b)(1);
- ii. Competence to perform the duties of the office, as determined by the appointing court. Id. § 631(b)(2);
- iii. Less than seventy years of age. Id. § 631(d); and
- iv. No relationship by blood or marriage to any Judge of the District for which the appointment is made at the time of initial appointment. Id. § 631(b)(4).

**3. Term**

Eight years (four years for part-time Magistrate Judges). Id. § 631(e).

**4. Salary**

\$160,080 (full-time). See Barbara L. Schwemle, Cong. Research Serv., RL 33245, Legislative, Executive, and Judicial Officials: Process for Adjusting Pay and Current Salaries 8 (2011).

**D. United States Bankruptcy Judge**

General Comments - The United States Court of Appeals appoints Bankruptcy Judges for the Southern and Eastern Districts of New York. 28 U.S.C. § 152(a). Vacancies or positions are announced in the New York Law Journal, other journals and the website for the Second Circuit as positions arise.

**1. Jurisdiction**

Bankruptcy Judges may hear and determine all cases arising in or related to Title 11 of the United States. 28 U.S.C. § 157.

## **2. Selection Process**

Appointments as Bankruptcy Judges of the Judicial Districts are made by a majority of Judges of the United States Court of Appeals for each Circuit upon the recommendation of the Judicial Conference of the United States, or by the Chief Judge of the Court of Appeals where a majority of judges cannot agree. 28 U.S.C. § 152(a)(1), (3). A panel of circuit judges and district judges from the district where the judge will serve makes recommendations for appointments.

## **3. Term**

14 years. 28 U.S.C. § 152(a)(1). Removal during term only by the Judicial Council of the Second Circuit for incompetence, misconduct, neglect of duty or physical or mental disability. Id. § 152(e).

## **4. Salary**

\$160,080. See Barbara L. Schwemle, Cong. Research Serv., RL 33245, Legislative, Executive, and Judicial Officials: Process for Adjusting Pay and Current Salaries 8 (2011).

## **E. Administrative Law Judge**

General Comments - ALJs are quasi-judicial officers who work in the various federal administrative agencies in New York and elsewhere. Depending on the agency to which they are assigned, they preside over a variety of matters such as licensing, rate-making, rule-making and benefit appeals. Those interested in applying should contact:

U.S. Office of Personnel Management  
Employment Service  
Office of Administrative Law Judges  
1900 E Street, N.W.  
Washington, D.C. 20415-0001  
(202) 606-0810

### **1. Selection Process**

Appointment by the various administrative agencies with the approval of the Office of Personnel Management. 5 U.S.C. § 3105; 5 C.F.R. § 930.201 et seq.

### **2. Eligibility Requirements**

The Office of Personnel Management requires seven years formal administrative law or litigation experience (or some combination of the two), and membership in good standing in a bar for the seven years immediately preceding application. It also requires two years of qualifying experience at a level of difficulty and responsibility commensurate with the position. Qualification Standard For Administrative Law Judge Positions, U.S. Office of Personnel Management, <http://www.opm.gov/qualifications/alj/alj.asp> (last visited Nov. 26, 2012).

**3. Term**

Not specified; removal may be made for good cause. 5 U.S.C. § 7521.

**4. Salary**

Within a range established by the Office of Personnel Management and depending on the ALJ's responsibilities, experience and the agency in which he or she works.

**F. Arbitrator for the Eastern District of New York**

**1. Jurisdiction**

Any civil case in the U.S. District Court for the Eastern District of New York for a money claim not in excess of \$100,000, exclusive of costs and interest, is automatically sent to arbitration, with the exception of social security cases, tax matters, prisoners' civil rights cases and any action based on an alleged violation of a constitutional right or if jurisdiction is based in whole or in part on 28 U.S.C. § 1343. In addition, arbitrators handle cases involving damages in excess of \$150,000 where the parties stipulate to submit to arbitration. Local Civil Rule 83.7(d)(2). The arbitration shall be held before a single arbitrator, unless a panel of three is requested by a party and the amount in controversy exceeds \$5,000. Local Civil Rule 83.7(e)(4).

**2. Selection Process**

Arbitrators are randomly selected by the Clerk of the Court from a list of attorneys certified by the Chief Judge or his designee to act as arbitrators. Local Civil Rule 83.7(a)(4), (e)(4).

**3. Eligibility Requirements**

Member for at least five years to the bar of the highest court of a state or the District of Columbia and admission to the district court for the Eastern District of New York. Local Civil Rule 83.7(a)(2). Application and information concerning "Court-Annexed Arbitration" may be obtained from:

ADR Administrator and Arbitration Clerk  
United States District Court for the  
Eastern District of New York  
225 Cadman Plaza East, Rm. 172  
Brooklyn, New York 11201  
(718) 613-2577

**4. Salary**

Where parties have agreed to arbitration before a single arbitrator, compensation is \$250. Where parties have agreed to arbitration before a panel of three arbitrators, compensation is \$100 per arbitrator. Local Civil Rule 83.7(b).

