



October 31, 2016

**Via Email: [elena@judgewatch.org](mailto:elena@judgewatch.org)**

Elena Sassower  
Center for Judicial Accountability  
P.O. Box 8101  
White Plains, NY 10602

Dear Ms. Sassower:

This letter responds to your correspondence dated September 23, 2016, which pursuant to FOIL, requested:

all publicly-available records pertaining to the nomination and May 5, 2015 confirmation of Denise Hartman to the New York Court of Claims, particularly including:

- her written responses to any questionnaire/application she was required to complete and, if not publicly-available as redacted or otherwise, her resume/curriculum vitae setting forth her professional background and qualifications;
- the Senate vote on her confirmation.

We have performed a diligent search for the records you requested and have located six (6) disclosable pages that respond to your FOIL request. The pages are being provided to you electronically and are attached to the email transmitting this letter. Please be advised that certain records responsive to your request are exempt because they contain information which, if disclosed, "would constitute an unwarranted invasion of personal privacy." Public Officers Law § 87(2)(b).

Pursuant to Public Officers Law § 89(4)(a), you have thirty (30) days to take a written appeal of this determination. You may make an appeal by writing: FOIL Appeals Officer, Executive Chamber, State Capitol, Albany, New York, 12224.

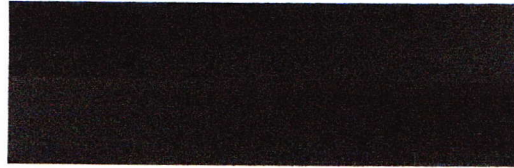
Very truly yours,

A handwritten signature in black ink, appearing to read 'Mongthu Zago', is written over a faint, larger version of the same signature.

Mongthu Zago  
FOIL Counsel  
Records Access Officer

EXW-3

**Denise A. Hartman**



**Professional Experience:**

1985 - Present: Assistant Solicitor General,  
New York Attorney General's Office, Albany, NY

In this position, I have briefed and argued hundreds of appeals in the New York State Appellate Divisions, the New York State Court of Appeals, the United States Court of Appeals for the Second Circuit, and the United States Supreme Court. The subject matter of my cases includes state and federal constitutional law, civil rights law, administrative law, court of claims practice, Indian law, and prisoner litigation. In recent years, I have been responsible for supervising appeals in these subject areas and environmental appeals in state and federal appellate courts. I have attached a list of major cases for which I have had principal or supervisory responsibility.

1983-1985: Law Assistant, New York State Appellate Division,  
Fourth Department, Rochester, NY

1982-1983: Law Clerk, [REDACTED]  
[REDACTED]

1980-1982: Civil and Environmental Engineer, [REDACTED]  
[REDACTED]

1977-1979: Environmental Engineer, [REDACTED]  
[REDACTED]

**Denise A. Hartman**



**Education:**

Syracuse University College of Law, J.D.  
Magna Cum Laude, 1983  
Cornell University College of Engineering, B.S., 1977

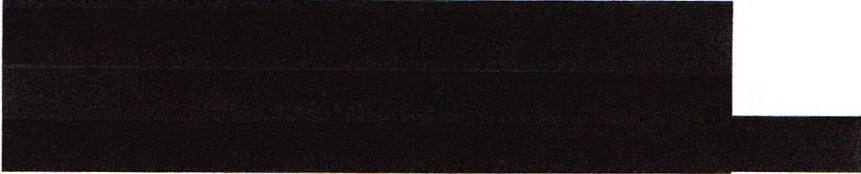
**Professional Publications:**

*Oral Advocacy*, New York State Bar Association CLE  
Program, Appellate Practice in the New York Courts (2007)

*Constitutional Responsibility for Public Education: Is the  
United States' Experience Relevant to Emerging Democracies*,  
Syracuse Journal of International Law and Policy (2006)

*Acid Precipitation: Limits of the Clean Air Act and the  
Necessary Role of the Federal Common Law*, Syracuse Law  
Journal (1983)

**Professional Affiliations:**



**Personal Information:**





## Major Cases in New York State Appellate Courts

*Hussein v. State of New York*, N.Y.3d , 2012 WL 2376939 (June 26, 2012), *aff'g*, 81 A.D.3d 132 (3d Dep't 2011)

*Superfund Coalition v. New York State Dep't of Environmental Conservation*, 18 N.Y.3d 289 (2011)\*

*Hurrell-Harring v. State of New York*, 15 N.Y.3d 8 (2010), *aff'g as modified*, 66 A.D.3d 84 (3d Dep't 2009)\*

*Lighthouse Pointe v New York State Dep't of Environmental Conservation*, 14 N.Y.3d 161 (2010), *rev'g*, 61 A.D.3d 88 (4th Dep't 2009)

*Campaign for Fiscal Equity v. State of New York*, 8 N.Y.3d 14 (2006), *modifying* 29 A.D.3d 175 (1st Dept 2006), *prior appeal at* 100 N.Y.2d 893 (2003)

*People v. Van Buren*, 4 N.Y.3d 640 (2005)\*

*New York Civil Liberties Union v. State of New York*, 4 N.Y.3d 175 (2005)

*City Council of Watervliet v. Town Bd. of Colony*, 3 N.Y.3d 508 (2004)\*

*Lyles v. State of New York*, 3 N.Y.3d 396 (2004)

