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COURTESY PHOTOS

Judge Rowan Wilson and Caitlin Halligan of Selendy Gay Elberg

Wilson, Halligan Announced as Governor's Choices To Serve on New York's Highest Court

BY BRIAN LEE

GOV. Kathy Hochul nominated six-year Court of Appeals Associate Judge Rowan Wilson to serve as chief judge, while also announcing her intention of adding attorney Caitlin Halligan to the state's highest court on Monday.

In doing so, the Democratic governor hopes to avoid another clash with her own political party over the naming of New York's top judge, after they rejected her prior pick for chief judge in February, saying they felt he was too conservative.

The selections of Wilson and Halligan garnered significant backing from legal observers and members of the Democratic-controlled Senate, which is to confirm or deny Wilson's nomination within 30 days.

Wilson would be the state's first Black chief judge and is said to be among its two most liberal jurists.

"Serving as Chief Judge of the Court of Appeals would be the honor of my career, and I am humbled by this nomination from Governor Hochul," Wilson said in a statement. "Protecting the rights of New Yorkers is my top priority, and I look forward to working with Governor Hochul and our partners throughout the judiciary system to manage our courts and deliver justice."

In addition, Hochul announced her strong support for Wilson's intention to recommend Judge Joseph Zayas of the Second Department for appointment as chief administrative judge. In that role, he would be charged with oversight over court operations, including a budget of » Page 7

Chief Judge

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more than \$3 billion.

"The Chief Judge of the Court of Appeals not only leads the State's highest court, but is also responsible for managing the diverse and complex courts across the State," Hochul said. "New Yorkers deserve a strong, effective, and thoughtful leader, and I am proud to nominate Judge Wilson as Chief Judge. Judge Wilson's sterling record of upholding justice and fairness makes him well-suited to lead the court at this critical time."

Wilson was also a candidate for chief judge following the mandatory retirement of Chief Judge Jonathan Lippman in 2015.

But the job went to Chief Judge Janet DiFiore, with whom Wilson often sparred via dueling rulings, and who resigned from the court last year.

Wilson wrote a 70-page dissent for the minority in a matter addressing the question of whether or not personhood should be extended to Happy the Elephant, who is held at the Bronx Zoo.

Hochul said she intends to nominate Halligan to ensure that the Court of Appeals continues to function effectively. Since DiFiore's departure, the Court of Appeals with six jurists has set aside six cases for reargument, delaying rulings from the state's last court of resort.

Halligan, a partner at the law firm of Selendy Gay Elsberg, and a former New York solicitor general and general counsel to the New York County District Attorney, would fill the vacancy created by Wilson's ascension, should Wilson's nomination be confirmed.

"Now more than ever, our courts must be a place of integrity, fairness and justice for all, and I am committed to upholding those values if confirmed to the Court," Halligan said. "I am grateful to Governor Hochul for placing her trust in me during this critical time for our judiciary."

Sherry Levin Wallach, president of the New York State Bar Association, which rated Wilson and Halligan "well-qualified," called Wilson "brilliant, conscientious and thoughtful and would be one of the intellectual leaders of the Court of Appeals and the New York legal system."

The bar leader referred to Halligan as "a brilliant attorney with a tremendous breadth and depth of high-level litigation experience, including at the Court of Appeals, and significant administrative experience."

After Wilson was named as one of three current Court of Appeals judges who made the Commission on Judicial Nominations' shortlist of seven candidates for chief judge, Hochul filed a program bill that would allow her to select an associate judge from the current list.

The bill has been met by questions of whether it would violate the state constitution, which sets a specific path for confirming Court of Appeals judges and the chief judge, two separate and distinct duties.

Senate Republicans were dis-

cussing Hochul's intention of picking Halligan as a conference and deciding how it wanted to proceed.

Justice Mary M. Farley, president of the Association of Justices of the Supreme Court of the State of New York, reinforced what she said was a need for a true separation of powers, after some observers argued the Senate trampled that principle.

