

THOMAS J. ABINANTI  
*Attorney at Law*

Admitted in New York & Connecticut

May 11, 2018

Hon. Carl Heastie, Speaker  
NYS Assembly  
The Capitol  
Albany, NY 12248  
Att: Kathleen O'Keefe, Counsel

Dear Speaker Heastie

I request that I be considered for appointment as Attorney General of New York State to fill the current vacancy for the remainder of the term.

I enclose my resume of some of my relevant credentials and experience.

As you can see, I have extensive broad experience in the legal field and in public service. As a result, I have gained a deep appreciation for how the legal system impacts the everyday lives of our community members and a full understanding how to use the legal system as a tool to achieve public policy goals that benefit New Yorkers. Further, I recognize the broad array of challenges that the New York Attorney General must confront in civil and criminal cases in protecting the people of the state, representing the State's interests and accessing the legal system to achieve progressive public policy objectives.

I have been a practicing lawyer in public and private practice for 45 years since graduating NYU School of Law. I have litigated before federal, state and local courts, governmental agencies and arbitration panels. I have appeared before state courts in New York (Court of Appeals; Appellate Divisions – First, Second and Third Departments; Supreme Courts, County Courts and local courts in numerous counties) and in Connecticut. I have appeared before Federal District Courts (including bankruptcy court) in New York and Connecticut. I have participated in contested matters before the National Labor Relations Board and the NYS Public Employees Relations Board (Westchester).

I have represented governments, not-for-profits, for-profit corporations, unions and individuals in a wide on a wide variety of matters. I have litigated a wide variety of civil cases ranging from contract to negligence to bankruptcy to election to redistricting, etc.) I tried criminal cases for some 17 years.

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I have handled several NYS Court of Appeals and Appellate Division landmark cases which affect the way government operates. As *pro se* plaintiff suing a Westchester County agency for usurping legislative powers, I established the standing of a county legislator to challenge illegal county government actions (an expansion of *Silver v. Pataki*.) I have helped numerous clients navigate the intricacies of New York State's election system and handled several precedent-setting cases affecting every aspect of New York's election process. I overturned illegally issued locally-issued building permits and changed the land use practices of a Westchester town.

In addition, I have devoted my life to public service. I have served in public office 33 years (Greenburgh Town Board member, Westchester County Legislator and New York State Assemblymember.) I have been elected to public office 16 times.

I served as staff counsel at all three levels of government, I was a legislative counsel to a Member of Congress. I worked as a staff counsel to the New York State Assembly Speaker, the Assembly Subcommittee on Transportation Safety, the Democratic Study Group (44 members) and the Deputy Majority Whip

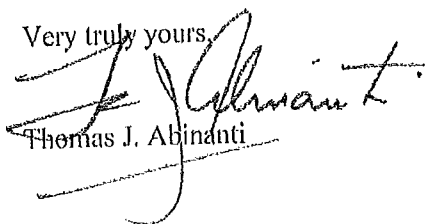
One final note. Most of all, I have been known for my independence of judgment. An AG must have the courage of his/her convictions and stand up to any adversay on behalf of New Yorkers.

My years of public service, community activity and legal practice have given me broad knowledge and a good understanding of how government works – and how to be an effective lawyer for the people.

I would appreciate the opportunity to present myself to the screening committee.

Thank you.

Very truly yours,

  
Thomas J. Abinanti

## THOMAS J. ABINANTI

### OFFICE:

### PERSONAL:

Born December 28, 1946  
Married to Janet Longo-Abinanti  
One daughter and one son; 3 grandchildren

### EDUCATION:

Graduate - N.Y.U. School of Law, J.D. 1972  
College - Fordham College, B.A. 1968, Political Science  
High School - Xaverian, Brooklyn, NY 1964

### PROFESSIONS:

Attorney-at-Law  
New York State Assemblymember

### PUBLICATIONS AND WRITINGS:

Co-author, "Environment," 1970/71  
Annual Survey of American Law  
Author of numerous newspaper columns  
Draftsman of numerous state, county and local laws

### PROFESSIONAL ASSOCIATIONS:

Westchester County Bar Association  
White Plains Bar Association  
National Association of Counties, formerly  
New York State Association of Counties, formerly

### ADMISSIONS:

All State and Federal Courts of New York and Connecticut

### PRIVATE PRACTICE OF LAW:

General Practice including litigation before federal, state  
and local courts and governmental agencies and various  
arbitration panels; Real Estate & Land Use; Municipal Law;  
Labor Law; Election Law; purchase and sale of small businesses;  
Wills and Estates

### UNIVERSITY AFFILIATIONS:

Mercy College, former Adjunct Professor of American, State &  
Local Government;  
Pace Law School, former lecturer for Continuing Legal Education  
in Election Law

### GOVERNMENT EXPERIENCE:

New York State Assembly  
2010-present  
Westchester County Legislator  
1992-2010  
Town of Greenburgh  
Councilman 1980-84 and 1990-91  
Greenburgh Housing Authority  
Counsel, 1984-90

New York State Assembly  
Counsel to various members and committees  
(Democratic Study Group 1975, Speaker 1977,  
Transportation Subcom. 1979, Dep. Majority Whip 1984)  
United States House of Representatives  
Legislative counsel to Member of Congress, 1974  
New York State Senate  
Legislative Intern/Legislative Assistant to Housing and  
Urban Development Committee, 1968-69  
Village of Ardsley  
Prosecuting Attorney, 1989  
Village of Dobbs Ferry  
Prosecuting Attorney, 1979  
New York City Mayor's Committee on Exploitation of Workers,  
1971, Legal Staff (while attending law school),  
Office of Corporation Counsel of City of New York, 1971  
Legal Staff (while attending law school),  
Office of United States Attorney for Southern District of NY  
Summer Assistant (while attending law school), 1971

**COMMUNITY  
ACTIVITIES:**

Westchester Coalition For Legal Abortion Counsel  
( pro bono, 1979-96 )  
Society For Education of American Sailors - Westchester Chapter,  
Volunteer Red Cross Sailing and Water Safety Instructor,  
Former Executive Board Member and Delegate to National  
Organization  
Greenburgh Environmental Commission  
Former Member  
Orchard Hill Civic Association  
Former President  
Westchester Civil Liberties Union  
Former Executive Board Member  
Greenburgh Council of Civic Associations  
Former Member of Board of Governors  
Democratic National Convention  
Delegate, 1972 and 1988  
Greenburgh Democratic Committee  
Former Executive Vice Chairman,  
Former County Committee member  
Greenburgh Democratic Club  
Former President

May 2018

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Lloyd Constantine

May 10, 2018

Kathleen O'Keefe  
Legislative Counsel to the Speaker  
New York State Assembly  
Capitol Building, Room 347  
Albany, NY 12248

Re: Application Seeking Appointment as New York Attorney General

Dear Ms. O'Keefe:

I respectfully request the legislature consider me for appointment to become Attorney General for the balance of 2018. I am not and will not become a candidate for this office in the November 2018 election. I have attached a full C.V. Some of my experience that well qualifies me for the position is reflected on the C.V., but some is not. Therefore, please allow me to summarize it here.

I begin with specific experiences in/and with the Office of Attorney General. I was Assistant Attorney General in charge of Antitrust from July 1980 through January 8, 1991. During that tenure I was appointed by the Attorney General of New York and the attorneys general of numerous other states to coordinate the collective efforts of all 50 state attorneys general (and those of several territories and the District of Columbia) in the enforcement of the antitrust laws. The bulk of that period coincided with the Reagan administration, when as now, the federal enforcement agencies in many areas receded, leaving a void. That void was filled under my leadership of the collective enforcement among the states on a non-partisan and bipartisan basis. That enforcement pattern initially occurred in antitrust, but spread to other areas, such as environmental protection, consumer protection, civil rights and various criminal justice initiatives. That effort began the practice of collective enforcement among ad hoc groups of state attorneys general that continued and obtains today – when it is urgently needed.

After leaving the OAG, I was a partner in a large national law firm, McDermott, Will & Emery and in 1994 founded my own law firm named Constantine & Partners. It is now called Constantine Cannon, with offices in New York City, D.C., San Francisco and London.

One of the founding partners of our firm was Eliot Spitzer. When he was elected Attorney General in 1998, I was chair and ran his transition from the administration of Dennis Vacco. I had briefly headed Attorney General Elect Vacco's transition in 1994 and in 2006 was asked by Attorney General Elect Andrew Cuomo to head his transition. I declined that offer, as Spitzer appointed me as co-chair of his transition to governor. The reason I headed or was asked

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to head three successive A.G. transitions by very diverse people from both parties is that I was and am a recognized expert and student of the OAG and someone the long term professional staff there knows and respects.

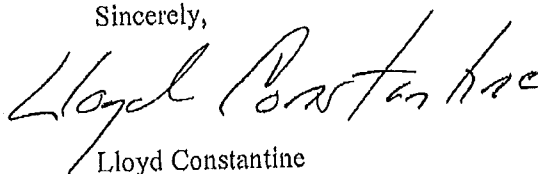
My appointment would have a calming and stabilizing effect on the staff at the OAG and allow this traumatized group to continue their important work with minimal interruption. I know what that and they feel like at this moment, as I served as Governor Spitzer's Senior Policy Advisor for his brief tenure. I stayed on after his resignation, at Governor Paterson's request, for a period to help stabilize the Second Floor and try to assure continuation of certain important initiatives that I was directing then. These included the governor's Higher Education Commission, the local government efficiency commission, efforts to consolidate and streamline the public authorities, efforts to provide increased funding for the legal representation of the state's indigent population in civil and criminal matters and service on the governor's Executive Clemency Committee.

If I were the legislature, I would appoint Barbara Underwood to complete this term. I would do that for the "calming" and "stabilization" reasons that recommend and qualify me for the appointment. However, other than Ms. Underwood, I believe I am among the best, if not, the best qualified and situated to fulfill this important role for the balance of 2018. I respectfully request an interview to make the case.

My C.V. reflects that the balance and indeed majority of my legal career has been spent outside government. The first eight years was devoted to the Legal Services program as a civil rights and civil liberties lawyer for poor people. Since leaving the OAG and with the exception of my time working for Governor Spitzer, I have practiced and taught antitrust law and complex commercial litigation at the highest level. I have testified numerous times in Congress including at confirmation hearings for SCOTUS nominees. I have argued many important appeals including at SCOTUS. I have been lead counsel in many large and important antitrust cases, including the largest (financially) in American history, the third largest antitrust case and the first and only such litigation of any kind in which all 50 states brought consolidated suit (*States v. Mitsubishi 1991*). I also have been a leader in the organized bar, state and federal, and served on various not-for-profit boards, including that of the Javits Center and of the Brookhaven National Laboratory.

I appreciate the opportunity to apply for this position.

Sincerely,



Lloyd Constantine

NYDOCS 421929v.1



**Lloyd Constantine**

London Office

**Lloyd Constantine is now the Counsel of Constantine Cannon , specializing in antitrust litigation. Lloyd founded the firm, originally called Constantine & Partners in 1994, and was its Chairman and Managing Partner from inception until 2007, when he became Senior Policy Advisor for New York's governor.**

Lloyd is one of the nation's leading antitrust litigators and authorities on competition policy. He was lead counsel for the plaintiffs in the landmark *Visa Check/MasterMoney Antitrust Litigation*, which resulted in a \$3.4 billion monetary payment and an injunction valued at upwards of \$87 billion in benefit for U.S. merchants and consumers, which the district and circuit courts states was [and is] the largest antitrust settlement in history.

Lloyd has litigated at all levels of the federal and state courts, including oral argument before the United States Supreme Court. He has been lead or co-lead counsel in many complex private antitrust and multiple state actions, including the *Panasonic Antitrust Litigation* (49 States); *Liberty Cable v. Time Warner*; the *Minolta Antitrust Litigation* (37 States); *Kesmai v. AOL*; *States v. Visa and MasterCard* (15 states); *States v. Mitsubishi* (50 States); *Primestar I* (44 States); *Discover v. Visa and MasterCard*; and *Ortho Biotech v. Amgen*.

Lloyd has testified many times before Congress on antitrust, international trade and nominations to the United States Supreme Court. He has also served as an expert on U.S. competition law and economics in Australian and Canadian antitrust cases and as consultant on antitrust law to a federal district court in Hatch-Waxman "reverse-payment" antitrust litigation.

In 2007-2008, Lloyd was Senior Advisor to the Governor of New York. He directed the administration's initiatives in the areas of Higher Education, Local Government Consolidation, Public Authority Reform and legal representation for low income New Yorkers. He also served on New York's Executive Clemency Committee.

During his tenure as the Assistant Attorney General in Charge of Antitrust for New York State (1980-1991), Lloyd served as Chair of the Antitrust Task Force of the National Association of Attorneys General (1985-1989) and authored NAAG's "Merger Guidelines," "Vertical Restraints

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Guidelines” and Multistate Information Sharing Compact. He was the States' first representative on the FTC-DOJ-States Executive Working Group for Antitrust. For this work, establishing the modern regime of multi-state enforcement, Lloyd was honored with the American Antitrust Institute's Career Achievement Award in 2004.

Lloyd spent the first decade of his career in the Legal Services program, representing clients in civil rights and civil liberties cases and was a member of McDermott, Will & Emery prior to founding CC in 1994.

Lloyd taught Antitrust Law at Fordham University School of Law for seven years and now teaches Constitutional and First Amendment Law and Policy Law at SUNY New Paltz.

Lloyd served on the boards of the U.S. Department of Energy's Brookhaven National Laboratory and the Jacob K. Javits (New York State) Convention Center. He was a Council Member of the ABA Section of Antitrust Law and Chair of its Sherman Act Section 2 Committee (monopolization) and served as Chair of the New York State Bar Association Antitrust Law Section. He also served on the advisory boards of BNA Antitrust and Trade Regulation Report and the Institute for Consumer Antitrust Studies. He currently serves on the boards of the American Antitrust Institute and the Benjamin Center at SUNY New Paltz.

As a writer, Lloyd contributes to numerous newspapers and publications, including *The New York Times* and *Bloomberg Businessweek*, and is a regular contributor of legal, political and social commentary to Hearst's *Albany Times Union*. He is the author of two books: *PRICELESS: The Case That Brought Down The Visa/MasterCard Bank Cartel* (Kaplan, 2009; Skyhorse, 2012), and *JOURNAL OF THE PLAGUE YEAR: Eliot Spitzer's Short And Tragic Reign* (Kaplan, 2010; Skyhorse, 2012). The blog “Hopelessly Liberal” featuring Lloyd's legal, political and social commentary is available at [www.Lloydconstantine.com](http://www.Lloydconstantine.com)

Lloyd received his undergraduate degree from Williams College, his J.D. from Columbia Law and was an exchange student at Howard University while matriculated at Williams.

Lloyd is married to Jan Friedman Constantine, a nationally recognized expert on copyright and first amendment law, a member of Constantine Cannon and an accomplished cabaret performer. They have three children – Isaac, a writer of literary fiction (*Jeremiah's Ghost*, MP Publishing, 2015); Sarah, a clinical psychologist; and Elizabeth, a television producer (*House Hunters International*, *The Dr. Oz Show* and *The Gale King Show*).



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## PUBLICATIONS - TESTIMONY - SPEECHES - LECTURES-HONORS

### BOOKS

*JOURNAL OF THE PLAGUE YEAR: An Insider's Chronicle Of Elliot Spitzer's Short And Tragic Reign*, Kaplan Publishing, 2010, Skyhorse Publishing (2012)

*PRICELESS: The Case That Brought Down The Visa/MasterCard Bank Cartel*, Kaplan Publishing, 2009, Revised Edition, Skyhorse Publishing (2012)

### OTHER PUBLICATIONS\*

All of Lloyd's legal and political commentaries for *Hearst's Albany Times Union* are archived under "Op-Eds" on [Lloydconstantine.com](http://Lloydconstantine.com)

All of Lloyd's "The Weekender" social commentaries for *The Chatham Courier* are archived under, "Op-Eds" on [Lloydconstantine.com](http://Lloydconstantine.com)

"*Being Jewish at Williams: Not a Big Deal Until It Was*" Essay in "*Jews at Williams: Inclusion, Exclusion, and Class at a New England Liberal Arts College*" Benjamin Wurgaft, University Press of New England (2013)

*Charging for Debit Cards Is Robbery*, New York Times, October 7, 2011, op-ed, p. A27.

*Law Schools Add to State Learning Options*, Albany Times Union, August 8, 2008, op-ed.

*Reconnecting Local Government with the People*, The Nelson A. Rockefeller Institute of Government (Nov. 2007).

Lloyd Constantine, Jeffrey I. Shinder & Kerin E. Coughlin, *In re Visa Check/MasterMoney Antitrust Litigation: A Study of Market Failure in a Two-Sided Market*, 2005 COLUM. BUS. L. REV. (Jan. 2006).

Lloyd Constantine, Gordon Schnell, Reiko Cyr & Michelle A. Peters, *The Visa Check/MasterMoney Antitrust Litigation: an Early Report on the Comparative Efficacy of Antitrust and Federal Reserve Intervention to Repair the Failed United States' Debit Card Market*, N.Y.U.J.L. & BUS. (FALL 2005).

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\* Lloyd's "The Weekender" column appears bi-weekly in the Chatham Courier, a newspaper in New York's Upper-Hudson Valley and is also available on his author's website [www.lloydconstantine.com](http://www.lloydconstantine.com).

*State Antitrust Law*, 52-2d C.P.S (BNA 2003) (Chen, Mahoney & Constantine).

*Tunney Act Complicates Government Decision to Litigate Big Structural Antitrust Cases*, Trade Rep. (CCH) No. 361 (Constantine & Shinder), Part 2 (March 28, 1995) Reporter No. 361 (Constantine & Shinder).

The Cutting Edge of Antitrust: Market Power an Introduction, 60 Antitrust L.J. 799 (1992).

The Mission and Agenda for State Antitrust Enforcement, 36 Antitrust Bulletin 835 (1991).

The Future of Governmental Enforcement of Section 2 of The Sherman Act, 59 Antitrust, L.J. 523, 553 (1991).

*How Non-Banks Can Undo Duality*, Credit Card Management, March 1991.

Antitrust Law Journal, Vol. 58 #2: "Challenges to the Chicago School Approach."

Antitrust Federalism, 29 Washburn L.J. 163 (1990).

An Antitrust Enforcer Confronts The New Economics, 58 Antitrust L.J. 661 (1989) reprinted in Collaborations Among Competitors: Antitrust Policy and Economics [p. 135] (Eleanor M. Fox and James T. Halverson, Eds. 1991).

*Should The States Enforce National Mergers?: Point/Counterpoint*: Antitrust, Spring 1989 p. 37.

Current Antitrust Enforcement Initiatives by State Attorneys General, 56 Antitrust L.J. 99 (1987); reprinted in 18 J. Reprints Antitrust L & Econ. No. 2 at 69 (1988).

The Antitrust Enforcement Agenda For The New Administration: The State Perspective, in Antitrust And a New Administration: Pressures For New Perspectives, P. 1 (MCLE, Inc. 1988).

*Point/Counterpoint: Limits on Merger Mania*, The Denver Post, April 6, 1987 at page 2B, col. 3.

*An Inside Look at Current Trends in State Antitrust Enforcement*, Antitrust, Winter 1987, P. 9 (Cover Story).

Constantine and Pfeffer, What The General Practitioner Should Know About Federal and State Antitrust And Trade Regulation, in Corporate Counseling 549 (R. Merritt and C. Ennico ed. 1988).

Antitrust Enforcement Today and In The Nineties, 18 J. Reprints Antitrust L & Econ. No. 2 at 39 (1988).

Vertical Restraints Guidelines of the National Association of Attorneys General [1985] (principal author) 49 Antitrust & Trade Reg. Rep. (BNA) No. 1234, at 996 (Dec. 5); 4 Trade Reg. Rep. (CCH) ¶ 13,400 (13th ed. 1988); 16 L. Business Organizations, Von Kalinowski Antitrust Laws and Trade Regulation § 132.01, app. 132A (1988).

Horizontal Merger Guidelines of the National Association of Attorneys General, [1987] (principal author) 50 Antitrust & Trade Reg. Rep. (BNA) No. 1306 at S-2 (March 10, Special Supp.); 4 Trade Reg. Rep. (CCH) ¶ 13,405 (13th ed., 1988); 16 L Business Organizations, Von Kalinowski *Antitrust Laws and Trade Regulation* § 132.01, app. 132B (1988).

**TESTIMONY**

- 5/21/09  
Wash., DC  
[F.T.C.]

Testimony concerning "The Requisites For A Meaningful Rule of Reason Analysis for Resale Price Maintenance"  
FTC hearing on RPM after The Supreme Court decision in *Leegin*.
- 7/28/05  
Wash., DC  
[A.M.C.]

Testimony concerning "Joint and Several Liability, Contribution and Claim Reduction, Civil Remedies Hearings, Presidential Antitrust Modernization Commission.
- 3/31/98  
Wash., DC  
[F.T.C.]

Testimony concerning "The Antitrust Analysis of Joint Ventures,"  
Federal Trade Commission, Hearings.
- 6/30/97  
Wash., DC  
[F.T.C.]

Testimony Concerning "The Antitrust Analysis of Banking and Payment System Joint Ventures," Federal Trade Commission, Hearings.
- 10/19/95  
Wash., DC  
[F.T.C.]

Testimony Concerning "How Antitrust Should Assess The Role of Imports In Market Definition," Federal Trade Commission, Hearings.
- 7/15/94  
Wash., DC  
[U.S. Senate]

Testimony Concerning the Nomination of Judge Stephen Breyer to be an Associate Justice of the United States Supreme Court, Delivered to the United States Senate, Committee on the Judiciary.
- 9/30/93  
Wash., DC  
[House of Rep.]

Testimony Concerning "International Competition In the Steel Industry," Oversight Hearings, Delivered to United States House of Representatives, Committee on the Judiciary, Economic and Commercial Law Subcommittee.

