

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

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April 8, 2021
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FOR IMMEDIATE RELEASE

The Commission on Judicial Nomination Releases Its List of Seven Nominees for the Court of Appeals' Coming Vacancy Created by Judge Leslie E. Stein's Retirement

Under New York's Constitution, the Commission on Judicial Nomination is charged with evaluating, and then recommending to the Governor, candidates to fill vacancies on the State's highest court, the Court of Appeals of the State of New York. The Commission vigorously seeks out, carefully evaluates and then nominates to the Governor well-qualified candidates from the extraordinary, diverse community of lawyers who have been admitted to practice in New York State for at least 10 years.

In connection with the coming vacancy on the Court created by Associate Judge Leslie E. Stein's retirement, effective June 4, 2021, the Commission today released its Report to the Governor. The Report contains the names of seven candidates who in the Commission's collective judgment are well qualified, by virtue of their character, temperament, professional aptitude, experience, qualifications and fitness for office, to fulfill the duties of that high office.

The Commission's Report follows months of outreach efforts that were conducted through public announcements, individual solicitations of applications and a virtual informative meeting held remotely over Zoom by the Commission. These efforts resulted in the receipt of 45 applications. The applicant pool was diverse. Of the 45 candidates, 26 (57%) were female and 14 (31%) were of diverse backgrounds. The Commission interviewed 17 candidates, of whom 13 (76%) were female and 5 (29%) were ethnic minorities.

Judge E. Leo Milonas, Chair of the Commission, stated: "The extraordinary quality of our applicants is noteworthy. The number of exceptional and diverse candidates reflects the unparalleled depth of the legal profession in New York."

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

- Hon. Ellen Nachtigall Biben, Administrative Judge, Criminal Matters, First Judicial District, Judge of the Court of Claims and acting Supreme Court Justice;
- Kathy Hirata Chin, Esq., attorney in private practice (Crowell & Moring);
- Caitlin J. Halligan, Esq., attorney in private practice (Selendy & Gay PLLC);
- Hon. Valerie Brathwaite Nelson, Associate Justice, Appellate Division, Second Department;
- Hon. Erin M. Peradotto, Associate Justice, Appellate Division, Fourth Department;
- Hon. Madeline Singas, Nassau County District Attorney; and,
- Hon. Shirley Troutman, Associate Justice, Appellate Division, Fourth Department.

By law, the Governor is required to make his appointment from among this list no sooner than April 23, 2021 nor later than May 8, 2021. The State Senate then, within 30 days after receipt of the Governor's choice, must confirm or reject the appointment.

Although the Commission on Judicial Nomination has now completed its role with respect to the Judge Stein vacancy, the Commission still must furnish another slate of candidates to fill the vacancy left on the Court of Appeals by the recent resignation of Judge Paul G. Feinman. The Commission must deliver its list to the Governor no later than July 21, 2021. The Commission is mindful of the extraordinary circumstances presented by Judge Feinman's unexpected retirement and the need to swiftly fill the resulting vacancy on the Court of Appeals. The Commission will promptly discharge its Constitutional and statutory responsibilities and nominate and recommend to the Governor three to seven well-qualified candidates.

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

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April 8, 2021

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

Dear Governor Cuomo:

As Chair of the Commission on Judicial Nomination, it is my privilege to report to you on behalf of the Commission, pursuant to Article 6, Section 2 of the Constitution, and Section 63(3) of Article 3-A of the Judiciary Law, the names of seven candidates for your consideration for appointment to the office of Associate Judge of the Court of Appeals of the State of New York. These candidates in the collective judgment of the Commission are well qualified, by virtue of their character, temperament, professional aptitude, experience, qualifications and fitness for office, to discharge the duties of that high office. The vacancy in that office will occur on June 4, 2021 due to the retirement of Associate Judge Leslie E. Stein.

In assembling the candidate list, the Commission complied with its mandate to “conduct broad outreach to encourage wide participation in the application process.” 22 N.Y.C.R.R. § 7100.6. For example, the Commission disseminated statewide notice of the vacancy and application procedure and continued its outreach efforts through the date of the application deadline. Notice was sent to the media, bar associations, New York law schools, and members of the judiciary. Commissioners also engaged in individual solicitation of applications by qualified candidates.

