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

November 13, 2026

Dear Governor Hochul:

For decades, Americans looked to federal courts to vindicate fundamental constitutional rights. But in recent years, New Yorkers have watched in horror as the U.S. Supreme Court, dominated by its conservative majority, has advanced extremist right-wing priorities to eviscerate Americans' legal protections, invalidate state laws, and undermine our democratic institutions. In just the last several years, the Supreme Court has ended the federal constitutional right to abortion, restricted institutions' ability to remedy racial inequalities, weakened remedies for violations of *Miranda* rights, effectively gutted the Voting Rights Act, limited transgender people's equal-protection rights, and dramatically expanded presidential immunity. And in a case involving New York law, the Supreme Court overturned a state gun-safety law that had stood for more than a century.

Federal courts' retreat from protecting Americans' rights makes state courts more important than they have been in generations. New York has its own Constitution, its own body of civil-rights and anti-discrimination laws, and a long tradition of providing protections independent of and greater than those guaranteed by federal law. At a moment when federal institutions are rapidly rolling back crucial protections, **New York needs its highest court, the Court of Appeals, to put the full force of New York law behind protecting New Yorkers.**

The Court of Appeals has not always lived up to that responsibility. Over the last two decades, it has too often treated the New York Constitution as simply mirroring the protections provided by the federal Constitution, leaving New Yorkers vulnerable as federal protections have receded. And it has repeatedly interpreted our state's statutes in ways that narrow New Yorkers' rights.

Since your celebrated nomination of Rowan Wilson to be Chief Judge in 2023, the Court of Appeals has increasingly recognized and enforced protections for New Yorkers under our state's Constitution and laws. But sustained movement in this direction is far from guaranteed. Every nomination to the Court matters, and the nomination you will make soon is especially consequential, given the current legal and political climate in the country and in New York. The progress that your appointments to the Court of Appeals have helped make possible must be a foundation for further advances, not a high-water mark from which the Court retreats.

In recent decisions in which the Court has upheld and expanded New Yorkers' rights, Judge Jenny Rivera, whose term is ending, has very often been the critical vote to strengthen due process protections, workplace safety requirements, tenants' rights, access to justice, and anti-corruption measures.

Your next nomination should sustain and build upon, not diminish, what Judge Rivera has brought to the Court. It must strengthen the Court's capacity to meet the moment that we New Yorkers find ourselves in. We therefore call on you to either renominate Judge Rivera or nominate a jurist whose record shows:

- **Commitment to making the law's promise of equal justice real for people who have historically been denied it.**

  Law does not operate in a laboratory or a vacuum. Laws and legal institutions have created and perpetuated profound inequalities, and formally neutral rules can have dramatically unequal consequences on different people and groups depending on their access to resources or characteristics including wealth, race, disability, immigration status, housing situation, or relationship to government or corporate power.

  The Court of Appeals decides cases that affect workers, tenants, consumers, people accused of crimes, immigrants, families, and communities across New York. Your next nominee should therefore bring not only exceptional command of legal doctrine, but also a demonstrated commitment to expanding access to justice and making the law's protections meaningful in all New Yorkers' lives. That commitment requires understanding of how the law operates in reality; recognition of how often the law has failed to deliver equal justice; and knowledge of the factual and institutional realities necessary to faithfully, fully, and consistently guarantee the protections and promises of the law for every New Yorker.

- **Substantial experience advocating for everyday and marginalized New Yorkers, particularly given the dramatic underrepresentation of those professional backgrounds on the Court.**

  New York has one of the nation's highest-quality and most diverse legal communities, but our highest court does not reflect the breadth of our state's bar. For too long, experience wielding institutional power—as a prosecutor, corporate attorney, or government lawyer—has been treated as expected preparation for the Court of Appeals, while experience representing people subjected to that power has been treated as exceptional. But lawyers with such experiences bring valuable insights. A public defender understands how the criminal legal system affects the lives of the people subjected to it. A tenant lawyer sees how housing law affects people's ability to stay in their homes. A labor lawyer understands workplace power from the perspective of workers. A civil-rights attorney knows what challenging official misconduct and institutional discrimination requires of litigants and their lawyers. Courts are strengthened when their deliberations include judges who bring these and similar experiences to the bench.

  A majority of judges on the Court of Appeals today are former prosecutors or partners at corporate law firms. Judge Rivera is the only current judge with substantial experience representing individuals against the government or other powerful institutions. The Court cannot be allowed to regress in this respect. If you do not nominate Judge Rivera for reappointment, your next nominee should have substantial experience directly representing the people and communities whom the law most directly affects, whether that experience has come from public defense, civil rights, labor law, tenant advocacy, or other similar public-interest work.

- **Determination to maintain and expand New York's tradition of independent state constitutional interpretation, giving full force to protections that rise above the federal floor.**

  New York's Constitution is not a duplicate of the federal Constitution, nor are New York's civil-rights protections limited to whatever protections federal courts decide to recognize. The Court of Appeals itself has long recognized that New York's Constitution provides greater protections than its federal counterpart.

