



HISTORICAL SOCIETY *of the* NEW YORK COURTS

2018 Gala Dinner

April 12, The New York Public Library



Get to Know the Bench

Up Close & Personal with the NYS Court of Appeals

Hon. Janet DiFiore, *Chief Judge*

Hon. Jenny Rivera • Hon. Leslie E. Stein • Hon. Eugene M. Fahey

Hon. Michael J. Garcia • Hon. Rowan D. Wilson • Hon. Paul G. Feinman

Presentation of the Judith S. Kaye  Achievement Award to Sheila L. Birnbaum





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April 12, 2018 Gala Dinner

The New York Public Library

Program

WELCOME

Robert J. Giuffra, Jr.

Gala Chair

**REMARKS & PRESENTATION of
JUDITH S. KAYE ACHIEVEMENT AWARD**

Janet DiFiore

Chief Judge of the State of New York



JUDITH S. KAYE ACHIEVEMENT AWARD

Sheila L. Birnbaum

ABOUT *the* SOCIETY

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VIDEO PRESENTATION

Get to Know the Bench

Up Close & Personal with the NYS Court of Appeals

Hon. Janet DiFiore, Chief Judge

in order of seniority

Hon. Jenny Rivera • Hon. Leslie E. Stein • Hon. Eugene M. Fahey

Hon. Michael J. Garcia • Hon. Rowan D. Wilson • Hon. Paul G. Feinman



HONORABLE

Janet DiFiore

CHIEF JUDGE

Court of Appeals, 2016-Present

Janet DiFiore, Chief Judge of the Court of Appeals and of the State of New York, was born in 1955 in Mount Vernon, New York.

She graduated from C.W. Post College, Long Island University (B.A. 1977) and from St. John's University School of Law (J.D. 1981). She was

admitted to the Bar of the State of New York in 1982. Chief Judge DiFiore served as an Assistant District Attorney in the Westchester County District Attorney's Office from 1981-1987, and from 1994-1998 as Chief of the Office's Narcotics Bureau. From 1987-1993, Chief Judge DiFiore practiced law with the firm of Goodrich & Bendish. In 1998, she was elected a Judge of the Westchester County Court, presiding over criminal and civil matters and sitting by designation in the Family Court, Surrogate's Court and Supreme Court. She served as a County Court Judge until 2002, when she was elected a Justice of the New York State Supreme Court.

As a Supreme Court Justice, she served as Supervising Judge of the Criminal Courts of the 9th Judicial District. In 2005, Chief Judge DiFiore resigned from the bench and was elected Westchester County District Attorney. She served in this position from 2006-2016. On December 1, 2015, Governor Andrew Cuomo nominated her to the position of Chief Judge of the Court of Appeals and the State of New York. On January 21, 2016, her nomination was confirmed by the New York State Senate.

Chief Judge DiFiore lives in Bronxville, NY with her husband Dennis E. Glazer. They have three grown children and two grandchildren.



HONORABLE

Jenny Rivera

Court of Appeals, 2015-Present

Jenny Rivera was born in New York City in December 1960. On January 15, 2013, Governor Andrew M. Cuomo nominated her to the Court of Appeals, and the New York State Senate confirmed her appointment on February 11, 2013.

Judge Rivera has spent her entire professional career in public service. She clerked for the Honorable Sonia Sotomayor, on the Southern

District of New York, and also clerked in the Second Circuit Court of Appeals Pro Se Law Clerk's Office. She worked for the Legal Aid Society's Homeless Family Rights Project, the Puerto Rican Legal Defense and Education Fund (renamed Latino Justice PRLDEF), and was appointed by the New York State Attorney General as Special Deputy Attorney General for Civil Rights. Judge Rivera has been an Administrative Law Judge for the New York State Division for Human Rights, and served on the New York City Commission on Human Rights. Prior to her appointment, she was a tenured faculty member of the City University of New York School of Law, where she founded and served as Director of the Law School's Center on Latino and Latina Rights and Equality.

She graduated from Princeton University, and received her J.D. from New York University School of Law and her LL.M. from Columbia University School of Law.

Judge Rivera resides with her life partner, Audie.