Furthermore, the Commission extended its original deadline for submitting applications for this vacancy from December 31, 2020 to January 7, 2021 to ensure that the size and composition of the pool of applicants represented the broadest possible spectrum of qualified candidates, and provide applicants additional time given the challenges presented by COVID-19.

On November 20, 2020, the Commission hosted a virtual informational meeting, facilitated by the New York State Bar Association, concerning the vacancy and the candidate application process. The meeting included as speakers and panelists (in addition to myself): former Chief Judge Jonathan Lippman; former Associate Judges Carmen Beauchamp Ciparick and Howard A. Levine; Scott M. Karson, President of the New York State Bar Association; John A. Cirando, a member of the Commission; and Henry M. Greenberg, the Commission's Counsel.

The Commission's outreach efforts were successful. Altogether, 45 candidates submitted applications to the Commission. Of those 45 candidates, 11 previously submitted applications for at least one prior vacancy and 34 candidates newly applied for the current vacancy. Female candidates submitted 26 (57%) of the applications; and candidates of diverse backgrounds submitted 14 (31%) of the applications.

The Commission met on April 6 and 7, 2021, to conduct virtual interviews of 17 candidates. Of those 17 candidates, 13 (75%) were female and 5 (29%) were ethnic minorities. The Commission interviewed candidates from around the State, of varying personal and professional backgrounds, and drawing from the bench, the practicing bar and academia.

Consistent with past practice, Commission staff investigated the qualifications of the applicants. The result of each investigation was reported to the Commission and discussed before and after the interviews. The Commission sought by its investigations and interviews to address each candidate's character, temperament, professional aptitude, experience, qualifications and fitness for office.

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

- Hon. Ellen Nachtigall Biben, Administrative Judge, Criminal Matters, First Judicial District, Judge of the Court of Claims and acting Supreme Court Justice;
- Kathy Hirata Chin, Esq., attorney in private practice (Crowell & Moring);
- Caitlin J. Halligan, Esq., attorney in private practice (Selendy & Gay PLLC);
- Hon. Valerie Brathwaite Nelson, Associate Justice, Appellate Division, Second Department;
- Hon. Erin M. Peradotto, Associate Justice, Appellate Division, Fourth Department;
- Hon. Madeline Singas, Nassau County District Attorney; and,
- Hon. Shirley Troutman, Associate Justice, Appellate Division, Fourth Department.

The Honorable Andrew M. Cuomo

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Each candidate recommended for the Office of Associate Judge has been interviewed by the Commission and each has filed the financial statement required by law, which is being transmitted to you separately. A summary of the careers of the recommended candidates is attached.

Section 66(2) of the Judiciary Law provides that “[t]he governor shall have access to all papers and information relating to persons recommended to him by the commission.” At your request, the Commission will furnish you with any such material or information, which requests should be directed to the Commission’s Counsel, Henry M. Greenberg.

Thank you.

Respectfully,

A handwritten signature in blue ink that reads "E. Leo Milonas". The signature is written in a cursive style with a large initial "E" and "L".

E. Leo Milonas
Chair

Hon. Ellen Nachtigall Biben

Judge Ellen Nachtigall Biben, Administrative Judge, Criminal Matters, First Judicial District, Judge of the Court of Claims and acting Justice of the Supreme Court, was found by the Commission to be well qualified for the position of Associate Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for office. She was interviewed by the Commission for the Judge Stein vacancy on April 6, 2021.

Judge Biben received her undergraduate degree from Wesleyan University in 1987. She received her law degree from the University of Southern California Law Center in 1992, where she was Executive Editor of the Law Review and recognized for best brief by the Moot Court Honor Society. Following law school, she served as Law Clerk for the Hon. Alan H. Nevas of the United States District Court, District of Connecticut from 1992 to 1994. After two years as an associate in the Los Angeles office of Sullivan & Cromwell LLP, in 1996 she joined the New York County District Attorney's office as an Assistant District Attorney, becoming Deputy Bureau Chief of the Rackets Bureau before her departure in 2007 to serve as Special Deputy Attorney General for Public Integrity at the Office of the New York State Attorney General. In 2011, Judge Biben was appointed New York State Inspector General and from 2012-2013 served as Executive Director of the Joint Commission on Public Ethics. She joined KPMG LLP as Managing Director in February 2015.