**The Association of the Bar of the City of New York  
Special Committee to Encourage Judicial Service**

Hon. Peter H. Moulton, Chair  
New York County Civil Court  
111 Centre Street, Room 111  
New York, New York 10013

Jacqueline A. Berrien  
Hon. Arlene P. Bluth  
Sarah Loomis Cave  
Roy H. Carlin  
Hon. Carol R. Edmead  
Hon. Lenora Gerald  
David B. Goldin  
Hon. Doris M. Gonzalez  
Hon. Gabriel W. Gorenstein  
Elinor R. Hoffmann  
Evelyn Konrad  
Jennifer L. Marlborough  
Louis L. Nock  
Hon. Rosalyn Heather Richter  
Tracey Salmon-Smith  
Vera M. Scanlon  
Hon. Beatrice Shainswit  
Hon. Elizabeth S. Stong  
Patricia Anne Taylor  
Richard M. Zuckerman

New York City Bar Association  
42 West 44th Street  
New York, New York 10036  
(212) 383-6664  
(212) 382-6760 (fax)  
[www.nycbar.org](http://www.nycbar.org)

Individuals interested in joining this committee should contact the Honorable Doris E. Gonzalez. Special Committee members must be members of the Association of the Bar of the City of New York. The Committee wishes to express its appreciation to all the panelists who participated in the 2012 program.

**APPENDIX A**

**New York City Bar Associations**

**(Partial Listing)**

Bronx County Bar Association  
851 Grand Concourse, Room 124  
Bronx, New York 10451-2937  
(718) 293-5600  
[www.bronxbar.com](http://www.bronxbar.com)

Brooklyn Bar Association  
123 Remsen Street  
Brooklyn, New York 11201  
(718) 624-0675  
[www.brooklynbar.org](http://www.brooklynbar.org)

New York County Lawyers' Association  
14 Vesey Street  
New York, New York 10007  
(212) 267-6646  
[www.nycla.org](http://www.nycla.org)

Queens County Bar Association  
90-35 148th Street  
Jamaica, New York 11435  
(718) 291-4500  
[www.qcba.org](http://www.qcba.org)

Richmond County Bar Association  
152 Stuyvesant Place, Ste. 203  
Staten Island, New York 10301  
or  
P.O. Box 140593  
Staten Island, New York 10314  
(718) 442-4500  
[www.richmondcountybar.org](http://www.richmondcountybar.org)

## **APPENDIX B**

### **Political Organizations**

**(Partial Listing)**

#### **Bronx County**

Bronx County Democratic Committee  
135 Westchester Square  
Bronx, New York 10461  
(718) 931-5200  
[www.bronxdemocrat.org](http://www.bronxdemocrat.org)

Bronx County Republican County Committee  
2113 Williamsbridge Road  
Bronx, New York 10461-1606  
(718) 792-5800  
[www.bronxcountygop.com](http://www.bronxcountygop.com)

#### **Brooklyn/Kings County**

Kings County Democratic County Committee  
16 Court Street, Suite 1207  
Brooklyn, New York 11241  
(718) 875-5870

Kings County Republican County Committee  
1662 Sheepshead Bay Road  
Brooklyn, New York 11235  
(718) 332-5796  
[www.brooklyngop.com](http://www.brooklyngop.com)

#### **Manhattan/New York County**

New York County Democratic County Committee  
461 Park Avenue South, 10th Floor  
New York, New York 10016  
(212) 687-6540  
[www.nycountymocrats.org](http://www.nycountymocrats.org)

New York County Republican County Committee  
122 East 83rd Street, 2nd Floor  
New York, New York 10028-0838  
(212) 517-8444  
[www.nycrepublican.org](http://www.nycrepublican.org)

### **Queens County**

Democratic Organization of Queens County  
72-50 Austin Street  
Forest Hills, New York 11375  
(718) 268-5100

Queens County Republican Party  
24-55 Francis Lewis Blvd.  
Whitestone, New York 11235  
(718) 690-3737  
[www.qgop.org](http://www.qgop.org)

### **Staten Island/Richmond County**

Democratic Committee of Richmond County  
John P. Gulino, Chairman  
35 New Dorp Plaza  
Staten Island, New York 10306  
(718) 983-5009

Republican Party of Staten Island  
Robert J. Scamardella, Chairman  
2300 Richmond Road  
Staten Island, New York 10306  
(718) 667-7467



**APPENDIX C**

**Mayor's Advisory Committee on the Judiciary**

Hon. Zachary W. Carter, Chair  
Dorsey & Whitney LLP  
250 Park Avenue, 15th Floor  
New York, New York 10177  
(212) 415-9345

Hon. Robert G. M. Keating, Vice Chair  
Vice President, Strategic Initiatives  
Pace University  
1 Pace Plaza  
New York, New York 10603  
(212) 346-1855

Jennifer Baum  
Austin V. Campriello  
Dolly Caraballo  
Hon. Michael A. Corriero  
Hon. Barry A. Cozier  
James A. Dollard  
Nitza M. Escalera  
Beth L. Kaufman  
Chanwoo Lee  
Hon. Milton Mollen  
Marvin Ray Raskin  
Crystal Screen  
Hon. Felice K. Shea  
Peter J. W. Sherwin  
William J. Snipes  
Hon. Mara T. Thorpe  
Michael R. Young

**APPENDIX D**

**Mayor's Executive Order No. 8**

**March 4, 2002**

**MAYOR'S ADVISORY COMMITTEE ON THE JUDICIARY**

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

**Section 1. Committee Established.** The Mayor's Advisory Committee on the Judiciary (hereinafter called the "Committee") hereby is established in the Office of the Mayor to recruit, to evaluate, to consider and to nominate judicial candidates highly qualified for appointment and to evaluate incumbent judges for reappointment to the following courts within the City of New York: Criminal Court, Family Court and for interim appointments, Civil Court.