HONORABLE

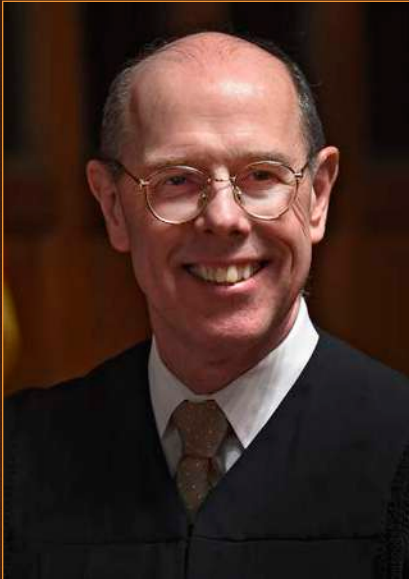
Leslie E. Stein

Court of Appeals, 2015-Present

Leslie E. Stein was born in New York in 1956. She received her B.A., Phi Beta Kappa, from Macalester College and her J.D., Magna Cum Laude, from Albany Law School. Judge Stein began her legal career as the law clerk to the Schenectady County Family Court Judges. She then worked as an associate and partner at the Albany law firm of McNamee, Lochner, Titus & Williams where she practiced matrimonial and family law. While

a practicing attorney, Judge Stein was elected a Fellow of the American Academy of Matrimonial Lawyers. She began her judicial career as an Albany City Court Judge and Acting Albany County Family Court Judge. She was then elected to the NYS Supreme Court, 3rd Judicial District, in January 2002. She served as the Administrative Judge of the Rensselaer County Integrated Domestic Violence Part from January 2006 until February 2008, when she was appointed a Justice of the NYS Appellate Division, 3rd Department. In October 2014, Judge Stein was nominated by Governor Andrew M. Cuomo to serve as an Associate Judge of the Court of Appeals and her nomination was confirmed by the NYS Senate on February 9, 2015.

Judge Stein is a past co-chair of the NYS Unified Court System Family Violence Task Force. She was a founding member of the NYS Judicial Institute on Professionalism in the Law and chaired the Third Judicial District Gender Fairness Committee from 2001 - 2005. She has also served on the Executive Committee of the Association of Justices of the NYS Supreme Court, as an officer of the NYS Association of City Court Judges, and as a member of the Board of the New York Association of Women Judges. Judge Stein has lectured and developed curricula for continuing legal education of attorneys and judges on multiple topics. She has a long history of involvement in various State and local bar associations. She resides with her husband, Mark R. Sonders, in Albany, New York.



HONORABLE

Eugene M. Fahey

Court of Appeals, 2015-Present

Eugene M. Fahey was born in Buffalo, New York, in September 1951. He attended high school at St. Joseph's Collegiate Institute. Later, he graduated from the State University of New York with a B.A. in political science in 1974 (cum laude), a law degree in 1984 and an M.A. in European History in 1998. Judge Fahey served on the Buffalo Common Council from 1978 to 1983 and again from 1988 to 1994. He served as Law Clerk

to Judge Edgar C. NeMoyer in the New York Court of Claims before entering private practice in 1985, serving as house counsel for Kemper Insurance Company until 1993. Judge Fahey was elected to Buffalo City Court in 1994.

He was elected to the Supreme Court in 1996, and was re-elected in 2010. As a Supreme Court Justice, Judge Fahey was assigned to handle a civil calendar as well as criminal Special Term and presided over a variety of cases in Erie County as well as the outlying counties in the 8th Judicial District. He was assigned to the Commercial Division in Erie County in January 2005 until his appointment by Governor George E. Pataki to the Appellate Division, 4th Department in December 2006. In January 2015, Judge Fahey was nominated to the Court of Appeals by Governor Andrew Cuomo. The NYS Senate unanimously confirmed that nomination on February 9, 2015.

He and his wife, Colleen Maroney-Fahey, live in Buffalo, New York. They have one daughter.



