

New York Law Journal

THURSDAY, APRIL 20, 2023

Serving the Bench and Bar Since 1888

ALM.

©2023 ALM MEDIA PROPERTIES, LLC.



GOV. KATHY HOCHUL VIA TWITTER

Caitlin Halligan, left, Gov. Kathy Hochul's nominee for an associate judge of the Court of Appeals, was confirmed on a 47-12 vote in the New York Senate.

Senate Confirms Attorney Caitlin Halligan To Serve on NY's Highest Court

BY BRIAN LEE

AFTER calling a snap Senate Judiciary Committee meeting Wednesday, the full body, with a measure of bi-partisan support, confirmed attorney Caitlin Halligan's nomination for an associate judge seat on New York's highest court.

Halligan, who was a Selendy Gay Elsberg partner, is set to assume the Court of Appeals judgeship vacated by newly-confirmed Chief Judge Rowan Wilson.

Halligan's addition, in a 47-12 vote, came on the strength of Gov.

Kathy Hochul's program bill that allowed Hochul to make the pick from a state judicial nominating commission's shortlist of chief judge candidates, a move that could lead to litigation, Senate Republicans have suggested.

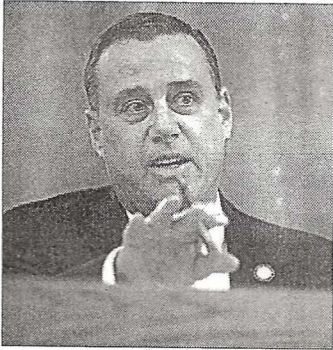
Halligan has never before served as a judge.

The Judiciary Committee held a hearing on Halligan's nomination Tuesday, but delayed the vote because the vacancy did not exist until hours later.

In 2010, former President Barack Obama nominated Halligan for a seat on the U.S. Court

» Page 4

Off the Front



HANS PENNINK/AP



RYLAND WEST/ALM



HANS PENNINK/AP

From left, Sen. **Anthony H. Palumbo**, R-Brookhaven; **Sherry Levin Wallach**, president of the New York State Bar Association; and state Senate Judiciary Chairman **Brad Hoylman-Sigal**, D-Manhattan

Halligan

« Continued from page 1
of Appeals for the District of Columbia Circuit. But it was filibustered by Senate Republicans for approximately three years because of Halligan's support for gun violence prevention.

Halligan, who represents the national gun violence prevention group Everytown, in defending state laws that allow lawsuits against the gun industry, ultimately withdrew the nomination.

Halligan, whose pro bono portfolio includes litigation to continue fighting against gun violence, as well as protecting rent-stabilized tenants, and equal pay for the U.S. women's national soccer team, has argued six cases before the U.S. Supreme Court, and dozens of cases before the New York Court of Appeals.

"Colleagues on both sides of the aisle were clearly impressed with her intellect and experience during (Tuesday's) three-hour judiciary committee hearing," state Senate Judiciary Chairman Brad Hoylman-Sigal, D-Manhattan, said.

"Caitlin Halligan will make a fantastic Court of Appeals judge," he

added. "She'll be an inspiration for young lawyers, particularly women across the state. I'm sure the court can become the best appellate court in the nation with her on the bench."

Sherry Levin Wallach, president of the New York State Bar Association, called Halligan "a gifted attorney with a tremendous breadth and depth of high-level litigation experience," adding that her "ability to analyze issues and come up with creative solutions will be a tremendous asset for the state Court of Appeals."

State Sen. Anthony Palumbo, R-Brookhaven said he was "pleased to see that this nominee was treated with the dignity and respect that Court of Appeals nominees deserve," with "vigorous debate on either side and a vote."

Palumbo said Hochul's prior nominee for chief judge, Appellate Division, Second Department Presiding Justice Hector LaSalle, was not afforded the same treatment.

"And my concern also that this is being done during the budget," the GOP lawmaker said. "This seems to be a bit of a quid pro quo here. And I think that is offensive to the process of nominating judges."

He added: "I just hope that in the future, we don't have another debacle like we've seen over these past few months when it comes to an area that should be immune from politics."

State Sen. Sean Ryan, D-Buffalo, shot back at "this idea that somehow bringing a judge's confirmation up during budget is somehow improper."

Ryan said that if this were a court of law, "which I know my learned colleague has been in, the judge would say that's a naked bald allegation without one fact or proof behind it."

Regarding Halligan, Ryan gave a nod to her experience as a Harvard Law School lecturer, asserting that one could tell by her responses on Tuesday that she's spent time as a teacher, because "she was able to break the law down into its very small pieces."

Halligan is also a former general counsel for the Manhattan District Attorney's Office and New York solicitor general from 2001 until 2007.

After the confirmation vote, Halligan's biography was removed from the Selendy Gay website.

@ Brian Lee can be reached at
blee@alm.com. Twitter: @bleereporter