



NEW YORK STATE TRIAL LAWYERS ASSOCIATION, INC.

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August 1, 2006

Governor George E. Pataki
Executive Chamber
State Capitol
Albany, N.Y. 12224

Dear Governor Pataki:

On behalf of the New York State Trial Lawyers Association, we are pleased to report to you the results of our interviews with the seven candidates put forth by the Commission on Judicial Nomination for the vacancy on the Court of Appeals created by the expiration of the current term of Judge George Bundy Smith. We recognize the importance of this decision to the citizens of New York and we appreciate the opportunity to submit our findings.

Our Judicial Screening Committee was comprised of 12 members of our Association, from counties across New York, with varied practice interests. The Committee met with each candidate on Monday, July 31, 2006 in New York City. Prior to the interview, Committee members reviewed each candidate's questionnaire submitted to the Committee on Judicial Nomination and read their opinions and legal writings. The Committee evaluated the candidates as to their legal experiences on the bench and their judicial philosophy.

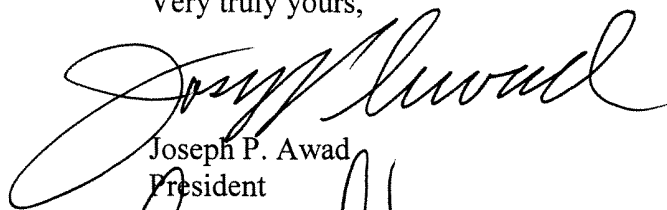
Judge George Bundy Smith's candidacy deserves special consideration. Judge Smith deserves to be reappointed because of the tradition and history of the Court. During his fourteen-year term on the Court of Appeals, Judge Smith has expounded, with courage and integrity, his view of the law as the preeminent device to serve the people through its principles of liberty and equality. We especially value Judge Smith's commitment to the principle of equality under law.

As to the other six candidates in alphabetical order, their ratings are as follows:

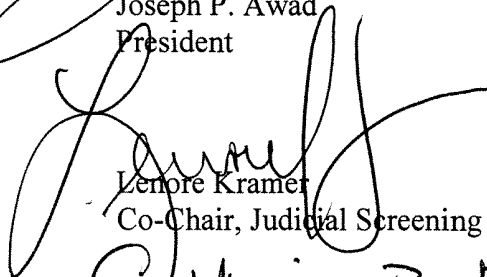
- Hon. Richard T. Andrias Qualified and Recommended
- Hon. James M. Catterson Qualified and Recommended
- Hon. Steven W. Fisher Qualified and Recommended
- Hon. Thomas E. Mercure Qualified and Recommended
- Hon. Eugene F. Pigott, Jr. Qualified and Highly Recommended
- Hon. A. Gail Prudenti Qualified and Highly Recommended

Thank you again for the opportunity to provide our findings.

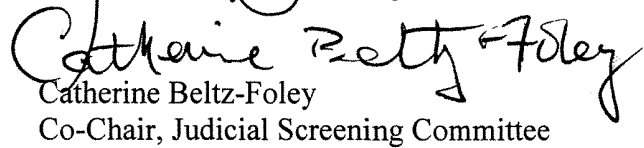
Very truly yours,



Joseph P. Awad
President



Lenore Kramer
Co-Chair, Judicial Screening Committee



Catherine Beltz-Foley
Co-Chair, Judicial Screening Committee