

have a short time period.

MR. ABINANTI: No, okay, 'cause you only have five minutes, right.

ASSEMBLYMEMBER CURRAN: But I thought that you had said in your opening role is to make public policy, and I'm glad you clarified that. Let me just ask you: Some believe that the last Attorney General's Office based many of its legal decisions on politics and not on the reading of the law. So, can you promise us that you'll be, in your own words, "independent and strong minded enough" to make any decision to pursue any legal action on behalf of the people of New York based upon your legal interpretation of laws and not politics?

MR. ABINANTI: Well, it would not just be my legal interpretation, it's the legal interpretation of me and the professionals in the Office, the 600 people that we're talking about. But as an attorney, I would be guided by them and I would work with them on coming to conclusions; but, yes, I would be independent. If I haven't demonstrated that already, I don't know what else I can do to...

ASSEMBLYMEMBER CURRAN: The former Attorney General began pursuing legislation and -- and I think Chairman Lentol brought it up before, double jeopardy. In your six month interim status as Attorney General, if you were to be given that position, would you also pursue that same legislation?

MR. ABINANTI: I think I would because he's already started that and I think it makes a lot sense.

ASSEMBLYMEMBER CURRAN: Do you have certain guidelines that would actually indicate what crimes you would pursue if a Federal pardon came down? And I ask that because the majority of Federal pardons that have come down over the last 20 years deal with drug offenses. So, do you have a certain set of guidelines as to determine what crimes that have been pardoned on the Federal level that you will pursue on the State level, particularly with regards to drug offenses?

MR. ABINANTI: If I answered it now, it would be a political answer and a policy answer. I would have to talk to the professionals in the office, see what they based their current proposal on before I could answer your question.

ASSEMBLYMEMBER CURRAN: Well, let me ask you this, Tom. So, that whole double jeopardy legislation came up in the context of a political argument in Washington without any retrospect as to the majority of pardons that have come down to the Federal government. Would you be in a position to re-try charges on a State level for drug offenses that have been pardoned on the Federal level?

MR. ABINANTI: Again, I would have to look to see what the professionals were saying. I think my predecessor in this chair is more experienced at that than I am, and she couldn't even give you a full answer. I think you're talking about a, with all due respect, a very complicated area. We will be confined by the United States Constitution, the State Constitution and what other statutes are out

there, and -- and the legislation, I haven't seen the legislation yet that --

ASSEMBLYMEMBER CURRAN: Tom, let me tell you something. That was a great answer, because it is a very complicated question and it was posed as a political answer to a very complicated question where people really didn't give much thought to it, and that's what led most people to believe that the former Attorney General was basing his decision on politics and not on the law.

Let me ask you, last question is, your experience in the criminal law area, is -- is -- was that limited to your time as a prosecutor in Ardsley and Dobbs Ferry?

MR. ABINANTI: No, no; I've tried criminal -- I was a criminal defense attorney for -- for 17 years, so I tried all kinds of -- of criminal defense -- all kinds of cases.

ASSEMBLYMEMBER CURRAN: Thank you very much, Tom.

MR. ABINANTI: Everything from a -- I tried a rape case, I tried -- I tried Driving While Intoxicated, I tried robberies and, you know, just about every kind of criminal case there was.

ASSEMBLYMEMBER CURRAN: Thank you. My time's up, thank you.

MR. ABINANTI: Thanks.

CHAIRMAN LENTOL: Thank you very much, Tom.

MR. ABINANTI: Thank you.

CHAIRMAN LENTOL: Our next applicant is

Assemblyman Daniel O'Donnell.

MR. DANIEL O'DONNELL: Good afternoon.

CHAIRMAN LENTOL: Good afternoon.

MR. O'DONNELL: I'd like to begin by saying I'm extraordinarily uncomfortable sitting on this side of the table, so just bear with me. I have submitted a letter as well as a resume about why I believe I have the qualifications to do this job. As a law student, I worked in the Attorney General's Office in the Litigation Bureau working on very complex cases, including cases that went to the United States Supreme Court. As an attorney, I was a public defender in Brooklyn from 1987 to 1994, fighting against Ms. Holtzman for a time - who sits in the front row - defending people who are part of a Criminal Justice system that are often forgotten.

When I was in private practice subsequent to that, I had a broad-based practice, but the irony is that my one constitutional case involved suing the Attorney General of the State of New York for firing employees. It was Dennis Vacco who fired employees and I brought a case against him that I had to argue in the Second Circuit Court of Appeals that involved age and sex discrimination. In the end, the defendant was Eliot Spitzer. The Second Circuit did not find on behalf of my client and, unfortunately, I believe made bad law for women and for people of a certain age.

So, I would like to begin by informing you that were you to choose to give me this opportunity, no one in the Attorney General's Office will be fired, including Ms. Underwood. Anybody

who would fire Ms. Underwood ought to have their head examined. So, there's no question about her qualifications or her capacities. I had never met her before I was on my way back from the men's room when she was leaving, but I thought her testimony was extraordinary, and I look forward to your questions.

CHAIRMAN LENTOL: Thank you very much. I think we're going to start at this end with Assemblyman Curran.

MR. O'DONNELL: Mr. Curran, nice to see you.

ASSEMBLYMEMBER CURRAN: I knew I liked you, Chairman Lentol.

Danny, as a fellow CUNY law alumni, I would be very happy to see you get this position. Let me ask you a couple questions. What is the position that you've held with the greatest number of people that you've supervised?

MR. O'DONNELL: This job.

ASSEMBLYMEMBER CURRAN: Okay. And how many is that?

MR. O'DONNELL: Well, the Speaker is not as generous as he used to be, but I would say -- I think I would say five was the limit, yes.

ASSEMBLYMEMBER CURRAN: Okay. And do you think that you have the ability to supervise 650 trial attorneys?

MR. O'DONNELL: I believe that Mr. Schneiderman and Mr. Spitzer did not have that either. I believe that Mr. DiNapoli was accused of the same thing when he sought to be the Comptroller.

ASSEMBLYMEMBER CURRAN: I believe you do, too.

MR. O'DONNELL: And so, I think that I could rise to that level, yes, I do.

ASSEMBLYMEMBER CURRAN: Okay.

MR. O'DONNELL: Particularly because I worked there and I understood the structure and as it existed. I think I could do that, yes.

ASSEMBLYMEMBER CURRAN: Let me -- let me ask you: Your trial history. How many trials have you actually brought to verdict?

MR. O'DONNELL: I missed the last of it -- the end of it.

ASSEMBLYMEMBER CURRAN: What's that?

MR. O'DONNELL: I missed the end of your question.

ASSEMBLYMEMBER CURRAN: Oh, I'm sorry. I was just asking how many trials have you brought to verdict?

MR. O'DONNELL: Well, that's a good question because when we were preparing my resume, it says 26, but I thought it was 38, but I think it might have been an old resume. But they were -- the 26 were certainly all felony trials. While at Legal Aid, I was certificated to -- to do B Felonies in six months and allowed to try murder cases. They allow very few Legal Aid lawyers to try murder cases, so at least 26, but probably more.

ASSEMBLYMEMBER CURRAN: Okay. Can you just tell us some of your views on the enforcement powers of the Attorney General, specifically under the Martin Act, which permits, as you know, the Attorney General to investigate suspected fraud relating to offer, sales and purchases of securities, and particularly with regards to peoples' concern about the Martin Act as it comes to the State being able to bring charges under that Act even when the SEC has declined to take action because there's a lack of fraudulent intent by the individual who's being charged.

MR. O'DONNELL: Well, I do believe the Attorney General has that authority and that is an appropriate use of that authority. I can also tell you that in my tenure here, I voted against any attempt to expand that beyond what it currently is. And so, I think that it's a legitimate use of the Attorney General's power that should be exercised judiciously.

ASSEMBLYMEMBER CURRAN: How are you going to expand it?

MR. O'DONNELL: I'm sorry?

ASSEMBLYMEMBER CURRAN: How do you seek to expand it?

MR. O'DONNELL: I did not seek to expand it; I voted against an attempt to expand it.

ASSEMBLYMEMBER CURRAN: Oh, good. Okay, thank you. And let me just ask you, some have concerns that some of the actions that were brought under the Martin Act by prior

Attorney Generals were politically motivated, either because of the individuals that were claimed to have violated the Martin Act, or the possibility of collecting very high fines from those individuals.

MR. O'DONNELL: Mmhmm.

ASSEMBLYMEMBER CURRAN: Let me ask you, what are your views with regards to the use of Martin Act as you go forward in the six months as Attorney General?

MR. O'DONNELL: I do not believe that the powers of the Attorney General should be used in a political way ever, and I don't think that that's the appropriate thing to do. For example, earlier questions about public corruption; were I to be named to this position, I would interfere if no way with the professional prosecutors in making their determinations about how to best proceed. But, Ms. Underwood is entirely correct that Federal Court is offer -- often a better venue to address those issues than State Court.

ASSEMBLYMEMBER CURRAN: But it's my feeling that the State Attorney General's Office has taken a second seat to the Federal government, particularly with regards to corruption charges against elected officials in the last 10 years. Under your interim status as Attorney General, would you take a back seat to the Federal government?

MR. O'DONNELL: I would not take a back seat to the Federal government, but I wouldn't politically interfere with the professionals who are doing their job.

ASSEMBLYMEMBER CURRAN: Thank you.

MR. O'DONNELL: You're welcome.

CHAIRMAN LAVALLE: Senator Hoylman.

Oh, I'm sorry.

Senator Little.

Jumped the -- the gun.

Senator Little.

SENATOR LITTLE: Thank you. I just wanted to ask if your intention is to run for the position in November.

MR. O'DONNELL: I apologize, I was trying to be very brief, I didn't answer that question. So, the answer is if I were to be appointed, yes, I would seek my Party's nomination to run for reelection.

SENATOR LITTLE: And if you are not appointed to the interim seat, will you still seek the --

MR. O'DONNELL: No, I will not.

SENATOR LITTLE: You would run for the Assembly?

MR. O'DONNELL: You're stuck with me, Senator.

(Laughter)

SENATOR LITTLE: That's good. Always keep things interesting.

(Laughter)

MR. O'DONNELL: Thank you, Senator.

SENATOR LITTLE: Thank you very much.

MR. O'DONNELL: Thank you.

SENATOR LITTLE: Thank you.

CHAIRMAN LENTOL: Mr. Barclay.

MR. O'DONNELL: Will, you're on.

ASSEMBLYMEMBER BARCLAY: Thanks, Danny, and being a classmate of yours, I wish you the best of luck in this process. I have a very simple question, but I'd like to get your thoughts on it. What do you think the role of an Interim Attorney General is?

MR. O'DONNELL: I think the role of the Interim Attorney General is to leave the structure in place, to allow the work that has happened so far to continue unimpeded, to not try to impose his or her political will or footprint on what that Office does. That is the primary focus of that. And as a person who worked there under some extraordinarily dedicated public servants trying their damndest to do the job correctly, I think that the professionals who are there should be let alone to do that.

To the extent that you have a role, it's in guidance and informing the public of what that is. Obviously, if there is indictment, if there is a lawsuit that's filed, the public has a right to know what the money that the Attorney General is using and what is he using it for and you should be able to use that as a mechanism to make sure that the public knows what the Office is doing.