*Guido v. Goord*, 1 N.Y.3d 345 (2004)

*Paynter v. State of New York*, 100 N.Y.2d 434 (2003)

*Dreikausen v. Zoning Bd. of Appeals of Long Beach*, 98 N.Y.2d 165 (2002)\*

*New York State Correctional Officers v. State of New York*, 94 N.Y.2d 321 (1999)

*Bonnie Briar Syndicate, Inc. v. Town of Mamaroneck*, 94 N.Y.2d 96 (1999), *cert. denied*, 529 U.S. 1094 (2000)\*

*Schulz v. New York State Executive*, 92 N.Y.2d 1, *cert. denied*, 525 U.S. 965 (1998)

*Homier Dist. Co. v. City of Albany*, 90 N.Y.2d 153 (1997)

*Brown v. State of New York*, 89 N.Y.2d 172 (1996), *on remand*, 250 A.D.2d 314 (3d Dep't 1998), *subsequent appeal*, 9 A.D.3d 23 (3d Dep't 2004)

*Goodwin v. Perales*, 88 N.Y.2d 383 (1996)

*British Land (Maryland), Inc. v. Tax Appeals Tribunal*, 85 N.Y.2d 139 (1995)

*Duffy v. Wetzler*, 174 A.D.2d 253 (2d Dep't 1992), *cert. granted and jgmt vacated*, 509 U.S. 917 (1993), *on remand*, 207 A.D.2d 375 (2d Dep't 1994), *cert. denied*, 513 U.S. 1103 (1995)

*Forti v. New York State Ethics Comm'n*, 75 N.Y.2d 596 (1990)

*People v. Dietze*, 75 N.Y.2d 47 (1989)

*Clients' Security Fund v. Grandeau*, 72 N.Y.2d 62 (1988)

*Boreali v. Axelrod*, 71 N.Y.2d 1 (1987)

\* In these cases, I served in a supervisory role as appellate reviewer and editor; I was not the principal brief writer or oral advocate.

## Major Cases in Federal Appellate Courts

*Dandamudi v. Tisch*, --- F.3d ---, 2012 WL 2763281 (2d Cir. July 10, 2012)\*

*New York v. Shinnecock Indian Nation*, --- F.3d ---, 2012 WL 2369192 (2d Cir. June 25, 2012)

*California Wilderness Coalition v. U.S. Dep't of Energy*, 631 F.3d 1072 (9th Cir. 2011)\*

*Oneida Indian Nation v. State of New York*, 617 F.3d 114 (2d Cir. 2010),  
*cert. denied*, 132 S. Ct. 452 (2011)

*Entergy Corp. v. Riverkeeper, Inc.*, 556 U.S. 208 (2009)\*

*Piedmont Environmental Council v. F.E.R.C.*, 558 F.3d 301 (4th Cir. 2009)\*

*New York State Board of Elections v. Lopez Torres*, 552 U.S. 196 (2008)

*New York v. U.S. Environmental Protection Agency*, 413 F.3d 3 (D.C. Cir. 2005)\*

*National Resources Defense Council v. Abraham*, 355 F.3d 179 (2d Cir. 2004)\*

*Clean Air Markets Group v. Pataki*, 338 F.3d 82 (2d Cir. 2003)\*

*Nevada Dep't of Human Resources v. Hibbs*, 538 U.S. 721 (2003) (amicus)

*Van Wie v. Pataki*, 267 F.3d 109 (2d Cir. 2001)

*City of Yonkers v. State of New York*, 181 F.3d 301 (2d Cir. 1999), *opn. vacated and amended*, 197 F.3d 41 (2d Cir. 1999), *cert. denied*, 529 U.S. 1130 (2000), *subsequent appeal*, 251 F.3d 31 (2d Cir. 2001)

*Brewer v. West Irondequoit Cent. School Dist.*, 212 F.3d 738 (2d Cir. 2000)

*Brown v. City of Oneonta*, 106 F.3d 1125 (2d Cir. 1997), *subsequent appeal*, 195 F.3d 111 (2d Cir. 1999), *opn. amended and superceded by* 221 F.3d 329 (2d Cir. 1999), *reh'g and reh'g in banc denied*, 235 F.3d 769 (2d Cir. 2000), *cert. denied*, 534 U.S. 816 (2001)

*State of New York v. Oneida Indian Nation of New York*, 90 F.3d 58 (2d Cir. 1996)

*Giakoumelos v. Coughlin*, 88 F.3d 56 (2d Cir 1996)

*James Square Nursing Home v. Wing*, 84 F.3d 591 (2d Cir.), *cert. denied*, 519 U.S. 949 (1996)

*Bray v. Dowling*, 25 F3d 135 (2d Cir. 1994), *cert. denied*, 514 U.S. 1052 (1995)

*Himes v. Shalala*, 999 F2d 684 (2d Cir. 1993)

*Calhoun v. New York State Div. of Parole Officers*, 999 F.2d 647 (2d Cir. 1993)

*Igneri v. Moore*, 898 F.2d 870 (2d Cir. 1990)

\* In these cases, I served in a supervisory role as appellate reviewer and editor; I was not the principal brief writer or oral advocate.