

March 2011

# NomineeAlert



## this issue:

Susan Carney, Nominee for  
 Judge,  
 U.S. Court of Appeals  
 for the Second Circuit

## Carney's Background

Deputy General Counsel, Yale University

Acting General Counsel, Yale University

Associate General Counsel, Yale University

Associate General Counsel, Peace Corps

Of Counsel, Bredhoff & Kaiser

Partner, Tuttle & Taylor

Partner, Rogovin, Hugel & Lenzner

Associate, Rogovin, Hugel & Lenzner

Associate, Ropes & Gray

Law Clerk, Levin H. Campbell, United States Court of Appeals for the First Circuit

## EDUCATION

A.B., Russian History and Literature, Harvard University

J.D., Harvard Law School

## Who is Susan Carney? Unqualified, Unethical Liberal

On January 5, 2011 President Obama renominated Susan Carney to serve on the U.S. Court of Appeals for the Second Circuit.

In September 2005, officials at Dongguk [University] sent a letter to Yale requesting confirmation of a letter provided by one of their

Carney is unqualified to serve as an appeals court judge. She has never tried a case to conclusion, she has rarely examined witnesses, and she has never even argued a case before an appeals court. Even the American Bar

Association gave her a lackluster rating of Substantial Majority Qualified, Minority Unqualified. Fn.1.

While serving as Yale's Deputy General Counsel, Carney was heavily involved in a scandal, which calls her integrity and competence into question. The following is an excerpt from the Yale Daily News about the scandal:

**"As demonstrated by her mishandling of the 'Shingate' scandal at Yale, Carney lacks the integrity and competence necessary to serve as an appeals court judge."**

*-Bill Wilson, President, Americans for Limited Government*

professors, Shin Jeong-ah, who said she had received her doctorate from Yale's Graduate School. Pamela Schirmeister, associate dean at the Graduate School, told Dongguk officials that she had signed the letter, failing to check her records or notice that her name had

been misspelled, the lawsuit claims.

In 2007, suspicious of Shin's credentials, Dongguk University President Youngkyo Oh sent a letter to University President Richard Levin asking if Shin had graduated from the University. Yale officials checked their records and found that Shin never did. Still, they denied that Dongguk had sent the original letter asking for verification.

## Sources for further reading:

**Fn.1.** Senate Judiciary Committee Hearing. Found online at <http://www.senate.gov/fplayers/CommPlayer/commFlashPlayer.cfm?fn=judiciary091510p&st=xxx>. Accessed March 7, 2011.

**Fn.2.** Colin Ross, *South Korean Degree Scandal Escalates*, YALE DAILY NEWS, October 30, 2009.

**Fn.3.** Senate Judiciary Questionnaire. Found online at <http://judiciary.senate.gov/nominations/112thCongressJudicialNominations/upload/SusanCarney-PublicQuestionnaireUpdate.pdf>. Accessed March 7, 2011.

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# What you really need to know about Carney

When Oh contacted Levin in July 2007, Yale officials had already been sent a copy of the 2005 letter and a facsimile of Schirmeister's response. The next day, Yale Deputy General Counsel Susan Carney replied to Oh, saying that the facsimile of her response was not authentic. But, as the Dongguk lawyers found, Yale officials had made this assessment without checking their files.

And despite what she told Oh, Carney described the letters as "troubling" in an e-mail to Nina Glickson, an assistant to Levin, expressing concern that the 2005 letter and her response might be real.

The following August, Dongguk officials again tried to prove that Yale had received and responded to the 2005 letter. They e-mailed Carney, telling her they had a receipt for the letter that said it had been handled in the Yale Central Mailroom by an employee named Michael Moore.

Still, even with the specific information provided by the receipt, the lawsuit claims that no Yale official attempted to search University records to check if the letter had been received.

Dongguk's lawyers said the internal e-mails show that Yale officials were not taking Dongguk's request seriously.

For example, one Yale official — Edward Barnaby, a graduate school assistant dean — joked in an e-mail to Carney that "maybe the letter wound up in the hands of the controversial documentary filmmaker ..."

[Yale] officials took action when, at the request of Korean prosecutors, the U.S. Department of Justice subpoenaed Yale on Oct. 17, 2007 for documents related to Shin's upcoming criminal trial in Korea.

The next day, an assistant to Schirmeister searched the dean's files — and found the September 2005 letter, with its original envelope.

Yale's actions following the discovery of the letter, Weiner said, went beyond negligence and constituted "dishonorable and disgraceful behavior." Rather than correcting themselves, the lawsuit claims, Yale officials met over the next week to develop strategy to contain the mistake.

On Oct. 29, they finally told the Department of Justice that they had received and responded to a letter from Dongguk in 2005 that sought to verify Shin's degree. They told Dongguk the same on Nov. 29. Yale did not release a public statement until Dec. 29, two days after Dongguk held its own a press conference. During this time, the lawyers said, the Korean media continued to condemn Dongguk for the scandal, which it termed "Shingate."

Dongguk has since alleged that Yale's actions led to damages equivalent to \$50 million.

Weiner said his team plans to take depositions from Carney, Reinstein and Schirmeister in December [2009]. Fn.2.

Carney's liberalism is evidenced by her board service and contributions. For example, she has given money to Planned Parenthood, the National Abortion Rights Action League (NARAL), and the National Organization for Women (NOW). She served as a boardmember and officer of Women Organizing Women Political Action Committee (WOWPAC), another pro-abortion group. She also served on the board of Fine by Me, a gay advocacy group. Fn.3.