ASSEMBLYMEMBER BARCLAY: Thank you. I appreciate that answer. If you were to become Interim Attorney General, is there anything that you would do differently -- I know it's

only a short time period, than what the prior, Eric Schneiderman, did as Attorney General?

MR. O'DONNELL: I have nothing specific to add. I know that there has been a lot of criticism on a variety of fronts. I'm not fully versed in all of what the criticism is, but I can assure you that this would be as apolitical office as you have ever seen.

ASSEMBLYMEMBER BARCLAY: Thank you.

CHAIRMAN LAVALLE: Senator Hoylman.

SENATOR HOYLMAN: Thank you. Thank you, Assemblymember. You've served admirably on the Corrections Committee for, I don't know, how many years, four years I think, or longer?

MR. O'DONNELL: It's four long years, yes.

SENATOR HOYLMAN: Four years. What -- what lessons --

MR. O'DONNELL: But I had Gallivan to hang out with, so that was a good thing.

SENATOR HOYLMAN: Yes.

MR. O'DONNELL: Okay.

SENATOR HOYLMAN: I -- I feel your pain.

MR. O'DONNELL: Yeah.

SENATOR HOYLMAN: What -- what lessons do you take from -- from that role, in terms of policy and legislation you'd like to see the Office advance?

MR. O'DONNELL: Well, it's interesting because one

of the cases that is on my resume was, in fact, a case where I was part of the team defending a corrections officer in an attack on an inmate. And that case went all the way to the Supreme Court and a petition for cert. And what I learned in the four years was that the Corrections Department is filled with many, many dedicated people who are really trying hard to do the best that they can. And that was not -- not what I thought, but it was very much in my face when I went to the prisons and talked to the people who run them. And when I went to them and talked to the people who are locked up, much of the frustration is that they are locked up, right? And so the conditions need to be improved. We need to change solitary confinement. We need to change a variety of things in there. We need to create - I have the bills to do this - create a correctional ombudsman so that there -- the people who feel that they're not being heard have a better mechanism to be heard. That's what I learned in four years with Senator Gallivan.

SENATOR HOYLMAN: And then as a -- as a public defender, what could the Attorney General's Office do to provide more resources to folks who need that kind of defense?

MR. O'DONNELL: Well, I don't think they provide resources at all, but I do think that somebody who has the perspective of what it's like, Mr. Lentol raised some issues before about discovery. When I was a Legal Aid lawyer and because I was highly regarded, they sent me around the country to go to trainings and almost all the trainings began with, *What we're about to tell you applies everywhere but the State of New York*. So, we need to change the discovery rules.

We need to make them open file. We need to make a speedy trial enforceable. The idea that someone can sit at Rikers Island for as long as their term of sentence could be before they're given their day of court is an outrage and it's partially the way the laws are written, and it's partially the way the laws are interpreted by the Judiciary.

SENATOR HOYLMAN: Thank you.

MR. O'DONNELL: Sure.

CHAIRMAN LENTOL: Mr. Dinowitz.

ASSEMBLYMEMBER DINOWITZ: I just have a couple questions. As -- as I said before, I think a legislator is perfectly qualified if he otherwise has the qualifications, to run a large office and to suggest that simply because the legislator has a small office is -- just not being correct in my opinion. But I look -- I looked at your resume which is, of course, extremely impressive, and I see that you've -- have a background both on the criminal side and on the civil side. My experience with you listening to you over the years, your focus seems to have been mostly on the criminal side. Now, I'm probably one of those people who didn't really get it that until Eliot Spitzer was the Attorney General that the Attorney General just doesn't deal with civil stuff. But my concerns actually focus on that.

So, given what I believe is the main mission of the Attorney General's Office to deal with issues such as voting rights, Constitutional rights, discrimination, reproductive rights, the environment, consumer protection, do you feel that given your background which is mostly, I guess, on the criminal side that that's

something you would be able to deal with?

MR. O'DONNELL: I believe the primary focus of the Attorney General's Office is to defend the State of New York and its employees in causes of action. The other parts that you just mentioned are the things that *The New York Post* covers, and they are important, but they're not mostly what they do. Eighty percent of their work is defending New York State and its employees. As to the subject matter, as you well know, we serve on very many Committees together and we review a lot of legislation in all the areas that you just talked about. And those are also very important, but I also believe there are Bureau Chiefs in those areas who have 20 years of experience in the Civil Rights Bureau, and 20 years experience in the Environmental Bureau that can inform what that is. So, I view this job primarily as an ability to defend the State of New York and its employees from lawsuits, which is what most of their work is.

ASSEMBLYMEMBER DINOWITZ: Mmhmm.

Okay. Thank you.

CHAIRMAN LAVALLE: Senator Gallivan.

SENATOR GALLIVAN: Thank you, Chairman.

Four years went kind of quick for me.

MR. O'DONNELL: I know.

SENATOR GALLIVAN: I did enjoy working with you on a number of different things, and like the other candidates, you've done a number of things in your life that are very commendable in providing service to the public. You talked about Barbara

Underwood, that you certainly would be willing to keep her as number two. So, my question is you or Barbara Underwood; why would you be better?

MR. O'DONNELL: Why would I be better?

SENATOR GALLIVAN: Yes.

MR. O'DONNELL: I don't think I could be better, and I don't think anyone could be better. The question really is a different one. The question is how do we fulfil our Constitutional responsibility to honor this and appoint someone, and how do we plan for that Office to go forward. As I previously mentioned, I sued Dennis Vacco and Eliot Spitzer for firing women of a certain age, and not men, and replacing them with men and I lost, which is why I made the same statement that were I to get the job, I would not summarily fire the people who work there. So, you get a two-fer, Senator Gallivan, you get me as Attorney General and you get Barbara Underwood as Solicitor General; it's not a bad deal.

(Laughter)

SENATOR GALLIVAN: I'm not sure if you were here when we were interviewing Mrs. Underwood, but one of the questions was --

MR. O'DONNELL: I -- I was, indeed; I was, indeed, yes.

SENATOR GALLIVAN: So, you know, similar question: My background is in law enforcement. Often when politics enters law enforcement, we see problems, and I'm just wondering if

you can comment on that. To what extent should the Attorney General be involved in politics, as opposed to law enforcement; law enforcement, civil or criminal.

MR. O'DONNELL: Well, they -- they intersect, certainly, because they have some oversight of prosecutors. And prosecutors rely on law enforcement to gather that information. So, you can't totally separate it. But I agree with you and hear you that the politics should be kept separate.

SENATOR GALLIVAN: All right. Thank you.

Thank you, Chairman.

CHAIRMAN LENTOL: Mr. Titone.

ASSEMBLYMEMBER TITONE: Thank you, Danny; thank you for -- on a personal and professional level, thank you for your years of service to the public. Similar question that I had asked Mr. Abinanti earlier, that there will be opportunities or there will be occasions when you will be forced to defend laws that you may not agree with. How would you handle something like that situation?

MR. O'DONNELL: As a public defender, I defended many people who did horrendous things and was relatively confident of their guilt and I went into court every day and fought for their rights under the Constitution. That was much harder to do than what you're asking me to do.

ASSEMBLYMEMBER TITONE: Thank you. Now, you had indicated that if you were to be placed as the Interim Attorney General that you're not really seeking to leave a footprint or leave a

mark as the Interim, perhaps as the next Attorney General, but herein lies the rub, Danny: Oliver Koppell, back in the 1990s said that the Office's direction depended upon the personality of its leader. So, in what direction would your personality take that Office?

MR. O'DONNELL: I have a personality, Mr. Titone.

ASSEMBLYMEMBER TITONE: I'm sorry?

MR. O'DONNELL: I have a personality, and I have point of view. I don't intend to shape the people who are professionals to do their job. I don't intend to do that; they are professionals. And I don't intend to replace them. Among the problems that we've had in the past is the wholesale replacing of professionals with other people for maybe political or other kinds of reasons. And so, I don't know what Mr. Koppell was speaking of, I don't really know Mr. Koppell's personality very much, but I can say that I'm confident that my personality is just fine.

ASSEMBLYMEMBER TITONE: I -- I couldn't agree more, but my question to you is that you had indicated that you're not looking to make a footprint, those are your words. So, what would you -- just to continue the status quo as it's continuing right now and then if so, why would we change?

MR. O'DONNELL: Now I understand your question, Mr. Titone, I apologize. So, I am seeking this job for the purposes of serving as the Interim and try to, in that time, establish that I have the capacity to do the job and offer myself to the voters of the State of New York. Will I succeed? One never knows, do one? Will I try? I

will try. And if it means that I don't get to continue in public service as of January 2nd, that is what it is. But I intend to try to use the Office to do good for the people of the State of New York, to do it in the most apolitical way possible and to use that as a mechanism to say, *See, we can do this in an apolitical way.*

ASSEMBLYMEMBER TITONE: Thank you. And one final question that I had asked Ms. Underwood. There are 62 -- 62 District Attorneys in the State of New York have asked that we ban cell phones or devices that can be encrypted by the manufacturer. Do you have an opinion on that? There are those who say this important for us to be able to do so that we can collect evidence, and then there are those who say that it's a real privacy concern. Do you have an opinion one way or the other and that issue?

MR. O'DONNELL: Like the question regarding double jeopardy, I think the devil is always in the details and it's about what the legislation is and isn't. I have voted very many times in this Chamber against bills that have, what I consider to be, fatal flaws that other people don't see. So, I don't know what my position would be until I have the capacity to read what the legislation proposes.

ASSEMBLYMEMBER TITONE: Thank you, Danny.

CHAIRMAN LAVALLE: Senator Murphy.

SENATOR MURPHY: Yes. Assemblyman O'Donnell, thank you for being here.

MR. O'DONNELL: Thank you.

SENATOR MURPHY: I see on your resume you were a sole practitioner --

MR. O'DONNELL: I was.

SENATOR MURPHY: -- in New York -- you were, or you are?

MR. O'DONNELL: I was. I do not have a -- well, I'm licensed to practice law, I continue to hold my license and do my CLE and so the form I filled out today says I have a law practice, but I have no current clients. I have done my current job as a --

SENATOR MURPHY: You answered my question.

MR. O'DONNELL: No?

SENATOR MURPHY: No, you answered my question.

MR. O'DONNELL: Okay. No current clients.

SENATOR MURPHY: You answered my question --

MR. O'DONNELL: Okay.

SENATOR MURPHY: -- I guess correctly. My second question would be if you were appointed --

MR. O'DONNELL: Mmhmm?

SENATOR MURPHY: -- to the Attorney General, what would you do to restore the integrity of this Office?

MR. O'DONNELL: You know, integrity is a very difficult thing to identify. It's easier to talk about your own integrity

than to acknowledge somebody else's. I think that we've had a history here in New York of people who have decided to use power in an abusive way.

SENATOR MURPHY: Right.

MR. O'DONNELL: I'm not an abusive person and I have no intention of doing that in this job or any other job I may get. And so I think you have to lead by example, that's all you can do.

SENATOR MURPHY: Lead by example. Any examples?

MR. O'DONNELL: Do the best I can to lead by example.

SENATOR MURPHY: Fair enough. Fair enough. Good. Thank you.

CHAIRMAN LENTOL: Mrs. Peoples-Stokes.

