

NEW YORK
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SENATOR MICHAEL N. GIANARIS
12TH DISTRICT
DEPUTY MAJORITY LEADER

September 27, 2021

Members of the Commission on Judicial Nomination
c/o Henry M. Greenberg, Counsel
Greenberg Traurig LLP
54 State Street, 6th Floor
Albany, New York 12207

Dear Commissioners,

I write to share my concerns about the judicial nominating process as well as my thoughts on how it can be improved. The upcoming retirement of Judge Fahey creates a key opportunity to ensure that the selection of his replacement is rooted in a process which prioritizes those committed to advancing the rights of all New Yorkers, and particularly our state's most vulnerable.

New York has one of the oldest and most significant appellate courts in the nation, with leaders like Benjamin Cardozo and Judith Kaye making an indelible mark on the American judiciary. It is critical that this Court continue its proud tradition while firmly setting the future in its sights, reflecting the diversity of thoughts and experiences within the State of New York. I am urging this panel to seek out an increasingly diverse slate of recommended nominees and seek meaningful public input as part of your process to ensure the bench is representative of the people it serves.

It is my strong belief your future recommended candidates should add to the diversity of the court – looking beyond simply career jurists and prosecutors – including attorneys from a variety of professional backgrounds, personal lived experiences, and areas of the state. It is critical there are individuals considered who have worked in civil rights, indigent defense, housing, and immigration considering the impact those matters have before the people of New York.



Furthermore, I expect the Commission to solicit and include the input of many New Yorkers, seeking out meaningful public comment and allowing expert entities to offer holistic ratings of the nominees, beyond simplistic “qualified” or “not qualified” ratings. We cannot eliminate the benefit of an individual’s lived experience and those with unique professional backgrounds. I believe we need to fully revisit what constitutes a qualified Court of Appeals jurist – surely, a documented history of legal excellence, but also leadership in varied areas of law, and a life of service to others.

When the Commission begins following these steps, we will see a more diverse selection of nominees presented to the Governor and thus a more diverse range of appointments to the Court of Appeals – something we can all be proud of doing for future generations of New Yorkers.

Sincerely,

A handwritten signature in blue ink that reads "Michael Gianaris". The signature is written in a cursive style with a blue ink color.

Senator Michael Gianaris
Deputy Majority Leader

CC: Governor Kathy Hochul