

NEW YORK  
STATE  
SENATE



November 13, 2021

The Honorable Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Dear Governor Hochul,

We write regarding your upcoming nomination of a judicial candidate to the Court of Appeals now that the Commission on Judicial Nomination has released its shortlist of candidates for the position. As the statutory window for naming a judicial nominee approaches, we want to express support for choosing someone who will advance the rights of all New Yorkers, particularly the most vulnerable. It is our belief the Commission has provided multiple candidates who will do just this, particularly: Timothy Murphy and Corey Stoughton.

New York State's highest court has a rich and noteworthy history, with leaders like Benjamin Cardozo and Judith Kaye shaping the legacy of the American judiciary. It is critical this Court continue its proud tradition while firmly setting its sights on the future by reflecting the diversity of thought and experience in the State of New York. Historically, the legal backgrounds of those who served in our state's judicial branch have been rather similar, with many serving as prosecutors or corporate attorneys. Attorneys who have worked on issues of indigent defense, housing, civil rights, and immigration, however, have a different perspective that can move our state forward in a way that represents all its people. To have even one voice on the Court with such experiences can be monumental for New Yorkers in need. Not only are these considerations important for establishing a balanced and fair judicial system but they are also codified within our administrative code, which requires a "commitment to diversity" which "reinforces public trust and confidence in the fairness of the justice system and the administration of justice; and ultimately enhances the delivery of justice and the Judiciary's credibility and moral authority" (22 NYCRR Part 7100.8 (e)). It is therefore imperative you take into consideration the candidates' diverse professional backgrounds as a priority when selecting a candidate for the highest judicial office in our state.

For too long, appointments to the judiciary have primarily served those who wield the most power. Now, you have a historic opportunity to alter that paradigm by choosing a judge with a demonstrated appreciation for the impact of the law on our state's most vulnerable. As you select which candidate will have the privilege and honor of being nominated to replace Judge Fahey, we ask that you consider Mr. Murphy and Ms. Stoughton, who have shown through their careers a commitment to our state's marginalized communities, and also an understanding for how legal interpretations in the past have disadvantaged them and kept them on the periphery of our society.

Sincerely,



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Senator Michael Gianaris  
Deputy Majority Leader



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Senator Brad Hoylman  
Chair, Senate Judiciary Committee



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Senator Zellnor Myrie



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Senator Robert Jackson



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Senator Luis R. Sepúlveda  
Chair, Subcommittee on Judicial Diversity



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Senator Julia Salazar



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Senator Neil D. Breslin



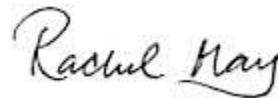
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Senator Jabari Brisport



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Senator Alessandra Biaggi



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Senator Rachel May



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Senator Jessica Ramos



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Senator Gustavo Rivera