HONORABLE

Michael J. Garcia

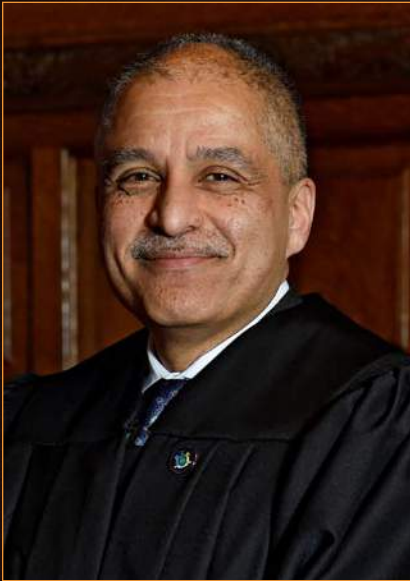
Court of Appeals, 2016-Present

Michael J. Garcia was born in Brooklyn, in October 1961. On January 20, 2016, Governor Andrew M. Cuomo nominated him to the Court of Appeals, and the NYS Senate confirmed his appointment on February 8, 2016. Judge Garcia received his undergraduate degree with honors from the SUNY at Binghamton in 1983 and an M.A. degree from the College of William & Mary in 1984. In 1989, he received

his law degree (summa cum laude) from Albany Law School, where he graduated as valedictorian. He began his legal career as an associate at Cahill Gordon & Reindel LLP in 1989. From 1990 to 1992, he served as Law Clerk to Hon. Judith S. Kaye, then Associate Judge of the NYS Court of Appeals.

From 1992 to 2001, he served as an Assistant United States Attorney for the Southern District of New York. In 2001, he became Assistant Secretary of Commerce for Export Enforcement in the Bureau of Industry and Security, and in December 2002 he became Acting Commissioner of the Immigration and Naturalization Service at the U.S. Department of Justice. From March 2003 to August 2005, he served as Assistant Secretary for Immigration and Customs Enforcement at the U.S. Department of Homeland Security. Judge Garcia was the U.S. Attorney for the Southern District of New York from 2005 to 2008, when he joined Kirkland & Ellis LLP.

Judge Garcia is on the Board of Trustees of El Museo del Barrio. He previously was Vice President of the Americas for INTERPOL from 2003 to 2006. From 2012 to 2014, he was Chair of the Investigatory Chamber of the Ethics Committee of the Federation Internationale de Football Association. Judge Garcia lives in Westchester with his wife and three children.



HONORABLE

Rowan D. Wilson

Court of Appeals, 2017-Present

Rowan D. Wilson was born in Pomona, California in 1960, and grew up in Berkeley, California. He received his A.B. degree from Harvard College in 1981, and his J.D. degree from Harvard Law School in 1984. He was admitted to the bar of the State of California in 1985, and the bar of the State of New York in 1987. From 1984 to 1986, he served as a judicial law clerk to the Honorable James R. Browning,

Chief Judge of the United States Court of Appeals for the Ninth Circuit, based in San Francisco, California.

In 1986, he joined the firm of Cravath, Swaine & Moore in New York City as an associate, and was elected to partnership there in 1991, in which position he continued until February 2017. On January 15, 2017, Governor Andrew M. Cuomo nominated Judge Wilson to serve as an Associate Judge of the Court of Appeals, and the New York State Senate confirmed his nomination on February 6, 2017. While in private practice, Judge Wilson served on the boards of several charitable and not-for-profit organizations and handled numerous pro bono matters.

Judge Wilson resides with his wife and children in Port Washington, New York.



HONORABLE

Paul G. Feinman

Court of Appeals, 2017-Present

Paul G. Feinman was born in 1960 in Hempstead, New York, the third of five children. He was raised in Merrick, where he attended public schools. Judge Feinman graduated from Columbia College, Columbia University (A.B. 1981) and the University of Minnesota Law School (J.D. 1985), attending both on scholarship. He also studied at the Université de Paris VII (Jussieu), the Université de Paris II (Assas) and the Université de Lyon III.

He began his legal career as a Staff Attorney for the Appeals Bureau of the Legal Aid Society of Nassau County and then worked for the Legal Aid Society, Criminal Defense Division in Manhattan. From 1989 to 1996, he clerked for Justice Angela M. Mazzarelli in Supreme Court, Criminal and Civil Branches, and in the Appellate Division, 1st Department.