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- 4/30/92  
Wash., DC  
[U.S. Senate]
- Testimony Concerning S. 2610 the "International Fair Competition Act of 1992," Delivered to United States Senate, Committee on the Judiciary, Subcommittee on Antitrust, Monopolies and Business Rights.
- 7/19/90  
Wash., DC  
[U.S. Senate]
- Testimony Concerning "The Effect of Antitrust Law Enforcement on the Ability of United States Industries to Compete in World Markets," Delivered to United States Senate, Committee on Commerce, Science and Transportation.
- 5/30/90  
Albany, NY  
[N.Y. Assembly]
- Testimony Concerning "Restricted Distribution and Market Concentration in the New York State Beer Industry," Delivered to New York State Assembly, Committee on Commerce, Industry and Economic Development and Committee on Oversight, Analysis and Investigation.
- 10/5/89  
Quebec City,  
CANADA
- Testimony as expert witness for Attorney General of Quebec on U.S. antitrust law and dual federal-state public enforcement of antitrust law in the U.S. in *Alex Couture Inc. v. Attorney General of Canada*, No.: 200-05-0013G1-877 (F.C. Montreal Dist.).
- 6/8/89  
Wash., DC  
[U.S. Senate]
- Testimony Concerning "Re-authorization of the Federal Trade Commission," Delivered to United States Senate, Committee on Commerce, Science and Technology.
- 3/21/89  
Wash., DC  
[House of Rep.]
- Testimony Concerning "H.R. 1236, The Price Fixing Prevention Act of 1989," Delivered to United States House of Representatives, Judiciary Committee, Subcommittee on Economics and Commercial Law.
- 6/14/88  
Wash., DC  
[U.S. Senate]
- Testimony Concerning "The McCarran-Ferguson Act, and the State Antitrust Actions Against the Insurance and Reinsurance Industry," Delivered to the United States Senate, Committee on the Judiciary, Subcommittee on Antitrust, Monopolies and Business Rights.
- 8/4/87  
Wash., DC  
[U.S. Senate]
- Testimony Concerning "S. 567, The Malt Beverage Interbrand Competition Act," Delivered to the United States Senate, Committee on the Judiciary, Subcommittee on Antitrust, Monopolies and Business Rights.
- 3/26/87  
Wash., DC  
[House of Rep.]
- Testimony Concerning "H.R. 586 and Enforcement of Clayton Act Sections 7 and 7A," Delivered to the United States House of Representatives, Judiciary Committee, Subcommittee on Monopolies and Commercial Law.
- 5/12/86  
Wash., DC
- Testimony Concerning "S. 2160 and S. 2162, The Merger Modernization and Antitrust Remedies Improvements Acts of 1986," Delivered to the

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- [U.S. Senate] United States Senate, Committee on the Judiciary.
- 4/15/86  
Wash., DC  
[U.S. Senate] Testimony Concerning "S. 1300 and S. 2162, The Individual Treble Damage Responsibility Act and the Antitrust Remedies Improvement Act of 1986," Delivered to the United States Senate, Committee on the Judiciary.
- 3/5/86  
Wash., DC  
[House of Rep.] Testimony Concerning "Oversight of the Antitrust Division of the United States Department of Justice," Delivered to the United States House of Representatives, Judiciary Committee, Subcommittee on Monopolies and Commercial Law.
- 5/14/85  
Wash., DC  
[U.S. Senate] Testimony Concerning "S. 412, The Malt Beverage Interbrand Competition Act," Delivered to the United State Senate, Committee on the Judiciary.

## SPEECHES, LECTURES, CLE FACULTY

- 2/16/17  
Atlanta, GA "The (Hopefully) Short Future of Debit Interchange"  
Speaker at the Merchant Advisory Group 2017 Mid-Year Conference,
- 3/10-10/10 Book tour for JOURNAL OF THE PLAGUE YEAR: including talks, readings and interviews throughout the United States at bookstores and on national, regional and local television and radio programs.
- 10/09-12/09 Book tour for PRICELESS: including talks, readings and interviews throughout the United States at bookstores and on national, regional and local television and radio programs.
- 4/22/08  
Cobleskill, NY "The CHE Report and The Enacted Budget: Priorities, Prospects and Progress Toward Public Higher Education Reform in New York"  
Keynote address to SUNY Cobleskill's Annual Stakeholder Meeting.
- 4/17/08  
NY, NY "Equal Access to Justice for New York's Poor"  
Keynote address to the Annual Meeting of the New York Legal Assistance Group.
- 4/12/08  
Hudson, NY "The CHE's Proposals for Community College Reform in New York"  
Keynote address to the Faculty Council of the SUNY Community Colleges.
- 4/11/08  
NY, NY "An Effort to Further Trivialize the Largely Moribund Antitrust laws"  
Keynote address to the N.Y.U. Law School Symposium on the Presidential Antitrust Modernization Commission.

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- 3/11/08  
Albany, NY Address to delegations from capitol-area SUNY campuses concerning *Administration proposal for a public higher education endowment.*
- 3/07/08  
New Paltz, NY Address to delegations from Hudson Valley-area SUNY campuses concerning *Administration proposal for a public higher education endowment.*
- 3/4/08  
Albany, NY Address to Annual Meeting of the Commission of Independent Colleges and Universities concerning *Higher Education Policy*
- 2/1/08  
Albany, NY Address to SUNY Faculty Senate concerning *NYS Commission on Higher Education Preliminary Report, Administration Higher Education Policy.*
- 1/31/08  
NY, NY Keynote Address at the New York State Bar Association's annual "Justice for All" meeting.
- 1/28/08  
Albany, NY Address to Legal Counsel of State University of New York (SUNY) concerning *NYS Commission on Higher Education Preliminary Report, Administration Higher Education Policy.*
- 11/05/07  
Albany, NY Speaker at the Rockefeller Institute Public Policy Forum "*Reconnecting Local Government with the People*"
- 10/29/07  
Cooperstown, NY Address to the New York State Community College Business Officer's Association on the *Higher Education Commission*
- 10/9/07  
St. Louis, MO Guest Lecture at the Centennial Symposium of the National Association of Attorneys General "*Dividing the Antitrust Enforcement Pie-Past, Present and Future*"
- 06/11/07  
Albany, NY Guest Lecture at the New York Conference of Mayors "*Governor's Local Government Efficiency Initiatives*"
- 05/30/07  
Albany, NY Guest Lecture at the Whiteman Osterman and Hanna Lecture Series "*Governor's Public Authorities Reform Program*"
- 05/16/07  
Albany, NY Guest Lecture at the 2007 Warren M. Anderson Legislative Seminar Series "*The Future of Public Defense in New York: Options for Reform*"

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05/15/07  
Binghamton, NY  
Guest Lecture at the Southern Tier Regional Economic Development  
Meeting of the New York State Association of Counties  
*"Local Government Efficiency"*

04/26/07  
NY, NY  
Keynote Speaker at Merrill Lynch's  
NY State Institutional Investors Forum XVI

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*"Public Authority Reform"*

- 01/30/07  
Albany, NY  
Guest Lecture at Whiteman Osterman & Hanna Lecture Series  
*"The 2007 Gubernatorial Transition"*
- 11/3/06  
Madison, WI  
Guest Lecture at University of Wisconsin Law School  
*"Complex Antitrust Litigation"*
- 5/11/06  
Seattle, WA  
INNOVATIVE STRATEGIES FOR LITIGATING CLASS ACTIONS CONFERENCE  
*"Using Economic Experts in the Battle for Predominance"* Law Seminars International.
- 2/15/06  
A  
Wash., DC  
The Future of the Credit Card Industry *"Antitrust and Credit Card Industry: Panel"* at The AEI-Brookings Joint Center on Regulatory Studies.
- 12/6/05  
N.Y., N.Y.  
*"Interchange – Both Sides of the Debate"* Comments to *Under The Hood – Payments* - A Morgan Stanley Payment Conference
- 9/26/05  
Actions."  
Prague, Czech  
Republic  
*'The Good the Bad and the Ugly In United States'* Commercial Class Address Plenary Session of the International Bar Association Annual Conference
- 8/7/05  
Chicago, IL  
*"Mediating the Bet the Business, High Stakes, Legally Complex Case"* American Bar Association Annual Meeting.
- 6/6/05  
Seattle, WA  
*"Using Economic Experts in the Battle for Predominance"* an Address to *"Innovative Strategies to Litigate Class Actions,"* presented by Law Seminars International.
- 5/5/05  
Santa Fe, NM  
*"The Need for Federal Reserve and Antitrust Intervention in the Failed U.S. Debit and Credit Card Markets."* Keynote Address delivered on *"Interchange Fees in Credit and Debit Card Industries: What Role for Public Authorities"* An International Payments Policy Conference, The Federal Reserve Bank of Kansas City.
- 5/1/05  
Phila., PA  
*"The Legal and Regulatory Environment for Payment Systems,"* Keynote Address to the Association of Financial Professionals.
- 4/22/05  
N.Y., N.Y.  
*"Antitrust Law and Two-Sided Markets."* Conference on Two-Sided Markets, Columbia Law School.



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10/13/04 Faculty 2004 National Association of Attorneys General Antitrust Seminar.  
Chicago, IL

9/22/04 "Insights on Antitrust and Commerce." Keynote Address to Electronic  
Aventura, FL Transactions Association, Strategic Leadership and Networking Forum.

9/13/04 Program Faculty, "Protecting Consumer Interests in Class Action." A  
Wash., DC Workshop of the Federal Trade Commission and the Georgetown Journal of  
Legal Ethics.

6/22/04 Acceptance Address, Antitrust Achievement Award, American Antitrust  
Wash., D.C. Institute Annual Program: "Buyer Power and Antitrust."

4/7/04 "How Could Recent and Future Litigation Impact Electronic Payments in  
N.Y., N.Y. 2004 and Beyond?" UBS Electronic Payments Summit II.

3/31/04 "Emerging Roles for Trade Associations as Plaintiffs: Policy Issues and  
Wash., D.C. Legal Strategies." Spring Meeting Program, ABA Section of Antitrust Law.

1/29/04 "Economic Analysis and Market Definition In Debit and Credit Card  
N.Y., N.Y. Industry Antitrust Litigation," Fisher, Ordovery, Emch & Constantine,  
Annual Meeting Program, Antitrust Law Section, New York State Bar  
Association.

1/23/03 "Antitrust Federalism Revisited" Spitzer, Majoras, Denger & Constantine,  
N.Y., N.Y. Annual Meeting Program, Antitrust Law Section, New York State Bar  
Association.

5/17/02 Faculty, The George Mason University Annual Law Review Symposium.  
Wash., D.C.

5/9/02 Faculty, Law Clerk Continuing Legal Education Program: "Antitrust  
N.Y., NY Substantive and Procedural Considerations" the Federal Bar Council.

4/16/02 "Visa and MasterCard's Endgame in the Wal-Mart Litigation: The Dance  
Brussels, Belgium of Death" an address delivered to the Cards & Payments 2002  
Conference & Expo, EFMA and Lafferty Group

4/12/02 Faculty, Continuing Legal Education Program: "The Antitrust Plaintiff's  
N.Y., NY Perspective: Public and Private Enforcement in Complex Litigation."  
Association of the Bar of the City of New York

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- 2/8/99  
Amsterdam  
The Netherlands      *"The Retailers and Government of the United States against Visa and MasterCard,"* an address delivered to the *12th International Cards Conference*, Lafferty Conferences Cards International.
- 1/28/99  
NY., NY      *"Antitrust Federalism Ten Years After,"* Annual Meeting Program, Antitrust Law Section, New York State Bar Association.
- 4/15/98  
New Orleans, LA      *"Report on The Department of Justice Antitrust Investigation of Visa and MasterCard,"* Delivered to *Credit Card Forum X*, Faulkner & Gray.
- 4/1/98  
Wash., DC      *"Trade Association Standing In Complex Commercial Litigation,"* Delivered to *Spring Meeting Committee Program*, ABA Section of Antitrust Law.
- 12/12/97  
N.Y., NY      Program Faculty, *The Impact of Cybercommunications on the Law*, a colloquium sponsored by the Columbia University Law School and School of Business.
- 11/14/97  
Wash., DC      *"The Prospects for Government Antitrust Enforcement of Tying and Monopoly Leveraging Claims in Cybertechnology Markets,"* delivered to *Appraising Microsoft and Its Global Strategy*, a conference sponsored by Essential Information and Ralph Nader.
- 9/19/97  
Wash., DC      *"The State of Competition in the market for Multiple Channel Video Programming Distribution,"* Delivered to *The Telecommunications Industry Effects of the 1996 Act*, ABA Section of Antitrust Law.
- 1/23/97  
N.Y., NY      *"An Antitrust Seminar: The Past, Present and Future of Antitrust,"* Annual Meeting Program, Antitrust Law Section, New York State Bar Association.
- 6/2/95  
N.Y., NY      Program Faculty, *36th Annual Antitrust Law Institute*, PLI.
- 8/9/94  
New Orleans, LA      *"The Interrelationship of State and Federal Enforcement,"* Delivered to the ABA Section of Antitrust Law, Summer Meeting Program.
- 6/2/94  
N.Y., NY      Program Faculty, *35th Annual Antitrust Law Institute*, PLI.
- 4/6/94  
Wash., DC      Program Faculty, *ABA Section of Antitrust Law 42nd Annual Meeting*, Antitrust Fundamentals Program.

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6/24/93  
N.Y., NY  
Program Faculty, Ninth Annual Biotechnology Law Institute, Prentice Hall.

6/7/93  
N.Y., NY  
Program Faculty, 34th Annual Antitrust Law Institute, PLI.

3/31/93  
Wash., DC  
Program Faculty, *ABA Section of Antitrust Law 41st Annual Meeting*,  
Antitrust Fundamentals Program.

3/4/93  
N.Y., NY  
Program Faculty, Thirty-Second One-Day Conference: Antitrust Issues in  
Today's Economy - The Conference Board.

1/28/93  
N.Y., NY  
*"The Kodak Case: Its Meaning and Implications for Antitrust Counselors  
and Litigators"* - Remarks delivered at the Annual Meeting Program  
Antitrust Law Section, New York State Bar Association.

4/1/92  
Wash., DC  
*"Section 2 of The Sherman Act,"* Delivered to ABA Section of Antitrust  
Law 40th Annual Meeting, Antitrust Fundamentals Program.

1/28/92  
Bar  
N.Y., NY  
Moderator *"Price Signaling and Facilitating Practices,"* New York State  
Association, Antitrust Law Section Annual Meeting.

11/8/91  
Little Rock, AR  
*"Federalism in Consumer Protection and Antitrust Enforcement,"* Antitrust  
Section Arkansas State Bar Association Annual Meeting.

11/5/91  
Amelia Island, FL  
*"Recent Developments in Healthcare Industry Antitrust,"* Remarks delivered  
to Volunteer Trustees of Not-for-Profit Hospitals Annual Meeting.

10/25/91  
Cambridge, MA  
Program Faculty, 25th New England Antitrust Conference, ALI-ABA.

10/17/91  
Wash., DC  
Program Chair and Commentator, *The Cutting Edge of Antitrust: Market  
Power, ABA National Institute.*

9/13/91  
Snowbird, UT  
*"Proposed Changes in the DOJ and State Merger Guidelines"* (Exec. Sess.),  
*NAAG Annual Antitrust Seminar, NAAG.*

1/21/91  
N.Y., NY  
*"Recent Developments in Vertical Restraints,"* Remarks delivered at the  
Annual Meeting Program, Antitrust Law Section, New York State Bar  
Association.

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- 12/6/90  
Boston, MA  
“*Antitrust Law and Economics Applied to Payment Systems and Banking Networks*,” An Address to Economists’ Perspectives in Antitrust Today: Antitrust Issues in Regulated Industries, Charles River Associates.
- 11/16/90  
N.Y., NY  
Program Faculty, *Observing The Sherman Act Centennial: The Past and Future of Antitrust as Public Interest Law*. New York Law School.
- 11/14/90  
Boston, MA  
“*Managing an Antitrust Program*,” Remarks delivered to NAAG Antitrust Enforcement Seminar.
- 11/2/90  
Cambridge, MA  
“*The Mission and Agenda For State Antitrust Enforcement*,” An Address to the 24th New England Antitrust Conference, ALI-ABA.
- 10/17/90  
N.Y., NY  
“*The Fourteen State Payment Systems Working Group*,” Remarks delivered to The Electronic Banking Economics Society.
- 8/6/90  
Chicago, IL  
“*The States’ Role in the Enforcement of Sherman Act Section 2*,” Remarks delivered to the ABA, Section of Antitrust Law, Summer Meeting Program, “*The Future of Government Enforcement of Sherman Act Section 2*.”
- 6/22/90  
N.Y., NY  
Program Faculty, Eleventh Annual Seminar on Distribution and Dealer Termination; National Law Journal Seminars.
- 6/21/90  
Columbus, OH  
Program Faculty, Intensive Antitrust Law Course, Ohio CLE Institute.
- 6/15/90  
Tucson, AZ  
Program Faculty, State Bar of Arizona, Annual Convention, Antitrust Section Seminar, “*State Enforcement of the Federal and State Antitrust Laws*.”
- 3/8/90  
N.Y., NY  
Program Faculty, Product Distribution and Marketing, ALI-ABA.
- 1/26/90  
N.Y., NY  
Program Faculty, Distribution and Marketing Antitrust Counseling and Litigation, PLI.
- 1/16/90  
N.Y., NY  
Moderator: “*The Year in Review and Reports From the ABA Task Forces on the FTC and Antitrust Division*,” New York State Bar Association Antitrust Law Section Annual Program.
- 10/13/89  
“*The Uses and Abuses of Economic Theory in Government Antitrust*”

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- Boston, MA *Enforcement: Reflections on the Recent Unpleasantness,* Remarks delivered to Economists' Perspectives on Antitrust Today: Policy in the Bush Administration, Charles River Associates.
- 8/7/89  
Honolulu, HI *"An Antitrust Enforcer Confronts the New Economics Or Have You Ever Wondered Why Bid Rigging is Legal in Chicago,"* Remarks delivered to the ABA, Section of Antitrust Law, *Summer Meeting Program*, "Challenges to the Chicago School Approach."
- 7/6/89  
Santa Fe, NM *"New Directions in Antitrust Enforcement,"* Remarks delivered to the *Tenth Annual Antitrust Seminar*, National Economic Research Associates.
- 6/20/89  
N.Y., NY Program Faculty, *Tenth Annual Seminar on Distribution and Dealer Termination*, National Law Journal Seminars.
- 5/24/89  
Lawrence, KS *"Antitrust Federalism,"* An address delivered to the Antitrust Centennial Symposium, NAAG.
- 4/11/89  
Point Clear, AL Program Faculty, *Twenty-Sixth Annual Southwestern Corporate Law Institute*, Alabama Bar Institute.
- 3/2/89  
N.Y., NY Program Faculty, *Twenty-Eighth One-Day Conference: Antitrust Issues in Today's Economy*, The Conference Board.
- 1/27/89  
Toronto, Can. *"Differences in Canadian and American Merger Policy: The Need for Coordination,"* Remarks to Competition Policy in North America *Implications of the U.S./Canada Free Trade Agreement*, The Canadian Institute.
- 1/18/89  
N.Y., NY *"Dealer Termination and Resale Price Maintenance After Sharp,"* Comments delivered at the *Annual Meeting Program*, New York State Bar Association, Antitrust Law Section.
- 12/1/88  
N.Y., NY Program Faculty, *28th Annual Advanced Antitrust Seminar - Distribution and Marketing*, PLI.
- 11/15/88  
N.Y., NY Program Faculty, ABA National Institute *"Compliance and Counseling in the New Antitrust Era,"* ABA.
- 10/28/88  
Cambridge, MA *"The Antitrust Enforcement Agenda for the New Administration,"* an address delivered to the *22nd New England Antitrust Conference*, ALI-ABA.

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8/8/88 Toronto, Canada	Program Faculty, Antitrust Law Section Program, " <i>Antitrust and the Reinsurance Industry</i> ," ABA Annual Meeting.
6/13/88 N.Y., NY	Program Faculty, Ninth Annual Seminar on Distribution, National Law Journal Seminars.
6/3/88 N.Y., NY	Program Faculty, 29th Annual Antitrust Law Institute, PLI.
5/26/88 Madrid, Spain	" <i>Is 'Entree' Likely Substantially to Lessen Competition in Any U.S. Market</i> ," an address delivered to the 22nd International EFTPOS Forum, Electronic Payments International.
1/27/88 N.Y., NY	" <i>Antitrust in the Supreme Court and the Circuit Courts in 1987</i> ," Comments delivered to the <i>New York State Bar Association</i> , Antitrust Law Section Annual Meeting.
1/22/88 N.Y., NY	Program Faculty, Distribution and Marketing, 1988, PLI.
1/12/88 N.Y., NY	" <i>The Wisdom of States Enforcing the Antitrust Laws Concerning Mergers</i> ," a debate with Assistant General Counsel James McCarty (F.T.C.), Sponsored by the Antitrust and Trade Regulation Committee of the Association of the Bar of the City of New York.
12/4/87 N.Y., NY	" <i>State Enforcement Under the NAAG Merger Guidelines</i> ," an address delivered to the 27th Annual Advanced Antitrust Seminar, Mergers, Markets and Joint Ventures, PLI.
11/14/87 Cambridge, MA	" <i>Antitrust In the Dark Ages</i> ," an address delivered to the 21st <i>New England Antitrust Conference</i> , ALI-ABA.
11/10/87 Wash., DC	Program Faculty, American Insurance Association 1987 General Counsel's Symposium.
5/29/87 N.Y., NY	Program Faculty, 28th Annual Antitrust Law Institute, PLI.
4/2/87 N.Y., NY	" <i>Current Trends in State Antitrust Enforcement</i> ," an address delivered to the 35th Annual Antitrust Law Section Spring Meeting, ABA.