Since June 2015, Judge Biben has been a Judge of the Court of Claims and an Acting Justice of the Supreme Court, and since 2017, she has been Administrative Judge for Criminal Matters in the First Judicial District. She has served on the New York State Bar Association's Task Force on Domestic Terrorism and Hate Crimes and Task Force on the Parole System and co-founded the Foundation for Women's Wellness. Judge Biben has also been an adjunct professor at New York University School of Law since 2013.

Kathy Hirata Chin, Esq.

Kathy Hirata Chin, a partner at the law firm of Crowell & Moring, was found by the Commission to be well qualified for the position of Associate Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for office. She was previously nominated by the Commission for the position Associate Judge of the Court of Appeals in 2012 and 2014. She was interviewed by the Commission for the Judge Stein vacancy on April 6, 2021.

Ms. Chin received her undergraduate degree (magna cum laude) from Princeton University in 1975. She graduated from Columbia University School of Law, where she was editor-in-chief of the Columbia Journal of Transnational Law and a Harlan Fiske Stone Scholar. Following law school, she joined the law firm of Cadwallader, Wickersham & Taft LLP as an associate, and became partner in 1990. In 2018, she joined Crowell & Moring.

Since 2003, Ms. Chin has served on the New York City Commission to Combat Police Corruption; and since 2013 she has served on the Commercial Division's Advisory Council.

She also was a member of Governor Mario M. Cuomo's Screening Committee for the First Judicial Department; the New York City Planning Commission; the Magistrate Judge Merit Selection Panel for the Eastern District of New York; the Second Circuit Judicial Conference Planning and Program Committee; Chief Judge Judith S. Kaye's Commission to Promote Public Confidence in Judicial Elections; and Chief Judge Lippman's Attorney Emeritus Advisory Council. Ms. Chin has also been actively involved in pro bono matters, including assisting families of uniformed personnel who perished on 9/11.

Caitlin J. Halligan, Esq.

Caitlin J. Halligan, a partner at the law firm of Selendy & Gay, was found by the Commission to be well qualified for the position of Associate Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for office. She was previously nominated by the Commission for the positions of Chief Judge of the Court of Appeals in 2015, and as an Associate Judge in 2015 and 2016. She was interviewed by the Commission for the Judge Stein vacancy on April 6, 2021.

Ms. Halligan received her undergraduate degree (cum laude) from Princeton University in 1988 and law degree from Georgetown University Law Center (magna cum laude) in 1995. She was Managing Editor of the Georgetown Law Review. Upon graduation from law school, she served as Law Clerk to Hon. Patricia Wald of the United States Court of Appeals for the District of Columbia Circuit (1995 to 1996) and Hon. Stephen Breyer, Associate Justice of the Supreme Court of the United States (1997 to 1998). She also served as an associate at Wiley, Rein, and Fielding in Washington, D.C. (1996 to 1997) and Howard, Smith & Levin in New York City (1998 to 1999).

From 1999 to 2000, Ms. Halligan served as head of the Internet Bureau in the Office of the New York State Attorney General. In 2001, she became First Deputy Solicitor General for the State of New York, and from 2001 to 2007 served as Solicitor General for the State of New York. Ms. Halligan returned to private practice in 2007 as a partner at Weil, Gotshal & Manges LLP. In 2009, she became General Counsel to the New York County District Attorney's Office. She remained in that post until 2013, when she became a partner at the law firm of Gibson, Dunn & Crutcher LLP. In 2019, she joined Selendy & Gay.

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

Hon. Erin M. Peradotto

Justice Erin M. Peradotto, an Associate Justice of the Appellate Division, Fourth Department, was found by the Commission to be well qualified for the position of Associate Judge based on her character, temperament, professional aptitude, experience, qualifications

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

Justice Peradotto received her undergraduate degree (magna cum laude, Phi Beta Kappa) from The State University of New York at Buffalo in 1981 and law degree from SUNY Buffalo Law School in 1984. From 1985 to 1987, she worked in private practice as a trial attorney. From 1997 to 1998, she served as Assistant Attorney General in Charge of the Buffalo Regional Office of the New York State Attorney General. She returned to private practice from 1999 to 2004, when she was elected Justice of the New York State Supreme Court. She was appointed to the Appellate Division in 2006.

