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Aprilanne Agostino received a Bachelor of Arts degree in Mathematics from New York University in 1981, and a Juris Doctor from Fordham University School of Law in 1984. The following year she began working at the Appellate Division, Second Department, first as a Court Attorney and then as Law Secretary to Associate Justice Richard A. Brown. In 1991, Ms. Agostino went to the Queens County District Attorney's office with newly-appointed DA Brown to serve as his Counsel. Ms. Agostino returned to the Second Department two years later, as Law Secretary to Associate Justice Charles B. Lawrence. She subsequently served in the court's Motions Department, and then as Deputy Chief Court Attorney. In 1999 she was appointed Chief Court Attorney, and in late 2003 she was promoted to the position of Associate Deputy Clerk. Ms. Agostino served as the Acting Chief Clerk of the Appellate Term for the Second Judicial Department from December of 2005 until the Spring of 2007, when she returned to the Appellate Division to continue her tenure as Associate Deputy Clerk. In 2010 she was appointed Deputy Clerk, and on December 1, 2011, she assumed the role of Clerk of the Court.



John P. Asiello, Esq.
Chief Clerk and Legal Counsel
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John P. Asiello was appointed Clerk of the New York State Court of Appeals in September 2015. His prior positions at the Court of Appeals between 1985 and 2015 include Deputy Clerk, Consultation Clerk, Assistant Consultation Clerk and Chief Motion Clerk. He was also a Clerk's Office staff attorney for the Court from 1977 to 1981. Between 1981 and 1985, he was a litigation associate at Bouck, Holloway, Kiernan and Casey in Albany, New York. He received his J.D. from Cornell Law School in 1977 and his B.A. from Harpur College, State University of New York at Binghamton in 1974.



Hon. Leonard B. Austin
NYS Supreme Court
Appellate Division, Second Department

Justice Leonard B. Austin is a graduate of Georgetown University in 1974 and Hofstra University School of Law in 1977. Justice Austin engaged in the private practice of law until his election to the Supreme Court Bench in the Tenth Judicial District in 1998.

In his private practice, Justice Austin focused primarily on complex commercial litigation, matrimonial and family matters, personal injury and real estate matters. In 1980 and 1981, he served as counsel to the Speaker of the New York State Assembly. In that capacity, he was assigned as counsel to the Agriculture and Commerce and Industry Committees.

Since his elevation to the Bench, Justice Austin has been assigned to a Dedicated Matrimonial Part in Suffolk County (1999) and a Dedicated Matrimonial and Commercial Part in Nassau County (2000). In 2009, Justice Austin was elevated to his current position as Associate Justice of the Appellate Division, Second Department.

Justice Austin currently serves on the Office of Court Administration's Matrimonial Practice and Commercial Division Curriculum Committees. He is a member of the New York State, Florida, Nassau County, Suffolk County, and New York State Women's Bar Associations.

Over the years, Justice Austin has authored several articles dealing with Equitable Distribution and New York City's Forfeiture Law. Recently, he authored an article in the Banking Law Journal entitled The Impact of New York Commercial Division on Bank Litigation. Justice Austin is a member of the Pattern Jury Instruction Committee, is the Presiding Member (President) of the Judicial Section of the New York State Bar Association, and is the President of the Theodore Roosevelt American Inn of Court. He is a frequent lecturer in the fields of commercial and matrimonial Law and practice and is an Adjunct Professor of Law at Hofstra Law School. In addition, Justice Austin has been a regular lecturer and panelist at Bar and Court CLE programs on topics including electronic discovery, ethics, commercial law and civil practice.

Justice Austin served as the Presiding Member of the Judicial Section of the New York State Bar Association from 2007 to 2008. He is currently a member of the House of Delegates of the NYSBA. In addition, Justice Austin has been a regular lecturer and panelist at Bar and Court continuing legal education programs on topics including electronic discovery, ethics, commercial law and civil practice.



Hon. Ruth C. Balkin
NYS Supreme Court
Appellate Division, Second Department

Judicial Offices

Associate Justice, Appellate Division-Second Department, Designated December 22, 2006

Justice of the Supreme Court, Nassau County, January 2005 to December 2006

Interim Appointment to the Supreme Court, Nassau County, May 2004 to December 31, 2004

Supervising Judge of the Nassau County Family Court, January 2003 to September 2004

Judge of the Nassau County Family Court, January 1995 to May 2004

Presiding Judge of the Nassau County Family Treatment Court, 2002 to 2004.