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- 3/5/87  
N.Y., NY
- Program Faculty, *Twenty-Sixth One-Day Conference: Antitrust Issues in Today's Economy*, The Conference Board.
- 12/4/86  
N.Y., NY
- Debate With D.A.A.G. Charles F. Rule (D.O.J.) Concerning NAAG and Department of Justice, "*Vertical Restraints Guidelines*," Sponsored by the ABA, Antitrust Law Section, Sherman Act Committee.
- 5/20/86  
Wash., DC
- "*NAAG v. DOJ Vertical Restraints Guidelines*," a debate with D.A.A.G. Charles F. Rule (D.O.J.), Sponsored by the Federal Bar Association.
- 4/17/86  
Albany, NY
- "*The Application of the Antitrust Laws to Procurement Fraud*," Comments delivered to the New York State Conference on Fraud in Public Purchase.
- 1/15/86  
N.Y., NY
- Debate with A.A.G. Paul McGrath (D.O.J.) Concerning the Vertical Restraints Guidelines of the D.O.J. and NAAG, Sponsored by the New York State Bar Association Antitrust Law Section.

## HONORS and AWARDS

- June, 2004
- Recipient of the American Antitrust Institute's Award for Career Achievement in Antitrust Law and Regulatory Policy
- January, 2004
- Recipient of the New York State Bar Association Antitrust Section Service Award for career achievement in antitrust and service to the legal profession.
- June, 1987
- First recipient of the C. Raymond Marvin Award of The National Association of Attorneys General - awarded annually to outstanding Assistant State Attorneys General.

**MICHAEL D. DIEDERICH, JR.**  
*Attorney at Law*

*practice concentrating in employment law,  
discrimination, civil rights & environmental law*

**VIA EMAIL**  
[counsel@nyassembly.gov](mailto:counsel@nyassembly.gov)

May 11, 2018

N.Y.S. Legislature  
c/o Kathleen O'Keefe,  
Legislative Counsel to the Speaker  
New York State Assembly  
Capitol Building Room 347  
Albany, NY 12248

*Re: Attorney General vacancy—application*

Dear State Legislators:

I request your consideration for appointment to the position of Attorney General of the State of New York. Before you reject consideration of this application out of hand, for lack of political party support, I request that you consider the unique qualities I can bring to the job, including:

1. I am a Bronze Star recipient, for my military service as a U.S. Army lawyer and Foreign Claims Commissioner in Afghanistan, where I was deployed in 2012.
2. I am willing to take on the Hassidic religious leadership (and any other insular or organized religious group) on important matters. In particular, I refer to the refusal of some religious groups to permit their children a sound secular education. New York government must ensure that all children in this State receive a sound secular education, so that they can achieve their own individual potential and become contributing members of New York's and America's democracy. In my view, depriving children of a sound secular education deprives them of their own civil rights as American and New York citizens. And it undermines democracy itself, as democracy needs an educated and participating citizenry. This is a matter of State-wide concern, and is becoming urgently problematic in Rockland County, Orange County and in Brooklyn.
3. I am willing and able to take on other matters of great importance to our New York citizenry, and I have the background and experience to advance New Yorkers' interests in such matters as job creation and economic development, individual financial security, land use and quality of life issues, consumer protection, environmental issues,



public safety, energy issues, civil rights and regional planning. I am willing and able to help to help protecting New Yorkers against all sorts of outside threats, whether domestic or foreign, terrorist or otherwise.

4. I may be the most qualified person you will interview regarding the above matters, because I have a broad, multi-disciplinary background with a demonstrably public-interest oriented life experience as a lawyer and "citizen-soldier." I am an independent member of the Democratic Party who has run for political office before (including as Democratic candidate for Rockland District Attorney). I have always welcomed and often received Republicans' support. I will to run the Attorney General's office in a nonpartisan manner, for the benefit of all. I am fiscally conservative and moderate on social issues.

5. In my law office, I focus on employment law and civil rights. I hold a Masters of Law degree in environmental law. I am a graduate of the U.S. Army Command and General Staff College, with tours of active duty as an Army "JAG" lawyer in Germany, Iraq and Afghanistan. I have prosecuted courts martial, and served as an Assistant County Attorney in both Westchester and Rockland Counties. In appellate advocacy, I have influenced the U.S. Supreme Court on several occasions.

6. Lastly, I am a student of the science of human nature, including its anthropological and evolutionary psychological underpinnings. My goal will be to use this knowledge to help facilitate cooperation between Republicans and Democrats, Conservatives and Liberals, the Religious and the Secular, in helping New York State and local government act on behalf of our People. I can help "Make New York Great Again!" And to do so in a manner that is fundamentally different from the political polarization employed in national politics today.

I am inclined to accept this position on an interim basis, with a promise not run in the General Election if that is the Legislature's collective preference. Your consideration is appreciated.

Respectfully submitted,

/S/

Michael D. Diederich, Jr.

encl. – resume

cc: James Skoufis, Assemblyman

## **MICHAEL D. DIEDERICH, JR.**

*Attorney and Counselor at Law*

*Admitted to Practice: New York (1981), Massachusetts U.S. District Court (S.D.N.Y., E.D.N.Y. & N.D.N.Y.), Second Circuit Court of Appeals, U.S. Army Court of Military Appeals, and U.S. Supreme Court*

### **PROFESSIONAL EXPERIENCE**

**Private Practice of Law**, Stony Point, New York (1981 to present, excluding years in gov't service)  
Private practice of law concentrating on employment law, environmental law, constitutional law, general litigation, trials and appeals in federal and state court. Public advocacy litigation including taxpayer and due process litigation. Experience in mediation.

In the past decade, successfully handled over 200 employment discrimination matters (e.g., gender, age, race, national origin, disability). I have successfully tried several civil rights cases to verdict. I have won appeals at the Second Circuit Court of Appeal, including a case of national importance, *Sherman v Town of Chester*, 752 F3d 554 (2d Cir 2014), and I have favorably influenced the U.S. Supreme Court through my amicus briefs in *United Haulers Assn., Inc. v. Oneida-Herkimer Solid Waste Mgmt. Auth.*, 550 U.S. 330 (2007).

**Military Legal Advisor**, Lieutenant Colonel (retired), U.S. Army Judge Advocate Corps  
**Command Judge Advocate**: Anaconda, Iraq (November 2004-October 2005) and Kandahar Airfield, Afghanistan (February – December 2012). Mobilized as U.S. Army Reserve lawyer.

**Foreign Claims Commissioner**, Kandahar, Afghanistan (March – December 2012): adjudicated Afghan claims against the U.S. government. Extensive dealings with local citizenry and Afghan officials.

Awarded **Bronze Star Medal** in December 2012, for service in Afghanistan.

**Rockland County Special Outside Counsel for Solid Waste and Assistant County Attorney for Solid Waste/Environmental Affairs** (Part-time)(June 1992 to 1994) Advised on environmental, municipal law, governmental and general litigation matters.

**Counsel to Westchester County** (December 1989 to December 1992)

**Special Counsel and Assistant County Attorney** (Litigation Bureau), White Plains, New York  
Special Counsel and Assistant County Attorney representing Westchester County in various affirmative and defensive litigation.

### **PROFESSIONAL WRITINGS**

*Treatise Chapter: Municipal Solid Waste Management, New York Environmental Law Series (Lawyers Cooperative, 1995).*

*Article: "Law: Can Municipalities Manage Their Own Solid Waste", ENVIRONMENT Magazine (May 1995).*

- Article: "Practitioner's Perspective: In Light of Carbone: Who Owns Municipal Solid Waste?", THE NEW YORK ENVIRONMENTAL LAW REPORT (April 1995).*
- Article: "For the Government Counsel--Keep Democratic Rule over Trash", ABA Section of Natural Resources, Energy and Environmental Law, Nov./Dec. 1994.*
- Article: "Garbage and the Constitution: Democracy Collides with the Commerce Clause", N.Y.S. Bar Association's Environmental Law Section Journal, May 1994.*
- Law Review: "Does Garbage Have Standing?--Democracy, Flow Control and Solid Waste Management", 11 PACE ENV'T'L L. REV. 157 (Fall 1993).*
- Article: "County Acquires Prescriptive Easement Over Runway Airspace", FOOTNOTES (July 1992) at p. 5.*
- Law Review: Law of War and Ecology--A Proposal for a Workable Approach to Protecting the Environment Through the Law of War, 136 Military Law Review 141 (Summer 1992)*
- Army Training Doctrine Is Insufficient for America's New World Role as Policeman and Prosecutor of Crimes against Humanity, May 1999 (On file, U.S. Army Command & General Staff College)*
- Biological Weapons-- Recognizing The Threat of a New Weapons Systems, February 1999 (On file, U.S. Army Command & General Staff College)*

## EDUCATION

B.S., University of Vermont, 1976 (Environmental Science).  
 J.D., Northwestern School of Law, 1980.  
 LL.M. Pace Univ. School of Law, 1992 (Environmental Law).

Advanced Course, Army Judge Advocate General's School, 1992  
 Command & General Staff College, U.S. Army, 1999

## PROFESSIONAL ACTIVITIES

Associations: New York Bar Association American Bar Association, Orange County Bar Association, Rockland County Bar Association, National Employment Lawyers Association; Women's Bar Association of Orange & Sullivan Counties; Chartered Institute of Arbitration.

Judge, National Environmental Moot Court competition, Pace Univ. School of Law (1992-2013).  
 Judge, American Constitution Society, 2010 National Moot Court Competition in Constitutional Law

## OTHER INTERESTS

Former Alpine Ski Coach, North Rockland & Clarkstown High Schools. Former member Stony Pt. Ambulance Corps. Formerly Masters alpine ski racing (competed on Army Ski Team, Europe); International travel (including train trip from Athens to Hong Kong, via Scandinavia, Siberia and China, 1987-88); environmental science and policy. Volunteer work in the Republic of Ghana (2013).

**Leecia Roberta Eve**

May 11, 2018

Kathleen O'Keefe  
Legislative Counsel to the Speaker  
New York State Assembly  
Capitol Building Room 347  
Albany, NY 12248

Dear Ms. O'Keefe:

It is with humility and enthusiasm that I submit this letter for consideration to fill the vacancy in the Office of the Attorney General of the State of New York. In this moment of transition, with relentless attacks from the Trump Administration looking to undermine immigration and civil rights enforcement, New Yorkers need a steady hand and a strong voice to defend, protect, and empower them. I am confident I can fill that role.

Born and raised in Buffalo, and currently a resident of Harlem, my ties and bond to this state run deep. I am a product of the Buffalo public schools, spent my first two years after graduating from Harvard Law School as a law clerk to Associate Judge Fritz W. Alexander, II of the New York State Court of Appeals, and later became the first African American general equity law partner at the law firm of Hodgson Russ.

My candidacy is unique in that I have extensive experience at the nexus of the legal, government, public policy, and business worlds in both New York City and Washington, D.C. As a young associate, I was one of four lawyers who worked *pro bono* to win a precedent setting case that resulted in relief in the areas of sexual harassment, obstetrical and gynecological care, program evaluation, environmental health and fire safety for hundreds of women in District of Columbia prisons. I had the honor of serving as counsel for then U.S. Senator Joseph R. Biden, Jr., ranking member on the U.S. Senate Committee on the Judiciary, on civil rights and social justice issues, including the implementation of the Violence Against Women Act. In the wake of the September 11th attacks, in addition to my work as counsel to then U.S. Senator Hillary Rodham Clinton, I assumed the role of her homeland security advisor – crafting legislation in partnership with fire fighter and law enforcement organizations across the country. As the Deputy Secretary for Economic Development to Governor Andrew Cuomo, I was responsible for overseeing eleven agencies in state government, including Homes and Community Renewal and the Departments of State and Agriculture and Markets. In my current role as Vice President for Government Affairs for Verizon for New York, New Jersey and Connecticut, I oversee policy and ensure governmental compliance for a company that innovates and invests billions in our state and puts nearly 20,000 New Yorkers to work every day. In addition, I proudly serve as the first African American woman Commissioner of the Port Authority of New York and New Jersey.

My prior roles in federal and state government provided me with a thorough knowledge of the complex legal, legislative, regulatory, and public policy matters affecting New York, as well as a

keen understanding of the discipline, diligence and resolve necessary to be an effective public servant. My personal interest, however, in serving as the next New York State Attorney General resides in my passion for justice and my desire to make a meaningful difference in people's lives. I have spent my career championing and advancing the rights of women, advocating for the disenfranchised, protecting the vulnerable, and defending educational and economic opportunities for all.

New York State currently faces unprecedented challenges – under attack by a federal administration that refuses to enforce and seeks to roll back progress for which we have fought hard to achieve. Whether combatting housing discrimination or safeguarding environmental protections, New York needs a chief legal officer that will ensure that everyone has a fair shot and an opportunity to thrive while also establishing legal standards that will stand the test of time.

The Office of Attorney General for the State of New York has a long history of prosecutorial excellence and a reputation as a game changer — held in great esteem by many other states in our nation. It would be my honor to ensure this tradition continues on behalf of all New Yorkers.

Thank you for your kind consideration. I look forward to having the opportunity to share more of my qualifications with the committee on Tuesday.

Sincerely,

A handwritten signature in cursive script that reads "Leccia Roberta Eve". The signature is fluid and elegant, with a large initial "L" and "R".

Leccia Roberta Eve

## Leecia Roberta Eve

### PROFESSIONAL EXPERIENCE

#### **VERIZON**

*Vice President of Government Affairs (NY, NJ and CT).* July 2013 – Present.  
Oversee public policy, government and external affairs, regulatory matters and philanthropy in the Tri-State region.

**OFFICE OF GOVERNOR ANDREW M. CUOMO**, New York State  
*Deputy Secretary of Economic Development.* November 2011 – June 2013. Served as the chief economic development advisor to Governor Cuomo; leveraged State resources to attract new investment in strategic industries and critical infrastructure through public-private partnerships; and oversaw operations of eleven agencies in state government, including Empire State Development, the Dormitory Authority of the State of New York, Battery Park City Authority, Homes and Community Renewal, and the Departments of Taxation and Finance, State and Agriculture and Markets.

**EMPIRE STATE DEVELOPMENT**, New York State  
*Executive Vice President and General Counsel.* February – November 2011. Served as the Ethics Officer and managed the legal department that provided a wide variety of general advisory, transactional, legislative, regulatory, human resources and litigation services for Empire State Development, New York State's primary economic development agency.

**NO LIMITS FOUNDATION**, Washington, DC  
*Vice President for Policy.* December 2009 – January 2011. Oversaw federal policy and grassroots advocacy effort for a non-profit organization that promoted economic issues at home and abroad and advocated transforming America foreign policy around the world, including advancing the rights of women.

**HILLARY CLINTON FOR PRESIDENT**, Arlington, VA  
*Senior Policy Advisor.* January 2007 – June 2008. Advised candidate on homeland security, civil rights, and criminal justice issues; served as senior member of women's outreach team and campaign legal team and as surrogate speaker for candidate in eight states; oversaw political outreach to first responder community.

**GOVERNMENT REFORM POLICY ADVISORY COMMITTEE FOR THE TRANSITION OF GOVERNOR-ELECT ELIOT SPITZER**, New York State  
*Co-Chair (with Former New York Attorney General Robert Abrams).* November – December 2006. Advised the Governor-Elect on budget, campaign finance, ethics and election reform issues.

**SHOW UP NEW YORK**, New York State  
*Founder and Chair.* March – November 2006. Founded and chaired state-wide organization that focused on increasing the level of civic participation among young people.

**LEECIA EVE FOR LIEUTENANT GOVERNOR**, New York State  
*Candidate for New York State Lieutenant Governor*. May 2005 – January 2006. Developed an in-depth knowledge of the needs and assets of the various regions of New York State in meetings as I traveled through fifty-six of the sixty-two counties of New York State.

**OFFICE OF U.S. SENATOR HILLARY RODHAM CLINTON**, Washington, DC  
*Counsel and Homeland Security Advisor*. March 2001 – May 2005. Advised Senator Clinton and drafted legislation concerning a range of issues, including homeland security, economic development, criminal justice, civil rights and election reform.

**HODGSON RUSS, LLP**, Buffalo, NY  
*Partner*, Litigation Department. January 1999 – March 2001. (*Associate*, December 1996 – December 1998). Concentrated practice in commercial litigation, including business tort, contract and intellectual property litigation.

**UNITED STATES SENATE COMMITTEE ON THE JUDICIARY**, Washington, DC  
*Counsel*. August 1995 – October 1996. Advised then Ranking Member, Senator Joseph R. Biden, Jr., on issues concerning the implementation of the Violence Against Women Act and intellectual property, immigration, and antitrust law.

**COVINGTON & BURLING**, Washington, DC  
*Associate*. October 1992 – August 1995. Conducted trial and appellate litigation concerning intellectual property, employment and insurance coverage matters, including serving as *pro bono* counsel in *Women Prisoners of the District of Columbia DOC v. the District of Columbia*.

**NEW YORK STATE COURT OF APPEALS**, New York State  
*Judicial Clerk to Associate Judge Fritz W. Alexander, II*. August 1990 – May 1992.

## EDUCATION

**HARVARD LAW SCHOOL, J.D.**, 1990

**JOHN F. KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY, M.P.A.**, 1990

**SMITH COLLEGE, A.B.**, 1986

CLARICK  
GUERON  
REISBAUM LLP

NICOLE GUERON

BY EMAIL AND FIRST CLASS MAIL

May 11, 2018

The Honorable Carl E. Heastie  
Speaker  
New York State Assembly  
The Capitol  
Albany, N.Y. 12248  
*Via email*

Re: Attorney General Interview

Dear Speaker Heastie:

I write respectfully to request the distinct honor of the opportunity to be interviewed for the position of Attorney General of New York State.

This great office must restore its moral authority and its reputation for excellence and professionalism. The Attorney General of New York must be a standard bearer for good government, fighting every day for justice and equality for all New Yorkers. Our most successful Attorney Generals have been ambitious and pragmatic, taking a seasoned, serious approach to enforcing and, sometimes, creating the law. This means aggressive enforcement against lawbreakers and abuses of power, coordination with the Legislature and the Governor to maximize the impact of their vital legal and policy levers, and strategic use of litigation to advance fairness. It means protecting and honoring every New Yorker. It means utterly rejecting the national political climate of insults and gridlock.

I am perfectly suited to restore this office and to serve the people of New York. I am a consummate professional who is well-respected throughout the public, non-profit, and private sectors. I am a political progressive with a track record of results and a reputation for fair and thoughtful analysis. These qualities will serve the office well as we all return our focus to the critical issues the Attorney General must fight for.

I spent eight years of my career as an Assistant United States Attorney for the Southern District of New York, fighting tax cheats, enforcing the False Claims Act against those defrauding the Government, and defending the Government against meritless lawsuits. I then served for three years as Deputy Chief Trial Counsel to then-Attorney General Andrew Cuomo, during which time I helped chart the strategic direction of the office and—in the aftermath of the financial crisis—directed the Mortgage Fraud Taskforce that brought targeted litigation against



Speaker Heastie  
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fraudsters and reached creative systemic solutions through a code of conduct adopted nationwide by Fannie Mae and Freddie Mac. I understand that New Yorkers need and deserve law enforcement that fights for them against injustice, preserves and protects their civil rights, and challenges companies that treat consumers as targets and our planet as their trash heap.

I am also a proud business owner and entrepreneur. I founded my law firm in 2010, and I know how it feels to run a business and make payroll month after month. I understand that predictable legal norms and law enforcement are essential to a successful business climate; I have seen the burden on clients who receive an unexpected Government subpoena that blows a hole in their operating budgets. To my eyes, law enforcement and the private sector are not adversaries, but rather allies in supporting the honest businesses that are the life blood of New York's economy.

This is a unique time in our State's history. We are grappling with a federal government that is aggressively targeting immigrants and other disenfranchised people, rolling back regulatory protections across sectors, rewriting the rules that protect the environment, gutting regulations barring predatory business practices, and undermining those in law enforcement who investigate their misconduct. We cannot permit these acts to go unchallenged.

As for civil rights, it goes without saying and yet absolutely bears repeating that the rights of women, minorities, and immigrants must be fiercely defended against efforts to roll back our hard-won progress. From my earliest professional work at the Women's Legal Defense Fund to my current role as Board Member of the Brooklyn Community Foundation, I have been a champion for civil rights and equality in the workplace. As the daughter of an immigrant, I am proudly aware that immigrants are a vital engine of New York's economy and greatness, and I reject and deeply resent the ignorant voices claiming otherwise.

Rational gun control is one of the most pressing issues of our time. New York must fight, and fight hard, against the efforts of many in the federal government to undermine our state's reasonable gun control rules.

Effective law enforcement must also ensure economic fairness and combat income inequality, and we all face significant challenges in this area. I have seen the consequences of reckless economic deregulation first hand. When I served in the Attorney General's office, I spoke with politicians from communities, from Brooklyn to upstate, whose housing stock had been decimated by foreclosures caused by under-regulated predatory lending and a mortgage industry rife with outright fraud and absurdly relaxed underwriting standards, propped up by a careless actors in the mortgage-backed securities industry who were long gone when the music stopped playing. We brought lawsuits and signed a code of conduct with Fannie Mae and Freddie Mac to change that industry for the better. Yet the federal government is now walking away from carefully crafted financial regulation and gutting the Consumer Financial Protection Bureau. The Attorney General's office must step up when others step back.

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Similarly, we have at the helm of the federal Environmental Protection Agency a politician who does not believe in climate science and whose home state of Oklahoma is racked by earthquakes caused by the unregulated fracking he heartily endorsed. New York must protect its environment and its legacy of independence in this area by fighting back against federal retrenchment.

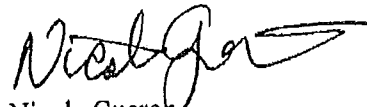
There are other tough issues the next Attorney General must take on. Our economy and personal lives are shaped more and more by companies like Google and Facebook, who wield the power of state actors yet are often shielded from liability by laws such as Section 230 of the federal Communications Decency Act. It is time for law enforcement to find ways to require these online companies to take responsibility for the consequences of their business decisions, just as other industries must. Similarly, numerous New York industries are competing against new, disruptive companies such as Uber and Airbnb, which thrive in part because they are on the high end of an unlevel playing field, operating free of regulation against highly-regulated competitors. The Attorney General has an important role to play in making sure competition is free and fair.

