



The Honorable Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

RE: Slate of Nominees for the Chief Judge Vacancy

Dear Governor Hochul:

We, as leaders of the Chief Defenders Association of New York and the New York State Defenders Association, write in connection with the nomination you will soon make for the position of Chief Judge of the Court of Appeals.

New York State's Chief Judge plays many important roles in our judicial system, which include being a public face for justice in the community and ensuring access to justice for all litigants throughout the court system. In addition to managing New York's entire court system and setting a path for the future, the Chief Judge is a strong leader for the legal profession and with policymakers. Another role of the Chief Judge that impacts our work is their role as board member and chair of New York's Office of Indigent Legal Services. In this role, the Chief Judge is a strong advocate for the public defense function in the state.

We are attorneys who represent people in the criminal and family courts of the State. These courts were identified by the 2022 Jeh Johnson report as being under-resourced and overburdened, resulting in a "second class system of justice for people of color in New York State." We recommend that you nominate an individual who has experience in these courts and who has a deep understanding of the systemic disparities that have long plagued poor people ensnared in the criminal and family court systems.

The Commission has nominated two individuals as candidates for the position of Chief Judge who have the experience and exemplify these characteristics and values: Corey L. Stoughton and the Hon. Edwina G. Richardson-Mendelson. Each is a highly respected member of the legal community who is immensely qualified to remedy New York's court system's role in perpetuating the severe outcomes for people of color in our state.

The importance for New York's next Chief Judge to have experience and understanding of the legal needs of low-income New Yorkers and communities of color cannot be overstated. The inequities laid bare over these past two plus years have deepened the disparities across the

state in housing, health care, and employment and put Black, brown, Indigenous, and other people in our communities at greater risk of court involvement. Despite the increased risk, there are fewer external supports and resources to assist litigants and the courts in achieving fair and just outcomes. New York's Chief Judge must hold a strong vision for how the legal system moves forward out of this pandemic. The next leader of the judiciary must be someone who can factor in the implicit and explicit bias that plays out in decision making, especially in criminal, family, and housing courts and adjust policies to eliminate that bias.

The importance of life experience is undeniable. How any judge approaches a case is necessarily informed by their life experience- including professional experience prior to judicial appointment. Indeed, it is part of the Commission on Judicial Nomination's mandate to select candidates who reflect the "diversity of New York's citizenry including, but not limited to, diversity in . . . [the] nature of legal practice or professional background." As noted in the Rules of the Commission of Judicial Nomination "[a] diverse Judiciary ensures that a broad array of perspectives and experiences are brought to the bench; reinforces public trust and confidence in the fairness of the justice system and the administration of justice; and ultimately enhances the delivery of justice and the Judiciary's credibility and moral authority."

The Chief Defenders Association of New York and the New York State Defenders Association respectfully request that you appoint one of the two candidates who best exemplify the diversity and strength of our state. The appointment of either Corey L. Stoughton or Hon. Edwina G. Richardson-Mendelson as the Chief Justice of the Court of Appeals will "reinforce public trust and confidence in the fairness of the justice system and the administration of justice."

Sincerely,



Mark Funk  
President  
Chief Defenders Association of New York  
markfunk@monroecounty.gov



Susan C. Bryant  
Executive Director  
New York State Defenders Association  
sbryant@nysda.org

---

*The Chief Defenders Association of New York (“CDANY”) is a membership organization of the appointed Public Defenders, Conflict Defenders, Executive Directors of non-profit public defense offices, and Administrators of Assigned Counsel Panels throughout New York State. Our member organizations collectively represent the vast majority of people prosecuted in every county of New York State – hundreds of thousands of people each year. Collectively, public defense offices represent close to 400,000 individuals in the criminal, family, and appellate courts, every year.*

*The New York State Defenders Association (“NYSDA”) is a not-for-profit membership association of more than 1,600 public defenders, legal aid attorneys, assigned counsel, and individuals dedicated to the right to counsel. NYSDA, through our Public Defense Backup Center and its Veterans Defense Program, provides comprehensive services to the approximately 6,000 public defenders, legal aid society lawyers, and court-appointed attorneys in over 130 county-based programs who represent people accused of crime and adults involved in family court cases who cannot afford to hire an attorney. We offer training, legal research, a statewide clearinghouse, and substantial technical and legal assistance that is critical to the effectiveness of overburdened defenders, and vital for improving racial and social justice.*