**Section 2. Functions.** The Committee shall:

(a) Take steps to recruit and encourage highly qualified persons for such appointment to serve as a judge of a court in New York City and to receive from any source the names of candidates appearing to have the highest qualifications for judicial office;

(b) Evaluate and conduct all necessary inquiry to determine those persons whose character, ability, training, experience, temperament and commitment to equal justice under law fully qualify them for judicial office;

(c) Consider all relevant information to determine which of the highly qualified candidates are best qualified for judicial office, and refer to the Department of Investigation for screening all persons the Committee proposes to nominate for appointment;

(d) Nominate and present to the Mayor three candidates for appointment to each vacant judicial office, except that if there are numerous vacancies the Committee, in its discretion, may present less than three nominations (unless the Mayor requests three nominations) for each vacancy, and provide such information as may be necessary to inform the Mayor of the qualifications of each nominee; and

(e) Evaluate the qualifications of each incumbent judge for reappointment to judicial office and present the Committee's recommendation to the Mayor, provided that if the Committee finds the incumbent is not highly qualified for reappointment, or if the Mayor, following receipt of the Committee's recommendation, finds that the incumbent is not highly qualified for reappointment, the Committee shall nominate and present to the Mayor three candidates for appointment to the resulting vacancy other than the incumbent.

### **Section 3. Public Hearings.**

(a) The Mayor shall notify the Committee of the name of any person chosen for appointment from among the nominees submitted by the Committee and shall notify the Committee of the name of each incumbent judge chosen for reappointment as recommended by the Committee. The Committee shall promptly thereafter conduct a public hearing except in the case of the appointment of an incumbent judge. Such hearings shall be upon reasonable notice and any person may present information concerning the fitness of the nominee for appointment. Based on the information received, the Committee may reconsider the nomination. If any reconsideration results in withdrawal of a nomination, the Mayor shall be notified immediately by the Committee and the nominee shall not be appointed.

(b) The Committee may from time to time conduct public hearings concerning the process of judicial selection.

### **Section 4. Appointments by the Mayor.**

(a) The Mayor shall not appoint a judge unless nominated by the Committee, and shall not reappoint an incumbent judge unless recommended for reappointment by the Committee.

(b) Judicial vacancies shall be filled within ninety days unless a longer period is required in the public interest.

(c) After the Mayor appoints a nominee to fill a judicial vacancy, the remaining nominations submitted by the Committee for that vacancy shall expire immediately, unless a vacancy or vacancies exist in the same court. In such case the remaining nominations shall be valid for appointment to that court for six months after their submission to the Mayor or until such vacancy or vacancies are filled, whichever is earlier.

### **Section 5. Committee Membership.**

(a) The Committee shall consist of nineteen members, each residing or having a principal place of business in the City of New York, all of whom shall be appointed by the Mayor. The Mayor shall select nine members, including the Chairperson who shall serve in that capacity at the pleasure of the Mayor, and, in the Mayor's discretion, including a Vice Chairperson who shall serve in that capacity at the pleasure of the Mayor. The Chief Judge of the New York Court of Appeals shall nominate four members for appointment to the committee by the Mayor. The Presiding Justices of the Appellate Division of the First and Second Judicial Departments each shall nominate two members for appointment to the Committee by the Mayor. Two deans of law schools within the City of New York shall each nominate one member for appointment to the Committee by the Mayor, with authority to nominate rotating annually among eligible deans. If the Mayor decides not to appoint any person nominated by the Chief Judge, a Presiding Justice or dean, he shall notify the Presiding Justice or dean who made the nomination

to submit the name of another nominee. All members shall serve for terms of two years. Notwithstanding the foregoing, the members first appointed shall serve until December 31, 2003. Vacancies in the Committee shall be filled in the same manner as initial appointments, and a member filling a vacancy shall serve for the remainder of the unexpired term. Any member of the Committee may be removed by the Mayor for cause.

(b) Members of the Committee shall be selected in order to ensure that only candidates with the highest qualifications shall be nominated for appointment to judicial office. Members of the Committee shall be selected with due consideration for broad community and borough representation. The membership shall include men and women, and members of minority and other groups, who are qualified to perform the functions of the Committee.

(c) No person shall be considered by the Committee for judicial office while serving as a member of the Committee or within one year thereafter.

**Section 6. Confidentiality.** All Committee communications concerning the judicial qualifications of candidates shall be made and held in confidence, except such communications as the Committee may submit to the Mayor or receive at public hearings, or as otherwise may be necessary and proper to the conduct of Committee proceedings.

**Section 7. Committee Action Procedure.** The Committee may adopt such procedures and policies as it may deem appropriate to its functions, including standards for evaluating the best qualified candidates for nomination, and criteria for recommending the reappointment of incumbent judges.

**Section 8. Financing and Staff.**

(a) Members of the Committee shall receive no compensation for their service as members.

(b) The Committee shall be provided with paid staff and sufficient facilities to carry its functions, including the thorough investigation of the qualifications of all candidates for judicial office.