On a personal note, I am a proud, life-long New Yorker. I was born and raised in New York City, and my husband was born and raised in the Syracuse area, where my in-laws still live. We have raised our two children in Brooklyn and I am deeply engaged in our community, currently serving on the Board of Directors of the Brooklyn Community Foundation. We spend our family vacations in New York, swimming in the St. Lawrence River and hiking in the Adirondacks and the Hudson Valley. I cherish the beauty of all of New York State, and I understand both its greatness and its challenges.

My resume is attached hereto, and my website bio is available at: <https://cgr-law.com/attorneys-gueron.html>. My educational credentials are outstanding (Harvard College and Yale Law School) and I can assure you that my moral character cannot be questioned. That virtue appears to be in short supply these days.

It would be an honor and a privilege to participate in the interview process for this enormously important position.

Very truly yours,

  
Nicole Gueron

# NICOLE GUERON

## PROFESSIONAL EXPERIENCE

**Clarick Gueron Reisbaum LLP**  
Founding Partner

2010-Present

Founding and co-managing partner of 10-lawyer litigation boutique. Lead litigation counsel on dozens of state and federal lawsuits. Direct and manage all aspects of disputes and cases, from pre-litigation risk assessment through trial and appeal. Matters include lawsuits, arbitrations, mediations, and pre-litigation investigations involving complex commercial disputes, trademark and copyright claims, securities fraud, internal corporate investigations, False Claims Act defense, and government investigations. Clients range from Fortune 500 companies to individuals.

- Co-lead counsel in *Amanda Schmitt v. Artforum*; Schmitt was named by Time Magazine as a "Silence Breaker" and Person of the Year for 2017.
- Co-counsel on *Brummer v. Wey*, a defamation suit brought by a Georgetown law professor subjected to a campaign of racist internet threats and harassment.
- Advise and defend corporate and individual defendants in federal and state False Claims Act suits and investigations.
- Advised private equity firm and a portfolio company's audit committee in the investigation and termination of a CEO engaged in financial impropriety.

**New York State Office of the Attorney General**  
Deputy Chief Trial Counsel, Executive Staff

2007-2009

Member of Attorney General Andrew Cuomo's Executive Staff, charting the strategic direction of the office and handling matters of high priority to the Attorney General. Directed and managed the Mortgage Fraud Taskforce, analyzing and investigating industry-wide illegal practices in the primary and secondary markets for mortgages and mortgage-backed securities. Designed and implemented investigation of real estate appraisal industry, examined key industry participants, culminating in lawsuits and agreements to eliminate structural conflicts of interest in mortgage collateral evaluation.

- Negotiated landmark agreement with federal regulators, Fannie Mae, and Freddie Mac to reshape real estate appraisal process for over \$1 trillion in residential mortgage loans purchased annually by Fannie Mae and Freddie Mac.
- Filed ground-breaking, multi-million dollar lawsuit against First American Corporation for conspiring with Washington Mutual to engage in corrupt real estate appraisal practices.
- Co-counsel on *State v. Grasso*, challenging the \$200 million compensation package of the chairman of the New York Stock Exchange.

**United States Attorney's Office, Southern District of New York** 1999-2007  
Assistant United States Attorney

Represented the United States in a broad range of affirmative and defensive lawsuits, involving civil rights and constitutional questions, complex commercial matters and tax debts, contract and employment disputes, debt recovery, common law fraud, copyright violations, tort claims, and environmental issues. Conducted trials, motion practice, and discovery; argued dozens of motions and appeals in S.D.N.Y. district and bankruptcy courts and in the Second Circuit Court of Appeals. Served as "outside counsel" to all federal agencies, advising on litigation strategy and risk management and evaluating the merits of settlement options.

- Awarded national Director's Award for Superior Performance by a Litigative Team, 2005.
- Won \$100 million summary judgment against Indonesian conglomerate that defaulted on U.S. Export-Import Bank loans and refused to meet Ex-Im Bank's demands in global restructuring negotiations (*U.S. Export-Import Bank v. APP*).
- Recovered \$10 million in taxes and penalties in tax foreclosure and common law fraud suit against individuals who formed shell corporation to purchase art collection and avoid taxes (*U.S. v. Gagosian*).
- Represented U.S. State Department in dispute between New York City and foreign sovereigns regarding immunity to municipal tax liabilities under the Foreign Sovereign Immunities Act; case ultimately resolved by U.S. Supreme Court (*New York City v. Permanent Mission of India*).
- Represented dozens of federal agencies asserting multiple claims in *WorldCom* and *Calpine* bankruptcies.

**Friedman Kaplan & Seiler LLP**  
Associate, Litigation Practice

1996-1999

Litigated securities fraud and complex commercial disputes; represented companies in federal and state courts and before administrative agencies.

**White House Counsel's Office**  
Intern

Summer, 1993

Special Liaison to Health Care Working Group. Focused on Federal Advisory Committee Act and tax issues for executive branch employees.

**Women's Legal Defense Fund**  
Program Analyst

1990-1992

Co-coordinated Family and Medical Leave Act Coalition; drafted reports on family and medical leave and judicial nominations.

## EDUCATION AND TRAINING

**The Honorable Charles S. Haight, Jr.** 1995-1996  
Law Clerk to U.S. District Judge, Southern District of New York

**Yale Law School** J.D, 1995  
Editor, *Yale Law Journal*  
Research Assistant, Professor Vicki Schultz  
Director, Yale Law Women

**Harvard College** A.B., 1990  
Graduated *magna cum laude*, Social Anthropology  
*Summa cum laude* on Senior Thesis; Phi Beta Kappa

## PUBLICATIONS AND SPEAKING ENGAGEMENTS

- “Predatory Lending: How To Recognize It and Avoid It,” Travelling lecture, numerous audiences, 2008-2009.
- “The Mortgage Crisis: Causes and Responses,” Lecture, New York Attorney General Training Program, September 2008.
- “Appraisal Inflation in the Primary and Secondary Mortgage Markets,” Lecture, New York State Judicial Seminar, June 2008.
- “Appraisal Inflation and Fraud,” Lecture, New York Prosecutors Training Institute, April 2008; Nassau County Bar Association, May 2008.
- “An Idea Whose Time Has Come: A Comparative Procedural History of the Civil Rights Acts of 1960, 1964, and 1991,” 104 *Yale Law Journal* 1201 (1995)

## PROFESSIONAL AND PERSONAL AFFILIATIONS

- Member, Board of Trustees, Brooklyn Community Foundation, 2016-present
- Chair, Board of Trustees, Brooklyn Heights Montessori School, 2010-2014
- Member, Transition Committee of New York Attorney General Eric Schneiderman, 2011
- Federal Bar Council
- Association of the Bar of the City of New York
- Member of the Bars of New York and Massachusetts, S.D.N.Y., E.D.N.Y., 2<sup>nd</sup> Circuit Court of Appeals

Kathleen O'Keefe, Esq.  
Legislative Counsel to the Speaker  
New York State Assembly  
Capitol Building Room 347  
Albany, NY 12248

Dear Ms. O'Keefe:

This covering letter and the attached resume are in response to the requirements set forth in the news release issued by Assembly Speaker Carl E. Heastie on May 9, 2018.

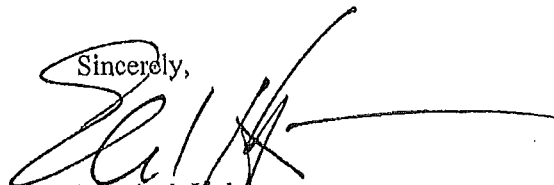
I respectfully wish to be considered to fill the vacancy in the Office of the Attorney General of the State of New York. There is a caveat: if the legislature fills the vacancy with Acting Attorney General Barbara Underwood, then I do not wish to be considered for the position. Having worked with her for eight years, I believe she can honorably and capably perform the functions of the office until the next election.

If, however, she is to be replaced, I wish to be considered. I think my credentials are more than adequate for the position. In addition to the legislative and legal/prosecutorial skills required, I have fought long and hard for the rights of women and minorities and have racked up important successes in those areas. I have taken on special interests, standing up for social and environmental justice. I also understand constitutional law. Two bills that I wrote--the first special prosecutor law and the closed circuit television law for child victims--were upheld by the US Supreme Court. Sometimes one is known by one's enemies, and I am very proud that J. Edgar Hoover attacked me when I was in law school because I criticized the FBI for being on the wrong side of the civil rights movement. His attack did not deter me one whit.

Today's threats to the foundations of our democracy require an Attorney General who, in addition to all the usual skills, has a proven record of courage--of standing up to the most powerful when they are wrong, including a president of the United States. I stood up to President Nixon, voting for his impeachment and writing the article of impeachment for the Cambodia bombing. I asked the tough questions of President Ford about the Nixon pardon when no one else did. No one should doubt my willingness and ability to stand up to a president again if necessary. Because some of the acts engaged in by the associates of the present occupant of the White House took place in New York State, the Attorney General may be the only person in the US with authority to enforce accountability and the rule of law if federal law enforcement agencies are stymied or if pardons are issued to obstruct justice.

I very much appreciate your consideration and understand the difficulty of the decision that lies before you. Please feel free to let me know if you need any additional information.

Thank you for your attention.

Sincerely,  
  
Elizabeth Holtzman

Attachment

Elizabeth Holtzman

**Present Employment**

1994-date: *Herrick, Feinstein, LLP, Counsel*  
Practice in the area of litigation and government relations

**Public Service Employment**

1990-1993: *Comptroller, City of New York. (Elected)*

First woman elected Comptroller. Helped to manage the City's budget during the fiscal crisis of the early 90's, identifying more than \$1 billion in savings; grew the city's pension funds from \$36 to \$50 billion; opened first ever opportunities for minority and women-owned firms to manage pension fund assets and to underwrite the city's debt; invested pension funds to create more than 10,000 units of affordable housing; helped spearhead the successful fight to stop expansion of NYC's municipal waste incinerators, an effort that led to closing of all the incinerators; lifted restrictions on obtaining mammograms in municipal hospitals; introduced first legislation in city to hold gun manufacturers liable for harm to city from illegal guns; uncovered serious problems in sexual harassment in city employment and called for change. Fought employment discrimination, anti-choice programs and environmental safety in companies in which the pension funds invested. Supervised office of approximately 1000 employees.

1982- 1989: *District Attorney of Kings County (Brooklyn NY). (Elected)*

First woman ever elected District Attorney in New York City. Oversaw the fourth largest DA's office in the country with approximately 1000 employees. Led successful effort to end racial discrimination in jury selection. Our litigation through state and federal courts was acknowledged by the Supreme Court in the famous Batson decision. Only prosecutor in US to file brief in Supreme Court opposing racial discrimination in jury selection through use of peremptory challenges. Barred use of practice in DA's office. Pioneered new procedures to handle sexual assault and domestic violence cases; won statutory reforms in prosecution of rape (eliminating "earnest resistance requirement) as well as sexual molestation of children (ending corroboration requirement, allowing videotaped testimony in grand jury and closed circuit tv at trials). Created first unit in DA's office in NYC to handle cases involving misuse of force by law enforcement. Created state's first environmental crimes bureau. Jointly prosecuted major organized crime cases with the US Justice Department. Successfully argued case in US Supreme Court. Opened opportunities for the hiring and promotion of minorities and women, appointing first ever women and minorities to leadership positions in the office and as heads of bureaus (including Zachary Carter and Barbara Underwood).

1973-1981: *Member, US House of Representatives (16<sup>th</sup> CD, Brooklyn)*

Youngest woman ever elected to the House, a record held for 42 years. Won national attention for role on House Judiciary Committee during impeachment proceedings against President Richard Nixon. Drafted the article of impeachment on the bombing of Cambodia. Only Congressperson to ask President Ford tough questions during an historic hearing about his pardon of President Nixon. Plaintiff in landmark lawsuit challenging the bombing of Cambodia. Chair: Subcommittee on Immigration, Refugees and International Law. Played major role in the resettlement of Vietnamese boat people, including securing agreement from Vietnam for an



orderly departure program. Negotiated directly with heads of governments about refugee resettlement. Co-authored with Senator Ted Kennedy the first law providing for the regular admission of refugees into the US (the Refugee Act of 1980). Member, House Budget Committee and Chair of Task Force on State and local Government. Created the Holtzman Amendment to shift spending from military to social programs. Co-founder and elected Co-Chair twice of the Congressional Women's Caucus (now the Caucus on Congressional Women's Issues) which led to the adoption of many laws and programs to advance the status of women. Author: the first special prosecutor law; the federal rape privacy act (to protect rape victims from cross examination into their past sexual history); extension of the ratification deadline for the Equal Rights Amendment; availability of lawyer's fees in Title IX cases, among other laws. First member of Congress to expose the presence of Nazi War Criminals in the US and led the effort to bring them to justice. Forced creation of special Nazi hunting unit in the Justice Department and authored law strengthening the deportation of Nazi war criminals in the US (the "Holtzman Amendment").

1967-1969: *Assistant to the Mayor of New York City*

(First woman in that position) Liaison to Parks, Recreation and Cultural Affairs Administration and Economic Development Administrations. Conceived of and implemented program for installing safety matting all City playgrounds and constructing dozens of mini-pools.

**Other Public Positions:**

2013-2017: Chair, Judicial Proceedings Panel and, prior to that, Member, Response Systems Panel, independent panels created by Congress to examine and make recommendations about sexual assault in the military. Appointed by Secretary of Defense. Examined the spectrum of issues, including victim retaliation, adequacy of the statutory framework, restitution and treatment of victims. Many of our recommendations were adopted by the Department of Defense.

2015-date: Member, Department of Homeland Security Advisory Panel. Appointed by Secretary Jeh Johnson.

1999-2007: *Member, Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group.* Appointed by President Bill Clinton as one of three public members responsible for overseeing declassification of secret US documents on Nazi and Japanese war crimes. More than 8 million pages were declassified, and CIA was persuaded to adopt our expansive view of the declassification requirements. Top security clearance.

1978: *Member, Select Commission on Immigration and Refugee Policy*  
Argued for importance of immigration to the US

**Other Employment:**

1981-1982: Visiting Professor, New York University School of Law and School of Public Administration

1970-1972: Litigation Associate, Paul, Weiss, Rifkind, Wharton & Garrison LLP

1965-1967: Associate, Wachtell, Lipton, Rosen, Katz & Kern

**Boards:**

Board of Overseers, Harvard University (1976-1982); Board of Trustees, Radcliffe College;  
Board of Trustees, Brooklyn Academy of Music Endowment Trust.

**Publications and Media Appearances:**

Who Said It Would Be Easy? (Arcade Press: 1996); The Impeachment of George W. Bush: A Practical Guide for Concerned Citizens (Nation Books: 2006); Cheating Justice: How Bush and Cheney Plotted to Avoid Prosecution--and What We Can Do about It, and numerous articles, op ed pieces and television and radio appearances.

**Additional:**

Civil Rights: Summer, 1963, interned as law student for an African -American civil rights attorney in southwest Georgia. Then, co-founded and became a director of the Law Students' Civil Rights Research Council, a national civil rights organization, which brought law students across America to the South to help civil rights attorneys fighting Jim Crow. Summer, 1964, interned for the NAACP Legal Defense Fund, where helped write US Supreme Court brief in key anti-miscegenation case.

Education: Harvard Law School, J.D.  
Radcliffe College, A.B., *magna cum laude*

**Honorary Degrees:**

Smith College, Simmons College, Skidmore College and Regis College

**Memberships:**

Council on Foreign Relations, Bar Association of the City of New York,  
NYS Bar Association Special Committee on Civil Rights Agenda (2007).

**Awards:**

Awards from numerous organizations including the Civil Liberties Union of New Jersey and Los Angeles, the Warsaw Ghetto Resistance Organization, the National Council of Jewish Women, and most recently Women's E-News, the Independent Democratic Club of Brooklyn and the Chelsea Reform Democratic Club.

# THOMAS E. HUMBACH

## FOR NYS ATTORNEY GENERAL



Dear Members of the Senate and Assembly:

I am the County Attorney for the County of Rockland, New York. I am seeking an interview by your combined bodies for the interim appointment to the Office of Attorney General for the State of New York.

As an initial point, I would suggest to you that your appointment should go to a reformist, such as myself. I am someone whose philosophy of government is based solidly on the rule of law, rather than ends justify the means. My appointment as interim Attorney General will accomplish that purpose.

In Rockland County, to forward the County Executive's platform, I created among other things, innovative applications of existing law, developing a means of strengthening the prosecution of sanitary code violations with the intention of preserving property values and raising the living standards of tenants and others; and a means of ensuring that local municipal boards honor all of their obligations to report planning decisions as required by law.

With respect to the process of government, I have made improvements through application of my principles of reform and protection of the taxpayers' money. I have recouped compensation improperly paid to elected officials, and cut outside counsel fees for the County in half, reducing the County's expenses by hundreds of thousands of dollars. I have also reformed a contracting system one legislator referred to as "the giveaways". These County contracts are now subject to proper, procurement processes and oversight, and have yielded the County over \$1 million in savings and revenue in recent years.

With respect to government regulation, it is my belief that it must be founded in a scientific or statistical finding of need, and once enacted there must be equal treatment for all and special treatment for none. Unnecessary and overbroad regulation must be avoided, and no one should gain an unfair economic advantage of others through the uneven application of the law.

I hope that these principles resonate with you too, as I seek this appointment.

Sincerely,

A handwritten signature in dark ink, appearing to be 'TH' followed by a long horizontal flourish.

Thomas E. Humbach

## The Bullet Points:

### Demographic

- Born: New York City, 1968
- Married: Susanne Mascola Humbach, 1999
- Children: Two boys, 10 and 12

### Education

- High school: Mt. Vernon High School, New York, 1986
- College: Pennsylvania State University, B.S. Psychology, 1991
- Law School: Pace University School of Law, White Plains, New York, 1994

### Career

- Bar admission: New York, 1994
- Other bar admissions: SDNY, EDNY, Second Circuit Court of Appeals
- Employment:
  - Montclare & Wachtler, 1994 to 1999: Senior Associate, Litigator
  - Murphy & Lambiase (f/k/a Law Office of Frederick J. Murphy), 1999 to 2008, Partner, Litigator
  - Law Office of Thomas E. Humbach, 2008 to 2013, Owner, Litigator
  - County Attorney, County of Rockland, 2014 to present

### Accomplishments as County Attorney

- Cut the costs of outside counsel managed by County Attorney's office, by 50% (approx. \$650,000).
- Member of a management team that, over only four years, brought the County's deficit from \$138 million to nearly even, and brought the County's credit rating from near junk status (Baa3) to Investment grade (A2), without an unanticipated tax increase.
- Took legal action against elected officials being unlawfully paid for service on a County board. Upon the success of that action, many of the officials have paid.
- Developed a means of strengthening the prosecution of sanitary code violations to preserve property values and raise the living standards of tenants through the use of the County Sanitary Code. This was needed in the place of local building and zoning codes in localities that are being ignored by the enforcing municipalities to favor certain developers.
- Created a program to ensure all vendors working with the County are up to date on property taxes.
- Created incentives to maximize program income from HUD grantees.
- Made improvements through application of my principles and philosophy of protecting the taxpayers' money by discovering inappropriate contracting practices, and developing a system to reform a contracting system that one legislator referred to as "the giveaways". The contracts are now subject to proper, and more rigorous procurement processes and oversight.

**Reform, innovation, and the courage to oppose the system are the hallmarks of my government service. I look forward to serving the people of the State, ensuring the government's agencies and municipalities serve all people equally, and seeing to it that they protect the taxpayers' money, and taking action where they do not.**

# THOMAS E. HUMBACH, ESQ.

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## PROFESSIONAL SUMMARY

I am a results oriented and problem solving municipal counsel. In addition to experience in providing policy advice to the senior officials, I lead in-house and outside counsel, and engage in litigation and transactions in a variety of fields. I am seeking the office of Attorney General of the State of New York in order to implement my philosophy of adherence to the rule of law, equal treatment of all, and skepticism for the government activities and institutions.

## EXPERIENCE

**County of Rockland, New City, New York**  
**County Attorney for the County of Rockland**

**2014-Present**

County Attorney for the County of Rockland, a county of 300,000 residents with an annual budget of \$1+ billion. I lead a law department of 24 assistant attorneys with responsibility for accompanying staff and budget requirements; work with the County Executive to define policy and advise on the creation of the budget for the County as a whole, resulting in a \$130 million deficit reduction and increase in municipal bond credit rating from Baa3 to A2 (Moody's) over just four years, with no unanticipated increases in tax revenue; supervise outside counsel, bringing down costs for work under my supervision by approximately 50%, from 2013 to 2016; create internal and external policies and regulations in response the changing priorities and policies of lawmakers; engaged in negotiations and litigation to support the \$36 million sale of the county nursing home and hospital, and other County owned properties; increased the efficiency and volume of revenue collection subject to legal process resulting in, pre-judgment collections increase of over 1000%; negotiated an impasse with county public transportation contractor to resolve work slowdown on \$70 million public transportation service; deal with Federal and State law enforcement and prosecutors, as well as State and Federal auditing agencies, to protect county interests; investigated and prosecuted internal and external agencies in violation of procurement and contracting requirements.

**Law Office of Thomas E. Humbach, Esq., Pearl River, New York**

**2008-2014**

**Owner**

Trial counsel retained by several regional and local firms. Tried matters to verdict before juries in cases of discrimination/employment law, disability law, personal injury, civil rights, election law and commercial/contract disputes. Qualified as a court appointed Referee for the Supreme Court of the State of New York. Appeals drafted and argued to the New York State Appellate Division. Other matters litigated include foreclosures, bankruptcy, landlord/tenant, and banking disputes.

**Murphy & Lambiase, Goshen, New York**

**1999-2008**

**Partner**

Handled cases in the insurance defense and personal injury fields from pleading to trial and appeal. Responsible for new attorney training and supervision. Practice included many areas of personal and commercial litigation including business transactions and disputes, insurance coverage disputes, products liability, construction/Labor Law, lead paint, premises liability, medical malpractice and motor vehicle liability.