ASSEMBLYMEMBER PEOPLES-STOKES: Thank you, Mr. O'Donnell, for being here. I have had the pleasure of knowing you for a while, as well as the opportunity to serve with you in more than one capacity, so I know your passion for social justice and that I -- I really do honor. I will respectfully disagree with the issue of whether or not the Office of Attorney General has lacked integrity. I don't think it has. Perhaps the former Attorney General might lack integrity, but the Office does not. There are some really fine, great attorneys and public servants that are still working there, so I respect your response to that question that was just posed of you.

MR. O'DONNELL: Well, I disagree that that's what

I said, but I respectfully hear what you're saying.

ASSEMBLYMEMBER PEOPLES-STOKES: Yes.

I don't think the Office has lost integrity at all. I will say that since 1955 there have been a number of Attorney Generals, Jacob Javits, Lefkowitz, Abrams, Oliver Koppell, Dennis Vacco, Eliot Spitzer and Andy Cuomo, and even Mr. Schneiderman. I'm going to ask you three questions about these Attorney Generals and if you could just respond: Who are you most like of those that were named; who do you most admire and what do you consider their greatest contributions to the State of New York?

MR. O'DONNELL: I was not really around to know Louis Lefkowitz or anyone before him, so I can't really comment on those folks. I would clearly say the one I admire most is Robert Abrams who I worked for as a paralegal and assisted his team in fighting some very important cases. What I respected about him was the ability to move an agenda forward for the State of New York without picking fights and creating enemies, and I think that's a very important thing. That's what I'd say.

ASSEMBLYMEMBER PEOPLES-STOKES: Thank you.

CHAIRMAN LAVALLE: The Senate side is done.

CHAIRMAN LENTOL: Thank you.

I just have one question, Dan. I first have a comment. So, I've been here a long time, a little bit longer than four years, and I haven't met a more competent attorney than you in the Legislature, so

I'm very --

MR. O'DONNELL: That's a great compliment, I appreciate it deeply, Joe.

CHAIRMAN LENTOL: So, I just want to say that I think you would make an excellent Attorney General, I don't know if it can come to pass -- but that's not an endorsement.

MR. O'DONNELL: I'm not seeking any endorsements. I've called no one. Now -- starting now, I'm not returning anyone's phone calls either. Go ahead.

CHAIRMAN LENTOL: I just wanted to ask you this question, if I might. Do you believe that the Attorney General of the State of New York, like has been done with this past Attorney General, should pursue an agenda and an active role on the national level to -- to right wrongs and principle core values that he sees that needed to be done? Is that something that you would pursue as Attorney General?

MR. O'DONNELL: I think she or he needs to ensure that the citizens of the State of New York are fully protected by the Office in every way possible. And if there are other entities, whether it's the State of New Jersey imposing a milk tax, whether it's the Federal government doing something that's against our laws, that that is their job to do that. I think one of the greatest problems and why politicians have such an integrity issue is because we always seem to be running for the next thing, but once the time we get the one we have. So, playing into national politics is seen as an opportunity to try

to get your name out there for the next job you may want. I don't want a next job, Joe, I just want this one.

CHAIRMAN LENTOL: Thank you, sir. I think we're done.

MR. O'DONNELL: Thank you very much.

CHAIRMAN LENTOL: We have Congresswoman, District Attorney, former Comptroller, Elizabeth Holtzman. Welcome.

MS. ELIZABETH HOLTZMAN: Thank you very much. I know it's very late, I'll try to be brief. I very much appreciate the opportunity to be before you. I'll try to clarify what my position is.

First of all, I was very proud that Barbara Underwood decided to come and work for me when I was District Attorney of Kings County. Not only did she come to work for me, but someone called Zachary Carter also came to work for me. One of the reasons that I think could this job is because I've been able always to attract the most extraordinary people, because you can never do the job by yourself. But, because I know Barbara so well, and worked together with her and developing extraordinarily important Constitutional tax, both on the U.S. Constitution, New York State Constitution, if it's your will to select her, I have no opposition to that. I think she would do a commendable job and an honorable job. If for some reason, however, you say, *Well, Barbara's not the right person for us* - I'm sorry to use her first name, I don't mean to be disrespectful - then I would like to be considered.

So, that's the position that I come to you with. I'm not

trying to supplant her if you want to keep her. I think that would be a great thing to do. With regard to you, also, asked whether -- how we would be seeking elected office, I'm sorry not to give you a definitive answer, I'm seriously considering running for Attorney General, but I haven't made a final decision.

I want to tell you why I'm here today. Someone said to me, *Haven't you had enough already?* Why am I here? I started out as a young law student in the South in the Civil Rights Movement. I had no idea what I was getting into. I'm not that courageous a person. I don't think I would have gone there if I'd known what I was confronting, but once I got there, I'm not a coward, I don't back down. And what I saw was the ability of people through non-violence to bring about justice. And that gave me an enormous amount of optimism about this society, that we can, working together in a lawful way, change things to make them right. And I tried to do that in every position that I've had. I was very privileged to be elected to the U.S. Congress where I took on issues of discrimination against women, formed the first Congresswomen's Caucus knowing -- including Republicans and Democrats because we knew we were such a small number that if we didn't work together, we wouldn't get anything done. And we did, it's still there today. It's changed its name slightly, but that was a vehicle, working together to change things.

As DA, one of the things that I tried to do was make it very clear that convictions were not the most important thing, justice was. And I've heard a lot of talk about how you respect the

professionals, yes, you have to respect the professionals, but you can give them leadership in the sense that you can say, *If this case shouldn't be brought, you're not going to be penalized for not bringing it.* And one of the proudest moments I had was when ADAs brought cases to me and said, *This is not just, it's not right. The evidence isn't there.* And, of course, who got the heat when we had to drop the cases? The DA. But that was the right thing to do.

And's that the kind of signal about principle that you have to send, it's not just a question about politics, it's a question of basic justice. And as Comptroller, I continued those tasks. I was very proud just a week ago, the City Council of New York invited me to come to a hearing -- I'm sorry, a bill signing ceremony. And there were about five members of the City Council and they passed 11 bills on sexual harassment. And they had me up there, why? Because when I was Comptroller of New York City 25 years ago, we explored the issue of sexual harassment. We were blocked continuously, but I wrote a report and I never gave up and I encouraged people to go forward and they honored me for that. But they were going forward, that's the kind of elected official I want to be.

Sometimes, the professionals - and they're fine, I was very privileged to work with the best, as you can see from Barbara Underwood - but sometimes you have to break new ground. When we did the Batson case, which was a case fighting against the right to remove jurors on a round of race, we were the only District Attorney in America to do that, and that was shocking. And the State Courts in

New York said it was okay, but we didn't agree with that. We went up to the U.S. Supreme Court. So, it's not just taking the status quo, it's fighting for justice and fighting for, in every sense of that word, recognizing human possibility and recognize -- fighting discrimination, but also knowing that you have to have the guts to say you can't bring this case. But then you also have to have the guts to say, you know, this is a very high public official, but if the evidence is there, you have to bring the case, as well.

So, that's what my record is. That's why I'm here before you and I very much appreciate the opportunity I've had to work with a number of you on this panel, you're outstanding legislators and I respect so much the important decision that lies before you. Thank you for your consideration.

CHAIRMAN LAVALLE: Well, you and I are not from the -- the same political party. I have followed your career.

MS. HOLTZMAN: Was I under surveillance?

(Laughter)

CHAIRMAN LAVALLE: It was very distinguished -- I was talking, and you were talking so I missed what you said.

MS. HOLTZMAN: I said, was I under surveillance?

(Laughter)

Just joking, sir. I'm sorry. It's late in the day.

CHAIRMAN LAVALLE: That is all right.

Your career has been very distinguished.

MS. HOLTZMAN: Thank you, sir.

CHAIRMAN LAVALLE: And I'm watching you make your presentation, you've hardly looked at your notes and you've given it with great gusto. It's a little surprising as you come here and the question of whether you will run for this position, you're uncertain, you don't know; I'm surprised about that.

MS. HOLTZMAN: Well, I'm serious -- I didn't say I was uncertain, I said I'm seriously considering it. I haven't made a final decision. It's a big decision. I still have a few days to think about it, not much time. I'm trying to be completely honest with you.

CHAIRMAN LAVALLE: Well, honesty is always a good policy, right?

MS. HOLTZMAN: But you'd like me to be more decisive?

CHAIRMAN LAVALLE: So, as we've have talked about, the selection process is under the exclusive control of the Legislature, but the Governor said he expects to meet with the candidates. Do you believe that it is appropriate under the Separation of Powers Doctrine to sit for an interview with the Governor?

MS. HOLTZMAN: My understanding is he may be reconsidering that position. Someone told me that this morning, so I don't want to make a final determination on that either, but if the legislation and the Constitution are clear about it, then the process ought to be one that follows the law strictly. And I think you raise a very important question, Senator, because in the end, we're talking -- you talked about the integrity of the Office. You need to have public

confidence in the operation of that Office, and that public confidence is going to come about by a completely transparent process. And I want to commend you for this process, opening it up to the public, being here to question, subjecting each of us to scrutiny. So, I think that that's really important. The minute you put politics into this, it's going to undermine the public credibility of the outcome, and that's really important. I mean, it's important to have public credibility.

CHAIRMAN LAVALLE: Well, speaking about politics, you know, the Houses are divided.

MS. HOLTZMAN: I heard that.

CHAIRMAN LAVALLE: So, do you think you can work as Attorney General with both Houses?

MS. HOLTZMAN: I would definitely try to. As I mentioned earlier, I think one of my great accomplishments was to try to create an institution in Congress that was going to embody both Parties, and it's still there today, both parties. And the way we set it up -- I set it up with a Republican Congresswoman from Massachusetts, Margaret Heckler - maybe you've heard of her. Anyway, we set it up so that there's a Republican Chair and a Democratic Chair. And we knew we had to work together and we did and it's still there functioning today. If you need legislation through, you need to work with both sides.

CHAIRMAN LAVALLE: Can you just wait, we have -- we're dealing with a distraction. I'm sorry I had to interrupt your thought.

MS. HOLTZMAN: I'm sorry. Could you just refresh me about where I was?

CHAIRMAN LAVALLE: We were talking about the Houses being divided.

MS. HOLTZMAN: Oh, yes. Well, that's how I set up the Congresswomen's Caucus, on a totally bipartisan basis, that was in 1976. Here we are that many years later, it's still bipartisan. You need to find common ground to get legislation through. I had do that in Congress. We didn't always have Democrats controlling both Houses, or you had a Republican President. And so, I made friends. I discovered that it was very possible to work with people, different Parties, as long as you didn't trick them, didn't lie, try to be honest and did your homework so that you knew what you were talking about and understood where they were coming from. You could get a long way and I was very proud of that record. I had a lot of legislation passed when I was in Congress, and that was because I knew I had to work with both sides. And, you know, if you think you know all the answers, you're wrong to start with.

CHAIRMAN LENTOL: Thank you. Welcome.

MS. HOLTZMAN: Thank you, sir.

CHAIRMAN LENTOL: I just have to say, this is pretty difficult for me because we've now heard from three excellent lawyers in a row, Mr. Abinanti, Mr. O'Donnell and now you. And I have -- I've certainly admired your career --

MS. HOLTZMAN: Thank you.