(c) Members of the Committee and its staff shall be reimbursed for necessary expenses incurred in connection with the responsibilities of the Committee.

**Section 9. Deputy Mayor for Legal Affairs.** The Deputy Mayor for Legal Affairs shall maintain liaison with and review the activities of the Committee, and shall advise the Mayor and the Committee regarding measures which may enhance the ability of the Committee to consider the best qualified candidates for judicial nomination.

**Section 10. Prior Order Revoked.** Executive Order No. 10, dated July 20, 1994 hereby is repealed, and the Committee on the Judiciary established thereunder hereby is abolished.

**Section 11. Effective Date.** This Order shall take effect immediately.

\_\_\_\_\_/s/\_\_\_\_\_  
Michael R. Bloomberg  
Mayor

**APPENDIX E**

**The Advisory Council of the Housing Part of the Civil Court  
of the City of New York**

**REAL ESTATE INDUSTRY:**

Matthew S. Brett, Esq.  
Ronald D. Hariri, Esq.  
Kelly D. MacNeal, Esq.

**TENANTS' ORGANIZATIONS:**

Samuel J. Himmelstein, Esq.  
Brent Meltzer, Esq.

**CIVIC GROUPS:**

Jean Callahan, Esq.  
Wanda Jackson

**PUBLIC-AT-LARGE:**

Kimberly V. Allman, Esq.  
Jenny Rivera, Esq.

**BAR ASSOCIATIONS:**

Nelson Aviles, Esq.  
Derryl Zimmerman, Esq.

**GOVERNOR'S REPRESENTATIVE:**

Gary R. Connor, Esq.

**MAYOR'S REPRESENTATIVE:**

Joseph Rosenberg, Esq.

To contact any of the members of the Advisory Council of the Housing Part of the Civil Court of the City of New York, please direct your inquiries to:

Housing Advisory Council  
111 Centre Street, Room 1240  
New York, New York 10013  
ATTN: Alice M. Chapman-Minutello  
(646) 386-5953

## **APPENDIX F**

### **Governor's Executive Order No. 10.1**

#### **EXECUTIVE ORDER**

##### **ESTABLISHING JUDICIAL SCREENING COMMITTEES TO ENSURE THAT JUDICIAL OFFICER APPOINTMENTS ARE OF THE HIGHEST QUALITY**

WHEREAS, under the Constitution and Laws of the State of New York the Governor is entrusted with the responsibility of appointing judicial officers to the offices of Judge and Presiding Judge of the Court of Claims; designating Justices of the Supreme Court to the offices of Justice, Temporary Justice, and Presiding Justice of the Appellate Division of the Supreme Court; and appointing judicial officers to fill vacancies in the offices of Justice of the Supreme Court, Judge of the County Court, Judge of the Surrogate's Court and Judge of the Family Court outside the City of New York; and

WHEREAS, a fair, impartial, independent, highly qualified and diverse judiciary is essential to ensuring justice for all who come before New York's courts and to fostering public confidence in the integrity of the judicial process; and

WHEREAS, a fair, impartial, independent, highly qualified and diverse judiciary is cultivated by:

1. encouraging highly qualified candidates from all parts of the State, with diverse backgrounds and experiences, to apply for judicial offices;
2. reviewing candidates for judicial office without regard to political beliefs or party affiliation; and
3. selecting judicial officers who reflect the diverse backgrounds and experiences of the residents of this State, based on their integrity, independence, intellect, judgment, temperament and experience; and

WHEREAS, the highest quality of judicial appointments can best be assured with the assistance of credible, impartial and non-partisan judicial screening committees;

NOW THEREFORE, I, David A. Paterson, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order as follows:

#### **A. Purpose and Duties**

1. The Judicial Screening Committees currently in effect are continued, and shall continue to evaluate the qualifications of candidates for appointment or designation to judicial

office throughout the State, and to recommend to the Governor those persons who are highly qualified to hold judicial office.

2. Each Judicial Screening Committee shall:

a. Actively recruit candidates for appointment or designation to the judicial offices within the committee's jurisdiction. In recruiting candidates, the Judicial Screening Committees shall strive to find candidates that reflect the diverse backgrounds and experiences of the citizens of this State;

b. Review and evaluate the qualifications of all candidates for appointment or designation. In reviewing and evaluating the qualifications of candidates, each committee member shall give primary consideration to each candidate's integrity, independence, intellect, judgment, temperament and experience, and shall not give any consideration to the age, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status or political party affiliation of the candidate;

c. Recommend for appointment or designation only those candidates who, as determined by a majority vote of all members of the committee, are highly qualified for the judicial office for which they are being considered. No committee shall pass on the qualifications of any candidate until after a thorough inquiry has been made by the committee and its staff;

d. Prepare written reports on the qualifications of each candidate it determines to be highly qualified and recommends to the Governor. Committee reports shall be made available to the public upon the announcement by the Governor of an appointment. All other records and deliberations of, and all communications to, any Judicial Screening Committee with respect to a candidate shall be held in confidence and shall not be disclosed to anyone other than the Governor, Counsel to the Governor or their designees. Notwithstanding the foregoing, information submitted to any Judicial Screening Committee relating to an appointee may be disclosed to the Senate when necessary for confirmation of the appointee, and information submitted to a Judicial Screening Committee may be disclosed to any other person or organization if disclosure is required in connection with disciplinary proceedings or is otherwise required by law.