**Montclare & Wachtler, New York, New York**

**1994- 1999**

**Senior Litigation Associate**

Handled insurance defense matters, primarily in the construction/employment and foreclosure fields from pleading to trial and appeal. Practice areas included construction/Labor Law, lead paint, premises liability, amusement park liability, large loss property damage and motor vehicle liability.

**Town of North Castle Planning Board**

**1992**

**Assistant to the Town Planner**

Reviewed projects and analysis of local zoning ordinances and SEQRA requirements; drafted Town Environmental Quality Review (TEQR) Ordinance, and; drafted and edited local daycare zoning ordinance and Town Master Plan.

**BAR**

**ADMISSIONS**

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**State:** New York      **Federal:** Southern, Eastern and Northern Districts of New York;  
2d Cir. Court of Appeals

**EDUCATION**

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**Pace University School of Law, White Plains, New York**

Juris Doctor (January 1994)

**Honors:** Ranking Scholar, Fall 1993

BARBARA KLEIN MEMORIAL AWARD for Academic Achievement

**Pennsylvania State University, University Park, Pennsylvania**

Bachelor of Science, Psychology (June 1991)

**Hon. Doris Ling-Cohan**

Kathleen O'Keefe, Esq.  
Legislative Counsel to the Speaker,  
New York State Assembly  
Capitol Building Room 347  
Albany, NY 12248  
counsel@nyassembly.gov

Re : NYS Attorney General Vacancy

Dear Ms O'Keefe:

It is with great interest that I write and enclose my resume and bio for consideration for the interim position of NYS Attorney General. I would bring to the office integrity including having named to the National Law Journal's List of Outstanding Women Lawyers (2015), relevant legal experience working in the State Attorney General's Office, a history of innovation and public education, administrative skills and familiarity with the office of the State Attorney General. I have sensitivity to issues affecting diverse communities, having helped found a domestic violence program (WomenKind) and serving on the board of diverse organizations such as NOW's Service Fund and Council for Unity (which empowers at-risk kids).

There is no higher calling than to serve the People of the State of New York and I have been privileged to do so in many capacities and currently as an Associate Justice of the Appellate Term.

Furthermore, I had the opportunity to serve the People of the State of New York as an Assistant Attorney General for five years in the Bureau of Consumer Frauds and Protection, at the direction of the Attorney General Robert Abrams. The hallmark of that office was its aggressive advocacy on behalf of the People of the State of New York.

I am proud to have been part of an important Bureau at the Attorney General's Office which was focused on helping ordinary people across the state. There I handled the investigation and litigation of complex consumer protection cases in State and Federal Courts, including litigating on health club issues, auto leasing, illegal practices preying on immigrants, unlicensed labs performing aids/chlamydia tests, mail order scams and defended this state's New Car Lemon Law against General Motors.

As reflected in my resume, I would also bring administrative and managerial experience so would lead with professionalism. As a judge for over 20 years and a lawyer for almost 40 years, I have handled Executive Law sec. 63 cases (the authorizing statute for the AG's powers), environmental, discrimination, constitutional, taxation, Article 78's, class actions, employment, real estate, criminal and a multitude of litigation involving the Attorney General and, thus, would be able to hit the ground running, should I be selected.

I would be most grateful for the honor to lead that office and look forward to meeting with the interviewing committee.

Sincerely,

Doris Ling-Cohan

**DORIS LING-COHAN**

**EDUCATION**

**NEW YORK UNIVERSITY SCHOOL OF LAW, J.D., 1979**

Helena Rubinstein Scholarship (based on academic excellence/need); NYU Public Interest Internship; Women's Prison Project; Asian American Law Student Association

**CITY UNIVERSITY/BROOKLYN COLLEGE, B.A., June 1976**

*Summa Cum Laude*; Major: Psychology/Minor: Education; Honors: Top 1%, Dean's List; Departmental Honors; research presented to Eastern Psychological Association (1974)

**BAR ADMISSIONS**

Admitted New York Bar (1980); Admitted Federal Bar: E.D.N.Y. (1980); S.D.N.Y. (1981)

**PROFESSIONAL EXPERIENCE\***

**Associate Justice, NYS Appellate Term, 1<sup>st</sup> Department - March 2014-Present**

Handles civil and criminal appeals (in addition to maintaining a Supreme Court IAS Part commercial contract docket).

**Justice, Supreme Court of the State of New York - Elected 2002-Present**

-Presides in a busy New York County Supreme Court, IAS Part, handling a docket which includes commercial, personal injury, class actions, Article 78 challenges to disciplinary or other governmental action; declaratory and injunctive actions;

-holds one of the lowest reversal rates for New York County Supreme Court Civil Term/IAS Part Justices, according to The Blue Book of New York City Judges@ [1st ed., 2006, published by Institute for Judicial Studies, pp 6, 42];

-holds distinction of having the second highest percentage of cases (89 percent) resolved at or under the court system's standards and goals in New York County Supreme, Civil Term (calendar year ending December 31, 2012);

-Past Member, Judicial Advisory Council (appointed by Chief Judge Lippman, nominated by Presiding Judge of Appellate Division, First Department); Chair, Access to Justice Committee;

-Commissioner, Franklin Williams Judicial Commission on Minorities (appointed by Chief Judge);

-published over 204 decisions (NYLJ, State Reporter, Westlaw online, as of June 5, 2014);

-previously served in City Part; resolved numerous complex cases including challenge to cigarette tax, life-support termination, challenge to West Side Highway exit closing, marriage equality and NYC school restructuring.

**Judge, Civil Court of the City of New York - Elected 1995-2002**

-Presided in New York County Civil Court; served in Bronx County Civil Court;

-presided over numerous Supreme Court transferred cases and Supreme Court cases on an interim basis;

-honored by the NYS Dispute Resolution Association for conceiving and implementing a successful mediation program in the *pro se* part;

-co-authored a manual for *pro se* litigants, published by court administration;

-trained newly elected judges; trained Small Claims Arbitrators and judges on consumer law;

-conceived and organized the first Community Awareness Law Day (now a feature of the Civil Courts) which featured seven legal workshops and over 20 agencies offering legal information.



**Hearing Officer, New York City MTA - Transit Adjudication - 1994-951**  
-Held hearings and adjudicated civil violations.

**Associate Counsel, New York City Department for the Aging - 1992-94**  
-Part of the management team; helped develop new programs and outreach;  
-provided legal consultation to seniors and trained staff; drafted Senior Citizen Rent Increase Exemption regulations and educational materials.

**Executive Director, Majority Coalition For a New New York - 1991-92**  
-Managed a diverse community-labor coalition located at 1199-SEIU; supervised administrative, community outreach and fundraising activities; interacted with numerous elected officials, union leaders and community leaders;  
-Coordinated testimony at hearings on issues such as transit, education, and crime; hosted forums with presidential candidates and others seeking office, and with elected officials on various topics such as legislative reform, public transportation, and education, and police brutality.

**Assistant Attorney General, Bureau of Consumer Frauds, NYS Department of Law - 1986-91**  
-Handled investigation and litigation of complex consumer protection cases in State Supreme and Federal Courts;  
-engaged in civil and criminal consumer protection prosecutions;  
-litigated on health club issues, illegal practices preying on immigrants, unlicensed labs performing aids/chlamydia tests, mail order companies and on the Lemon Law against General Motors.

**Managing Attorney, MFY Legal Services, CSS Program (Mental Health Unit) - 1985-86**  
-Managed city-funded program aiding mentally challenged clients in the five boroughs, with reporting responsibilities to city officials; overall administrative responsibility for the budget;  
-Supervised attorneys and staff and handled caseload of mainly civil cases including housing, social security disability, welfare, family, and class actions;  
-Litigated in State and Federal Courts and administrative agencies.

**Senior Staff Attorney, MFY Legal Services, CSS Program - 1983-85**  
-Represented mentally challenged clients in State and Federal Courts and administrative agencies.

**Senior/Staff Attorney, Bedford Stuyvesant Community Legal Services - 1979-83**  
-Representation in housing, family, unemployment, welfare and other government benefits cases.

**Law Clerk/Law Grad**

-**George Sheinberg, Esq.** -1977-78, Fall 1979; criminal defense; wrote briefs/memos; court appearances.  
-**South Brooklyn Legal Services** -1978-1979; Handled employment issues, wrote memoranda, represented clients at unemployment hearings and on discrimination claims at the Human Rights Commission.  
-**Women's Prison Project, Washington Square Legal Services** - 1978-1979; Represented women prisoners; taught law.

**TEACHING EXPERIENCE (partial listing)**

**New York University School of Law/ Columbia Law School/Temple Law- 2005 to approx. 2015;**  
**Columbia Law -2015-present**

In conjunction with the above law schools, have hosted judges and scholars from primarily China, teaching American jurisprudence, with a focus on judicial independence, discovery and jury cases; accompanied visitors to meet with the Hon. Ruth Bader Ginsberg at the U.S. Supreme Court; coordinated visits to bar

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<sup>1</sup> During this period of time, I also provided legal advice to a company, seeking to expand its international presence.

associations including NYC Bar and New York County Lawyers.

**City University of New York School of Law - 1994-95**

-Taught consumer law, bankruptcy and real estate transactions.

**City University of New York/Queens College- 1994-95**

-Taught business/commercial law (included ethics & legal reasoning, procedure, constitutional, criminal, torts, contracts, UCC, consumer, administrative, intellectual property, partnerships, corporations, agency, wills, trust & estates).

**New York University/ Institute of Paralegal Studies - 1994-95**

-Taught legal research/writing (beginning and advanced) and property.

**Paralegal Institute - 1987**

Torts instructor.

**ASSOCIATIONS AND COMMUNITY WORK**

**President, National Asian Pacific American Judicial Council** (affiliated with National Asian Pacific American Bar Association-NAPABA)- 2011 to 2017; Advisory Council-2018-present

-organized and moderated forums to encourage judicial service; organized and panelist on forum on handling high profile cases

-organized dinners/annual meetings at U.S. Supreme Court (hosted by Judge Ruth Bader Ginsberg), Louisiana Supreme Court, Missouri and secured attendance of distinguished local appellate judges.

**Member, Governor Cuomo's Legal Services Initiative Task Force - 2015**

-focused on the legal needs of older adults, those with all types of disabilities, and the informal unpaid caregivers of these individuals.

**NYS Judicial Advisory Council - 2010 to 2016**

-appointed by Chief Judge Jonathan Lippman, nominated by Presiding Judge Luis Gonzalez, Appellate Division, First Department; council advises the Chief Judge on court administration; Chair of its Access to Justice Committee: drafted an information sheet for self-represented litigants; wrote report reviewing the forms available to pro se litigants online in effort to standardize model forms and best practices.

**NYS Franklin H. Williams Judicial Commission on Minorities - 2006 to present**

-Commissioner; NYS Judicial Commission addresses issues affecting minorities in the courts

-Program Chair: helped plan conferences, including the 19th Annual National Conference of the National Consortium on Racial and Ethnic Fairness in the Courts (NCREFC) entitled Saving our Children: Justice and Fair Treatment of Youth in the Courts", which addressed issues facing youth within the court system; as a result of that conference, worked with Court Innovation to implement a project resulting from the conference; co-chair on conference on Gang Violence at Judicial Institute; chaired Summer 2010 conference ARace, Law and the Courts: Framing the Discussion for a Post-Racial America ; plenary speaker at State-wide conference on gangs and bullyism on topics of youth courts and other court innovations

-Chair, Committee to Encourage Judicial Service; organized forum entitled "How to Become a Criminal, Family or Civil Court Judge"; speaker at NYC Bar Association, AABANY and Met Black Bar Association.

**Domestic Violence and Women's Issues: New York Asian Women's Center -** Founding member; Board Member and Officer - 1986 -88; Volunteer - 1983 - 1996; Center was the first organization on East Coast to provide domestic violence (and now anti-trafficking services) to Asian battered women, including counseling, a 24-hour hotline staffed by bilingual volunteers and a safehouse/apartment

program.

**Women's Issues: National Organization of Women (NOW) - Service Fund - Service Fund Board Member(1995-2008);** NOW's Service Fund runs projects which aid women.

**Children's Issues: Council for Unity -**

Current Board Member; Organization promotes understanding between races and ethnic groups in public schools, colleges, communities and in prison populations, and reducing violence and tension in communities; worked with court innovators to examine ways in which program can be implemented in the courts; helped organize a state-wide conference on bullyism and gangs at which sheriffs, all five district attorneys, educators, the State Corrections Commission, community service providers, court personnel, FBI and law enforcement attended; plenary speaker at conference on Youth Courts and court innovations; chaired panel at conference, at which Director of Harlem Justice Center and Judge Michael Corriero spoke.

**New York City Bar Association**

-City Bar Representative to State House of Delegates (2012 to 2016)  
-Council on International Affairs (2012 to present); committee member; coordination of speakers, occasional chair  
-Foreign and Comparative Law Committee - (2006 - 2011); organized a Great Hall program featuring the Chief Judge of Australia, former Chief Judge Judith Kaye, Second Circuit Court of Appeals Chief Judge Dennis Jacobs, featured on CNN; liaison to City Bar's Asian Affairs Committee which was doing a comparative study of dispute resolution in Asian countries  
-hosted foreign judges and organized receptions in order for them to meet bar leaders and members at NYC Bar.

**New York State Bar Association**

-House of Delegates (2012 to 2016); co-authored and presented a report on judicial diversity 2014  
-Judicial Section; Dispute Resolution Section Member - participated in Commercial Mediation CLE 2017, 2015

**Asian American Bar Association of New York (AABANY) -**

-Founding Board Member - 1990; Former Board Member, Vice-President - 1991-94  
-Former Co-Chair of the Committee on Asian-American Issues which focused on passage of the Bias Crime bill, obtaining a dialogue on the Korean boycotts; presenter at national and regional conferences; served on nominations committee.

**National Asian Pacific American Bar Association (NAPABA) -**

-Judicial Section Chair for 5 years (President of APA Federal and State Judges)  
-Organizer and Moderator - How to become an ALJ  
-Organizer and Moderator -How to become a Judge  
-Organizer and Speaker at 2010 National Convention on AHow to Handle a High Profile Case@, with Second Circuit Court of Appeals Judge Denny Chin and Hon. Lance Ito  
-Organizer and Speaker at 2008 National Convention on AEncouraging Pro Bono Service@  
-Judge at Thomas Tang Moot Court competition (numerous years).

**Board of Justices, First Judicial District, Executive Board**

-Member of Executive Board, 2016

**Puerto Rican Bar Association -**

-Member; Panelist on How to become a Judge; Award Recipient.

**Aspen Institute -Justice and Society Program-** 2008; one of only two state court judges selected to attend.

**Northwestern Law - Economics Institute for Judges -** 2009 (only New York State judge selected to attend); 2011 Program.

**George Mason Law School- Economics Institute for Judges -** 2014, 2015, 2016 Programs

**Supreme Court Justices Association -** 2002 - present.

**Board of Supreme Court Justices Association (New York County) -** 2002 -present.

**Consumer Law Committee of the Bar Association of the City of New York -** 1998-2000.

**Trained Judges and Small Claims Arbitrators on consumer issues.**

**Superior Courts Committee of the Bar Association of the City of New York -** 1991-93  
Committee screens Superior Court judicial candidates and takes positions on issues.

**Network of Bar Leaders -**

Former liaison to Network of Bar Leaders (representing Asian American Bar Association); Network is a coalition of bar associations that addresses issues affecting the courts and the legal profession.

**Mediation Activities/ Mediation Advisory Council- Safe Horizons and New York Peace Institute -**  
Former advisor to Safe Horizons Mediation Programs; founded the Safe Horizon Mediation Program in the Civil Court; New York County; speaker at judicial/bar association seminars on mediation; engaged with the New York Peace Institute to implement a Mediation Program in Supreme Court; trained commercial mediator (NYS Bar 2015).

**Tort Advisory Committee of New York County Supreme Court**  
Participated in the judicial-bar advisory committee on tort issues.

**National Association of Women Judges (NAWJ)-**

Served on the Color of Justice and Immigrant Women and Children Committee; helped coordinate New York convention.

**Not Just Blacks and Jews in Conversation-**

Frequent speaker on issues of diversity and tolerance; served on judicial delegation to Israel.

**Principal for the Day/Student Mentoring/Intern/Speaking Programs -**

Passages Academy/Crossroads Juvenile Center; Directions for Our Youth/Seward Park H.S.; Boys and Girls High School; NYU Law School; APEX High School/College Forum on Careers; Lab H.S. Internship Program; City-as-School H.S. Internship Program; Lower East Side Prep; Minority Law Student Leadership Forum Speaker; have spoken at numerous career days and graduations.

**New York Animal -** Board Member (2001-2005); Organization aids homeless animals.

**Hate Crimes Bill Coalition (1994-1995)** Former member of a diverse coalition to pass a Hate Crimes Bill.

**Jade Council -** Founding member of organization of court employees of Asian descent and friends - 2002.

**Organization of Chinese Americans/NYC** - Vice President, Public and Legislative Affairs - 1993-1996, board member; OCA is a national civil rights organization; also, member of OCA/Long Island Chapter.

**Asian American Legal Defense and Education Fund (AALDEF)** - former volunteer; taught legal seminars for community groups.

**New York Public Interest Group - (NYPIRG/Brooklyn Chapter)**; Organizer, Publicity Director -1975 - 76; Helped organize chapter; worked on redlining, unit pricing, Educational Testing Service; 1992 - worked with NYPIRG on mass transit and legislative reform issues.

**NAACP** - Lifetime member

### **PUBLICATIONS**

-Over 204 Judicial Decisions have been published, in Official Reports, Official On-line, and New York Law Journal (as of 6/14, not including appellate cases; list of opinions available);  
-*How to Try or Defend a Civil Case When You Don't Have a Lawyer* (co-authored; co-chair of committee), published by the Office of Court Administration;  
-*Rights of Adult Home Residents* (co-authored);  
-drafted and edited brochures for the NYC Department for the Aging,  
-Law for City Families (co-authored chapter on Family Law);  
-*Social Security Disability Insurance/Supplemental Security Income (SSI) -A Manual for Mental Health Advocates* in New York City (co-authored).

### **AWARDS (partial listing)**

NAACP- Mid-Manhattan, 2018  
National Law Journal List of Outstanding Women Lawyers, 2015  
National Asian Pacific American Bar Association (Women's Leadership), 2017  
New York State Governor's Citation, 2010  
Diversity Council - Most Powerful and Influential Woman Award, 2010  
NYC Hispanic Chamber of Commerce Excellence Award, 2010  
American Cancer, 2010  
New York State Dispute Resolution Association Award  
Manhattan Borough President Scott Stringer, APA Heritage, 2009  
Manhattan Borough President - Distinguished Women in Manhattan's History, 2008  
Comptroller-Asian Pacific American Heritage Award, 2006  
New York Post - Liberty Medal Lifetime Achievement Finalists, 2005  
City Council Citation, 2015  
Puerto Rican Bar Association, 2015  
Korean American Lawyers Association, 2016  
NYU School of Law, Women of Color Collective, Women of Distinction Award, 2016  
NYU School of Law Korematsu Lecturer  
NYU School of Law: Black, Latino, Asian Pacific American Law Alumni Award  
Brooklyn Borough President Citation, 2016  
The New American Leaders Project, New American Pioneer Award, 2015  
CUNY School of Law - Public Interest Distinguished Service Award, 2009  
CUNY -Asian American Research Institute, 2002  
CUNY- Brooklyn College Distinguished Alumni Award  
CUNY - City College Asian Alumni Award  
Chinese American Hotel Workers Association, 2016  
Lower East Side Prep H.S. 2015  
Brooklyn Law, APALSA, 2014

(WomanKind)New York Asian Women's Center, 2012  
Asian American Bar Association Awards:  
Annual Dinner 1996  
Judicial Award 2003  
Annual Dinner 2003  
St. John's University School of Law, BALSAs- 2007  
Manhattan Borough President- Distinguished Women  
NYC Comptroller- Women Recognition Award, 2006  
National Chinese American Women's Award  
Organization of Chinese Americans-LI Award  
Chinese Consolidated Benevolent Association Award, 2002  
New York Chinese Business Association Award  
Chinese Association of the City of New York Award  
New York Law School APALSA Award  
Recipient of Rockland County Legislative Proclamation- April 2, 2003  
USA Chinese Women's Association, 2003  
DC 37 Asian Heritage Committee, 2002  
Chinese Association of City of New York  
Attorney General Robert Abrams Alumni Association, 1997

## BIO- HON. DORIS LING-COHAN

Born and raised in New York's Chinatown to immigrants, Justice Doris Ling-Cohan was first elected to the Supreme Court in 2002, and currently presides at the Appellate Term (1<sup>st</sup> Dept), hearing civil and criminal appellate case. She is the first woman of Asian descent to be elected to the Supreme Court and appointed to any NYS appellate court. She has been a judge for over 20 years, an attorney for over 35 years, and has had a long and distinguished career as a public interest lawyer, including as a NYS Assistant Attorney General in the Bureau of Consumer Frauds and Protection. She helped found a domestic violence program (now WomanKind, which also helps trafficking victims) and served on the board of National Organization of Women's Service Fund for many years.

Her accomplishments have been recognized by the media, academia and others:

- In 2015, the National Law Journal named her to its list of Outstanding Women Lawyers;
- The New York Post selected Justice Ling-Cohan as a finalist for the 2005 Liberty Medal Lifetime Achievement Award, for her work demystifying the courts and providing access to immigrants and others;
- The NYS Dispute Resolution Association honored for her leadership in bringing an innovative mediation program into Civil Court;
- In an article entitled "Good News About Judges," Florida State University featured her and only 28 other judges nationwide.
- New York Daily News columnist Errol Louis wrote: "Doris Ling-Cohan is Exhibit A for keeping New York's 159-year-old tradition of electing, not appointing, trial judges. [I]t's beyond question that she brings gutsy independence and legal brainpower to...[the] bench."(Daily News, 2/7/05).

As a judge, she has had over 200 of her opinions published (not including appellate cases) and among her most significant cases include issuing the landmark *Hernandez v. Robles* on marriage equality - 10 years before the United States Supreme Court - which permitted same sex couples to marry.