CHAIRMAN LENTOL: -- not only from afar, but close up in Brooklyn and in Washington. And knocking -- being a giant killer when you went to Congress, as well as your excellent service as District Attorney in Brooklyn and then as Comptroller of the City of New York. But I have to -- I have to really ask you a question now because you've been in private practice for a long time, and how would you measure that experience that you've had now in private practice having been in the public sector for a long time, with the work, how it would impact the work you'd be doing in Albany as Attorney General?

MS. HOLTZMAN: Well, I haven't been completely in the private sector because in the last four years, approximately, I was appointed by the Secretary of Defense first to a panel, and then to Chair a panel, on sexual assault in the military. And that was very important work, working with a number of other very -- people who were in the military justice system. And we had to make a lot of recommendations to the Defense Department about how to improve the military justice system when it came to sexual assault, and many of our recommendations were accepted. So, I haven't been out of the public sector, and I've worked with members of the City Council, members of Congress, to get legislation through.

But I think being in the private sector also gives you perspective. Sometimes when you think you're in government, you know all the answers. I think it's always good to have some perspective and a little bit of humility. And so, I think I saw that in

private practice on the private side.

CHAIRMAN LENTOL: Thank you.

CHAIRMAN LAVALLE: Senator Little.

CHAIRMAN LENTOL: By the way, I know you have a train to catch, I probably would have asked more questions, but

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SENATOR LITTLE: I'm not sure why these are so complicated, but maybe I'm just not very technical. But I just wanted to -- still? The light is on. Yeah, it's on. Move closer, okay.

All right, I'm close. Thank you. I just want to tell you, it's a pleasure to be here and see you today and have you come before the Committee. It's an honor and I really, listening and watching you through the years and reading your background, you really were a trailblazer for women, and I thank you very much.

MS. HOLTZMAN: Thank you for your kind words, I really appreciate them and I'm humbled by them. Thank you.

SENATOR LITTLE: And today is so much different than the days that you first ran for Congress, 1973?

MS. HOLTZMAN: '72, actually.

SENATOR LITTLE: '72, to your credit. So, thank you very much. And I don't have any other questions.

MS. HOLTZMAN: And, by the way, talk about across the aisles, you just reminded me of something. When I was -- I held the record as the youngest woman ever elected to Congress for 42 years.

SENATOR LITTLE: Until Elise Stefanik.

MS. HOLTZMAN: And then this young woman from Upstate New York who is a Republican --

SENATOR LITTLE: Right, Elise Stefanik.

MS. HOLTZMAN: -- beat me, destroyed the record. I was actually both very happy and a little, you know, disgruntled. But I got to write an article, POLITICO asked me to write an article about what it felt like and what advice I would give to her, and I wrote an article, it was completely non-political about what it's like to be a young woman in Congress. And she put it on her website because it was not -- it was just one human being to another and I think it's really important to be able to relate to people that way.

SENATOR LITTLE: Absolutely.

MS. HOLTZMAN: Her name is Elise Stefanik.

SENATOR LITTLE: Elise Stefanik, right. She's -- I have that district. And it had to be a lot more difficult for you than it was for her, so thank you very much for your service.

MS. HOLTZMAN: Thank you.

CHAIRMAN LENTOL: Assemblyman --
Assemblywoman Crystal Peoples-Stokes.

ASSEMBLYMEMBER PEOPLES-STOKES: Thank you. (Inaudible/mic not on)

MS. HOLTZMAN: Right.

ASSEMBLYMEMBER PEOPLES-STOKES: I've long admired your work.

MS. HOLTZMAN: Thank you.

ASSEMBLYMEMBER PEOPLES-STOKES:

(Inaudible/mic not on)

MS. HOLTZMAN: And I feel the same way about yours. Thank you.

ASSEMBLYMEMBER PEOPLES-STOKES: So I would just say I think the fact that you are interested speaks volumes to what our potential is because, quite frankly, you know, (inaudible/mic not on) So, I admire you for that. Thank you.

MS. HOLTZMAN: Thank you very much.

ASSEMBLYMEMBER PEOPLES-STOKES: Thank you.

CHAIRMAN LAVALLE: Senator Murphy.

SENATOR MURPHY: First of all, thank you so much for being here today. One quick question. I see your present employment is Herrick and Feinstein Counsel and a practice in the areas of litigation and government relations. What would happen if you were appointed Attorney General, any cases up in front of the State that you have within your law firm?

MS. HOLTZMAN: Well, there may be some. The firm does do a great deal of real estate work, so there might be some work that would come before that Office, but I have no problem about recusing myself and creating whatever barriers there are so that there's no question of integrity. I talked about that before, there has to be public confidence in that Office and if they don't have public or they

think you are somehow putting your thumb on the scale or not being honorable, it's going to be a disaster for us, so no, no, I would do everything and more to make sure that there's no issue of conflict of interest or appearance of conflict of interest.

SENATOR MURPHY: Right, right. In reviewing your resume, here, I believe you can do that.

MS. HOLTZMAN: I'm sorry?

SENATOR MURPHY: I believe you can do that:

MS. HOLTZMAN: Thank you.

SENATOR MURPHY: -- after reviewing your resume here. It's quite impressive.

MS. HOLTZMAN: Probably if I didn't, you'd be on my neck, so...

SENATOR MURPHY: Thank you for your service.

MS. HOLTZMAN: Thank you, sir.

CHAIRMAN LAVALLE: On the Assembly side, who do we have?

Mr. Titone, Assemblyman Titone.

ASSEMBLYMEMBER TITONE: Thank you, Senator.

Good afternoon, and thank you so much for being here.

MS. HOLTZMAN: Thank you.

ASSEMBLYMEMBER TITONE: I have also followed your career quite passionately, and I'll just admit right now

that I have a gay boy crush on you.

(Laughter)

MS. HOLTZMAN: Thank you very much.

(Laughter)

I don't know how to react to that, but anyway...

(Laughter)

I'll say thank you.

ASSEMBLYMEMBER TITONE: You know, some of the questions I've been posing really have to do with hypotheticals and some of the issues that are coming up within our -- our current institutions. And so, I just want to, you know, in light of the Federal Consumer Financial Protection Bureau's dropping cases against pay day lenders very recently, have you given any thought about what action you would take on at a State level to protect consumers from predatory lenders at this juncture?

MS. HOLTZMAN: Well, this has been a very recent venture of mine, so I can't give you as thoughtful an answer as I would like to have. But there's no question that this is an area where people need protection and where the AG's Office will have the power to do that. And so -- but, you know, the point is that maybe the -- maybe the existing powers are not sufficient. So, we may have to come back to you. I mean, that's one of the important things about having an Attorney General that's active the way I was. When I was DA, we came up here and we tried to get laws passed, whether it was with regard to sexual violence against children or women, and some cases

victim protection, you need to know what the problems are and we will need your help. So, it's a two-way street. I mean, you want to use the powers that you have, but you also always want to be thinking, Oh, well, you know, that's all I can do and so throw up your hands. That's not the person I am. If -- if the law is not good enough, then, unfortunately, you'd have me banging on your door.

ASSEMBLYMEMBER TITONE: Right, and I think the next Attorney General, whether Interim or elected -- duly elected, will have to start considering, number one, changing technologies and -- and how those were being taken advantage of. We can protect them better, protect ourselves better, cyber security, things of that nature, but also in revisiting our laws that are, you know, that were supposed protect us at maybe on a Federal level that don't anymore, and we may have to come to new creative adjustments.

MS. HOLTZMAN: Correct. I mean, when I was in Congress, I wrote the rape -- Federal Rape Privacy Act. That became a model for the states. It may well be now, given what's happening in Washington, that the states may have to create the model, and New York State should be the model for the rest of the country, whether it's in cyber security or voter registration or voter laws, or as Assemblyman Lentol talked about, defendant's rights. I mean, you can't have a fair system of justice with a finger on the scale only for the prosecutor. That's not justice. We don't want to convict people who are innocent and have the real culprits run around and commit the crimes again and keep innocent people in prison, that's not a solution.

So...

ASSEMBLYMEMBER TITONE: Sure. And it's also just protect consumers, you know.

MS. HOLTZMAN: Correct.

ASSEMBLYMEMBER TITONE: That's going to be

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MS. HOLTZMAN: And there are a lot of people who are not interested in protecting consumers. And I saw that Congress recently wants to pass legislation that's going to allow discrimination in auto loans on a basis of race. I mean, this is 2018, we can't let that happen, not in this -- I mean, if I'm Attorney General, that's not going to happen here.

ASSEMBLYMEMBER TITONE: Thank you.

CHAIRMAN LAVALLE: I think that's -- oh, Senator Hoylman.

SENATOR HOYLMAN: Yes, thank you. Very good to see you, Ms. Holtzman. As -- as a lawyer in public service, if I had a quarter of your career, I would consider myself a success. And your -- your service to the State and the City and our nation is exemplary.

MS. HOLTZMAN: Thank you.

SENATOR HOYLMAN: So, I'm honored that you're here. I wanted to ask you about your time in -- in Washington, because it's so relevant to our national drama and in the role of the Attorney General, I remember -- I mean, you were the one who asked

President Ford, I believe, if there was a quid pro quo for the pardon of -- of Richard Nixon. First, your thoughts on the Attorney General's legislation to change New York's double jeopardy law that might allow for some pardons to -- to be prosecuted at the State level and, secondly, broader -- more broadly speaking, and we've asked this of others candidates, as well, what do you think the Attorney General's role is in fighting the Federal Administration at this point?

MS. HOLTZMAN: Well, first of all, I think the idea is correct that was behind the legislation that was submitted on pardons and double jeopardy. I haven't had a chance to study it. I think going to the point that Senator LaValle raised, how do you make that -- if it's a good -- is it crafted properly and is it understood properly so that there could be support in the Legislature for it, that's something that's very important. But theoretically, the point is important to the extent that if there are crimes in New York State that can't be prosecuted that should be prosecuted, we're not talking about drug offenses here where people have probably already gone to jail and have been pardoned after the fact, that's usually -- pardons are rare before people go to jail or at the outset; they're usually way down the line. So, I don't think that we'd be talking about that. Maybe the legislation would have to be crafted in -- in a better way so that you would see that.

So, I mean, I don't take anything as a given, you just want to make it work. So, I think it'd be -- that's important.

And the second part of your question was...

SENATOR HOYLMAN: Was, the Attorney General's role in fighting for New Yorkers against Washington.

MS. HOLTZMAN: Well, look, there are a lot of things that are happening now where New Yorkers will be deeply affected, whether it's the DACA rules or climate change rules or net neutrality rules, and I think that the Office didn't sit by under Eric Schneiderman and say, *Oh, well, you know, why are we fighting an Amicus brief, or why are we taking this on, can we really win it, is this within our jurisdiction?* I think one has to examine or think of the Attorney General's Office in the broadest possible way, to fight effectively for the needs of the people of this State. And to the extent that the Administration in Washington is trampling on people's, you know, Constitutional rights or other rights, then the Attorney General has to be alert to that, and you can't just say, *Well, we never did it before.* There are lots of things that haven't even been done before that may need to be done, and that kind of innovation and creativity and courage will be the mark of a great Attorney General. And I would hope to have those characteristics.

SENATOR HOYLMAN: Thank you for being here.