**B. State Judicial Screening Committee**

1. A State Judicial Screening Committee is hereby established.

2. The State Judicial Screening Committee shall consist of thirteen members: two individuals selected by the Governor; the Chairperson of each of the Departmental Judicial Screening Committees established by Section C of this Executive Order; one of the other members of each of the Departmental Judicial Screening Committees, who shall be selected by the Governor; two persons selected by the Chief Judge of the Court of Appeals; and one person selected by the Attorney General. The chairperson of the State Judicial Screening Committee shall be appointed by the Governor from among the members of the Committee.



3. The term of office of any member of the State Judicial Screening Committee who is a member of a Departmental Screening Committee shall expire at the same time as the member's term of office on the Departmental Screening Committee expires.

4. The State Judicial Screening Committee shall have jurisdiction to consider the qualifications of candidates for appointment to the offices of Judge and Presiding Judge of the Court of Claims, and to recommend to the Governor all persons whom it finds highly qualified for those judicial offices.

5. When exercising the power to designate the Presiding Judge of the Court of Claims pursuant to section 2(6) of the Court of Claims Act; or the power to appoint a Judge of the Court of Claims pursuant to section 9 of Article VI of the Constitution and section 2(2) and 2(4) of the Court of Claims Act; or the power to fill a vacancy in the office of Judge of the Court of Claims pursuant to section 21(b) of Article VI of the Constitution, the Governor shall appoint or designate only persons who have been recommended by the State Judicial Screening Committee as highly qualified for the judicial office to which the appointment or designation is to be made.

6. The State Judicial Screening Committee shall promulgate appropriate rules and regulations to govern its proceedings and those of the Departmental and County Judicial Screening Committees established by this Order. The rules and regulations shall include standards and procedures for ensuring, to the extent possible, uniformity of criteria for evaluating the qualifications of candidates for appointment or designation to judicial office throughout the State.

### **C. Departmental Judicial Screening Committees**

1. A Departmental Judicial Screening Committee is hereby established in each judicial department of the State.

2. Each Departmental Judicial Screening Committee shall consist of thirteen members: five members shall be selected by the Governor; two members shall be selected by the Chief Judge of the Court of Appeals; two members shall be selected by the Attorney General; one member shall be selected by the Presiding Justice of the Appellate Division for that department; one member shall be selected jointly by the Speaker of the Assembly and the Minority Leader of the Senate; one member shall be selected jointly by the Majority Leader of the Senate and the Minority Leader of the Assembly; and one member shall be selected by the President of the New York State Bar Association. The Chairperson of each Departmental Screening Committee shall be appointed by the Governor from among the members of the Committee. Each member of the Committee shall be a resident of, have an office in or work in the judicial department in which he or she is to serve.

3. Each Departmental Judicial Screening Committee shall have jurisdiction to consider the qualifications of candidates for designation to the offices of Justice, Additional Justice, Temporary Justice and Presiding Justice of the Appellate Division of the Supreme Court for such department, and candidates for appointment to the office of Supreme Court Justice

within such department, and to recommend to the Governor all persons whom it finds highly qualified for those judicial offices.

4. When exercising the power to designate the Presiding Justice of each Appellate Division pursuant to section 4(c) of Article VI of the Constitution; or the power to designate other Justices of any Appellate Division pursuant to sections 4(c) and 4(d) of Article VI of the Constitution; or the power to designate Additional Justices of any Appellate Division pursuant to section 4(e) of Article VI of the Constitution; or the power to fill a vacancy in the office of Justice of the Supreme Court pursuant to section 21(a) of Article VI of the Constitution, the Governor shall appoint or designate only persons who have been recommended by a Departmental Judicial Screening Committee as highly qualified for the judicial office to which the appointment is to be made.

5. A candidate recommended as highly qualified for the office of Justice or Additional Justice of the Appellate Division of the Supreme Court by a Departmental Screening Committee shall be eligible for appointment or designation by the Governor to such office in any judicial department. Notwithstanding the foregoing, a person serving as a Justice of the Appellate Division of the Supreme Court may be designated by the Governor to serve as an Additional Justice, and a person serving as an Additional Justice of the Appellate Division of the Supreme Court may be designated by the Governor to serve as a Justice, of the same or a different judicial department without the recommendation of a Departmental Screening Committee.

#### **D. County Judicial Screening Committees**

1. A County Judicial Screening Committee is hereby established in each county of the State, consisting of the members of the Departmental Judicial Screening Committee for the department in which the county is located plus one additional person who shall be resident of, have an office in or work in the county in which he or she is to serve, to be selected by the chief executive officer of the county. The Chairman of the Departmental Judicial Screening Committee shall also serve as Chairman of the County Judicial Screening Committee. As used herein, the term “chief executive officer” for the county shall mean the appointed or elected county executive, as the case may be, or if there be no such office, the chairman of the governing body of the county; provided, however, that for counties within the City of New York, the term “chief executive officer” for the county shall mean the Mayor of the City of New York.