In November 1996, Judge Feinman was elected to the Civil Court of the City of New York; he was re-elected in 2006. From 1997 - 2001, he was assigned to the Criminal Court. He was designated an Acting Supreme Court Justice in Manhattan in 2004 and elected a Justice of the Supreme Court in 2007. Governor Andrew M. Cuomo appointed him to the Appellate Division, 1st Department in October 2012. Governor Cuomo nominated Judge Feinman to the Court of Appeals, and the Senate unanimously confirmed his nomination on June 21, 2017.

He previously served as President of the Association of Supreme Court Justices of the State of New York, Inc. (2013), President of the International Association of LGBT Judges (2008 - 2011), Presiding Member of the Judicial Section of the NYS Bar Association (2012 -2013), and President of LeGaL, the LGBT Bar of Greater New York (1996). He resides in New York City with his husband, Robert Ostergaard.





COURT *of* APPEALS HALL: *Its History*

The Richardson Courtroom

In 1847, the Court of Appeals was established as New York's court of final appeal, the Court of Chancery was abolished, and the old Supreme Court became a court of general jurisdiction in law and equity. On September 7, 1847, and for almost four decades thereafter, the Court of Appeals held its sessions in the old Capitol, in the second floor courtroom once occupied by the Supreme Court.

When the new Capitol was constructed in the mid-nineteenth century, renowned architect H.H. Richardson envisioned a magnificent courtroom in which the Court of Appeals would henceforth hear oral argument. The courtroom walls were paneled from floor to ceiling in carved oak; the ceiling was oak-timbered. Portraits of thirty-three former New York State Judges graced the walls. An exquisitely sculpted oak clock and a bronze statue of Chancellor Robert Livingston stood in the courtroom. The Judges' oak bench was of similarly fine craftsmanship; close examination of the bench's intricate detail revealed a host of faces carved into its facade. On January 14, 1884, the Court of Appeals held its first session in the Capitol's Richardson Courtroom.

Renovation and Rededication as Court of Appeals Hall

By 1909, space had become a problem in the Capitol. When much of that building was damaged by the fire of 1911, relocation of the Court of Appeals to its own home grew more urgent. Chapter 445 of the Laws of 1909, entitled An act relating to the Capitol Building and a suitable building for the Court of Appeals, and making an appropriation therefor, directed the State Architect and a Judge of the Court of Appeals (to be designated by order of the Court) to procure designs, plans, specifications and estimates



and to report in writing to the Legislature whether alterations to the building would render State Hall convenient and suitable for use by the Court of Appeals..

Thereafter, the Legislature authorized the Capitol Trustees to take steps to alter State Hall for Court of Appeals occupancy in conformity with the 1910 plans, as modified by the newly-appointed State Architect, Lewis F. Pilcher. The revised design included an extension of State Hall to the east to accommodate the Court's beloved Richardson Courtroom, then over 30 years old; preservation of the courtroom was Chief Judge Willard Bartlett's highest priority. The Court of Appeals approved the new design by resolution adopted March 3, 1914. The contract for the renovation was executed on August 3, 1915 and the building, renamed Court of Appeals Hall, was formally dedicated on January 8, 1917..

The hand-carved oak paneling of the Richardson Courtroom was also moved, piece by piece, from the Capitol to its new home in Court of Appeals Hall, as was the massive marble, onyx and bronze fireplace. Oil paintings of former Judges, in sculpted oak frames, now graced all four walls of the courtroom. The original courtroom furniture, designed by Richardson and built by artisans in a basement furniture shop at the Capitol in 1883, was displayed on a new Brussels-weave carpet bearing geometrical and floral details in hues of beige, brown, cream and blue-green.

Governor Charles S. Whitman observed at the ceremony dedicating Court of Appeals Hall:

From now on and judging from the splendid character of the building itself, we trust for centuries it is to be devoted to a purpose, the noblest purpose to which a building or life can be devoted, the administration of justice.

From *Court of Appeals Hall: Construction, Restoration & Renovation, 1824-2004*, published 2005. Compiled at the request of then-Chief Judge Judith S. Kaye by Lisa Bohannon, Cynthia Byrne, Marjorie McCoy, and Frances Murray.

