



A Joint Letter to the Governor from the Long Island Hispanic Bar Association, The Puerto Rican Bar Association, the Latino Lawyers Association of Queens, The Dominican Bar Association, and the Hudson Valley Hispanic Bar Association.

December 12, 2022

TO: Governor Kathy Hochul

FROM: The Executive Board of the Long Island Hispanic Bar Association

RE: Appointment of Chief Justice of the Court of Appeals

We have previously written to you to express our unequivocal support for the candidacy of Presiding Justice Hector LaSalle for Chief Judge of the State of New York. Presiding Justice LaSalle, the son of Puerto Rican parents who grew up in the Latino community of Brentwood, Long Island, shares the values and mission of our bar associations and the aspirations of our Latino communities for empowerment and equal justice under the law. Presiding Justice LaSalle, if appointed by the Governor, would be the first Latino ever to hold such office and would represent significant progress in our “Lucha” (struggle) as Latinx bar associations in New York.

After an evaluation of all the candidates on their record, character, temperament, professional aptitude, experience, and qualification for office, Presiding Justice LaSalle was selected by the Commission on Judicial Nomination as one of the seven most “well qualified” candidates to be Chief Judge. Various bar associations who examined the qualifications and background of all seven candidates agreed with the Commission that Presiding Justice LaSalle is well qualified for the position of Chief Judge. For example, the New York State Bar Association granted Presiding Justice LaSalle its highest rating – “well qualified,” which is only given to candidates who “possess preeminent qualifications.” The New York City Bar Association also granted Presiding Justice LaSalle its highest rating of “well qualified” as did the New York State Trial Lawyers, which rated Presiding Justice LaSalle as “Highly Qualified and Highly Recommended” for Chief Judge.

We write to you once again because there have been personal attacks against Presiding Justice LaSalle’s judicial record which are not accurate. Justice’s LaSalle’s opponents’ analysis of his judicial record is a misinterpretation of the cases they rely upon and instead, reflect Judge LaSalle’s judicial independence and understanding of the judicial role.

By way of example, the group baselessly and outrageously claims that Presiding Justice LaSalle “has stood in the way of state government attempts to protect New Yorkers’ abortion rights.” Nothing could be further from the truth and that proposition is certainly not reflected in the case upon which they rely.

In *Evergreen Assoc. Inc. v Schneiderman*, a panel of four Appellate Division judges which included Judge LaSalle, refused to quash the demands in an Attorney General subpoena, aimed to determine if a pro-life organization was practicing medicine without a license. The decision, authored by Judge Jeffrey A. Cohen, merely limited the scope of some of the demands and imposed an *in-camera* review of the subpoenaed documents to protect the First Amendment rights of the petitioner. The decision stated, “There is no question that the Attorney General’s investigation is of the utmost importance to protecting the health and safety of women. However, it is equally important that such investigation be carried out with respect and sensitivity to the constitutional rights of those involved.” This is precisely the kind of balanced judgment

that is often required in these sensitive cases and was hardly an example of the panel's attempt to strip away protections of New Yorkers. Instead, it demonstrated the type of measured decision-making process required by the next Chief Judge who will be charged with managing the third branch of government and dispensing justice to all New Yorkers.

Furthermore, the group's statement regarding the case of *People v. Gerald*, a Second Department case in which Judge LaSalle concurred in the opinion of Judge Cheryl E. Chambers, is also misleading. The claim that that Judge LaSalle "would refuse to allow the defendant to withdraw his guilty plea even after it emerged that the defendant's lawyer had lied to trick him into pleading guilty." No fair, rational reading of the case could lead anyone to conclude that. Judge LaSalle agreed with the majority that the lower court improperly denied the defendant's motion to vacate his guilty plea without a hearing. Judges Chambers and LaSalle reasoned though that the Appellate Division should not on its own vacate the guilty plea but rather send the matter back to the trial court for the full hearing on the merits that the opinion agreed was denied to the defendant. This was far more a routine procedural disagreement on the panel than a substantive one. It certainly is not a refusal to allow a defendant to withdraw a guilty plea.

For the sake of completeness, and to not belabor the point in the body of this letter, we have included an analysis of the cases cited by the Coalition and a list of appeals that demonstrates Presiding Justice LaSalle's judicial record of balanced decision-making.

Presiding Justice LaSalle, has worked tirelessly as a trial judge and an appellate judge for almost fourteen years. He currently oversees the largest intermediate appellate court in the United States and since his elevation to Presiding Justice, has spearheaded efforts to reduce the pre-existing backlogs in criminal and civil cases in the Second Department. As a member of the Administrative Board of the Court, he also has been intimately engaged in overseeing court operations and policy statewide and, more specifically, in all the judicial districts encompassed in the Second Department.

We believe that Presiding Justice LaSalle's background, experience and record will enrich the Court's diversity; strengthen and balance the court's decision-making and consensus-building; advance the Court's commitment to equal justice under the law; and generally inspire public confidence in the judiciary. His integrity; commitment to fairness and justice; and his devotion and care for all the people of New York, but especially the Latinx community cannot be overstated.

Sincerely,

The Executive Board of The Long Island Hispanic Bar Association joined by:

The Puerto Rican Bar Association

The Latino Lawyers Association of Queens County

The Dominican Bar Association

Hudson Valley Hispanic Bar Association