MS. HOLTZMAN: Thank you for having me and thank you for this process, I think it's a really important one.

CHAIRMAN LENTOL: General Dinowitz.

ASSEMBLYMEMBER DINOWITZ: Thank you, and thank you for being here. I do have a question or two, but I just wanted to say for the record that I first got involved in all this stuff in

1972 -- no, I wasn't two years old, I was a teenager and I do remember the election where you defeated an individual who was there for, I don't know, 100 years.

MS. HOLTZMAN: Fifty.

ASSEMBLYMEMBER DINOWITZ: Fifty. But what drew me to be involved in politics was the war, it was -- it was Civil Rights and then not so long afterwards, it was Watergate and that's what you were involved with then and I have to say that you are an inspiration for a lot of people, even way back then, including me. And when we talk about qualifications, and I had mentioned to Assemblymembers Abinanti and O'Donnell that I think being a legislator is one of those qualifications, but I think having served as a member of Congress during a crucial time in our history, having served as a DA of the largest county in the State and the Comptroller of the largest city in the country certainly makes one extremely qualified. And, not to mention being in private practice for a number of years, as well. So, I -- I think we should all appreciate your being here and even thinking about wanting to do this job after a number of years of not holding public office.

Now, I -- I was just curious as to what -- I know there are a lot of issues that the Office deals with, but I guess each Attorney General has a different thought on what the Office is. I guess Bob Abrams called himself "the people's lawyer" -- or somebody did, I think it was Abrams and I thought he was terrific. Spitzer was "The Sheriff of Wall Street". So, different people kind of have different

focuses. What are you -- how do you perceive the Office?

MS. HOLTZMAN: Well, I mean, I think maybe it's all of the above and maybe things we haven't really thought of. I don't like the term "sheriff". I mean, I want to be fair, I don't want to be a bully; I want to be fair, but I'm not afraid to stand up. So, I don't know if there's a slogan I want to use, I just want to make the Office -- as Assemblymember Peoples-Stokes said, has a great reputation not just in New York State, but in the country. We have to keep that reputation and public confidence in it, but we also have to make that Office work for the people of the State, fight discrimination, fight for Civil Rights, fight for consumer needs, fight for the environmental needs, and also fight for justice, deal with the issues that Assemblyman Lentol was talking about, making our Criminal Justice system work better for the people of this State. And it can. I mean, I was DA, and it can; it has to.

ASSEMBLYMEMBER DINOWITZ: Okay. Thank you.

MS. HOLTZMAN: Thank you.

CHAIRMAN LAVALLE: The Senate side is finished.

CHAIRMAN LENTOL: Assemblyman Curran.

ASSEMBLYMEMBER CURRAN: Thank you, and thank you, Ms. Holtzman, for coming in and let me just tell you, your work experience and your legal credentials are excellent and I don't think there's any question that you'd be more than suitable to step into

the Interim Attorney General role. Let me also say as a side note, your endorsement of Mrs. Underwood spoke volumes of Mrs. Underwood's legal abilities, but I think it also speaks volumes about your character, too. So, I wanted to make sure that that was put out there.

MS. HOLTZMAN: Thank you.

ASSEMBLYMEMBER CURRAN: Let me just ask you, in everything that I read about your -- your history and your work experience, particularly with regards to being District Attorney of Kings County, every article that I reviewed portrayed you as a strong and innovative District Attorney who cared about the responsibilities that were given to you by the Kings County residents. Let me ask you, with that in mind, in July of 2015, the Governor issued an Executive Order which appointed Attorney General Schneiderman as a special prosecutor in certain instances in which law enforcement agents or officials were involved in an incident where a civilian died. Let me ask you, as a strong -- previously strong District Attorney, do you have a view on the Constitutionality of the Governor's order which seemed to many to be in direct conflict with the New York State County Law Section 700 which outlined the specific duties of a District Attorney, and basically taking that ability of a District Attorney away for the Attorney General.

MS. HOLTZMAN: Well, having been a District Attorney, when people wanted to name a special prosecutor and remove me, I'm a little sensitive to that issue. So, I know what that feels like.

ASSEMBLYMEMBER CURRAN: And I read that, and that's why I was asking the question.

MS. HOLTZMAN: Right, but I went out of my way, because I knew there was a question of public confidence. This involved -- so, I went out of my way to make sure that there was public confidence in the Office. I can't answer your question about the Constitutionality; I haven't studied it. Off hand, if Barbara Underwood says, and she said pretty emphatically that the Governor had the power, I'd be inclined to accept her point of view. I don't know that we've ever disagreed ultimately on a matter of law, so I'd be very persuaded by that, but I -- I can't give you an answer without having studied it myself, and I haven't done that.

ASSEMBLYMEMBER CURRAN: And I appreciate that.

MS. HOLTZMAN: But I think we have to be very careful about -- about that, but I also, one of the things that I proposed at that time - you may disagree with it - was I believed that the transcript of the Grand Jury should be made public as a way of ensuring public confidence in the process. And that, of course, wasn't done. It was done -- it exists in other states, and that may still be a necessity because even with the Attorney General's review and taking over, if the Attorney General declines to prosecute, the public still doesn't know what happened. So, I'm not sure it's a total answer. I'm not sure I've answered your question fully, but that was my view at the time and I wish I -- I had studied the Constitutionality of the issue

you're raising, I just don't know the answer to, but I'm inclined to agree with Barbara -- to accept what Barbara Underwood has said.

ASSEMBLYMEMBER CURRAN: Let me just ask you, in the six months if you were to be given this position and you were -- one of the main roles of the Attorney General is to be a legal advisor for the Executive. If you found something to be unconstitutional, would you have a problem telling the Governor that?

MS. HOLTZMAN: No, I don't think so. I told the President of the United States I didn't agree with him, so I don't think I'd have a problem with the -- with the Governor.

ASSEMBLYMEMBER CURRAN: Thank you.

MS. HOLTZMAN: Thank you.

CHAIRMAN LENTOL: Thank you very much, Liz, appreciate you coming.

MS. HOLTZMAN: Thank you. Thank you very much for this honor, appearing before you.

CHAIRMAN LENTOL: Up next is nominee Lloyd Constantine.

MR. LLOYD CONSTANTINE: Hi. Thank you. It's good to be here, it's good to see some people I worked with during my 14 months and 17 days as the Senior Advisor to the Governor, and two people in particular in the front. Thank you for the opportunity to make my case to serve New York and its people once again. You have my application and my CV and I will simply amplify a few items about my legal career that are most pertinent to this appointment.

My last three cases before joining the AG's office in 1980 were Civil Rights, civil liberties cases on behalf of poor people, poor legal services clients, and one I successfully represented thousands of aged blind and disabled people deprived of subsistence benefits by the Federal and State governments. And the second, I got an injunction and damages for all the gay prisoners at the Brooklyn House of Detention who had been deprived of the most basic services afforded to the general inmate population. And the third, I stopped an attempt to deport a Liberian woman who was the mother of 13 U.S. citizen children. She later earned two degrees and became a professional in Providence, Rhode Island.

So, I've been the New York AG's advocate and its opponent, and in both roles, many times. In July, 1980, Attorney General Abrams hired me to head his Anti-trust Bureau, and I did that for 10-and-a-half years. From my earliest time in that job, I came to learn that the New York AG's office is among the greatest contributions that the New York Legislature has made to New York and its people, because of its wise, numerous and expansive powers. Using that authority, the Office of Attorney General has not only served New York well, but has become a great national resource, especially in times like the present, when Federal leadership and enforcement are absent, uncertain or antagonistic to core American values, such as the rule of law.

The national leadership role in the New York -- that the New York AG and the other State Attorneys General exercise

today builds upon a model first established in the 1980s and, to a great extent, under Bob Abrams' leadership and mine. We first employed it in anti-trust, and later it was used in consumer protection, Civil Rights, environmental protection and criminal justice. In 1994 after my departure from the AG's office, I was contacted for advice by a friend who had worked with Dennis Vacco's campaign. I volunteered to school Vacco on the powers, duties and responsibilities of the New York AG, and for the next two weeks, did that from 8:00 a.m. to 6:00 p.m. each day. Vacco asked me to head his transition and become his first assistant. I declined, telling him we would disagree on most things, but that we agreed about one thing, he wanted to be the best AG he could be, and I wanted that, as well. Occasionally, during the next four years, I saw evidence of my tutorial.

When Eliot Spitzer defeated Vacco in the 1998 election, Eliot was my law partner and he appointed me to head his transition. That was logical, as I had schooled him for years on the AG's jurisdiction and authority. Transition was very difficult because with Governor Pataki and Mayor Giuliani's support, Vacco did not concede until December 15th, 1998. I executed that transition in 17 days. And some may recall that Spitzer hit the ground running and with a distinguished Executive staff on January 1st, 17 days later. Eliot Spitzer is now sadly described as the disgraced ex-Governor, but it should be remembered that he was elected Governor with the greatest margin by far in New York history. That was because of unparalleled achievements as New York AG for eight years, and for

setting a standard for State Attorneys General throughout the country.

After the 2006 election, Attorney General Elect Andrew Cuomo asked me to head his transition. The offer may have been merely a gesture, as I had already been named Co-Chair of the Governor Elect's transition and, because of that, I declined Cuomo's gracious offer. But the fact that I was asked to lead three successive AG transitions and, in fact, school two new AG's was an acknowledgement of my deep understanding, esteem for and contributions to the Office of Attorney General.

My credentials as a counselor, litigator, law professor and public servant are adequately described on my CV, and so I will conclude these brief remarks by simply repeating two things stated clearly in my application: First, I am not and will not become a candidate for the Office in November. Second, I consider my credentials and fitness for this appointment second to only one, that one being Barbara Underwood; however, and this is important, I also understand from a long, good and hard career that nothing is certain, especially in this town. I arrived here last time expecting to be here for eight or 12 years, so I know how things work. Neither my opinion about the best qualified applicant, nor the newspapers, nor that of any other elected official really matters. This choice is an important Constitutional prerogative of the Legislature. And to it and to you, I respectfully offer my credentials to serve. Thank you.

CHAIRMAN LAVALLE: Senator Hoylman.

SENATOR HOYLMAN: Thank you. Thank you,

Mr. Constantine. I actually read *Journal of the Plague Year*, your book about your time with then-Governor Spitzer. Sobering account, I have to say. Wanted to ask you, though, about the previous Attorney General. We've asked this question a number of different ways, but I think it's worth asking of every candidate. What would you do differently in the next six to eight months? Would you view yourself as a caretaker or would you try to launch some new initiatives before you step down, as you said you would do?

MR. CONSTANTINE: I think the predominant role here is to be -- is to -- to stabilize the office, to stabilize a traumatized office. I understand the trauma that exists in a staff after something like this. I stayed on the Second Floor after Eliot's resignation to try to calm people. I was the oldest person on the Executive staff, I think. So, I think 90 percent of this job is to just stabilize things and to allow the good work of the Office to go forward. I think 10 percent of the job is to make an assessment, and there will inevitably be crises that will occur during those six-plus months where something will need to be done, something new will need to be initiated. And there will also, inevitably be situations where something in progress or in process may need to be folded. So, that's probably 10 percent of the job, but 90 percent of the job is to simply stabilize things and to allow the good work of this Office to go forward.

