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
Executive Director
Bronx Defenders

Janet Sabel
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The Legal Aid Society

Lisa Schreibersdorf
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Brooklyn Defender Services

Dennis A. Kaufman, Esq.
Executive Director
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Robert S. Dean
Attorney-in-Charge
Center for Appellate Litigation

Sania Khan
President
Muslim Bar Association of New York

Karen L. Nicolson, Esq.
Chief Executive Office
Center for Elder Law and Justice

Sherrilyn Ifill
President and Director-Counsel
NAACP Legal Defense Fund

Alice L. Fontier
Managing Director
Neighborhood Defender Service of Harlem

McGregor Smyth
Executive Director
New York Lawyers for the Public Interest

Karen Murtagh
Executive Director
Prisoners’ Legal Service of New York

Keisha A. Williams
Deputy Executive Director
Western New York Law Center