2. Each County Judicial Screening Committee shall have jurisdiction to consider the qualifications of candidates for appointment to the offices of Judge of the County Court, Judge of the Surrogate’s Court and Judge of the Family Court outside of the City of New York, for such county, and to recommend to the Governor all persons whom it finds highly qualified for those judicial offices. When exercising the power of appointment to fill a vacancy in the office of Judge of the County Court, Judge of the Surrogate’s Court or of Judge of the Family Court outside of the City of New York, pursuant to section 21(a) of Article VI of the Constitution, the Governor shall appoint only persons who have been recommended by the appropriate County Judicial Screening Committee as highly qualified for the judicial office to which the appointment is to be made.

**E. General Provisions**

1. The terms of office of the members of the Judicial Screening Committees established by this Executive Order shall be for a term of three years, except that with respect to the Departmental Screening Committees: one member first selected by the Governor shall serve for a term of one year; two members first selected by the Governor shall serve for a term of two years; one member first selected by the Chief Judge of the Court of Appeals shall serve for a term of two years; and one member first selected by the Attorney General shall serve for a term of two years. The terms of office of the members of the Judicial Screening Committees established by this Executive Order are subject to the provisions of section 5 of the Public Officers Law.

2. Vacancies shall be filled in the same manner as initial appointments, and a person appointed to fill a vacancy shall serve for the remainder of the unexpired term. No member shall be removed during his or her term by the Governor except for cause.

3. No member of a Judicial Screening Committee shall hold any judicial or elected public office for which he shall receive compensation during his period of service, nor shall he hold any office in any political party. No member of a Judicial Screening Committee shall be eligible for appointment to any judicial office within the jurisdiction of the Judicial Screening Committee on which the member serves during the member's period of service or within one year thereafter.

4. Members of Judicial Screening Committees shall receive no compensation for their service, but shall be entitled to reimbursement for any necessary expenses incurred by them in connection with the performance of their duties. Each judicial screening committee shall have a paid staff available to it sufficient to enable the committee to carry out properly its responsibilities including adequate investigations into all matters relevant to the qualifications of candidates for appointment to judicial office.

5. The current Chairpersons and members of the Judicial Screening Committee now in existence shall continue in such positions for their current terms unless replaced pursuant to the procedures set forth above.

G I V E N under my hand and the Privy Seal of  
the State in the City of Albany this  
eighteenth day of June in the year  
two thousand and eight.

L.S.

/s/ David A. Paterson

BY THE GOVERNOR

/s/ Charles O'Byrne  
Secretary to the Governor

## APPENDIX G

### State of New York Commission on Judicial Nomination (Const. Art. 6 § 2; N.Y. Judiciary Law Art. 3-A, § 61 et seq.; 22 N.Y.C.R.R. Part 7100)

The commission shall consider and evaluate the qualifications of candidates for appointment to the offices of chief judge and associate judge of the court of appeals and, as a vacancy occurs in any such office, shall recommend to the governor persons who by their character, temperament, professional aptitude and experience are well qualified to hold such judicial office.

The twelve-member Commission consists of four members (no more than two from the same party) appointed by the Governor (two lawyers, two laypersons), four members (no more than two from the same party) appointed by the Chief Judge of the Court of Appeals (two lawyers, two laypersons) and one member appointed by each of the following: the Speaker of the State Assembly, the Temporary President of the State Senate, the Minority Leader of the State Senate and the Minority Leader of the State Assembly. Members serve four-year terms.

Members of the Commission may not hold judicial office or elected office for which compensation is received during the period of service, except that the Chief Judge and the Governor may each appoint one former judge of the Unified Court System. No member of the Commission may hold office in any political party, and none is eligible for appointment to any judicial post in New York during his or her term on the Commission or within one year thereafter. N.Y. Judiciary Law, Art. 3-A, § 62(1).

The Commission is authorized to appoint counsel and staff, as it deems necessary or appropriate. The Commission has subpoena power to require production of information and attendance of witnesses.

All candidates for appointment must be personally interviewed by a quorum of ten members of the Commission and submit applications and financial statements on prescribed forms. All proceedings and related communications are kept confidential, except for the written report of the Commission, which is released to the public at the time it is submitted to the Governor.

## **APPENDIX H**

### **State Screening Committees**

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## APPENDIX I

### Sample Judicial Screening Committee Questions

1. State date, place of birth (giving date, borough, if any, city or town, and state or country) and country of citizenship.
2.
  - a. List name, occupation, residence and business address for each individual with whom you reside.
  - b. In the case of a child, no matter where the child resides, list the child's name, date of birth and residence address, occupation, if any, and business address, and the name of any school where the child is currently in attendance and its address.
3. State every residence you have had in the last ten years, including any temporary residence, in the United States or elsewhere, with the exact address of each, and the month and year of the beginning and ending of such residence.
4. State all colleges and professional schools (other than law schools) ever attended. If you did not receive a degree from any such institution, state that fact.
  - a. List the post-law school continuing legal education courses in which you have participated within the past four years (in chronological order) that qualified for mandatory continuing legal education credit: (i) description of course, (ii) date, (iii) sponsor, (iv) number of hours.
  - b. For your most recent biennial registration period, did you satisfy New York State's mandatory continuing legal education requirement? If no, please describe the circumstances.
5. State if you ever attended any other schools of any kind, other than elementary or secondary, or pursued any course of study in addition to those mentioned above.
6. Have you ever served in the Armed Forces (reserves or otherwise)?
  - a. If so, give the following information: (i) dates of service, (ii) branch of service, (iii) nature of discharge and rank at time of discharge, (iv) awards or citations.
  - b. Have you registered under the U.S. Selective Service Act of 1948? If so, give the following information: (i) State original classification and each reclassification. (ii) If your classification or reclassification is other than 1A, give the reasons therefore.

