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March 29, 2023

***Via Email at greenbergh@gtlaw.com
and Priority Mail***

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

Dear Commission on Judicial Nomination:

The Latino Judges Association (“LJA”) writes this letter in relation to this Commission’s announcement of its list of seven candidates to fill the Chief Judge vacancy on the New York State Court of Appeals.

First and foremost, we would like to congratulate all seven candidates for having achieved such an accomplishment and wish each of them the very best as they proceed forward.

That said, LJA is nonetheless dismayed as to the lack of a Latino candidate on the list released on March 24, 2023. We also note the lack of an Asian American on the list. For LJA, and the Hispanic community at large, this new oversight comes on the heels of its members having had to witness, for the first time in New York State history, a Latino candidate nominated by the Governor for Chief Judge for the Court of Appeals be rejected by the Senate, after initially having been denied a hearing before the full Senate. While there is no doubt that the treatment afforded Presiding Justice Hector D. LaSalle, a highly respected jurist of our courts, had a chilling effect on potential Latino candidates, viable Latino candidates did apply and were not included on the list.

Understanding that the judiciary is one of the professions where diversity and representation matters the most, our founding members established LJA in 1985, committed to increasing and promoting

diversity on the bench. While we have made significant progress and can boast about our gains within the ranks of the judiciary, it is uncontested that our representation on the bench is not on par with the growth of Latinos both in the state and in the country as whole. Simply put, New York State does not have a sufficiently diverse court system that is reflective of the residents of this state.

These last two events, the rejection by the Senate of a Latino candidate nominated by the Governor and the lack of a Latino candidate on the recently released list by the Commission, has a cumulative chilling effect and clearly puts us on notice that there is much more work to be done. In our view, this dire situation will be compounded if the proposed Program Bill is passed and the Governor selects a sitting judge from the Court of Appeals as the next Chief Judge, and then selects another candidate from the present list to fill the vacancy that would be created.

We will continue to seek representation throughout the courts of the state, including the Court of Appeals. We will also continue to push for diversity and inclusion because the pursuit of justice demands it and a judiciary that does not reflect the population it serves fundamentally undermines trust in the justice system.

Respectfully,



Walter Rivera
President

cc: Hon. Andrea Stewart-Cousins
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Chair of the New York State Senate Judiciary Committee
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