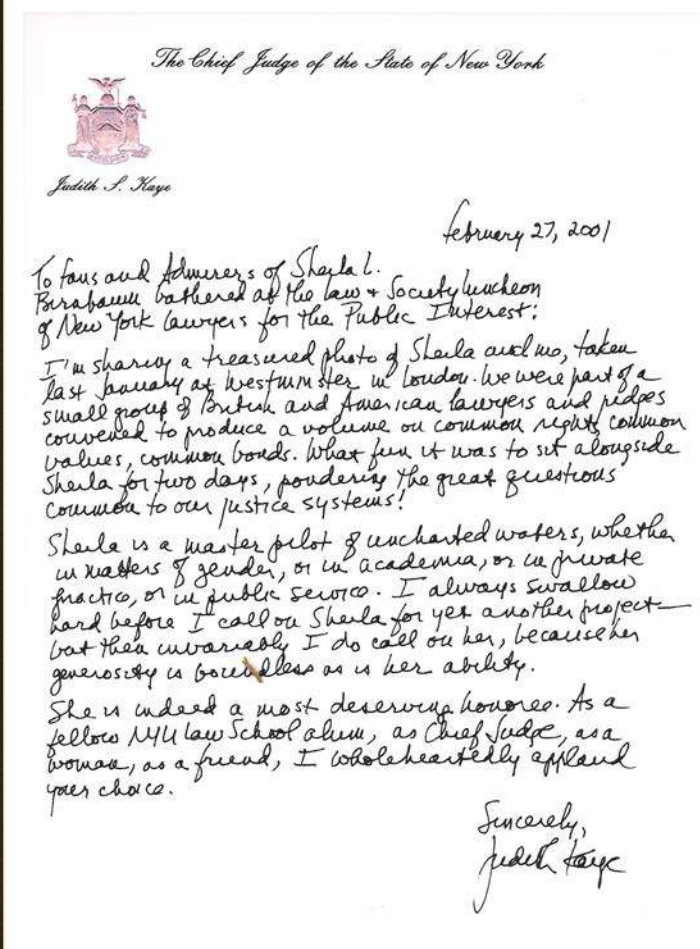


As a Judge, Judith Kaye was an outstanding jurist, an innovator, and a reformer. She appointed me to be Chair of the Fiduciary Appointments Commission. The report of The Commission had many controversial recommendations that Judge Kaye implemented quickly.

I became a colleague of Judith when she joined Skadden Arps after she left the bench. I knew Judith for some time in her judicial role but as a lawyer she was brilliant and advised me on several appeals, helping with mock arguments and framing strategy. She was always available and wanting to assist, especially with difficult legal issues.

It was a great honor for me to have Judith as a friend and supporter.

Sheila L. Birnbaum's
comments on Hon. Judith S.
Kaye



JUDITH S. KAYE



ACHIEVEMENT AWARD WINNER



Sheila L. Birnbaum

Sheila L. Birnbaum is a partner at Quinn Emanuel Urquhart & Sullivan, and focuses her practice primarily in the areas of products liability, toxic torts, and insurance coverage litigation. Prior to becoming a partner at Quinn Emanuel, she was a partner at Skadden Arps, and a professor of law and associate dean at New York University School of Law.^z

She has argued successfully three times in the United States Supreme Court, including the historic victory for State Farm Mutual Automobile Insurance Company, when the Court reversed a \$145 million punitive damages award against the company as unconstitutionally excessive.

She was appointed by Attorney General Holder to be the Special Master of the 9/11 Victims Compensation Fund, and served in that capacity for five years, authorizing almost \$2 billion in awards. She was also selected by Chief Judge Lippman to be the Chair of the Special Commission on Legislative, Judicial and Executive Compensation.

Sheila was appointed by Chief Judge Kaye to be the chair of the Commission on Fiduciary appointments whose report was the basis for major reform to the New York rules for fiduciary appointments. She was the Executive Director of the Second Circuit Task Force for Racial Ethnic and Gender Fairness. She was also appointed as a member of The Judicial Conference Advisory Committee on Rules and Civil Procedure by Chief Justice Rehnquist.

Sheila has received the American Lawyers Lifetime Achievement Award in 2016. She also received the National Law Journal's Lifetime Achievement Award, the Lifetime Achievement Award at the Benchmark Litigation Annual Awards, the Margaret Brent Women Lawyers of Achievement Award from the ABA, the John L. McCloy Memorial Award from the Fund for Modern Courts and the Law and Society Award from the N.Y. Lawyers for the Public Interest.

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