



NEW YORK STATE SENATOR

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## Senate Deputy Leader Gianaris, Judiciary Chair Hoylman, Lead 20 Senators Calling On Commission On Judicial Nomination To Propose Candidates For Court Of Appeals Chief Judge With Diverse Legal Experience

MICHAEL GIANARIS September 6, 2022

| ISSUE: **COURT OF APPEALS, COMMISSION ON JUDICIAL NOMINATION, JUDGE JANET DIFIORE, UNIFIED COURT SYSTEM**



NEW YORK, N.Y. – Senate Deputy Leader Michael Gianaris and Senate Judiciary Committee Chair Senator Brad Hoylman have sent a letter, signed by 20 members of the State Senate, urging the Commission on Judicial Nominations to send Governor Kathy Hochul a diverse

list of candidates to replace outgoing Chief Judge Janet DiFiore, who is stepping down as Chief Judge on August 31. The large number of signatories indicates a strong desire for a more representative Court of Appeals from the body responsible for confirming any nominee.

“Court of Appeals judges must be defined by a lifetime of legal excellence, but that cannot be limited to people in just a few, select fields,” said **Senate Deputy Leader Michael Gianaris**. “For the Court to reflect the values of our state, its jurists should represent that excellence in different areas of the law and a commitment to serving others. That is especially important of the Chief Judge, who not only sets the tone for the Court but administers the state’s entire court system.”

“Last year, the Commission on Judicial Nomination included several candidates with a diverse personal and professional background in selecting its short list for the vacancy on the Court of Appeals,” said **Senator Brad Hoylman, Chair of the Senate Judiciary Committee**.

“This year, with the vacancy of the Chief Judge and the direction of New York’s highest court at stake, it’s more important than ever that the Commission select candidates with a commitment to ensuring equity and justice for the most vulnerable New Yorkers.”

Senate Deputy Leader Gianaris and Senator Hoylman have led the Senate’s efforts to strengthen the rigor of the confirmation process for Court of Appeals nominees, including pushing for more candidates with diverse experience during the last court vacancy and leading substantial hearings into the candidates qualifications.

[You can read the Senators’ full letter here.](#)

**Peter F. Martin, Director of Judicial Accountability at the Center for Community Alternatives**, said “For too long, our courts have been dominated by former prosecutors and corporate lawyers,

and New Yorkers have suffered as a result. Scholars and advocates have known from data and experience that New York's courts best deliver justice and uphold New Yorkers' values when our judges bring to the bench the full diversity of the state's bar. We are grateful to the 20 State Senators who have called for a professionally diverse shortlist. We hope the Commission and the Governor will share this top priority as they consider the many highly qualified New Yorkers who have applied to fill the current vacancy on the Court of Appeals."

**Senator Jessica Ramos** said, "The opportunity to appoint a new Chief Judge and reset so much of our former governor's terrible impact on our courts can't be squandered. This vacancy has already been mired by impropriety and scandal, and we need to correct course. This letter demonstrates a growing consensus among my colleagues that we can only vote to confirm a nominee who will move the Court of Appeals forward."

**Senator Robert Jackson** said, "We must ensure diversity of work backgrounds when nominating people that have committed themselves to represent the most vulnerable New Yorkers, whether in public defense, housing court, immigration court, or civil rights actions. The appointment of the next Chief Judge is a generational opportunity for New York to appoint someone that promotes equal justice for all. We ask for the governor to nominate a person for chief judge that is a progressive and is not from a prosecutor's background, and certainly someone that reflects and shares the values of the state of New York."

**Senator Alessandra Biaggi** said, "Our state's highest court has the duty to provide New Yorkers with meaningful justice and uphold our rights and liberties. Under the influence of the previous Chief Judge, the court has fallen short of that goal — prioritizing the needs of the powerful over vulnerable New Yorkers. As the Commission on Judicial Nominations selects its shortlist to fill Judge DiFiore's vacancy, they must select professionally diverse candidates and those with a demonstrated commitment to fighting for New Yorkers in need."

**Senator Gustavo Rivera** said, “I join my colleagues in the Legislature in urging the Commission on Judicial Nomination to recommend a list of candidates for Chief Judge that is culturally and professionally diverse in an effort to ensure their experience reflects the various types of cases coming through our courts. We must strive to nominate candidates with different legal backgrounds, especially those who have made a career working on indigent defense, housing, immigration, or civil rights. This is a critical step to ensure that our judicial system delivers justice fairly.”

**Senator Andrew Gounardes** said, “New Yorkers come from all kinds of different educational, professional, racial, and cultural backgrounds — and our judiciary must reflect the stunning diversity of the state it serves. With this new opening on our state’s highest court, we have an opportunity to chart a new direction on the court. Ensuring our next justice represents the breadth of New Yorkers’ identities and experiences is crucial to seizing that opportunity now.”

**Senator Jabari Brisport** said, “Especially after this past year, the dangers of allowing courts to be filled with right-wing ideologue judges should be clear to all. The next Chief Judge will have a major impact on the lives of New Yorkers and the outcome of that starts with who is — and who isn’t — on the list of candidates.”

**Senator Elijah Reichlin-Melnick** said, “We’ve seen what happens at the Supreme Court when the wrong people are picked as judges, so we know how important it is that New York’s next Chief Judge is someone who brings a broad perspective, a willingness to listen to all stakeholders, the intellectual capacity and temperament needed to understand and apply the law fairly, and the courage and integrity to serve our state admirably. It’s time for fresh perspectives at the Court of Appeals.”