SENATOR HOYLMAN: Is that one of the reasons why you applied, is because you were familiar with what might happen in the wake of an abrupt resignation?

MR. CONSTANTINE: It's 100 percent of the reason why. I have tremendous esteem for this Office. To a great extent, it's been the center -- center of my career. In my testimony, I told you three successive new AG's asking me to head their transition. That was for a reason. I wasn't an elected official. I was known as a scholar of the Office, someone who knew about the powers, duties and responsibilities of the Office. And to a great extent, you know, with Bob Abrams, we created the national model of the State Attorney General around the country. Towards the end of Bob's tenure, I was lead counsel in cases with 44 states, 48 states, 50 states. I had the privilege of filing a case which was the first time in the history of the United States where all 50 states, with Republicans, Democrats and Independents, Liberals and Conservatives, all sued on the same day, on the same cause of action. And that was a model that we established during the 1980s, and it became the model which is being utilized today by ad hoc groups of state Attorneys General in -- in a variety of areas: Environment protection, sometimes Criminal Justice, often Civil Rights, consumer protection.

So, the reason I am here is I care incredibly about this Office. I'm not running for this position. I had one opportunity, possible opportunity to do that it. It was 12 years ago and I chose instead to go with Eliot to Albany to try to do a great job for this State. It didn't work out that way, but that -- that was my chance and I thought I'd come and work on the Second Floor.

SENATOR HOYLMAN: Thank you.

CHAIRMAN LENTOL: Mr. Barclay.

ASSEMBLYMEMBER BARCLAY: Thank you, and thank you for being here. Certainly, you have an impressive resume. I was curious a little about the Martin Act, since that was a major tool used by former Governor Spitzer in his prosecution, I guess, against banks, mutual funds and the insurance industry, to some degree. Was anyone ever convicted under the Martin Act?

MR. CONSTANTINE: Yes, certainly many people have been convicted under the Martin Act --

ASSEMBLYMEMBER BARCLAY: Right, excuse me.

MR. CONSTANTINE: -- but the -- the major -- the major initiatives that you're referring to, and I -- I was not in that Attorney General's Office --

ASSEMBLYMEMBER BARCLAY: Right.

MR. CONSTANTINE: -- I ran the transition. I went back to -- to private practice during that period of time. But I don't -- but in almost all of those cases, and I would think all of those cases there was a settlement; indeed, one of my clients, I represented Aon, which is one of the largest reinsurance and insurance brokers in the world. So, I was on the other end of this. By the way, I should just stop and -- and point out that my career has been really varied, okay. I have been, as I said, the AG's advocate and the AG's opponent in many circumstances. And I think I bring to the table perhaps a more well-rounded experience than virtually anybody who has testified

today. Certainly, I mean, I have tremendous respect and you heard what I said about Barbara Underwood and, certainly, Liz Holtzman, but I have been on both sides of this. But, no, you're referring to the fact that in most of those cases, all of those cases, a settlement was -- was utilized.

So, what do I think about the Martin Act? I think New York is very lucky that the Legislature in its wisdom passed something like the Martin Act. It's become another national resource. There's a statute like that in California called "2100", which gives the California Attorney General vast powers, and I think it's good and it's like anything, if it's exercised fairly and with justice, it's a great tool. And, so, that's what I think about the Martin Act.

ASSEMBLYMEMBER BARCLAY: Thank you. It's informative. Do you have any opinion about the current Governor, he wanted to take that power, I think instill it in the Department of Financial Services. Do you think it's a power that should remain in the Attorney General's Office, or should the Governor be able to maybe gain that power?

MR. CONSTANTINE: I believe that it should remain in the Attorney General's Office, and I believe that with that question and answer, just like all, that is the, you know, I remember it used to be in New York State by seventh grade you knew who made the laws, okay. So, that is your prerogative. I taught Constitutional Law and First Amendment Law and Policy for the last couple of years at SUNY New Paltz. And I thought it was -- it was much more

difficult than what teaching at Fordham Law School for seven years. I thought it was a bigger responsibility. So, I'm pretty clear about, you know, whose authority is to place jurisdiction where. That's your authority.

ASSEMBLYMEMBER BARCLAY: Thank you.

SENATOR LITTLE: Thank you. Thank you for being here. You certainly have a vast background and great credentials going forward. The thing that I appreciate is your honesty and the fact that you would only do this for this interim and would not be running for office. And I also appreciate your acknowledgement of Barbara Underwood if she is selected. But if you were to be selected, would the transition be difficult or fairly, because of your past experience --

MR. CONSTANTINE: With Barbara -- sorry.

SENATOR LITTLE: -- and would there be -- how would you do it?

MR. CONSTANTINE: I think with Barbara there would be no transition. In other words, that is the -- that is the -- the thing that recommends her above all candidates. There really is no transition. There's a continuation, she knows that Office pretty much top to bottom. So, there is -- there's not even 17 minutes of transition. With me, as I -- as I pointed out, for particular reason, I have done transitions and I did one transition under really difficult circumstances that I know you remember, okay.

SENATOR LITTLE: Yes.

MR. CONSTANTINE: Very, very quickly and, as I said, that transition led to an Attorney General hitting the ground running with an incredible Executive staff, Caitlin Halligan and Dieter Snell, Michele Hirshman; people like that. And that I was able to do that and that we were able to do that in 17 days I think it was extraordinary. So no one can transition as -- as quickly as Barbara Underwood because she wouldn't even need that, but for an outside person, I -- I can do that and have done that very quickly. I also have all the institutional memory of the Office of Attorney General. There are still people there that I hired and trained. There are still people there who worked for me. And I am known as a -- as a -- as a scholar of that Office, not just in New York, but around the country. I'm still in touch with Attorneys General in places like Iowa and Maryland and places like that who are still around from that period of time, Tom Miller in Iowa has been the Attorney General for 40 years; Brian Frosh who is now the Attorney General in Maryland, so, that's what I bring here, a quick transition. With Barbara, there's none.

SENATOR LITTLE: Okay. Thank you. But you don't intend to run in the fall?

MR. CONSTANTINE: Absolutely not. I have a law firm. One of the things I have done is I founded a law firm. I was a partner at a huge national firm, McDermott, Will & Emery, and for some reason I decided to start my own law firm and we now have offices in New York, the District of Columbia, San Francisco and London and I've kept quite busy doing that. But, but this is really

important, especially at this moment. This transition and this vacancy is a tragedy at this moment in time because this is not just extraordinarily important for New York, but it's extraordinarily important for the United States.

SENATOR LITTLE: Well, I'd like to thank you for your presentation, presenting yourself, but also for your honesty and your thoughts. Thank you.

CHAIRMAN LENTOL: Mr. Dinowitz.

Mr. Titone.

Mrs. Peoples-Stokes.

ASSEMBLYMEMBER PEOPLES-STOKES: I would like to add my gratitude to (mic off/inaudible) offer your services -- it's on; yes, it's on. So, I want to thank you for coming in because you do bring a wealth of experience and for you to come offer it I think that's really pretty, pretty good. I would have one question, though, as it relates to security and data breaches. There's a lot of that going on. What do you see as the AG's office responsibility in protecting the average consumer against those kind of issues?

MR. CONSTANTINE: Obviously, those are usually important issues and the very first thing that I have to do is to take a -- an inventory of what the Office is doing now. I believe that the Office is involved in security and data breaches and issues like that and, again, 90 percent of this role is to continue good work, productive work that's -- is ongoing, and 10 percent of the role is to say we have to do more here, we have to do this new thing, or we shouldn't be

doing that. Inevitably in a period of six months, there will be some of that, but that is, as I say, 10 percent of the role. I remember when I first got to the AG's office, I was deluged by lawyers telling me that my predecessor was doing something wrong and that I should fold a case. And I was very skeptical about that. But I came to learn that in some cases, that was right, that was true. The cases were not well founded and I did fold a case every once in a while, but in your -- in the area that you mentioned, I'd have to know exactly what's going on right now.

ASSEMBLYMEMBER PEOPLES-STOKES: Let me just ask you, were there any issues like that, data breaches, when were you in the AG's office?

MR. CONSTANTINE: There weren't data breaches of the kind that there are now because -- I remember getting my first cell phone as I left -- as I left the AG's office. We had, one of the guys who worked for me had worked for -- for a Federal agency that was -- was developing the technology which was, at that time, called cellular radio. So, the types of data breaches that exist now simply did not exist in that time.

ASSEMBLYMEMBER PEOPLES-STOKES: So do you think it's in the best interest of consumers to have their license plates read as they drive by and searched by law enforcement?

MR. CONSTANTINE: Should -- should that be --

ASSEMBLYMEMBER PEOPLES-STOKES: Right, should that be permissible?

MR. CONSTANTINE: That is what goes on right now, okay.

ASSEMBLYMEMBER PEOPLES-STOKES: I'm sorry, I didn't hear you.

MR. CONSTANTINE: That -- that is what happens now. The question is should that --

ASSEMBLYMEMBER PEOPLES-STOKES: Yes.

MR. CONSTANTINE: Yeah. Being somewhat of a Constitutional scholar, I can tell you that the decision of the United States Supreme Court is that when you drive a car and you're out in the public, you're not in your -- you're not in the privacy of your home, you expose yourself in such a manner with your license plate that that can be done. So, the United States Supreme Court has opined on that issue or on -- and on very analogous issues that that is Constitutional, and I -- I don't really disagree with that.

ASSEMBLYMEMBER PEOPLES-STOKES: Thank you.

CHAIRMAN LAVALLE: I just want to thank you. First of all, nice seeing you again. Thank you for your openness and candor, and as you've always been your whole career, so thank you for being here.

MR. CONSTANTINE: Thank you, Senator.

CHAIRMAN LENTOL: And I'd like to say that, you know, your career has been absolutely wonderful and you have a fabulous resume and I know we would be well-served had you -- if we

were to select you and you would be able to serve as Interim Attorney General. And I wondered, though, not about your credentials and about your policy experience, but more about the nuts and bolts of running a large office like the Attorney General, because you seem to have all the rest of it covered. And how can you point out to us that you would be able to manage such a large staff of attorneys, like I've asked others how they would be able to do that.

MR. CONSTANTINE: Well, with all due -- in modesty, I'm a leader and I took a little office at the Attorney General's Office with 10 lawyers when I got there and by the time I left, I was de facto in charge of antitrust enforcement for all 50 states. I opened a law firm in 1994 with four lawyers and now I have a firm with offices in New York, San Francisco, London and the District of Columbia. In -- when I was a legal services lawyer, you know, I -- I directed a group of -- of public interest lawyers and Civil Rights and civil liberties lawyers. In each of the jobs that I've had, I've played a leadership role and I've actually been able to make more of the job than the job that I took. You know, I took -- I took a modest-sized job in each case and I turned it into something, you know, quite significant.

As a private practitioner, I have been lead counsel in two of the three largest pieces of civil litigation in the history of the United States. In one of my cases, the Second Circuit opined that it had produced a cash payment of \$3.5 billion and an injunction worth \$85 billion for American consumers and for American merchants. I did that with a staff of seven against law firms that had collectively

4,000 lawyers, including the largest law firm in the world, Clifford Chance. As a lawyer, I'm a leader and so I don't think this would pose any particular difficulty, especially given my deep knowledge of the institution, of the agency.