**Hon. Doris Ling-Cohan**  
**Noteworthy Cases**  
**Constitutional Challenges**

**A. Right to Marriage (Marriage Equality)**

*Hernandez v Robles*, 7 Misc 3d 459 (Sup Ct, NY County 2005), *rev'd* 26 AD3d 98 (1st Dept 2005), *aff'd* 7 NY3d 338 (2006). In 2005 - ten years prior to the U.S. Supreme Court - held that same-sex couples have a right to marry, pursuant to the Due Process and Equal Protection clauses of the state Constitution, in a 62 page decision.

**B. Cigarette Tax Challenge**

*New York State Assn. of Tobacco & Candy Distribs. v City of New York*, 3 Misc 3d 876 (Sup Ct, NY County 2003). Upheld the constitutionality of a law which raised New York City's (NYC) cigarette excise tax, ruling that the law's stated objective of raising revenue constituted a legitimate governmental objective.

**C. Due Process**

*Matter of Baines v Berlin*, 36 Misc 3d 203 (Sup Ct, NY County 2012). Based upon due process principles, annulled decision to discontinue shelter assistance to petitioner who was notified that a hearing would be held as to the discontinuance of her assistance based solely on one allegation, but, following the hearing, was found to have committed multiple acts of misconduct.

*Matter of Lizotte v Johnson*, 4 Misc 3d 334 (Sup Ct, NY County 2004). Held that failure to provide petitioner with adequate translation services at hearing deprived petitioner of fundamental due process.

*Lenox Hill Hospital v Gleizer*, NYLJ, August 11, 1997, at 28, col 20 (Civ Ct, NY County 1997). Determined that service of process without apartment number is defective and warrants dismissal for failure to establish jurisdiction over defendant.

**D. Discrimination**

*Reverend Ruben Diaz, Sr. et al. v Michael R. Bloomberg, et al.*, Sup Ct, NY County 2003, Index No. 114533/2003. Plaintiffs contended, *inter alia*, that the Harvey Milk High School was illegal because city funds were being used based upon the sexual orientation of the students and that a separate educational facility for gay students violates Equal Protection guarantees in the Constitution and the Department of Education's own anti-discrimination policies. The case settled, through intense intervention by me, prior to the issuance of a decision on defendant's motion to dismiss.

*Matter of Castillo v Schriro*, 49 Misc 3d 774 (Sup Ct, NY County 2015); Cover Story, NYLJ, August 7, 2015, at 1, col 3 and online at nylj.com. Decision is one of only two which interprets the reasonable accommodation section of Administrative Code of the City of NY (Human Rights Law) § 8-107.1 (2) (domestic violence discrimination). Dealt with a probationary correction officer who was found to be unlawfully terminated, on the basis of her status as a domestic violence victim and due to her temporary disability, which violated both Human Rights Law § 8-107.1 (2) (domestic violence discrimination) and § 8-107 (1) (disability discrimination).

**Consumer**

*Capital One Bank (USA) v Korallk*, 51 Misc 3d 74 (App Term, 1st Dept 2016, Ling-Cohan, J., dissenting). Dissented in a consumer debt case in which the majority lowered the standard that a bank must meet in a consumer credit case by granting summary judgment to the bank based solely upon an affidavit from a third-party "legal specialist", lacking personal knowledge and without notice to defendant.

*Northern Leasing Systems v Walton*, 46 Misc 3d 141(A) (App Term, 1<sup>st</sup> Dept 2015). Affirmed the dismissal of a Civil Court consumer debt action due to the untimely nature of plaintiff's motion for renewal and appeal.

*Remis v Fried*, 31 Misc 3d 1203(A) (Sup Ct, NY County 2011). Decision and case, known in the papers as the "Groomzilla" case, received substantial amount of publicity, both on-line and in the New York Times (Joseph Berger, Years Later, Lawsuit Seeks to Recreate a Wedding, NY Times, Nov. 2, 2011, § B, at 1), as it involved the unusual circumstance of a former groom suing his wedding photographer, over the quality of his wedding photos, several years after his marriage ended in divorce. Through intensive intervention by me, the case was settled, shortly thereafter.

**Landlord-Tenant**

*191 St Assoc. LLC v Cruz*, 50 Misc 3d 137(A) (App Term, 1st Dept 2016, Ling-Cohan, J., dissenting). Dissented from an opinion which evicted an elderly and infirmed, long-term rent stabilized tenant, who produced in court all of the



money she owed to satisfy an outstanding judgment for rental arrears.

*49 Bleecker, Inc v Gattien*, 51 Misc 3d 152(A) (App Term, 1st Dept 2016, Ling-Cohan, J., dissenting). Dissented in a nonpayment proceeding and voted to reverse and grant summary judgment of dismissal in favor of tenant; landlord, an "owner", as defined by the plain language of MDL § 4 (44), was prohibited from collecting rent, as a matter of law, pursuant to the rent forfeiture provisions of the Multiple Dwelling Law (§§ 301 [1]; 302 [1]; 325 [2]), as it was undisputed that the building lacked a valid certificate of occupancy and a multiple dwelling registration.

*1890 Adam Clayton Powell LLC v Penant*, 52 Misc 3d 76 (App Term, 1st Dept 2016, Ling-Cohan, J., dissenting). Dissented in the granting of a judgment of possession in favor of landlord, because the unrefuted trial evidence showed that landlord waived its right to enforce the lease provision which limited occupancy to tenant and one unrelated roommate.

*Ludor Properties LLC v DeBrito*, 48 Misc 3d 142(A) (App Term, 1st Dept 2015, Ling-Cohan, J., concurring). Concurred in affirming the denial of tenant's motion for discovery for failure to establish "ample need", however, disagreed with the lower court's denial on the basis that the discovery sought would reveal landlord's litigation strategy, which is not part of the applicable criteria, as provided by case law.

*31 Cornelia Props. Corp. v Lemma*, 51 Misc 3d 147(A) (App Term, 1st Dept 2016, Ling-Cohan, J., concurring). Concurred in affirming a denial of summary judgment in a landlord-tenant proceeding where the issue was whether or not the subject apartment was subject to rent stabilization; however, disagreed with the majority's use of a creation by a "vacancy by operation of law", as a "statutory basis for high rent deregulation", because such proposition was not supported by case law.

*New York City Hous. Auth. v Fountain*, 172 Misc 2d 784 (Civ Ct, Bronx County 1997). The case was the first to hold in a landlord-tenant proceedings, due process was violated if eviction mailing was without a zip code. As a result, the Housing Court Clerks' Manual was amended to require the use of zip codes, before warrants of evictions would be issued.

*Hispanic AIDS Forum v Estate of Bruno*, 16 Misc 3d 960 (Sup Ct, NY County 2007). Denied defendant/landlord's motion to dismiss claims asserted by plaintiff/tenant (a non-profit agency), which were based upon gender discrimination, in a case commenced due to the landlord's alleged refusal to renew a commercial lease because of the presence in the building of plaintiffs transgender clients.

*Haberman v Gotbaum*, 182 Misc 2d 267 (Civ Ct, NY County 1999). Denied a landlord's attempt to evict his tenant for creating artwork in tenant's residential apartment, finding that such use did not constitute commercial use, to warrant an eviction.

#### Immigrant Rights

*Fernando v Vasquez*, 2001 NY Slip Op 40068(U) (Civ Ct, NY County 2001). Granted judgment for back wages to immigrant day laborers against a subcontractor and referred matter to State Attorney General for investigation, as the case dealt with what appeared to be widespread nonpayment of laborers. Rev. Brian Jordan of the Franciscan Immigration Center assisted plaintiffs and used the decision as an organizing tool in the Mexican community. Case was widely covered by mainstream and ethnic press.

#### Land Use

*W. 72nd St. & West Side Hwy Ramp Case - Matter of Coalition Against Lincoln W. Inc. v Weinshall*, 8 Misc 3d 1016(A) (Sup Ct, NY County 2004), *revd* 21 AD3d 215 (1st Dept 2005), *lv denied* 5 NY3d 715 (2005). Granted petition challenging approval to close the 72nd West Side Highway exit ramp, so that Trump company could build; Required further environmental review of such closure and granted an injunction prohibiting any further construction that would result in the closure of such ramp.

#### Right to Terminate Life Support/Parental Rights

*Matter of AB*, 196 Misc 2d 940 (Sup Ct, NY County 2003). Clarified law for ending life support provided to a minor child in persistent vegetative state, holding that "[a]bsent extraordinary circumstances such as incapacity, conflict of interest, or disagreement between parents, a parent of a minor child, with an established diagnosis of persistent vegetative state, should have the right to decide whether to terminate life support, in the best interest of the child, without...judicial intervention." Case was widely covered including in the New York Times, sparking legislative reform.

#### Freedom of Information Law (FOIL)

*Matter of Law Offs. of Adam D. Perlmutter, P.C. v New York City Police Dept.*, 2013 NY Slip Op 32532(U) (Sup Ct,

NY County 2013), *affd* 123 AD3d 500 (1st Dept 2014). Article 78 Proceeding in which the court compelled the NYC Police Department (NYPD) to produce documents pertaining to breathalyzer maintenance and repair records going back five years, in accordance with New York's Freedom of Information Law (FOIL), so that they could prepare for the trials of their clients accused of driving under the influence/driving while impaired.

*Grabell v. New York City Police Dept.*, 47 Misc3d 203 (Sup Court, New York County 2014), *mod* 139 AD3d 477 (1<sup>st</sup> Dept 2016). The decision involving a FOIL request by a journalist, dealt with public safety issues and the transparency of our government and while modified in part, was affirmed with respect to the portion of the decision which directed NYPD to disclose tests or reports regarding the radiation dose or other health and safety effects of the Z-backscatter vans at issue.

*The New York Environmental Law & Justice Project v City of New York*, NYLJ May 8, 2006, at 18, col 1 (Sup Ct, NY County 2006). In this proceeding, documents relating to numerous reports of environmental contamination and illnesses at Pier 57, where over 1,500 protesters were taken after their arrests during the Republican National Convention were at issue, denied NYPD's motion to dismiss Article 78 proceeding, commenced based upon NYPD's denial of petitioner's request, pursuant to FOIL.

*Matter of Markowitz v Serio*, 11 Misc 3d 439 (Sup Ct, NY County 2006), *revd* 39 AD3d 247 (1st Dept 2007), *revd* 11 NY3d 43 (2008). Proceeding commenced by Brooklyn's Borough President against the New York State Insurance Department (which had denied his request for access to certain reports filed with the Department by the insurance companies, to ascertain if the companies were "redlining" in Brooklyn). The Court of Appeals, in essence, affirmed this court's determination that all records of a public agency are presumptively available for public inspection under the FOIL, unless they fall within an exception to disclosure under Public Officers Law § 87 (2), which the subject records did not.

#### Labor Issues

*Mayor of the City of New York v Council of the City of New York*, 6 Misc 3d 1022(A) (Sup Ct, NY County 2005), *affd* 38 AD3d 89 (1st Dept 2006), *affd* 9 NY3d 23 (2007). Rejected NYC's Mayor's challenge of City Counsel's enactment of Local Laws 18 and 19, which altered the method by which two groups of fire department employees bargained with the City, finding the laws valid and enforceable and consistent with the stated legislative policy of the Taylor Law, which explicitly granted to the City Council the authority to enact such legislation.

*Melish v City of New York*, 7 Misc 3d 1009(A) (Sup Ct, NY County 2005). The court denied the NYC's motion to dismiss, finding that the complaint sufficiently stated a cause of action, in this case commenced by plaintiff civil service painters union to challenge the termination of six members employed by the Department of Sanitation.

#### Municipal

*Kruger v Bloomberg*, 1 Misc 3d 192 (Sup Ct, NY County 2003). Settled lawsuit in which plaintiffs (numerous legislators, parents and parent leaders, past and present officials of the city school system, and a union leader) sued the Mayor, the Chancellor and the Department of Education, to set aside a proposed reorganization of NYC's school system, as a de facto elimination of community school districts, in violation of various provisions of the Education Law. Case was settled through intensive court intervention and parties were permitted to continue to seek court assistance to resolve issues for a number of years. Prior to settlement, issued two decisions: (1) denying a temporary restraining order, finding that the petitioners had not established irreparable injury, but, *inter alia*, requiring that the school district offices remain operational through June 30, 2003; and (2) granting *amicus curiae* status to two public organizations (Public Education Needs Civic Involvement in Learning [PENCIL] and the Association of the Bar of the City of NY, setting forth the standard of review employed for *amicus curiae* status in trial courts.

#### Civil Rights Law/Privacy Rights

*Dominquez v Vibe Mag.*, 21 Misc 3d 1122(A) (Sup Ct, NY County 2008). Dismissed \$3 million lawsuit commenced by a woman who was photographed topless (allegedly without her consent), at Sean "P. Diddy" Combs' annual "white party", holding that plaintiff's privacy claims failed, due to the public interest of the event.

#### Negligence

*Matter of LFL Gallery Inc. v City of New York Dept. of Env'tl. Protection*, 11 Misc 3d 519 (Sup Ct, NY County 2006). Ruled that plaintiff's phone calls to 311 regarding defective sewer drains which resulted in the flooding of an art gallery, provided actual knowledge of the essential facts of plaintiff's property damage claim, sufficient to grant an application to file a late notice of claim.

*Sikora v Earth Leasing Prop. LLC*, 46 Misc 3d 279 (Sup Ct, NY County 2014), *affd* 132 AD3d 600 (1st Dept 2015). Case is one of few which analyzes whether the submission of climatological records, without more, may establish a

*prima facie* case that ice could not have existed in a slip and fall case.

*McLean v City of New York*, 14 Misc 3d 922 (Sup Ct, NY County 2007), *affd* 49 AD3d 393 (1st Dept 2008), *revd* 12 NY3d 194 (2009). Denied NYC's motion to dismiss case commenced by mother of infant who suffered severe brain injuries, while at a city-certified family day care center.

*Davis v City of New York*, 10 Misc 3d 234 (Sup Ct, NY County 2005), *affd* 35 AD3d 240 (1st Dept 2006). Dismissed wrongful death suit commenced against NYC and the Mayor of NYC, by mother of Councilman James Davis (who was fatally shot inside City Hall), since case was barred by Workers' Compensation law, as Mr. Davis was killed in the course of his employment; affirmed by the Appellate Division.

*Weinreb v Korman*, NYLJ, Jan. 31, 2000, at 30, col 5 (Civ Ct, NY County 2000). Found defendant liable in a "dog bite case", based upon a theory of common law negligence, rather than strict liability, since plaintiff was unable to prove that defendant had prior knowledge of his pit bull's vicious propensity. Case was covered by various newspapers.

#### Insurance

*Matter of Rehabilitation of Financial Guar. Ins. Co.*, 39 Misc 3d 208 (Sup Ct, NY County 2013). In a rehabilitation suit commenced pursuant to Insurance Law Article 74, found that an evidentiary hearing as to a proposed plan is unnecessary where material issues of fact were not raised.

*Perez-Wilson v McPhee*, 23 Misc 3d 1053 (Sup Ct, NY County 2009) Issued a conditional order of dismissal based upon defendant's insurance claims adjuster's failure to appear at court-ordered mediation, despite two (2) directives requiring the adjuster's appearance.

#### Breach of Contract/Quantum Meruit

*WebMD, LLC v RDA Intl., Inc.*, 22 Misc 3d 1114(A) (Sup Ct, NY County 2009). Determined in case involving an alleged breach of an internet advertising contract, that term "visitor", as used in the contract, was not ambiguous, despite lack of definition in the contract. Indicated that if defendant wished to be guaranteed "unique visitors", it should have specified such in the agreement. Case was widely covered by internet blogs, and issue was one of first impression.

#### Personal Property

*Diamond Quasar Jewelry Inc. v Cobain*, 2011 NY Slip Op 32670(U) (Sup Ct, NY County 2011). Case was commenced by a jewelry merchant against celebrity, musician and actress Courtney Love Cobain, for the return of jewelry loaned to Ms. Cobain to wear for a charity event, which were allegedly not returned.

#### Other Significant Appellate Term Decisions

*Matter of Salas*, 46 Misc 3d 8 (App Term, 1st Dept 2014). Reversed lower court judge who denied name change to undocumented transgendered person, without requiring service on Homeland Security.

*People v Thompson*, 49 Misc 3d 141(A) (App Term, 1<sup>st</sup> Dept 2015, Ling-Cohan, J., concurring). Concurred in affirming judgment of conviction of driving while impaired, agreeing that a traffic infraction does not trigger statutory speedy trial rights under CPL § 30.30, however, called upon the legislature to consider an amendment to extend protection when a misdemeanor is initially charged alongside a traffic infraction, but later dismissed, so that the speedy trial limits governing mere petty offenses, such as traffic infractions, would never be greater than that applicable to a misdemeanor.

*Chrysler Financial Services Americas LLC v Morante*, 50 Misc 3d 126(A) (App Term, 1<sup>st</sup> Dept 2015, Ling-Cohan, J., concurring). Concurred in affirming the denial of defendant's motion for a protective order conditioning plaintiff/judgment-creditor's use of an income execution, since defendant's assertions were conclusory and not substantiated by relevant proof, however, disagreed to the extent that the denial was based upon lack of jurisdiction, noting that courts, including Civil Courts, have the inherent power to modify their own judgments and CPLR 5240 applies to Civil Court *via* the Civil Court Act. Concurrence clarified that in the proper case, Civil Court does have the power to issue a protective order to protect consumers.

Mina Quinto Malik

May 11, 2018

Ms. Kathleen O'Keefe  
Legislative Counsel to the Speaker  
New York State Assembly  
Capitol Building, Room 347  
Albany, New York 12248 Washington, D.C. 20001

Dear Ms. O'Keefe:

Thank you for considering my candidacy for New York State Attorney General. As a life-long public servant, my educational background and professional experience make me a uniquely qualified candidate for this position. I am deeply committed to criminal, social, economic and racial justice, as well as being an advocate for the people of the State of New York.

As you will see from the attached curriculum vitae, I have over 20 years of experience in the legal field, which includes operations management, legal counsel, investigations, litigation, legislation, policy, trial experience, and data-driven reform. In my current role as Deputy Attorney General and affiliation with Harvard Law School, I have been involved in creating a fair and accountable justice system at the local and national level through legal action, public discourse and key initiatives.

In my experience as Executive Director of the New York City Civilian Complaint Review Board, the nation's largest police oversight agency, I was responsible for managing a staff of 180 employees, a \$16.5 million budget, as well as the investigation and prosecution of police misconduct. In that capacity, I was tasked with implementing best practices and reform with respect to police accountability. Similarly, as Special Counsel to Brooklyn District Attorney Ken Thompson, I counseled and assisted the District Attorney in managing the day-to-day operations of the third largest prosecutor's office in the country and criminal justice reform. I was also instrumental in revamping Brooklyn's now nationally-renowned Conviction Review Unit. These accomplishments are a direct result of my commitment to personal and professional excellence, and my dedication to justice and serving the citizens of New York.

I understand the great responsibility associated with being Attorney General and I am fully prepared to meet the obligations that come with it. If you would like to schedule an interview, please contact me at (347) 683-1781. I look forward to further discussion regarding the position of Attorney General and to demonstrate what I have to offer the people of the State of New York.

Many thanks & warm regards,

/s/

Mina Quinto Malik

# Mina Quinto Malik

## PROFESSIONAL PROFILE

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Senior-level executive, attorney, and respected thought leader in the area of criminal justice policy and reform. Proven track record as an entrepreneurial leader who develops and motivates high performance teams and builds strategic alliances with major stakeholders to achieve key initiatives. Strong business acumen with exceptional oral and written communication skills, executive presence, as well as expertise in strategic planning, project planning, and public and community relations. Fluent in Spanish.

- CRIMINAL & CIVIL LITIGATION
- INVESTIGATIONS & PROSECUTION
- TRIAL & APPELLATE EXPERIENCE
- CRIMINAL JUSTICE & POLICY
- DATA-DRIVEN REFORM & LEGISLATION
- INTER-GOVERNMENTAL, COMMUNITY & PUBLIC RELATIONS

## PROFESSIONAL EXPERIENCE

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**OFFICE OF THE ATTORNEY GENERAL, Washington, D.C.**  
*Deputy Attorney General, Aug 2017 - Present*

Appointed by Attorney General Karl Racine as Deputy Attorney General for the Public Safety Division in the Office of the Attorney General for the District of Columbia, which is the chief legal office for the District, empowered to enforce its laws, defend and provide legal advice to the District's agencies, and protect the interests of the District's citizens.

- Advise the Attorney General on matters involving criminal justice, juvenile justice, mental health, domestic violence, special victims, best practices, organizational structure, public relations, legislation, and innovative and progressive policies and reform.
- Supervise major cases and manage staff of approximately 100 employees comprised of attorneys and administrative staff across seven bureaus: Criminal Section, Domestic Violence Section, Mental Health Section, Juvenile Section, Juvenile Specialty Courts Unit, Restorative Justice & Victim Services Section, Special Projects & Litigation Unit.
- Launch key initiatives on behalf of the Attorney General in conjunction with major stakeholders, including the U.S. Attorney's Office for the District of Columbia, District of Columbia Superior Court, D.C. Public Schools, Criminal Justice Coordinating Council, and other principal stakeholders.
- Collaborate and work in conjunction with high-level government officials and leadership, including the Mayor's Office, U.S. Attorney's Office for the District of Columbia, District of Columbia City Council, District of Columbia Superior Court, Metropolitan Police Department, Washington Metropolitan Area Transit Authority, U.S. Marshals Service, Public Defender Service, Department of Forensic Science, Office of the Chief Medical Examiner, Department of Behavioral Health, Department of Corrections, Department of Youth Rehabilitation Services, Criminal Justice Coordinating Council, Solicitor General for the District of Columbia.
- Restructure division to better align with mission and established goals, including developing new departmental targets, performance objectives and standards, policies and procedures.
- Represent the Attorney General at various public events to interpret agency's function and services to the public, government agencies and other major stakeholders.
- Offer testimony in front of City Council on public safety matters, including issues, initiatives and pending legislation.