Other Professional Experience

Counsel to the Presiding Supervisor and the Town Board of the Town of Hempstead, 1987-1994

Associate, Meyer, Suozzi, English & Klein, Mineola, New York, 1986-1987

Partner, Sutter Balkin, Marten & Regan, Mineola, New York, 1984-1986

Associate, Sutter, Moffatt, Yannelli & Zevin, Mineola, New York, 1977-1984.

Admission to the Bar

New York, Second Department, February 1977

United States District Courts

Southern District of New York, 1977

Eastern District of New York, 1977

United States Court of Appeals, Second Circuit, 1979

United States Supreme Court, 1981.

Education

St. John's University School of Law, Juris Doctor, 1976



Adelphi University, B.A., 1973.

Publications & Leading Cases

Mahoney v Brockbank, 142 AD3d 200 (2d Dept 2016), lv. granted 29 NY3d 904 (2017)

Government Empls. Ins. Co. v Avanguard Med. Group, PLLC, 127 AD3d 60 (2d Dept 2015),
affd, 27 NY2d 22 (2016)

Matter of Luis C., 124 AD3d 109 (2d Dept 2014)

People v Gonzales, 111 AD3d 147 (2d Dept 2013)

Fried v Jacob Holding, Inc., 110 AD3d 56 (2d Dept 2013)

Jacobs v Northwestern Mut. Life Ins. Co., 103 AD3d 78 (2d Dept 2012)

Matter of Brown v Blumenfeld, 89 AD3d 94 (2d Dept 2011)

Alnashmi v Certified Analytical Group, Inc., 89 AD3d 10 (2d Dept 2011)

Weiner v City of New York, 84 AD3d 140 (2d Dept 2011), affd, 19 NY3d 852 (2012)

Matter of Jennings v Commissioner, N.Y.S. Dept. of Social Servs., 71 AD3d 98 (2d Dept
2010)

Matter of H.M. v E.T., 65 AD3d 119 (2d Dept 2009) (dissent), revd, 14 NY3d 521 (2010)

East Acupuncture, P.C. v Allstate Ins. Co., 61 AD3d 202 (2d Dept 2009)

Professional & Civic Activities

Chair of Statewide Advisory Committee on Attorney for Children

Nassau County Bar Association

New York State Bar Association

Nassau County Women's Bar Association

National Women's Judges Association

Association of Justices of the Supreme Court

Jewish Lawyers Association of Nassau County

We Care Association of the Nassau County Bar Association

Nassau County Judicial Committee on Women in the Courts

Unified Court System Family Violence Task Force



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Robert Herbst has been called "New York's most powerful lawyer" by the New York Law Journal because of his exploits as a World Champion and Hall of Fame powerlifter. He has been Senior Vice President, General Counsel, and Secretary of Health Systems Solutions, Inc. and Vice President, General Counsel, and Secretary of Town Sports International Holdings, Inc. While in private practice, he was a partner at the firm of Beller & Keller and an associate at White & Case. He also supervised the drug testing at the Rio 2016 Olympics and was a semi-finalist for the 2013 Sullivan Award given to the nation's outstanding amateur athlete. He is a past Chair of the New York State Bar Association (NYSBA) Committee on Courts of Appellate Jurisdiction and is a contributing author to New York Appellate Practice published by Matthew Bender.

Along with the NYSBA General Practice Section, Mr. Herbst has created a video on attorney wellness as part of an effort to improve the health and wellbeing of members.

Mr. Herbst is a graduate of Columbia Law School and Trinity College, where he was elected to Phi Beta Kappa and was Salutatorian of his class.



Cheryl F. Korman Esq.
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Cheryl F. Korman is an appellate lawyer who has represented clients in hundreds of appeals involving substantive and procedural issues relating to diverse areas of the law, including attorney and accountant malpractice, civil procedure, commercial litigation, insurance law, labor law, municipal liability, no-fault law, medical malpractice, and premises liability.

A partner in Rivkin Radler's Appeals Practice Group with over two decades of experience, Cheryl regularly prosecutes and defends appeals before New York appellate courts and the U.S. Court of Appeals for the Second Circuit.

Before joining the firm, Cheryl served as senior court attorney for the New York State Appellate Division, Second Department.

Cheryl currently serves as co-chair of the New York State Bar Association Committee on Courts of Appellate Jurisdiction. Additionally, she co-chairs the Long Island Women's Collaborative, which brings together, empowers and engages leading business women. Cheryl was named one of the "Top 40 Rising Stars in Business" and one of Long Island's "Most Influential Women" by Long Island Business News. She also was named to Long Island's "Who's Who in Women in Professional Services" and a Super Lawyer in the Metro New York Area.