CHAIRMAN LENTOL: So I think you're telling us that because of the resignation of Eliot Spitzer and the aftermath of that that you were able to keep the Office running and stabilizing it. I don't know if you're saying that exactly, but...

MR. CONSTANTINE: No, I am not claiming that. What I said -- what I -- what I -- what I want to say clearly was at Governor Paterson's request, I stuck around for a while to help stabilize, you know, to stabilize the Second Floor and to help a deeply traumatized staff, and then departed with his permission to go back to, you know, to private practice.

CHAIRMAN LENTOL: That's fair.

MR. CONSTANTINE: And I thought it was an important thing because, you know, there's a responsibility to the Office, to the agency, to the place, to the institution and, look, when Eliot went down, I was devastated. Eliot was my best friend. He wasn't just my boss. I was his boss for a longer period of time than he was my boss. So, I was devastated, but I -- I felt the responsibility to the State, to the agency, to the Second Floor, to the staff, to stick around as long as the Governor wanted me to do it.

CHAIRMAN LENTOL: Well, let's go to the Attorney General's Office, because you've really shown us that you

have wide credentials throughout the world with regard to that. Do you think that you would be better suited to stabilize that Office now having been away from it, better than, let's say, Barbara Underwood can do?

MR. CONSTANTINE: As I clearly stated in my testimony, in terms of just pure credentials, you know, she is the top person. The one thing that I bring to -- to the table that I don't think she has is that she is no transition, she is just a continuation. So, there won't be any real reexamination of virtually anything there. My sense of it is that the -- the agency is running well and she will continue to run it well, and probably run it better, but -- but there won't be any -- there won't be any really searching reexamination of anything going on there. So, what you see is what you will get. With someone like me, 90 percent will be exactly the same, but there will be some opportunity for examination. And -- so, I can't put it any other way.

CHAIRMAN LENTOL: Thank you very much.

MR. CONSTANTINE: Thanks.

CHAIRMAN LENTOL: Our next applicant is the Honorable Doris Ling-Cohan, Supreme Court Justice, Appellate Division I believe now, Appellate Division, Doris?

MS. DORIS LING-COHAN: I'm sorry?

CHAIRMAN LENTOL: Are you -- Appellate term.

MS. LING-COHAN: Appellate term, yes. So, I can still say good afternoon.

(Laughter)

I commend you for your Constitutional mandate, your diligence in not taking any break. It looks like you were all here for the entire duration. I know you've heard from many fine candidates and so I will cut to the chase. I have no intention of running. This is my dream job and I want to tell you a little bit about myself because I think it will inform why I'm an applicant for this position. So, I was born in raised in Chinatown. I lived on the top floor of a five-story, six-story walk up. My parents were immigrants. My father was a laundryman, my mother was a seamstress. I, too, worked as a seamstress as a kid and we lived in a, basically a railroad flat. The bathroom was at one end, believe it or not, the bathtub was in the kitchen.

So, my first entre into legal world was different from probably every other candidate who'll appear before you. My mother was an assaulted and as a kid, I went to court with her as her translator. And we sat there the entire day, had no idea what happened. At the end of the day, a court officer took pity on us and said, *Oh, you can go home now, we're closing.* We had no idea what happened. That experience informed the sort of lawyer I became, the sort of Judge I became, and the sort of Attorney General I would be, because it is so important to have legal information. And community education is such an important part of that. And I've taken that to heart in all the positions I've had.

For example, right out of law school, I started a domestic violence program which is still in existence today. That was

36 years ago. It's called WomenKind NOW. They help domestic violence survivors, as well as trafficking victims. Out of law school, my first job was at Bedford-Stuyvesant Legal Services where I helped tenants and other people exercise their rights. Then I was also -- I protected seniors as part of the Department for the Aging. I protected consumers as part of the State Attorney General's Office, and I'll go into that a little bit more later. But also as a Judge, I have found it's very important to do that community education piece.

And so, I would bring a different perspective to the Attorney General's office. I should say, as in my -- in my packet, I was honored for my work, and Mrs. Ling raised a fairly modest daughter, so I'm not going to tell you all my accolades for that; it's in the packet. But this is very important work. At the Attorney General's Office, I worked in the Consumer Frauds Bureau. And part of what I did there was I litigated complex consumer protection cases in State and Federal Court, including litigating on health club issues, auto leasing, unlicensed labs performing AIDS and chlamydia testing; mail order scams. I defended this State's new car Lemon Law against General Motors. In addition, I'm proud to say that my work also focused on those who are the most vulnerable, including immigrants who were targeted in immigration and housing scams.

So, my vision for the Office is to continue, obviously, the work nationally, the cases that have already been filed.

Obviously, that's very important. But also to emphasize the issues affecting ordinary New Yorkers. I bet each of you have a cell phone, I

know elected officials, sometimes they have one or two or three. I bet during the course of the day, you've gotten some call from a number that you kind of recognize, but if you answer it, it's some advertiser or some marketing person. That's a deceptive practice. That's what the AG can do. They can advocate for the people of the State of New York on something that affects us daily. This is an important issue that I think that as State AG that that person can address. And there are a myriad of those -- those issues that the -- Assemblymember Peoples-Stokes said earlier about data breaches. Well, certainly, that's an important issue affecting all of us. We've all been, essentially a victim of a data breach in one way or another. That's an important issue that affects ordinary New Yorkers. That's the sort of vision I would bring to the Office.

If you look at -- part of my packet includes some of my noteworthy cases. And so, you've seen from that that I, as a Judge, have written on Constitutional issues, taxation, everything that would come before Article 78, everything that would come before the Attorney General. And in terms of -- to get to a question I'm sure you will ask, to save some time, in terms of management experience, I was a Director of a community labor organization. In addition, I was part of a management teams of a number of positions. Very few people will have the experience of managing 600 lawyers. There aren't that many jobs like that. But I am confident that I can step in. Robert Abrams, I worked under Robert Abrams who also did not have the same sort of experience, in terms of management, but he was able to

step in and I would model myself in his stead.

I would also add that I've had lots experience working on issues affecting diverse communities. I helped, as I indicated, I helped start a domestic violence program, I have served on a number of boards, including national organization Women's Service Fund, which also focuses on community education and educating women. I've also served on the board of Council for Unity, which helps at-risk kids all over the State, and I would bring that sensitivity to the position.

I'm available, I'm sure you have a few questions, I'm available to answer your questions. Thank you so much.

CHAIRMAN LENTOL: So, I think I'm first this time, and I'm glad to do that first, because I just want to say that I've had the opportunity to know you on a personal basis, to be perfectly clear with everybody, for a long number of years, and I have no doubt that you would be able to do this job successfully.

MS. LING-COHAN: Thank you.

CHAIRMAN LENTOL: You've shown me a great deal of intelligence and -- and the ability to work hard to get things done, not only in the law, but outside of the law as your resume suggests. So, I'll leave it to others to ask questions.

MS. LING-COHAN: Thank you.

CHAIRMAN LENTOL: Senator LaValle.

CHAIRMAN LAVALLE: I don't want to ask a question, but I -- I do want to say I believe you're the only candidate

who has talked about your roots.

(Laughter)

Everyone else, *Poof! Here I am!* And I want to say it's very important for us to talk about our roots and how we made our way through various education and -- because our roots are who we are and how we view the world. So, I like that about your -- your presentation and --

MS. LING-COHAN: Thank you.

CHAIRMAN LAVALLE: -- and just being very straightforward and you have incredible background, so, I'm sure if you were selected, you would be up to doing the job of Attorney General.

MS. LING-COHAN: Thank you.

CHAIRMAN LENTOL: And you would be willing to give up your Judgeship?

MS. LING-COHAN: I would have to.

CHAIRMAN LENTOL: Very commendable.

Assemblywoman Peoples-Stokes.

ASSEMBLYMEMBER PEOPLES-STOKES: Well, it was a pleasure to hear from you today. Thank you very much for coming. I want to concur with Senator LaValle, it's always important when we remember our roots, because it gives us good direction on where we can go and how we can make things better for other people. So, that clearly speaks volumes to your -- to your values and the morals that you will bring to the job, so I thank you for even applying.

I was going to ask you the exact same question that Mr. Chairman just asked you, you just got a term for 14 years and you're willing to give that up to serve in an interim position, that's more than commendable.

MS. LING-COHAN: Well, actually I've been a Judge for more than 20 years --

ASSEMBLYMEMBER PEOPLES-STOKES: Okay.

MS. LING-COHAN: -- and this was my dream job.

ASSEMBLYMEMBER PEOPLES-STOKES: Time to do something else?

MS. LING-COHAN: If I can tell a little anecdote. When I ran for Judge, I ran out of Chinatown and they had never elected anybody to elective office and so it was all uphill and I gave this big speech at this big dim sum house, and afterwards my campaign managers came up to me and said, *We're running you for the wrong office, we should run you for Attorney General.* And I said that is also my dream job. I want to be a Judge, I think I'd be good at being a Judge, but being Attorney General would be a dream job.

ASSEMBLYMEMBER PEOPLES-STOKES: So, but you're willing to serve this time interim and not necessarily run for the full term?

MS. LING-COHAN: Well, it's, you know, it's a situation where the timing is such that it would be difficult. So, I am comfortable with the decision to put myself out here for the interim. I am not planning to run, and that's, I think in the six months I can put an imprint in terms of carrying this Office forward, in terms of making

it more accessible for people. I mean, I looked at the website and if I were an ordinary person, it does say lots of great things about what the Office has done, and they've done amazing things, but if I were just an ordinary person accessing the website and I needed help, I'd be very confused. And so, I think that's an important message and I tried to put my imprint in all the jobs in terms of providing access to people who don't normally have access. And so, I think in that period of time, I could put that imprint and hopefully the next Attorney General will see that this is very useful, that it does help ordinary people in the State of New York and, really, they deserve the opportunity to access this Office. It's our obligation and so, that's something that I would be willing to do.

ASSEMBLYMEMBER PEOPLES-STOKES: So, you sound like a true public servant.

MS. LING-COHAN: Thank you. My husband thinks I'm a little bit crazy.

(Laughter)

ASSEMBLYMEMBER PEOPLES-STOKES: So after you've served six months as the Interim, and you're giving up your judicial position, what's going to be your next dream job?

MS. LING-COHAN: I don't know yet, but I know that I -- I know there will be something else.

ASSEMBLYMEMBER PEOPLES-STOKES: Okay. Thank you. Thank you so very much for coming.

CHAIRMAN LAVALLE: Senator Little.

SENATOR LITTLE: Thank you. Thank you very much. You certainly are a role model for women and for men --

MS. LING-COHAN: Thank you.

SENATOR LITTLE: -- to have achieved all you have achieved. And as we understand, you would just do the interim. Even if asked, you would not run, become a candidate?

MS. LING-COHAN: I -- part of that anecdote which I didn't say was when my campaign managers said we should run you for Attorney General, I said I hate running. And if I ever ask you to run my campaign for something like that, kick me. I would be flattered, but this is really something that I think the interim job I can really put an imprint and we can go forward from there.

SENATOR LITTLE: Well, I commend you on that because you're really willing to give up -- I mean, for us up here, a 14-year-term is like Heaven.