**HARVARD LAW SCHOOL, Cambridge, MA**

*Lecturer on Law, Jan 2017 – Present*

*Senior Advisor, Jan 2017 – Aug 2017*

Advised staff of newly-created The Fair Punishment Project (FPP) regarding criminal justice issues and reform, innovative and progressive justice policies involving elected prosecutors nation-wide, best practices, organizational structure, public relations, and media-related responses. Collaborated with leadership of FPP to create a fair and accountable justice system through legal action, public discourse, and educational initiatives. Lecture and train second and third-year Harvard Law School students on trial advocacy and best practices for criminal and civil litigation.

**CIVILIAN COMPLAINT REVIEW BOARD, New York, NY**

*Executive Director, Feb 2015 - Nov 2016*

Appointed under Mayor Bill de Blasio as Chief Executive Officer of the nation's largest police oversight agency investigating allegations of police misconduct, including several high-profile police brutality cases. Managed \$16.5M budget and oversaw the agency's day-to-day operations and a staff of 180 employees comprised of attorneys, investigators and administrative staff.

- Restructured agency to better align with mission and established goals, including developing new departmental targets, performance objectives and standards, and policies and procedures.
- Resulted in improvements in all areas, including, but not limited to: enhanced and timelier investigations and prosecutions; upgraded and greater data collection and analysis; improved reporting on policing issues; and increased community outreach.
- Spearheaded and launched CCRB's Data Transparency Initiative, CCRB Early Warning System, CCRB Training Unit and CCRB Investigator Training Academy. Enhanced CCRB Field Evidence Collection Team.
- Oversaw litigation involving NYS Civil Rights Law Section 50-a and enforcement actions.
- Advised and worked in conjunction with high-level government officials, including the Mayor's Office, New York City Council, Captains Endowment Association, Lieutenants Benevolent Association, Sergeants Benevolent Association, Detectives Endowment Association.
- Represented and interpreted agency's function and services to the public, government agencies, police unions, civil rights advocates, and other major stakeholders.
- Testified in front of New York City Council regarding budget, agency initiatives and performance.

**KINGS COUNTY DISTRICT ATTORNEY'S OFFICE, Brooklyn, NY**

*Special Counsel to the District Attorney, Mar 2014 - Feb 2015*

Appointed by District Attorney Ken Thompson to counsel and assist the District Attorney in day-to-day operations of the agency consisting of 1,200 employees and serving a population of 2.6 million. Supervised various personnel within the agency, including the Human Trafficking Unit.

- Advised the District Attorney on agency restructuring and reorganization, criminal justice reform, policy issues, appellate and wrongful conviction cases, crime strategies, personnel matters, press-related matters, pilot programs, special projects and investigations.
- Instrumental in revamping the now nationally-renowned Conviction Review Unit, as well as the Domestic Violence Bureau, Sex Crimes Bureau, Crimes Against Children Bureau, and Public Information Office.
- Managed teams consisting of prosecutors, trial preparation assistants, and administrative assistants. Supervised investigations and prosecutions of complex and/or high profile cases; generated and analyzed attorney and unit performance reports; reviewed policy recommendations; managed productivity among employees.

**QUEENS COUNTY DISTRICT ATTORNEY'S OFFICE, Kew Gardens, NY**

*Senior Assistant District Attorney, May 2013 - Mar 2014*

*Assistant District Attorney, Mar 1999 - May 2013*

Appointed by the Honorable Richard A. Brown as Assistant District Attorney to investigate, prosecute, litigate and try various cases ranging from misdemeanor offenses to Class A felonies within Queens County, serving a population of over 2 million people. Tried numerous cases to verdict. Authored numerous appellate briefs and presented oral arguments before appellate courts of New York State. Specialized in child homicides, child physical and sexual abuse, juvenile felony offenses, domestic violence, adult sex crimes, and sex trafficking.

**Team Management**

- Managed teams consisting of detectives, detective investigators, paralegals and administrative assistants. Supervised investigations and prosecutions of complex and/or high profile cases; generated and analyzed employee performance reports; managed productivity among team members.
- Supervised, trained and mentored incoming and newly-hired attorneys.

**Criminal Investigations**

- Investigated over 1,000 cases ranging from attempted assault to murder, including numerous complex and/or high profile cases involving DNA, autopsy reports, toxicology reports, medical evidence, ballistics evidence.
- Led and coordinated all aspects of investigation and prosecution in preparation for trial.

**Prosecution, Litigation & Trial Experience**

- Prosecuted over 1,000 cases vertically in New York City Criminal Court and New York State Supreme Court, ranging from attempted assault to murder.
- Trial attorney specializing in child homicides, child physical and sexual abuse, adult sex crimes and sex trafficking.
- Led all aspects of litigation and trial preparation, including motion practice and Grand Jury presentments.
- Tried numerous cases to verdict and negotiated plea agreements.
- Indicted and convicted the first defendant under New York State's 2007 Sex Trafficking statute supported by former Governor Eliot Spitzer.

**Appellate Experience**

- Researched, authored and argued numerous appellate briefs in felony cases before New York State Supreme Court, Appellate Division, Second Department.
- Authored replies to writs of error *coram nobis*, Article 330 motions, and Article 440 motions.

**Public & Community Outreach**

- Led and conducted outreach to local communities and educational institutions to build trust, as well as communicate with and educate the public to deter crime.

**PUBLIC DEFENDER SERVICE, Washington, DC**

*Criminal Investigator, Oct 1993 - Aug 1995*

- Independently planned and conducted investigations of criminal cases, ranging from assault to murder.
- Analyzed and presented findings in comprehensive reports for use by attorneys at trial.
- Advised attorneys on potential issues for litigation purposes.

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**EDUCATION**

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**THE AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW**, Washington, D.C.  
*Juris Doctor*

- Newman Prize for Trial Advocacy
- Author of *Black and Blue in the Land of Milk and Honey: The Impact of Race on Police Brutality and Remedies for Local Government*

**BATES COLLEGE**, Lewiston, ME  
*Bachelor of Arts*

- Author of *(In)Justice for Juveniles: An Examination of the American Juvenile Justice System*

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**BAR MEMBERSHIP**

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New York

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**PROFESSIONAL AFFILIATIONS**

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**Primo Center for Women & Children**, Chicago, IL, *Executive Committee Board Member*

**D.C. Volunteer Lawyers Project**, Washington, D.C., *Host Committee, 2018 Benefit*

**Mt. Sinai Hospital, Sexual Assault Violence Intervention Program**, New York, New York  
*Benefit Committee; Auction Committee, former Co-Chair*

**Democratic National Committee, Women's Leadership Forum**, *Member*

**National Hispanic Prosecutors Association**, *Member*

**National Asian Pacific American Bar Association**, *Member*

**National Black Prosecutors Association**, *Member*

**South Asian Bar Association of New York**, *Member*



# Daniel J. O'Donnell

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May 11, 2018

To the New York State Legislature:

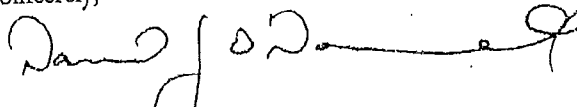
In accordance with the procedure laid out by the New York State Constitution, I respectfully submit myself for review and consideration by the legislature of the State of New York for the vacancy of the Attorney General. Serving my state in this capacity would allow me to implement the varied skill sets and experience I have gained in my career as a lawyer and elected official of over 30 years. The fundamental role of the Attorney General's office is to defend the state, its laws, and the thousands of employees that make up our state government. That is why it is my belief that this office should be held by a true a people's lawyer, a role I have undertaken my entire career.

I'm proud to have started my career in the New York State Attorney General's office as a Legal Assistant in the Litigation Bureau. My work consisted of cooperating with and aiding Assistant Attorneys General in all phases of civil litigation, defending New York State and its employees in Article 78 proceedings, and conducting extensive research in constitutional law. These experiences at the Attorney General's office shaped my view of the gravity of the responsibility to defend the people of New York and are what motivated me to become a public defender after completing law school.

I spent seven years with the Legal Aid Society during a one of the most trying times in New York City's history-- 1987 to 1994. As a public defender, I represented indigent individuals through all criminal trial stages in the New York City Criminal Court and the New York State Supreme Court. I conducted 26 felony trials to verdict, including murder, rape, robbery, sale of narcotics, and fraud, which demanded a broad range of skills, including direct and cross examination and advocacy before regular people who fill jury pools. The individuals that I represented arrived at Legal Aid because many of the institutions of society had failed them-- education, health, foster care-- and I felt it was my duty to make sure that the court system did not fail them as well.

The conviction to be a people's lawyer never left me. It's what drove me to run for elected office, ask to be appointed to Codes as a freshman legislator, serve as Corrections Chair for 4 years, and now ask to be considered for Attorney General. As Chief Legal Officer in the state, this position is the ultimate opportunity for me to continue serving and defending New York. It is an honor to be considered for this position by my colleagues in the legislature, and I thank you for reviewing me and considering my application.

Sincerely,



Daniel J. O'Donnell

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# Daniel J. O'Donnell

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## SUMMARY

- Admitted to Practice of Law in 1988.
- Admitted and qualified to the United States Supreme Court in 1993.
- Certified to handle A-1 felonies.

## EXPERIENCE

Member of Assembly  
New York State Assembly  
69<sup>th</sup> Assembly District  
2002-Present

- Chair, Committee on Arts, Parks, Tourism and Sports Development 2017 to Present.
- Chair, Subcommittee on Criminal Procedure 2003 to Present.
- Chair, Committee on Corrections 2013 to 2016.
- Chair, Committee on Ethics 2010 to 2012.
- Member, Committee on Codes, Education, Environmental Protection.

Solo Practitioner  
Law Office of  
Daniel J. O'Donnell  
New York, NY  
1994-2002

- Ran a private practice specializing in criminal and civil litigation for a diverse set of clients.
- Litigated criminal cases including white collar crimes, theft and narcotics sales.
  - Litigated civil cases including civil rights, housing, and employment discrimination.
  - Argued 2nd Circuit of Appeals discrimination case.
  - Represented tenants pro bono in housing court.
  - Drafted, executed, and negotiated contracts on behalf of individual clients.
  - Conducted dozens of co-op conversions, including of my own building as President.

Senior Staff Attorney;  
Criminal Defense  
Division  
Legal Aid Society  
Brooklyn, NY  
1987-1994

Represented indigent defendants through all criminal stages. Responsibilities included making bail applications, preparing defendants for testimony, investigating crime scenes, conducting suppression hearings, bench and jury trials, researching and writing motions, and effective cross examination of police officers, civilian witnesses, and expert witnesses. Extensive trial experience in New York City Criminal Court and New York State Supreme Court. Noteworthy achievements include;

- Certified to handle felonies after 6 months.
- Conducted dozens of felony trials, including murder, rape, robbery, narcotics sales, and welfare fraud conspiracy.
- Researched and wrote post-judgement motions filed with Appellate Division, Second Department.
- Quoted in the New York Law Journal on January 10, 1990 regarding alternative sentencing.

Legal Assistant;  
Litigation Bureau  
New York State  
Department Of Law  
New York, NY  
1986-1987

Aided Assistant Attorneys General in all phases of civil litigation defending New York State and its employees. Responsibilities included preparing affidavits and researching and writing a variety of memoranda, petitions, and briefs e.g.;

- *Dudley v. Stubbs* 489 U.S. 1034 (1989); (petition for a writ of certiorari submitted to the US Supreme Court; cited in 27 opinions, including, *Wilson v. Seiter Et Al* 501 U.S. 294 (1991))
- *Cuomo vs. Kohler* 480 U.S. 910 (1988); (joinder of parties brief argued before the United States Court of Appeals, Second Circuit and submitted to the US Supreme Court in a petition for a writ of certiorari).
- Extensive experience defending Article 78 against the State of New York.
- Conducted thousands of U.S.C. §1983 depositions.
- Constitutional issues such as state sovereignty.

## EDUCATION

Juris Doctor

CUNY Law School at Queens College, Queens, NY, 1987  
Member of Who's Who Among American Law Students, 1987

Bachelor of Arts

George Washington University, Washington DC, 1982  
Major in Public Affairs

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JENNIFER P STERGION, ESQ.

May 10, 2018

Ms. Kathleen O'Keefe, Legislative Counsel to the Speaker  
New York State Assembly  
Capitol Building Room 347  
Albany, NY 12248

via e-mail: [counsel@nyassembly.gov](mailto:counsel@nyassembly.gov)

Re: Attorney General of the State of New York  
Application of Jennifer Stergion

Dear Ms. O'Keefe:

I am applying for appointment to serve the remainder of former Attorney General Schneiderman's term for New York State Attorney General. Having begun my legal career representing defendants in Buffalo City Court and currently serving as an Administrative Law Judge with the New York State Department of Corrections and Community Services, I am uniquely qualified to fill this position.

While an attorney in private practice, I have had the opportunity to represent defendants and petitioners in criminal and civil proceedings as well as those matters involving sexual assault, immigration, election law and veteran's cases. Having worked as a trial attorney for nearly a decade, served in three committee chairmanships through the Erie County Bar Association as well as creating curriculum for continuing legal education programming, I am prepared to step into the role of leader and administrator of the largest public legal organization in the State of New York.

In addition to my experience in the courtroom and community, I have presented before the United States House of Representatives Committee on Veterans Affairs; the New York State Assembly Standing Committee on Children and Families/Standing Committee on Oversight, Analysis and Investigation; and before mental health and legal practitioners at conferences in the United States, Greece, Austria and Denmark.

I am enclosing my curriculum vitae for your review. Thank you in advance for taking the time to review the enclosed materials.

Very truly yours,

*Jennifer P Stergion*  
Jennifer P Stergion

Enc.

# JENNIFER P STERGION, ESQ.

Bio: Jennifer is attorney with extensive trial experience, an Administrative Law Judge, and a community activist, who has received numerous prestigious awards. She has frequently been invited to speak on various legal and policy topics throughout the United States and Europe. She has testified before the United States Congressional Committee on Veterans Affairs; educated and provided career guidance at the University at Buffalo School of Law; and lectured for Continuing Legal Education (CLE) programs in multiple counties. Jennifer has served as an adjunct professor at both Trocaire College and Daemen College, and she frequently judges moot court and oral argument programs at the University at Buffalo School of Law. Due to her high level of involvement and knowledge of the court system combined with her experience running a busy practice, Jennifer was asked to join a committee headed by Justice Janice M. Rosa, J.S.C. to develop a veteran's civil docket for matrimonial and family court matters. Prior to becoming an Administrative Law Judge, Jennifer served as a Small Claims Hearing Officer for Buffalo City Court, where she presided over small claims matters brought by attorneys and pro se litigants. Jennifer is a leader in the Erie County Bar Association, having held three committee chairmanships and authored several Bar Association articles. She currently serves as a board member of both Aid to Indigent Prisoners, Inc. and the Judges and Police Conference of Western New York, and is a past President of Women Lawyers of Western New York. In 2013 she ran for the Erie County Legislature.

## Bar Admissions:

New York State Bar, February 2008  
United States Court of Appeals for Veterans Claims 2008

## Accreditations:

Attorneys for Children Panel  
Fourth Appellate Division  
Assigned Counsel of Erie County Panelist  
Custody, Child Support, Family Offense and Abuse & Neglect

## Erie County Bar Association Participation:

Former Co-Chair, Family Court Practice and Procedure Committee  
Former Chair, Solo & Small Practice Committee  
Former Chair, Committee on Veterans and Servicemember's Legal Issues

## Civic Participation:

Club Director, 4H (launching Summer, 2018)  
President *ex officio*, Women Lawyers of Western New York  
Board Member, Judges and Police Conference of Western New York  
Board Member, Aid to Indigent Prisoners, Inc. (Assigned Counsel of Erie County)  
Board Member, The Big Easy  
Committee Member, Miss Borinquen of WNY  
Past Board Member, Women Lawyers of Western New York  
Past Board Member, Western New York Veterans Housing Coalition  
Past Parish Council Member, Assumption Church  
8<sup>th</sup> Judicial District Ad Hoc Committee to Form a Civil Veterans Court  
Former Candidate, Erie County Legislature 3<sup>rd</sup> Legislative District  
University at Buffalo Law Oral Argument Panelist  
University at Buffalo Law Trial Technique Judge  
University at Buffalo Law Moot Court Competition Judge  
University at Buffalo Law Panelist, Veterans Law  
Buffalo State College Moot Court Panelist

## Recent Speaking engagements:

Boys and Girls Club of Buffalo: Torch Club meeting on community involvement  
Guest Speaker, Sexuality and the Law, University at Buffalo  
Guest Speaker, Phi Alpha Delta, Careers in Law  
Women Elect Event: Getting Involved in the Political Process  
International Association for the Treatment of Sexual Offenders Biennial Conference, Copenhagen, Denmark  
University at Buffalo Law Panelist, Careers in Law, Buffalo, New York  
Repeat Speaker, Veterans and Family Law, University at Buffalo (each semester)  
Women's Bar Association of Western New York Event: Becoming Politically Involved  
Guest Speaker, *Law Line*, WNED AM 970: Landlord-Tenant Law  
Provided Testimony, United States House of Representatives Committee on Veterans Affairs  
Provided Testimony, NYS Assembly Committee: Child Protective  
Guest Speaker, *You and the Law*: WBEN 88.7 Child Abuse & Neglect Proceedings  
Speaker, United Against Child Abuse Rally

## Awards/Citations:

2018 Visionary Leadership Award  
2018 Citation, Hon. Tim Kennedy  
2017 Women Touching the World Honoree  
2017 Citation, Hon. Tim Kennedy  
2017 Citation, Buffalo City Council  
2014 Treasured Friends Honoree  
2014 Treasured Friends Citation, Hon. Timothy Kennedy  
2013 Erie County Bar Association Volunteer Lawyers Project Award for Solo Practice  
2013 Proclamation, Hon. Mark Grisanti ("Jennifer Stergion Day")  
2010 New York State Bar Association Award of Merit Received on behalf of the Erie County Bar Association for The Veterans and Servicemembers Legal Issues Committee  
2009 Erie County Bar Association Volunteer Lawyers Project Pro Bono Award  
2009 New York State Bar Association President's Award for Young Lawyer Pro Bono Service  
2008 Erie County Bar Association Volunteer Lawyers Project Pro Bono Award  
2007 New York State Bar Association Law Student Ethics Award  
2007 Robert T. Connelly Trial Technique Award

## Education:

May 2007 J.D.

University at Buffalo School of Law

Concentrations: International Law & Civil Litigation Organizations: Phi Alpha Delta

Awards: New York State Bar Association Ethics Award

Robert B. Connelly Trial Technique Award

August 2004

M.S. Buffalo State College, 1300 Elmwood Avenue, Buffalo 14222

Major: Criminal Justice

GPA: 3.68/4.0

Organizations: Alpha Phi Sigma (Criminal Justice Honor Society) Buffalo State College, 1300 Elmwood Avenue, Buffalo 14222

May 2000 B.S. Buffalo State College, 1300 Elmwood Avenue, Buffalo 14222

Major: Clinical Psychology

GPA: 3.39/4.0

May 1997 A.S. Corning Community College, 1 Academic Drive, Corning 14830

Major: General Studies

GPA: 3.184/4.0

Organizations: Honor's Forum

## Professional Experience:

4/2016-Present

Administrative Law Judge

Preside over parole revocation hearings for persons convicted of felonies in New York State; ruling on evidentiary objections; drafting and issuing decisions; signing subpoenas; negotiate resolutions short of trial; prepare matters for trial.

9/2017-Present

Adjunct Professor, Daemen College, Main Street, Buffalo

Courses taught: Administrative Law, Family Law, Advanced Research and Writing (Announced)

2008-4/2016

Solo Practitioner

Primary Practice Areas: Family Law (including Attorney for the Child), Criminal Law, Veterans and Military Law. Responsible for all facets of law practice management, including client development and relationship maintenance, case oversight, extensive court appearances, drafting, filing, and trying matters in state and local courts, appeals, billing, etc. frequent public speaking through Continuing Legal Education courses taught, litigation practice, expert testimony before State and Federal legislative bodies and chairmanship of Bar Association Committees.

Small Claims Hearing Officer, Buffalo City Court

Hear and decide small private and commercial civil cases.

2005-12/2006

Clerk, Law Office of E. Carey Cantwell, PC

Draft motions, discovery documents, meet with clients in the office and Holding Center, legal research.

2006-2007

Adjunct Professor, Trocaire College 360 Choate, Buffalo

Courses Taught: Business Ethics, Medical Ethics, Introduction to Philosophy, Developmental Psychology

## Continuing Legal Education Courses Taught/Developed/Moderated (List not Exhaustive):

2017 Parole Hearing Practice and Procedure (1.5)

2014 Life After Law School: Solo Practice (1)

2014 Nuts & Bolts of Solo Practice (1)

2013 Apps for Lawyers (1)

2013. Getting it Right So You Don't Jack Up Your Life: An Ethics Presentation (3.5) 2013 A

Discussion on Charging Clients (1)

2013 Solo Practice: Ethics and Practice Management (2)  
2012 Veterans Committee Seminar: Becoming an Accredited VA Benefits Attorney (1) 2012.  
Solo Practice Series: Conflict Checking (1)  
2012. Solo Practice Series: Crisis Management, First Steps (2)  
2012 Solo Practice Series: Taxes and Insurance (1)  
2011 Monroe County Bar Association: Primer on Veterans Benefits (1)  
2010. Keeping the Promise: Update on Veterans and Family Law (6)  
2009. Moderator, Keeping the Promise (Veterans Law) (6)

### Publications:

Stergion, JP (November 2013) Child Protective, Guest Contributor, *Buffalo Law Journal*

Stergion, JP (October 2008), Notes from the Chair, *Erie County Bar Association*.

Stergion, JP (March 2007), Letter to the Editor, (regarding Attorney Advertising) *Erie County Bar Association*, 45, 7, 2.

Stergion, JP (January 2007), Protecting Your Rights by Restricting Ours. *Erie County Bar Bulletin*.

