

NEW YORK  
CITY BAR

COMMITTEE ON LESBIAN, GAY,  
BISEXUAL AND TRANSGENDER RIGHTS

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The Honorable Eliot Spitzer  
Governor of the State of New York  
Executive Chamber  
State Capitol  
Albany, New York 12224

Re: Appointments to the Appellate Division of the Supreme Court

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Dear Governor Spitzer:

On behalf of the Lesbian, Gay, Bisexual and Transgender (“LGBT”) Rights Committee of the New York City Bar Association (“City Bar”), we write to convey our support for the diversification of our State’s judiciary through the appointment and election of members of the LGBT and other under-represented populations. With an unusually large number of appointments available in multiple Departments of the Supreme Court, Appellate Division, you have an unprecedented opportunity to ensure that the judiciary better reflects the diversity of the State of New York, including the residents of the City of New York. We urge you to continue making productive use of this rare and important opportunity.

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As the City Bar’s Judicial Selection Task Force recently found, “a diverse judiciary is necessary to ensure that our populations are appropriately represented; to ensure that a broad array of views and experiences are brought to the bench; to regain the public’s confidence in the judiciary[;] and to restore the judicial system’s credibility in the public’s eyes.”<sup>1</sup> Consistent with these findings, the City Bar’s judicial screening panel works to ensure the appointment and election of judges who demonstrate a commitment to the fundamental value of equality, in addition to the competence and experience, needed to be a fair and effective judge. We commend you for translating your public statements in support of the benefits of judicial diversity into action with your recent appointments to the First and Second Departments of the Appellate Division.

The City Bar of course shares your commitment to ensuring that judges be of the highest quality regardless of their backgrounds. Fortunately, there is no shortage of qualified candidates from the LGBT community and from communities of color, both of which are strikingly under-represented in the

<sup>1</sup> The Judicial Selection Task Force of the Association of the Bar of the City of New York, *Recommendations on the Selection of Judges and the Improvement of the Judicial Selection System in New York State* (Dec. 2006).

judiciary, especially in the Supreme Court, the Appellate Division, and the Court of Appeals. It is noteworthy that no one from New York's large, vibrant, and diverse LGBT community currently sits on any of the State's appellate courts.

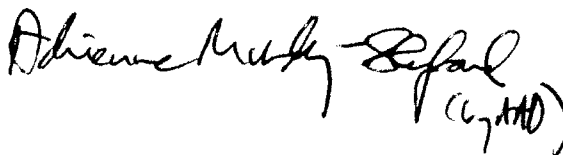
Now is the time for additional appointments to the Appellate Division which will promote both the quality and diversity of New York's courts. In this regard, we are aware that at least two candidates from the LGBT community have already been found qualified for your consideration by the New York State Judicial Screening Committee, and hopefully others are under consideration. All citizens of New York will be better served through your advancement of the goal of a more diverse bench.

Thank you for your consideration, and please do not hesitate to contact us should you have any questions or concerns.

Respectfully submitted,



Allen A. Drexel



Adrienne M. Mundy-Shephard

Co-Chairs, Committee on Lesbian, Gay, Bisexual and Transgender Rights

cc: Mr. David M. Nocenti, Counsel to the Governor