"As members of the New York judiciary, we are mindful of the three independent, co-equal branches of government, wherein the executive branch nominates and the legislative branch confirms judges to the New York Court of Appeals. So while we have respect for the two judges and attorney mentioned in the Governor's statement, AJSC-SNY has no comment on today's gubernatorial announcement," Farley said.

Hochul said: "I look forward to working with these talented individuals to elevate the esteem of our State's highest court, protect New Yorkers' rights and safety, and ensure that justice is administered. Our courts have been clogged since the pandemic, and I will work hard with the new leadership in the Judiciary to ensure that justice is no longer denied due to insufficiencies in our system."

Senate Majority Leader Andrea Stewart-Cousins, D-Yonkers, said the majority takes its mandate very seriously when filling nominations to the Court of Appeals, "knowing the impact it will have on New York—and the country—for years to come."

Stewart-Cousins noted Wilson's "distinguished record," and Halligan's "impressive legal resume" and "strong legal mind."

State Sen. Brad Hoylman-Sigal, D-Manhattan, called Wilson "an accomplished and well-respected jurist on the Court of Appeals, with a long and distinguished record in the private sector."

The lawmaker, who chairs the Senate Judiciary Committee, also noted Halligan's "decades of experience in both the public and private sectors and has an excellent reputation in legal circles."

"The importance of these nominees to New York's highest court cannot be overstated, especially given recent decisions by federal courts on issues such as abortion, gun safety, labor and the environment," Hoylman-Sigal said.

Senate Deputy Leader Michael Gianaris, D-Queens, commended Hochul for picking Wilson and Halligan.

"I am particularly excited about the prospect of Judge Wilson leading our state's highest court as Chief Judge," Gianaris said in a statement on Twitter.

"He is exactly the type of person who can restore the integrity and reputation of the Court of Appeals after the damaging tenure of the previous administration."

Gianaris said he's also known Zayas for many years and believes he will be "an outstanding" chief administrative judge."

Hoylman-Sigal and Gianaris were among two of the most vocal Senate Democrats who opposed Hochul's nomination of Appellate Division, Second Department Presiding Justice

Hector LaSalle for chief judge. On Feb. 15, the Democratic-controlled Senate rejected LaSalle's nomination, 39-20.

It was the first time that a gubernatorial appointment to the state's highest court had ever been rejected by the Senate.

Peter Martin, director of Judicial Accountability at Center for Community Alternatives, a progressive group that had successfully lobbied lawmakers to reject the LaSalle appointment, said:

"We celebrate the nomination of Hon. Rowan D. Wilson for Chief Judge of New York's highest court. Since last summer, we have called for a nominee who has demonstrated a commitment to safeguarding the rights of New Yorkers and protecting the most vulnerable. As an Associate Judge on the Court of Appeals for the last six years, Judge Wilson has distinguished himself as a tireless champion of marginalized people. Judge Wilson's opinions—which include more than 100 dissents and concurrences in which Judge Wilson wrote separately from the majority opinion—have articulated, defended, and expanded the rights of workers, wrongfully convicted people, workplace injury victims and victims of gun violence."

Harris Beach partner Brian Ginsberg said Wilson clearly possesses the most important quality called for by the judicial role, namely being able to decide cases impartially according to the rule of law: approaching each case with an open mind, diligently reviewing the parties' positions and applicable legal authorities, asking probing questions at oral argument, and then writing or joining a decision applying the law to the facts in a manner free of politics or popularity."

Ginsberg said Halligan would be an excellent addition to the Court, explaining that her "impressive career as an appellate litigator is excellent preparation for a seat on the State's highest appellate bench," along with her experience leading the state Solicitor General's office, the governmental unit responsible for representing state agencies and officials in some of their most significant appeals, including appeals in the New York Court of Appeals.

"The New York State Trial Lawyers Association applauds Gov. Hochul's thoughtful selection of a jurist with the experience and temperament for Chief Judge of the Court of Appeals," association president Thomas Valet said. "Rowan Wilson is uniquely qualified to serve as the Chief Judge of the state's highest court. NYSTLA looks forward to his confirmation."

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