7. Have you ever been rejected or released from service by any of the armed services for reasons other than honorable? If so, state the details.
8.
  - a. List, in chronological order, all employment and periods of unemployment since graduation from law school, including if you have practiced in partnership with others. Provide (i) Name of Firm or Employer; (ii) Address; (iii) Name of Supervisor; (iv) Dates of Employment or Unemployment; (v) Nature of Employment (or activity while unemployed); (vi) Reason for Leaving. In any instance where you practiced law as an associate or a partner and such association or partnership was terminated, state the reason for such termination.
  - b. If law school attendance did not commence within a few months following completion of undergraduate course study, list all employment and periods of unemployment between college and law school. Provide: (i) Name of Employer; (ii) Address; (iii) Name of Supervisor; (iv) Dates of Employment or Unemployment (Month/Year of the beginning and ending thereof); (v) Nature of Employment (or activity while unemployed); (vi) Reason for Leaving.
  - c. Have you ever been disciplined, in any manner, in connection with any employment (e.g., suspended, demoted, reprimanded, fined, penalized, or terminated)?
9. Have you ever been engaged on your own account or with others in any business or profession, part-time or full-time, other than those listed in your answer to question 8?
10. If so: (i) state under what name; (ii) give in detail the nature thereof; (iii) the month and year of the beginning and ending (if applicable) of your connection therewith; (iv) position held; (v) all business or professional addresses; (vi) Any such business or profession carried on by you either alone or with others or in partnership, and any incorporated business carried on by you either alone or with others, should be listed here with names and addresses of all partners or associates; (vii) If any business or profession has been discontinued, or if your connection therewith has ceased, state why and whether or not there are unpaid debts or claims or pending litigation.
11. State all courts (federal and state) in which you are admitted to practice, together with the dates of admission.
12. State all areas of the law in which you have concentrated or have had substantial experience and state the period during which you have had such substantial experience.

- a. Have you ever held judicial (in addition to the office you now hold if you are currently a judge), public or political office, elective or appointive, including that of arbitrator, mediator, law clerk?
  - b. Describe any executive or administrative experience you have had, whether through your occupation or otherwise, giving details and duties.
  - c. Do you or any members of your family hold any memberships (other than voter registration) in political organizations or engage actively in any political activities?
  - d. Are you related by blood or marriage to, or do you have a significant relationship with anyone involved in the judicial screening process with respect to the position you are seeking? If so, please supply name, relation and position of such individual.
  - e. Are you related by blood or marriage to, or do you have a significant relationship with any attorney or judge, or any other person whose employment, position, affiliation or activity may reasonably create, with respect to your carrying out the duties of the office you are seeking, the appearance of a conflict of interest? If yes, please supply name, relation and employment, position, affiliation or activity.
13. Are you now, or have you ever been, the subject of any formal complaint or charge filed with any disciplinary committee, investigative office, court, government agency, employer, or bar association arising out of your official or professional responsibilities during the course of your (a) law practice? (b) public or judicial service? (c) campaign for public or political party officer? If yes, please describe each complaint or charge and its outcome, including the time frame and whether the governmental agency or other entity to whom such complaint or charge was made censured you, issued a caution, imposed a sanction or took any other action whatsoever criticizing your conduct, even if the complaint or charge was dismissed.
  14. Are you now, or have you ever been the subject of any claim of malpractice, in an action or otherwise? If yes, please describe the claim and/or proceeding and its outcome. Please provide documentation pertaining to each claim(s). If you are or were a member of a firm or organization that was the subject of any claim of malpractice, please describe the claim if it is related to a case or matter on which you worked and state whether your conduct was the subject of the claim.
  15. Have you, your firm, your employer or any of your clients ever been cited for contempt or otherwise had a sanction imposed upon you or them as a result of your conduct in any judicial or administrative proceeding?



16. Have you ever been the subject of a claim, or received individual counseling from an employer arising from an actual or perceived claim, about discrimination, or harassment on the grounds of an individual's actual or perceived age, race, creed, color, gender, sexual orientation, religion, national origin, disability, marital status, socioeconomic status, alienage or citizenship status?
17. State where you have ever:
- a. Been summoned, arrested, or charged with any offense or crime other than a traffic offense, even if the summons, arrest or charge was later withdrawn, voided, vacated or dismissed?
  - b. Have you ever been taken into custody, or indicted, or convicted, or tried or cited for, or charged with, or pleaded guilty to the violation of any law, ordinance, or the commission of any felony, misdemeanor or contempt of court?
  - c. Have you ever been subpoenaed, called as a witness, questioned or interviewed, or asked to provide testimony or documents before any federal, state or local prosecutor, court, legislative, civil, regulatory, criminal or other investigative body, or grand jury?
  - d. Have you ever failed to answer on the return date any ticket, summons or other legal process served upon you personally at any time?
  - e. As a member of any armed forces, been the subject of any charges or complaints, formal or informal, or have any proceedings been instituted against you, or have you been a defendant in any court martial or been disciplined?
  - f. Been the subject of any investigation by any federal, state or city, or other governmental agency, or other investigative body, or by any grand jury, or the Internal Revenue Service?
  - g. Has any federal, state or city, or other governmental agency, or other investigative body, or a grand jury or the IRS initiated or completed an investigation of any law firm, corporation, business, partnership, joint venture, government agency or other similar entity with which you are, or were at the relevant time, affiliated?
  - h. Resigned from or, for other reasons, ceased to be a member of the bar or bench of any state or court in any jurisdiction, a member of any governmental body, a hearing officer or an occupant of any other similar position?