Cheryl was named a Super Lawyer in the Metro New York Area in Appellate Law for 2014-2018. She also received the 2018 Leadership in Law Award at the Partner level from Long Island Business News. In 2019, she was named to Crain's New York Business' Notable Women in Law list.

Active in the American Heart Association's Long Island region, Cheryl has raised funds and awareness for the organization for more than 10 years.



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Rachael M. MacVean is the Chief Motion Clerk at the New York State Court of Appeals (2016-present). Rachael previously served as Principal Court Attorney on the Court's Central Legal Research Staff (2011-2016), Senior Law Clerk to Judge Carmen Beauchamp Ciparick (2009-2011), and Court Attorney on the Court's Central Legal Research Staff (2007-2009). Rachael is a graduate of SUNY Oswego (B.A. 2003) and SUNY Buffalo School of Law (J.D. 2007, magna cum laude).

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Experience

Private practice, specializing in appeals – September 2010 to present.

Clerk of the Court, Appellate Division, Second Judicial Department (Retired) - November 1999 to August 2010.

General supervisory responsibility for the operation of the court and its non-judicial personnel.

Supervisor of Decision Department, Appellate Division, Second Department – October 1985 to November 1999.

Supervised a staff of editors, clerks, and typists that edited, printed, and released approximately 5,000 appeal decisions and 12,000 motion decisions per year. Co-designer of the court's computer database of case records. Monitored and reported on court statistical information. Developed court caseload management plan. Presented orders to show cause to duty Justice for signature. Advised attorneys and *pro se* litigants on court procedure.

Decision Department Editor, Appellate Division, Second Judicial Department – October 1983 to October 1985.

Edited draft memorandum decisions and opinions of the Justices for conformity with the court's style, for grammatical and legal correctness, and for consistency with prior decisions of the court.

Principal Law Clerk to Appellate Division Justice Vincent D. Damiani. – September 1978 to October 1983.

Drafted opinions and memorandum decisions, performed assigned research tasks, and wrote confidential reports.

Law Assistant, Appellate Division, Second Judicial Department – March 1971 to September 1978.

Wrote internal reports for the Justices on civil and criminal cases. In 1978, served as the first reporter of motions. Worked in the Decision Department editing motion decisions.

Education

Saint John's University School of Law. Juris Doctor, June 1970.

University of California at Santa Barbara, Bachelor of Arts in Political Science, June 1967.

Publications

Justice Delayed: A Status Report on the Condition of the Court (Brooklyn: Appellate Division, Second Judicial Department, 1993) (co-author with Martin H. Brownstein & Alan Chevat).

"The Basics of Appellate Jurisdiction: The Concepts of Aggrievement, Appealability and Reviewability in New York Civil Appellate Practice" and "Taking and Perfecting an Appeal to the Appellate Division, Second Judicial Department" in *New York Appellate Practice* (Albany: New York State Bar Association, 2009).

Guide to Civil Practice: With Forms (Brooklyn: Appellate Division, Second Judicial Department, rev. ed. 2004) (co-author with Martin H. Brownstein).

Bar Admissions

New York, 1971; United States District Courts for the Southern and Eastern Districts of New York, 1976; United States Court of Appeals for the Second Circuit, 1976; Supreme Court of the United States, 1976.



Hon. Rowan D. Wilson
New York State Court of Appeals

Rowan D. Wilson, *Associate Judge of the Court of Appeals*, was born in Pomona, California in 1960, and grew up in Berkeley, California. He received his A.B. degree from Harvard College in 1981, and his J.D. degree from Harvard Law School in 1984. He was admitted to the bar of the State of California in 1985, and the bar of the State of New York in 1987. From 1984 to 1986, he served as a judicial law clerk to the Honorable James R. Browning, Chief Judge of the United States Court of Appeals for the Ninth Circuit, based in San Francisco, California.

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



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Margaret N. Wood is an Assistant Deputy Clerk at the New York State Court of Appeals (2017-present). She previously served as the Court Attorney for Professional Matters (2010-2017), Senior Law Clerk to Chief Judge Jonathan Lippman (2009-2010), and as a Senior Court Attorney (2008-2009) and Court Attorney (2007-2008) on the Court's Central Legal Research Staff. She is a graduate of Cornell University (B.S. 2004) and Albany Law School (J.D. 2007, magna cum laude).