Justice Peradotto has served on the New York State Ethics Commission for the Unified Court System since 2011 and was President of the Bar Association of Erie County from 1997 to 1998. She also served on the State of New York's Attorney Grievance Committee for the 8th Judicial District from 2001 to 2003. She has served as a delegate to the New York State Bar Association's House of Delegates, a director of the Women Lawyers of Western New York, a director of the Volunteer Lawyers Project, and a director of the SUNY at Buffalo Law Alumni Association.

Hon. Madeline Singas

Madeline Singas, District Attorney of Nassau County, was found by the Commission to be well qualified for the position of Associate Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for office. She was interviewed by the Commission for the Judge Stein vacancy on April 7, 2021.

Ms. Singas received her undergraduate degree from Barnard College, Columbia University in 1988. She received her law degree from Fordham University in 1991. Following law school and until 2006, she served as an Assistant District Attorney in Queens County. In that capacity, she served as the Supervisor of Training for the Narcotics Trial Bureau in 1999. From 2000 to 2006, she served as the Deputy Chief of that Bureau. In 2006, she joined the Nassau County District Attorney's Office, where she served as the Bureau Chief of the Special Victims Unit from 2006 to 2011 and as Chief Assistant District Attorney from 2011 to 2015. In 2015, she served as the Acting Nassau County District Attorney, until she was elected as the District Attorney of Nassau County later that year.

Ms. Singas is a member of the New York State Justice Task Force, the New York State Permanent Judicial Commission on Justice for Children, the Commission to Reimagine the Future of New York Courts, the New York State Bar Association's Task Force on Domestic Violence and its Committee on Re-Entry, the New York State Safe Schools Task Force, and the Nassau County Forensic Advisory Board.

Hon. Shirley Troutman

Justice Shirley Troutman, an Associate Justice of the Appellate Division, Fourth Department, was found by the Commission to be well qualified for the position of Associate Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for office. She was interviewed by the Commission for the Judge Stein vacancy on April 6, 2021.

Justice Troutman received her undergraduate degree from the State University of New York at Buffalo in 1982. She graduated from Albany Law School in 1985. From 1986 to 1989, she served as an Assistant District Attorney with the Office of the Erie County District Attorney. From 1989 to 1992, she served as an Assistant Attorney General with the Office of the New York State Attorney General. From 1992 through 1994, she served as an Assistant United States Attorney for the United States Attorney's Office for the Western District of New York. From 1994 to 2002, she served as a City Court Judge for the City of Buffalo. From 2003 to 2009, she served as an Acting Supreme Court Justice for Erie County. In 2010, she was elected Justice of the Supreme Court, Erie County. She was appointed to the Appellate Division in 2016.

Justice Troutman has served as an Adjunct Professor at Buffalo State College and the State University of New York at Buffalo Law School. She teaches seminars regarding diversity and inclusion in the courts, New York criminal and civil law and procedure, and judicial ethics. Justice Troutman is currently co-Chair of the Franklin Williams Commission, which advises decision makers in the New York Court System on issues affecting employees and litigants of color, and is President-Elect of the National Association of Women Judges, New York Chapter.

Hon. Valerie Brathwaite Nelson

Justice Valerie Brathwaite Nelson, an Associate Justice of the Appellate Division, Second Department, was found by the Commission to be well qualified for the position of Associate Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for office. She was interviewed by the Commission for the Judge Stein vacancy on April 6, 2021.

Justice Brathwaite Nelson received her undergraduate degree (cum laude) from Syracuse University in 1975. She graduated from the George Washington University Law Center in 1978. From 1978 to 1979, she worked as a Law Clerk for the Occupational Safety and Health Review Commission. From 1979 to 1986, she served as an attorney for the National Labor Relations Board. From 1986 to 1988, she worked in private practice as a labor attorney. She served as Deputy Counsel to the New York State Department of Labor from 1988 to 1989, and then entered private practice as a solo practitioner. She served as Counsel to New York State Senator Alton R. Waldon, Jr. from 1991 to 1992, and then returned to private practice through 1999. From 2000 to 2002, she served as an attorney for the United States Postal Service. She was elected Judge of the Civil Court of the City of New York,

Queens County in 2003, and Justice of the Supreme Court, Queens County in 2005. She was appointed to the Appellate Division in 2016.

Justice Brathwaite Nelson currently serves as a member of the Association of Justices of the Supreme Court of the State of New York, the National Association of Women Judges, and the Queens County Bar Association (among other bar associations). She has received awards in recognition of her service from the United States Congress, New York State Legislature and New York City Council.