Stergion, JP (2006) Blog response, [www.myshingle.com](http://www.myshingle.com)

Stergion, JP (April 2006), Letter to the Editor, (regarding real estate professionals) *Erie County Bar Bulletin*, 45, 6, 12.

Stergion, JP (December 2005) A Defense of the Non-Lawyer Enterprise. *Erie County Bar Bulletin*, 45, 4, 2.

Stergion, JP (September 2005) A Defense of Attorney Advertising. *Erie County Bar Bulletin*, 45, 1, 2.

### Invited (Keynote and Plenary) Conference Speakerships:

Stergion, JP (August 2005) Legal, Professional, and Ethical Issues Surrounding the Compulsory Treatment of Sexual Offenders. Lecture, First International Conference of Sexual Offenses for the Brazilian Association for the Treatment of Sexual Offenses, Sao Paulo, Brazil.

Stergion, JP (August 2005) Human Rights Considerations and the Treatment of Sexual Offenders. First International Conference of Sexual Offenses for the Brazilian Association for the Prevention and Treatment of Sexual Offenses, Sao Paulo, Brazil as Invited Speaker.



Stergion, JP (October 2004) Issues Regarding the Treatment and Monitoring of Sexual Offenders: Practical Implications for the European Union. Speech given at the 8<sup>th</sup> Annual International Association for the Treatment of Sexual Offenders Conferences as Chair of Trauma and Legal Issues Panel in Athens, Greece.

Stergion, JP (October 2004) Law Enforcement and Mental Health Practitioners: Legal, Professional, and Ethical Issues Surrounding the Compulsory Treatment of Sexual Offenders. Speech given at the 8<sup>th</sup> Annual International Association for the Treatment of Sexual Offenders, Athens, Greece.

### Peer-Reviewed (Refereed) Symposiums Chaired:

Stergion, JP (September 2017) Restoration or Destruction? Addressing the Legal and Ethical Problems of Mandated Sex Offender Treatment in Family Court Contexts under a Restorative Justice Model, Speech given at the International Association for the Treatment of Sexual Offenders Conference in Copenhagen, Denmark

Stergion, JP (Chair); Breen, C, Ross, GE, (May 2003). Insanity and Incompetency in the Murder Trials of Mothers who Murder: Psychological, Legal, and Criminal Justice Issues. Symposium accepted for presentation at the 31<sup>st</sup> Annual Hunter College Psychology Conference, New York, New York, United States.

### Other Peer-Reviewed (Refereed) Conference and Meeting Presentations:

Stergion, JP (April 2006). Attorney Advertising. Town Meeting: Erie County Bar Association, Buffalo, New York.

Stergion, JP (October 2004). The Virgin Rape Cure Myth. Poster presented at the 8<sup>th</sup> Annual International Association for the Treatment of Sexual Offenders Conference. Athens, Greece.

Stergion, JP (April 2003). Supermaximum Security Facilities: A Senseless Solution for Senseless Crimes. Poster presented at the Annual International Association for Forensic Mental Health Services. Miami, Florida, United States.

Stergion, JP (April 2003). Administrative Issues with American Sexual Offender Laws: Research, Theory, Practice. Poster presented at the 3<sup>rd</sup> Annual International Association for Forensic Mental Health Services. Miami, Florida, United States.

Stergion, JP (September 2002). American Constitutional Issues Regarding the Castration of Sexual Offenders Post-Release: A Motivational View. Paper presented at the International Association for the Treatment of Sexual Offenders Annual Conference, Vienna, Austria.

Stergion, JP (September, 2002). Ethical Considerations Regarding the Legal and Psychological Treatment of Sexual Offenders Post-Release. Paper presented at the International Association for the Treatment of Sexual offenders Annual Conference, Vienna, Austria.

Stergion, JP (April, 2002). Constitutional Issues Concerning the Castration of Sexual Offenders from a Motivational Post of View. Paper presented at the 30<sup>th</sup> Annual Hunter College Psychology Conference, New York, New York, United States.

Stergion, JP (April, 2002). Constitutional Issues Surrounding the Castration of Sexual Offenders Post-Release. Paper presented at the 4<sup>th</sup> Annual Research and Creativity Conference. Buffalo, New York, United States.

Stergion, JP (March 2002). Castration of Sexual Offenders Post-Release. Paper presented at the 30<sup>th</sup> AP-LS (American Psychology-Law Society) Biennial Conference. Austin, Texas, United States.

Stergion, JP (March, 2002). The Use of Previously Repressed, Recalled Memories in the Court System. Poster Presented at the 30<sup>th</sup> AP-LA Biennial Conference, Austin, Texas, United States.  
Brooks, L., Delprino, R., Stergion, JP, & Winiewski, (February, 2002). Analysis of faculty, Staff, and Student Perceptions of Sexual Assault on Campus. Poster Presented at the 4<sup>th</sup> Annual Faculty-Staff Research and Creativity Conference, Buffalo, New York, United States.

Stergion, JP (2001, May). Treatment of Sexual Offenders Post-Release. Paper presented at the 2<sup>nd</sup> Annual Sociology in the Age of Intelligent Machines Conference, Buffalo, New York, United States.

Stergion, JP (2001, April). Sexual Assault Awareness among Faculty, Staff, and Students at Buffalo State College. Poster Presented at the 3<sup>rd</sup> Annual Research and Creativity Conference, Buffalo, New York, United States.

Stergion, JP, Shiesley, L, Huggins, M. (2001, April). Rave Culture and Ecstasy Use: Not What You'd Think. Poster Presented at the 3<sup>rd</sup> Annual Research and Creativity Conference, Buffalo, New York, United States.

Stergion, JP (2001, March) American Fascism and Entertainment Choices. Paper presented at Imaginations, Negotiations, Boundaries: Rethinking the Social. Amherst, New York, United States.

Stergion, JP (2000, April). Rape Myth Acceptance Among Students at Buffalo State College. Poster Presentation at the 2<sup>nd</sup> Annual Research and Creativity Conference. Buffalo, New York, United States.

Stergion, JP (April, 2000). The Cortisol-Arthritis-Psychosis Link: The Stergion Theory of Psychosis. Poster Presentation at the 2<sup>nd</sup> Annual Research and Creativity Conference. Buffalo, New York, United States.

Stergion, JP (April, 2000). American Fascism as Seen Through the Lens of Popular Culture. Paper presented at the 1<sup>st</sup> Annual Sociological Conference: Sociology in the Age of Intelligent Machines. Buffalo, New York, United States.

Stergion, JP (April, 2000). The Home as a Prison: Theory According to Foucault. Paper presented at the 1<sup>st</sup> Annual Sociological Conference: Sociology in the Age of Intelligent Machines. Buffalo, New York, United States.

### Other Academic Presentations:

Couch, S., Filbert, S., Stergion, JP, et al (May, 2006). Understanding End of Life Issues, Presentation given at Legal Issues in Healthcare Final Meeting, Buffalo, New York

Stergion, JP, Gao, H., et al (May, 2002). Drug Treatment Options in Buffalo, New York. Presentation given at Drug Policy Issues Final Meeting, Buffalo, New York

Stergion, JP (May, 2002). Researching the Efficacy of the Castration of Sexual Offenders Post Release. Proposal presented at Research Methods Final Meeting, Buffalo, New York.

Stergion, JP (May, 2002). Syringe Exchange Programs and Criminal Activity. Proposal presented at Research Methods final Meeting. Buffalo, New York.

Stergion, JP (December, 2001). Issues Arising From Conflicting Standards of Evidence Admissibility of Mental Health Expert Testimony in Criminal Courts: An International Comparison and the Andrea Yates Case Study. Paper presented at Criminal Courts Final Meeting. Buffalo, New York.

Stergion, JP, McDuffy, S., Lawrence, C. (April, 2001). An Argument for the Increase in Parole. Project Presented at Corrections Seminar final meeting. Buffalo, New York.

Stergion, JP (2000, April). Workplace Violence (Part Two). Project Presented at Psychology Senior Seminar. Buffalo, New York.

Stergion, JP (2000, April). Workplace Violence (Part One). Project Presented at Psychology Senior Seminar. Buffalo, New York.

Stergion, JP. (April, 2000). Treatment of Sexual Offenders Post-Release. Paper presented at Constitutional Law Seminar final meeting. Buffalo, New York.

Pyne, JM (maiden name). (1997, April). Profile of a Mass Murderer in the Middle Ages: Vlad Tepes (Part Two). Thesis Project Presented at Honors Forum final meeting. Corning, New York.

Pyne, JM (maiden name). (1997, March). Profile of a Mass Murderer in the Middle Ages: Vlad Tepes (Part One). Thesis Project Presented at Honors Forum mid semester meeting. Corning, New York.

### Grants:

Faculty, Staff, and Student Awareness of Sexual Violence.

Jennifer P. Stergion, Project Directors.

Funded through Buffalo State College Mini-Grant Program.

Project designed to help create an environment of support and acceptance among victims of sexual and dating violence, \$900.00

Buffalo State College Travel Grant, AP-LS Conference, \$400.00

For travel to Austin, Texas to present Repressed Memories and Castration Papers. American

Psychological Association Travel Grant, AP-LS Conference, \$125.00

For travel to Austin, Texas to present Repressed Memories and Castration papers. SUNY

Research Foundation Travel Award, IATSO Conference, \$650.00

For travel to Vienna, Austria to present Sexual Offenders papers.

### REFERENCES:

Available upon request.



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

BARBARA D. UNDERWOOD  
ACTING ATTORNEY GENERAL

May 11, 2018

Speaker Carl E. Heastie  
New York State Assembly  
Legislative Office Building, Room 932  
Albany, NY 11248

Speaker Heastie and Distinguished Panel Members:

Thank you for considering me for the role of Interim Attorney General. In applying to serve in this position for the rest of the year, my primary goal is to ensure that the Office of the Attorney General maintains its focus on the critical, urgent matters facing New Yorkers: protecting against discrimination, standing up for immigrants, safeguarding the environment, and ending the opioid epidemic.

From clerking for Justice Thurgood Marshall, to acting as the first female Solicitor General of the United States, to arguing in front of the US Supreme Court 20 times, to serving for more than a decade as New York's Solicitor General—your Solicitor General—I have been an advocate for equal justice under the law for my entire career.

I have been steadfast in my dedication to protecting the civil rights of all people. Earlier in my career, I fought against racially discriminatory jury selection, argued that federal law protects employees and students of federally-funded educational institutions from sex discrimination, and defended the constitutionality of reasonable buffer zones around women's health clinics to protect a woman's right to choose.

As Solicitor General, I have been integrally involved in many of the office's most important cases – from challenging President Trump's unconstitutional Muslim Travel Ban to defending the Clean Power Plan, from protecting the rights of women to control their own bodies to defending the rights of public sector labor unions to fund their representational activities. I have also steadfastly defended the work of the State Legislature and the actions of State agencies. I successfully defended the constitutionality of the SAFE Act and I persuaded the Court of Appeals to uphold the Department of State's power to veto the relicensing of the Indian Point nuclear reactors. In addition, I have sought to defend the rule of law under our

Speaker Carl E. Heastie  
May 11, 2018  
Page 2

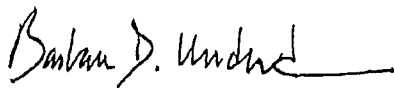
state constitution by litigating to protect its limits on criminal prosecutorial authority in several cases involving the Justice Center.

The work of the Office of the New York Attorney General has never been more vital. Millions of New Yorkers live in fear of how the federal government's dangerous policies on immigration, consumer protection, and the environment will affect them and their families. It is my duty and privilege to provide them with high-quality, professional and ethical legal representation. As Solicitor General, I believe I have done so.

I have never sought elected office and will not run for Attorney General this November. I seek only to serve out the remainder of this term, in order to provide stability to the 1,800 dedicated public servants in the NYAG's office and consistent leadership for the thousands of investigations and legal proceedings currently underway in the Office. If you grant me the privilege to continue leading the Office as Interim Attorney General, I will do so with the same level of care, compassion, and diligence I have demonstrated throughout my career. The People of New York deserve nothing less.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Barbara D. Underwood". The signature is written in a cursive style with a horizontal line extending to the right.

Barbara D. Underwood



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

BARBARA D. UNDERWOOD  
ACTING ATTORNEY GENERAL

Biography of Acting Attorney General Barbara D. Underwood

Throughout her decades-long career, **Barbara D. Underwood** has held some of the most vital and significant roles in the legal profession.

After finishing first in her class at Georgetown University Law Center, Barbara served as law clerk to two of the nation's most brilliant legal minds -- Chief Judge David L. Bazelon of the U.S. Court of Appeals for the D.C. Circuit and Justice Thurgood Marshall of the U.S. Supreme Court.

She has held executive positions in the Queens and Brooklyn District Attorneys' Offices, and served as a trial attorney in the Manhattan District Attorney's Office.

From 1998 to 2001, Barbara served as the Acting Solicitor General and Principal Deputy Solicitor General of the United States -- the first female Solicitor General in American history. She has argued 20 cases in the United States Supreme Court.

After serving as Chief Assistant to the United States Attorney for the Eastern District of New York (EDNY) from 1993 to 1998 and 2001 to 2003 and EDNY Counsel from 2003 to 2007, Barbara was appointed by then-Attorney General Andrew Cuomo to serve as New York's Solicitor General and has held that position ever since.

She has also served as Chair of the New York City Bar Association's Executive Committee and Council on Criminal Justice. She was a tenured Professor of Law at Yale Law School, a visiting Professor at New York University School of Law, and an adjunct Professor at Brooklyn Law School.

Throughout her career, Barbara has been a guardian of equal justice for all. Earlier in her career, she fought against racially discriminatory jury selection, argued that federal law protects employees and students of federally-funded educational institutions from sex discrimination, and defended the constitutionality of reasonable buffer zones around women's health clinics to protect a woman's right to choose.

As New York Solicitor General, Barbara has been integrally involved in many of the New York Attorney General's office's most important cases -- from challenging President Trump's unconstitutional Muslim Travel Ban to defending the Clean Power Plan, from protecting the rights of women to control their own bodies to defending the rights of public sector labor unions to fund their representational activities. In her role, she has also steadfastly defended the work of the State Legislature and the actions of State agencies, including defending the constitutionality of the SAFE Act and successfully arguing to uphold the Department of State's power to veto the relicensing of the Indian Point nuclear reactors.

Barbara lives in Brooklyn with her husband, Martin, and her son, Robert.



Alex Zapesochny

May 11, 2018

Ms. Kathleen O'Keefe  
Legislative Counsel to the Speaker  
New York State Assembly  
Capitol Building Room 347  
Albany, NY 12248

Dear Ms. O'Keefe:

I am writing to be considered for the position of Attorney General per the process announced by the Speaker's office. In addition to my past experiences as a prosecutor in the Bronx and as a General Counsel in a corporate setting, I believe I would bring to the office unique experiences and perspectives that the office and the people of the state would benefit from.

The importance of the law and its fair application became clear to me from an early age. As a child I was lucky enough to come from the former Soviet Union to the United States as a political refugee. Yet a number of my relatives and others were not as lucky, which made me keenly aware of the importance of law in protecting individuals from the various powerful forces that surround them.

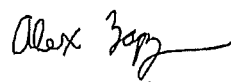
After several years as a prosecutor, I worked for 6 years within corporate law, where I handled a full range of legal issues that affect individuals and business owners every day in our state. Yet over time I began focusing more on the business and entrepreneurial aspects of my work. In particular, during the past 12 years I was a tech entrepreneur, with a focus on health care and pharmaceutical development.

I believe that the skill sets I have built as an entrepreneur and executive would be particularly valuable in the role of Attorney General. We are now living in a world that is changing faster than ever, with new threats and possibilities arising from new sources such as social media. It is also notable that my work with pharmaceutical companies would make me particularly adept at dealing with issues like the opioid addiction crisis and leading litigation against the pharma and health care industries for promoting off-label drug use. Further, the Attorney General also needs to be an experienced and creative leader who can understand and respond to multi-faceted challenges, which is the essence of what I have done as an entrepreneur.

Finally, I want to mention that while I have voted in every general election for which I was eligible, I am now unaffiliated with a party and believe that our state could very much use an Attorney General that can be seen as above partisanship. In leading this office, my only concern would be about seeking justice, protecting our residents, and defending our state.

Thank you in advance for your consideration and please let me know if I can provide any further details about my background. I look forward to hearing from you.

Sincerely,



Alex Zapesochny

# ALEX ZAPESOCHNY

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## PROFESSIONAL EXPERIENCE

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### **ERT - Rochester, New York**

*Executive Vice President, Cardiac Safety* – November 2017 to present

- ◆ Oversee cardiac safety services division for multi-national pharmaceutical research company responsible for majority of all cardiac safety studies around the world.
- ◆ Responsible for Integrating 3 separate multi-national cardiac safety businesses into one cohesive business unit.
- ◆ Part of the executive leadership team overseeing key strategic and operational decisions.

### **iCardiac Technologies, Inc. (acquired by ERT in 2017) - Rochester, New York**

*President & CEO (and Co-Founder)* – September 2014 to November 2017

*President & COO (and Co-Founder)* – February 2006 to September 2014

- ◆ Oversaw complex, technologically-enabled clinical trial services requested by pharmaceutical companies, with customers including eight of the top ten largest pharma entities in the world.
- ◆ Negotiated two separate acquisitions of the company to private equity purchasers; also obtained investment funding from multiple venture capital firms and Pfizer.
- ◆ Completed the acquisition of the clinical trials division of nSpire Health, adding advanced respiratory capabilities for studying diseases such as COPD, asthma and pulmonary fibrosis.
- ◆ Led company in conducting a definitive validation study that resulted in a regulatory change accepted by the FDA and other regulators for streamlining cardiac safety studies.

### **Clerio Vision, Inc. - Rochester, New York**

*Chairman of the Board (and Co-Founder)* – September 2014 to present

- ◆ Negotiated exclusive license agreement with the University of Rochester for over 30 patents related to non-invasive vision correction in the cornea using low-powered lasers.
- ◆ Led investment negotiations with three venture capital firms.
- ◆ Participate in research and partnering strategies to commercialize technologies for improved version of LASIK surgery and for minimizing side effects from cataract surgery.

### **United Technologies Corporation (Lenel Systems subsidiary) - Rochester, New York**

*General Counsel & Director of Business Development* – May 2005 to May 2006

- ◆ Served as officer of corporation in the capacities of Secretary and Assistant Treasurer.
- ◆ Led law-related internal post-acquisition integration activities of Lenel Systems into \$4.2 billion UTC Fire & Security division.
- ◆ Continued in previous executive roles with Lenel Systems (see below), reporting to UTC's global legal department and to the President of Lenel Systems on business development, operational and human resources issues.

### **Lenel Systems International, Inc. - Rochester, New York**

*General Counsel & Director of Business Development* – April 2000 to May 2005

- ◆ Directed all legal work for company serving over 12,000 organizations, including over 60% of Fortune 100 companies and security-conscious entities such as the Department of Homeland Security, the National Security Agency and all three New York City airports.
- ◆ Performed lead in-house counsel duties during \$440 million acquisition of Lenel by United Technologies Corporation (NYSE: UTX).
- ◆ Law practice areas included corporate, contract, international, employment, intellectual property and business law, with focus on software and technology fields.

### **Bronx County, Office of the District Attorney - Bronx, New York**

*Assistant District Attorney* – March 1997 to April 2000

- ◆ *Grand Jury Bureau:* evaluated and indicted felonies including robbery, burglary and murder.
- ◆ *Narcotics Division:* prosecuted drug felonies from indictment through jury trial.

## EDUCATION

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### University of Cambridge – Cambridge, UK

Master's of Studies, Social Innovation (Judge Business School) (2017 - present)

- ◆ Studying the role that entrepreneurship and intrapreneurship can have in fostering positive societal change.

### University of Oxford – Oxford, UK

Master's of Studies, International Human Rights Law (Aug. 2010)

- ◆ Master's Dissertation: *Our Remedies Off in Ourselves Do Lie: A New Human Rights Perspective on the Global Shortage of Transplantable Organs.*

### Washington College of Law (at American University) – Washington, D.C.

Juris Doctorate (May 1996)

- ◆ Cum Laude Graduate.

### Cornell University – Ithaca, NY

B.S., Applied Economics and Management (May 1993)

- ◆ Dean's List; Ho-Nun-De-Kah Honor Society.

## OTHER ACTIVITIES

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- ◆ **Member, Board of Trustees, Center for Governmental Research:** Founded in 1915 by George Eastman, CGR delivers expert support to the public, nonprofit and private sectors.
- ◆ **Entrepreneurship & Development Working Group (Finger Lakes Regional Economic Development Council):** Work with other entrepreneurs and community leaders to develop projects that enhance the entrepreneurial eco-system and promote job growth.
- ◆ **Board of Trustees, PUC Achieve Charter School:** PUC Achieve Charter School is a high-needs middle school located in the Northeast quadrant of Rochester.
- ◆ **HTR LaunchPad:** Advisory Board member (former); served as part of organizing committee for launching Rochester's first software accelerator based on the lean startup methodology.
- ◆ **Marrow Drive Rochester:** Formerly Co-Founder and Co-Executive Director of this organization that conducted and funded bone marrow donor registration drives. The group helped to add over 7,000 potential donors to the national registry.

## SELECT HONORS

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- ◆ **PharmaVoice 100:** Named one of the hundred most inspiring leaders in the life sciences industry by PharmaVoice; awarded for leading iCardiac. (2016)
- ◆ **Top Workplaces Leadership Award:** Selected by Workplace Dynamics and Gannett Newspapers as Best Leader and the 2<sup>nd</sup> best company to work for in the region. (2014)
- ◆ **Rochester Top 100:** iCardiac was three times recognized as one of the fastest growing companies in the region, placing 3<sup>rd</sup> (2017), 5<sup>th</sup> (2014) and 31<sup>st</sup> (2013).
- ◆ **Forty Under 40:** Honored by the Rochester Business Journal as an up-and-coming leader who has achieved professional success and made significant civic contributions. (2010)
- ◆ **Science Coalition 100:** iCardiac was recognized as one of the 100 most noteworthy companies in the country that was developed based on university research. (2010)