If you answered "Yes" to any subdivision of this question, state the facts in detail, including in each case, the name and locality of the court, agency or other body, the

dates of beginning and termination of action or proceeding and the judgment or other disposition.

18.
  - a. Have you ever been involved as a party to any litigation (criminal, civil or administrative), other than an action you have previously identified in answer to question 14? If so, please provide copies.
  - b. Are there any unsatisfied judgments against you?
  - c. Are there any tax warrants, tax liens or mechanics' liens outstanding against you or property you own or have an interest in?
  - d. Are you in default or has any party claimed that you are in default in the performance or discharge of any duty or obligation imposed upon you by any governmental agency or decree or order of any court including alimony/maintenance and support orders and decrees?
19. Has any petition in bankruptcy ever been filed by or against you?
  - a. Have you, whether personally, as a fiduciary, a partner or an officer, timely filed all tax returns of any nature, including, but not limited to, income, information, gross receipts, rent and occupancy, franchise, unincorporated business, etc.?
  - b. Has any Federal, State, City or other taxing authority claimed that you have failed to pay adequate taxes, penalties or other charges for any tax year?
20.
  - a. Have you ever been issued a license, other than a marriage license, license to practice law, license as a notary public or driver's license?
  - b. Has any license, including a license to practice law, a license as a notary public or a driver's license, ever been revoked or suspended?
21.
  - a. Have you used or do you currently use illegal drugs?
  - b. Have you abused or do you currently abuse any prescription drugs?
  - c. Have you abused or do you currently abuse alcohol?

If you answered yes to any of these questions, please explain.

22. Has any employer or supervisor ever counseled you regarding, or expressed concern about, your absenteeism?
- 23.
- a. List all bar associations, other professional societies and community organizations of any kind of which you are a member, and give the titles and dates of any office, chairmanship or committee membership which you have held.
  - b. List any other organizations of which you are or have been a member, including social or fraternal, and give the titles and dates of any office, chairmanship or committee membership which you have held.
- 24.
- a. Have you written any articles for publication? If so, give the name and date of the publication and the title and subject matter of each article.
  - b. List any teaching positions you have held, including part-time or occasional, with dates and a description of the subject matter and educational institution or sponsor.
25. Have you ever been rated as a candidate for office (including the present office for which you wish to be considered) by any bar association or other professional association? If yes, state the office(s) for which you were rated, the name and address of the organization(s) which issued the rating, the date of the rating and the rating which you were given.
26. Please provide the following information:
- a. whether within the last ten years you have appeared in court regularly, occasionally or not at all and, if the frequency of your court appearances varied during this period, explain the variance;
  - b. the number and types of cases you have handled in the past ten years;
  - c. what percentage was civil, criminal, family or administrative, or attributable to a more specific type of case, such as personal injury, landlord and tenant, etc.;
  - d. of these cases, the types and number of each type of trial you have conducted in the past ten years;
  - e. the number of cases in category (d) of this question which ended in a verdict or judgment or ruling by the trier of fact;

- f. the number of cases listed in category (d) of this question which were tried before a jury;
  - g. the courts or other tribunals in which the cases were tried;
  - h. the number and types of appeals briefed in the past ten years;
  - i. the number of appeals argued and the courts in which the arguments were heard;
  - j. the number and types of dispositive motions you have litigated in the past ten years;
  - k. the number of dispositive motions you have argued and the courts or other tribunals in which the arguments were heard; and
  - l. the title and citation of reported cases in which you conducted the trial, wrote the brief and/or argued the appeal, or wrote the papers on the dispositive motion.
27. Submit a list of the last ten trials, dispositive motions, or appeals in which you have actively and substantially participated in any state or federal court at the trial or appellate level, including the title of the case, the index, docket or indictment number, the court in which the case was heard, a concise description of the nature of the case, the date of the trial or oral argument, the name, address and telephone number of each adversary and co-counsel, and the names, addresses and telephone numbers of the judges who presided at trial or sat on the appellate panel. For each appellate matter, please submit one copy of your brief.
28. Submit a list of the name, court and telephone number of the last ten judges before whom you appeared in the last three years (other than for routine calendar appearances).
- 29.
- a. Attach a statement describing your legal experience other than litigation. Include in that statement a general description of the last ten matters you handled and the names, addresses and telephone numbers of the lawyers, other than your associates, employees, partners, co-tenants, supervisors or employers, with whom you worked on each of those ten matters. For example, judicial law clerks should list the attorneys with whom they had substantial contact. Similarly, law professors should list attorneys, judges and/or other law professors who are familiar with their work.
  - b. Attach three recent writing samples of your legal writing, and if you are not the sole author of the sample, please explain your role in its preparation.

- c. State any other relevant experience for this position not requested in any of the foregoing questions.