



Heather Briccetti Mulligan  
President & CEO

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To Members of the Senate:

I am gravely concerned about the discourse regarding the nomination of Judge Hector D. LaSalle for the Chief Justice of the New York Court of Appeals and its potential impact. New York's court system is one of our greatest assets—unlike many jurisdictions around the world, our courts are viewed as predictable, fair and impartial. The result is that New York Courts have been generally highly regarded by litigants, including businesses, in resolving legal disputes. The importance of confidence in our institutions cannot be understated—it is the very underpinning of civil society. Our Constitution and the process that has been historically implemented has provided confidence that our process for selecting justices is fair, equitable, and unbiased.

The rejection of a nominee, without so much as a hearing, based on a perceived failure to meet any political litmus test undermines the credibility of our courts and sends a loud message that political ideology will determine who sits on the bench. This will most certainly give pause to those who select New York courts as the venue for dispute resolution, and further damage our state's reputation.

As an aside, I would note that the objectors have mischaracterized the nature of the decisions that have been pointed to as cause for rejection of the nominee, and I would urge you to read Albany Law School Professor Bonventre's analysis at <http://www.newyorkcourtwatcher.com/2023/01/hochuls-pick-for-chief-judge-part-2.html> ( I have attached a copy.)

The attempt to usurp the constitutional process and reject this nomination without a fair and thoughtful hearing will only serve to undermine the credibility of our courts and further tarnish the image and reputation of this state. Another reason for business to pass over New York and create jobs elsewhere.

Sincerely,