  The independence of New York's Constitution is especially important now. As federal courts narrow protections under federal law, New Yorkers increasingly depend on our state's law and courts. Unfortunately, the Court of Appeals has at times construed New York constitutional provisions in lockstep with federal doctrine even when our state's text, history, traditions, and values support independent and robust interpretations.

  The next judge should believe that New York law is independent of federal law; should be aware and proud of the Court of Appeals' history of upholding and developing that independence; and should recognize that federal constitutional doctrine establishes a floor, not a ceiling or a mirror, for New Yorkers' rights.

***

In your time as Governor, you have repeatedly argued that New York must protect its residents when Washington will not. Many of your legislation and executive actions have done that, but fulfilling that commitment also requires you to use your judicial nomination power to shape the Court of Appeals so that it will give New York's Constitution and laws their full force, especially in the current moment and the years ahead.

This nomination presents a consequential choice about the future direction of New York's highest court. We urge you to nominate someone who understands how the law affects the people most subject to its power, who has substantial experience standing alongside people who have confronted and been confronted by powerful institutions, and who is committed to revitalizing New York law as an independent source of rights and protections.

We respectfully urge you to either renominate Judge Rivera or select another candidate who would sustain her legacy of strengthening the Court's capacity to protect New Yorkers, enforce the rights guaranteed by our state's Constitution and laws, and ensure that New York can defend New Yorkers and our rights when the federal government and federal courts will not.

Sincerely,

Center for Community Alternatives
32BJ SEIU
A Little Piece of Light
Ali Forney Center
Alliance for Justice (AFJ)
America On Trial Inc. (AOT)
Asian American Legal Defense and Education Fund (AALDEF)
BKForge: Brooklyn for Reproductive and Gender Equity

Broadway Advocacy Coalition
Campaign for New York Health
Capital Area Relief & Liberation
Caribbean Equality Project
Center for Law and Justice, Inc.
Center for Law and Social Justice at Medgar Evers College
Center on Race, Inequality, and the Law at NYU Law
Central American Refugee Center - CARECEN NY
Citizens' Committee for Children of New York
Clemency Coalition of New York
Cohen & Green P.L.L.C.
Collective Souls Holding Space
Communications Workers of America Union (CWA) District 1
Community Resource Center
Community Service Society of New York
Disability Rights New York
District Council 9 Painters & Allied Trades
Doctors Council SEIU
Dream.Org
ECLI-VIBES
Elders & Allies to Free the People Rochester
End Qualified Immunity in NY
Envision Freedom Fund
Episcopal Diocese of Long Island
Equality New York
Faith in Harm Reduction
Families 4 Freedom
Family and Friends of the Wrongfully Convicted
Five Boro Defenders (5BD)
For the Many
Forensic Rehabilitation Act Coalition
Freedom Agenda
Gender Equality New York, Inc.
HALT Solitary Campaign
Housing Court Answers
Housing Works
Hudson Link for Higher Education in Prison, Inc
Human Services Council
Immigrant Children Advocates' Relief Effort (ICARE)
Immigrant Defense Project
Incarcerated Nation Network
Islip Forward
Ithaca Prisoner Justice Network
Jews For Racial & Economic Justice (JFREJ)
Jim Owles Liberal Democratic Club
Judicial Process Commission

Justice for Families
Kairos Action
Katal Center for Equity, Health, and Justice
La Colmena NYC, Inc.
Latino Commission on AIDS
Legal Action Center
Long Island Progressive Coalition
Markers For Democracy
Met Council on Housing
Mid-Hudson Valley DSA
Miss Abbie's Kids
National Action Network NYC Chapter Second Chance Committee
National Employment Law Project
Neighborhood Defender Service of Harlem
New Hour for Women and Children
New York City Democratic Socialists of America (NYC-DSA)
New York Communities for Change
New York County Defender Services
New York Immigration Coalition
New York Lawyers for the Public Interest
New York Progressive Action Network (NYPAN)
New York Social Justice Action Network (NYSJAN)
New York State Youth Leadership Council
New York Working Families Party (NYWFP)
OLA of Eastern Long Island
Open Arms DV
PEER/NYPAN Suffolk County
Parole Preparation Project
Partnership for the Public Good
People's Parity Project Action
Policing and Social Justice Project
Progressive Schenectady
Release Aging People in Prison Campaign (RAPP)
Retail, Wholesale and Department Store Union (RWDSU)
Retail, Wholesale and Department Store Union (RWDSU) Local 338
Right to Counsel NYC Coalition
Riverside Edgecombe Neighborhood Association
Strong Economy For All Coalition
Suffolk Progressives
Surveillance Technology Oversight Project
Survivors of the System
The Action Lab
The Prisoners' Brain Trust
The Retreat
The Zimroth Center at NYU School of Law
Unchained

United Auto Workers (UAW) Region 9A
Unitarian Universalist Congregation of the South Fork
United Community Action Network (UCAN)
UnLocal
Unlock The Bar
Urban Justice Center
Urban Youth Alliance
VOCAL-NY
VOICE Buffalo
We Are Revolutionary
We Build the Block
WESPAC Foundation, Inc.
Westchester for Change
Women's Diversity Network
Youth Represent