



April 30, 2021

Honorable E. Leo Milonas
Chair, Judicial Nominating Commission
c/o Henry M. Greenberg, Counsel
Greenberg Traurig LLP
54 State Street, 6th Floor
Albany, New York 12207

Senator Brad Hoylman
Chair, Senate Judiciary Committee
188 State Street, Room 310
Legislative Office Building
Albany, NY 12247

Honorable Andrea Stewart-Cousins
Senate Majority Leader
188 State Street, Room 907
Legislative Office Building
Albany, NY 12247

Honorable Andrew Cuomo
Governor
New York State Capitol
Albany, NY 12224

Re: Appointments to the New York Court of Appeals

Dear Judge Milonas, Governor Cuomo, Majority Leader Stewart-Cousins and Senator Hoylman:

We write to urge you to take dramatic action on the three vacancies on the New York Court of Appeals that you will be responsible for filling this year. These vacancies present you with a unique opportunity to protect and advance civil rights, equality, and justice for a generation to come in New York by nominating judges with deep professional experience in civil rights, criminal defense, and community lawyering.

As the highest court in the state, the Court of Appeals plays a central role in defining and enforcing rights bearing on all walks of life in New York, including racial justice, criminal justice, reproductive justice, equality, privacy, expression, religion, voting rights, due process, and education. The Court has a long history of important rulings that have played a pivotal role in the lives of all New Yorkers.

The three vacancies you will be filling come at a time when the federal judiciary has been remade by former President Donald Trump with hundreds of appointments, most of which have been of white men from prosecutorial or corporate backgrounds and virtually none of whom have civil-rights or criminal-defense backgrounds. And these vacancies also come at a time of a national reckoning about racial justice.

You now have the chance to chart a very different course. While Donald Trump may have transformed the federal judiciary into a force that will aggressively curtail justice, equality, and freedom, you now have the opportunity to reshape the Court of Appeals into a force that will protect and advance these core New York values. To accomplish this, you must take steps to ensure that the three new appointees are committed to these values, bring experience that demonstrates their genuine understanding of these values, and have backgrounds that assure the Court of Appeals' judges reflect the full diversity of New York's communities.

Sincerely,

Donna Lieberman
Executive Director
New York Civil Liberties
Union

Baher Azmy
Legal Director
Center for Constitutional
Rights

Paul Skip Laisure
Attorney-in-Charge
Appellate Advocates

Robert M. Elardo
Executive Director/CEO
Erie County Bar Association
Volunteer Lawyers Project, Inc.

Margaret Fung
Executive Director
Asian American Legal
Defense and Education Fund

Juan Cartagena
President
Latino Justice

Justine Olderman
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Bronx Defenders

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Sherrilyn Ifill
President and Director-
Counsel
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Alice L. Fontier
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Keisha A. Williams
Deputy Executive Director
Western New York Law
Center