(Laughter)

And to be able to give that up because you believe in making a difference on the Attorney General's position, and some of the things I saw that you have in your record is domestic violence issues where you've really have been helpful for women and children's issues. And also, as a Judge, you must really look at the cases and do them well because you have a very small percentage that ever get overturned, I noticed. So, you know, you are exemplary and I am really glad that you're sitting here and interested in doing it and just the fact that you're willing to do this on a short period of time shows

your love for it. And making it more accessible is very important, because I haven't looked at the website, but I know people call my office and they can't get any, you know, they -- they can't get an answer, they can't get a person, they can't get much of anything there. So --

MS. LING-COHAN: Absolutely, it's very important.

SENATOR LITTLE: -- we end up being the intermediary with the Attorney General's Office. So, there is -- there are some things that sounds like you would like to do even in this short six-month term if you were to be selected. So, thank you for being here.

MS. LING-COHAN: Thank you.

SENATOR LITTLE: And thank you for really showing us your passion for this position.

MS. LING-COHAN: I appreciate. You mentioned something that -- that I wanted to mention is that one of the best kept secrets about this Office is they have a bureau that helps people who have health care problems. For example, if you had a problem with your insurance, they actually have people there who can help you according to the website. Of course, you have to click like 10 times 10 different places to find that out. I said, this is the best kept secret, people in the State of New York should know this. And so, this is what -- this fresh perspective of basically inside or outside, having worked in the Office, but now kind of as an outsider looking at the Office, this is something the office can do better in terms of

publicizing the good work of the Office, what's available as a resource in the office for people, and really, that would make a difference in so many people's lives.

SENATOR LITTLE: It would, so thank you very much.

CHAIRMAN LENTOL: Mr. Titone.

ASSEMBLYMEMBER TITONE: Yes, thank you. Thank you so very much for being here. (Inaudible/mic off) That better?

I had asked Mr. O'Donnell the question earlier and I think I'm going to pose it to you, as well.

MS. LING-COHAN: Sure.

ASSEMBLYMEMBER TITONE: You know, Oliver Koppell had said that, you know, the leadership -- let me get to my notes, actually, I don't want to ruin this. He said much of the Office direction depends upon the personality of its leader. So, in what direction would your personality take the Office?

MS. LING-COHAN: I think in part I've answered that. My personality is such that I was a line attorney, so I understand that there's a huge bureaucracy in the Office and sometimes that actually can affect, I hate to say the work product, because having so many people review something simple can be kind of discouraging. The first supervisor puts a comma in, the second supervisor takes it out and then it's -- and then a third supervisor puts it back in. So, that can kind of be discouraging. So, I -- part of my personality would be

is to encourage people to do their best, and a comma is not going to make a difference and so for the supervisors I would say, look, if it's a comma, it's not -- if it's not changing the meaning, let it stay there, encourage the person. In terms of my background informs my personality and so you heard I'm very much about access, about community education. And the Office apparently is doing some great stuff that nobody knows about. It's like the best kept secret. So, my personality would be to sell the Office, to tell people how this Office can benefit them. And I think that's an important part. There are so many parts of that office that could benefit ordinary people who have no access, who have no information. They don't even know what Attorney General does and part of the Office is called, you know, they call the Attorney General "the people's lawyer". It's also the chief legal officer, but the people's lawyer, that person can be out there telling people how this Office can help them.

ASSEMBLYMEMBER TITONE: Okay. Thank you. I'm still stunned because I'm leaving the Assembly looking to get into a 14-year-term in the Judiciary, so I'm sitting here going, what are you doing, what?

MS. LING-COHAN: Yeah. Maybe I need to be examined, but it's...

(Laughter)

ASSEMBLYMEMBER TITONE: Me too.

MS. LING-COHAN: Don't get me wrong. I love, love, love being a Judge. This is something that I've thought about for

a long time, and this is the opportunity.

ASSEMBLYMEMBER TITONE: Thank you, Judge. Very much appreciate having you here and answering our questions.

MS. LING-COHAN: If I can just say one other thing, in terms of my personality, I've always been someone who believes in equal justice. And so, if you look at my decisions, I've written a lot on Civil Rights. I was the first and only Judge in the State to decide in favor of marriage equality, and so that part of my personality is really, it's not a question of personality as much as your upbringing, your values, your integrity.

ASSEMBLYMEMBER TITONE: Core values.

MS. LING-COHAN: Yes, exactly, exactly.

CHAIRMAN LAVALLE: Senator Murphy.

SENATOR MURPHY: Yeah. It's not so much a question, Your Honor, it's more of just a statement. Really an incredible story that, you know --

MS. LING-COHAN: Thank you.

SENATOR MURPHY: -- I mean, this literally is the American Dream, what you've done with your family here.

MS. LING-COHAN: And I think that's what unites us is that my story is not so atypical. There are many of these stories. I bet each one of you have a similar story in your background. And so...

SENATOR MURPHY: Yeah, but you're living it,

you've lived it. You've lived it and now your parents must be so proud of you to know you've become a Judge and you've helped out so many other people like Senator Little said, your domestic violence advocacy on that is just tremendous. Keep up the great work.

MS. LING-COHAN: Thank you.

CHAIRMAN LENTOL: Mr. Dinowitz.

ASSEMBLYMEMBER DINOWITZ: I think you had mentioned that you'd worked in --

CHAIRMAN LENTOL: Chair of the Judiciary Committee, in case you don't know.

ASSEMBLYMEMBER DINOWITZ: Yes, Chair of Judiciary.

Among the things you did was you worked in a program that helped tenants.

MS. LING-COHAN: Yes.

ASSEMBLYMEMBER DINOWITZ: I mean, one of my top priorities is working for tenants in my district, obviously, and fighting for tenant's rights, and I know the AG's office has a role in that. Do you think that that role that the AG's office has in fighting for tenants and in dealing with landlord fraud and harassment and issues of the like, can -- can that role be expanded in your opinion?

MS. LING-COHAN: Well, if I were to be selected, the -- one of the first things I would do is to look at that bureau and see what sort of work they're doing, what sort of cases they've filed and how they get their message out, because until I read it on the

website, I didn't really know about that. And so, I know they can play a role and they have played a role. This is something that goes to the community education. I think people in your district may not know that the AG can play a role, and I think that's a very important piece to what the Attorney General can do.

ASSEMBLYMEMBER DINOWITZ: I was Assemblyman Titone's predecessor as Chair of our Consumer Affairs Committee, and although I know the AG's office has done a lot of good things, I was disappointed that they didn't -- that no legislation, at least to my Committee, was put forth during the four years that I chaired the Committee, and there's certainly plenty of room to make the laws better on behalf of consumers. Do you see that as a priority, working for legislation?

MS. LING-COHAN: Absolutely, absolutely. We -- I would see the Office as being partners with the Legislature in terms of proposing legislation. You folks have constituents on the ground who may hear of problems, we may get complaints at the AG's office. So, bringing that together is very important. And we -- somebody mentioned earlier in terms of the Attorney General being the chief or the Chair of the Law Enforcement Council, I think that's an important role for the Attorney General to play, as well, that we can advocate for certain legislation that would benefit the people of the State of New York.

ASSEMBLYMEMBER DINOWITZ: Okay, thank you.

CHAIRMAN LAVALLE: Senator Hoylman.

SENATOR HOYLMAN: Thank you, and thank you, Judge, it's so good to see you. We've known each other for many years and it's an honor to have you here. It's unusual for a Judge to be applying for an elective office. I'm assuming that that's -- that's something you've inquired about how that works from a process standpoint, but I -- I did want to ask you, and first of all note your historic support of marriage equality, and thank you for that. That was cited in Supreme Court decisions that advanced marriage equality nationwide, so I'm extremely grateful.

MS. LING-COHAN: Thank you.

SENATOR HOYLMAN: Secondly, in terms of ICE and the fact that ICE agents have been coming into New York State courtrooms. I know you're in the Appellate Division, but is it something you're aware of?

MS. LING-COHAN: Yes, I am aware of it. I am very much aware of it. I have raised it internally and it's something that the Chief Judge, as I understand, is concerned about as well. And I know other Chief Judges have written to Jeff Sessions about it and about -- then to the President and they have taken a strong stand, yes.

SENATOR HOYLMAN: Thank you.

CHAIRMAN LENTOL: Mr. Curran.

ASSEMBLYMEMBER CURRAN: Thank you.

Good evening, Judge. I had the pleasure of trying two cases in front of you, and I found you to be an extremely knowledgeable and fair

jurist.

MS. LING-COHAN: Thank you.

ASSEMBLYMEMBER CURRAN: Let me -- let me ask you about -- obviously, being a Judge and the Attorney General is two completely different jobs with different duties and responsibilities. Your criminal law experience, practicing experience, what does that entail?

MS. LING-COHAN: That is I worked for a criminal defense attorney very early on in my career, very early on, and I also helped prosecute cases in the Attorney General's Office on the criminal side. I, as an Appellate Term Judge hear criminal cases, as well.

ASSEMBLYMEMBER CURRAN: Did you ever bring a criminal action to trial?

MS. LING-COHAN: I -- I co-tried a criminal action to verdict, yes.

ASSEMBLYMEMBER CURRAN: And before the supervision question was asked, and I'm not sure if I understood, what position did you hold with the most subordinate employees?

MS. LING-COHAN: With the most?

ASSEMBLYMEMBER CURRAN: With the most employees.

MS. LING-COHAN: Most employees. When you say direct, direct?

ASSEMBLYMEMBER CURRAN: That were

directly under your supervision.

MS. LING-COHAN: Under my supervision where I did -- don't hold me to the exact number, it was a long time ago.

ASSEMBLYMEMBER CURRAN: That's alright.

MS. LING-COHAN: But maybe eight or nine, and then I was the Director of the Community Labor Coalition which was not employees, per se, lots of volunteers.

ASSEMBLYMEMBER CURRAN: My last question. What do you view is the Attorney General's role in combating governmental corruption here in Albany?

MS. LING-COHAN: That it is part of certainly the duty and an obligation of the Office. It is something that if there were a case that came to our attention as part of the office, obviously that would be something we would have to look at. It is not something that we can shirk, it is part of our duty and obligation.

ASSEMBLYMEMBER CURRAN: Would you bring it --

MS. LING-COHAN: And there is also a bureau that deals with it -- I'm sorry.

ASSEMBLYMEMBER CURRAN: That's alright. If -- if evidence was brought to your Office against any level of government or branch of government, would you bring that charge, no matter who it was against?

MS. LING-COHAN: If the facts were there, the law supports it, yes.

ASSEMBLYMEMBER CURRAN: Okay. Thank you. Thank you, Judge.

MS. LING-COHAN: Without a doubt.

CHAIRMAN LENTOL: Anybody else?

CHAIRMAN LAVALLE: Nope, we're done.

CHAIRMAN LENTOL: Thank you. Thank you very much, Doris.

MS. LING-COHAN: Thank you very much. And now I can say good evening.

CHAIRMAN LENTOL: We are finished.

And, by the way, if we were to select you, I attended when you were first inducted to the Supreme Court, I'd be happy to attend your induction as Attorney General, even if it's on an interim basis.

MS. LING-COHAN: Thank you.

CHAIRMAN LAVALLE: The first part of the hearing is over. Tomorrow morning we reconvene at 10:00 a.m..

(Whereupon, the hearing was concluded.)