

1 Presentation of petitions.
2 Messages from the Assembly.
3 Messages from the Governor.
4 Reports of standing committees.
5 Senator Klein.

* 6 SENATOR KLEIN: Mr. President, I
7 believe that the report of the Judiciary
8 Committee is at the desk, and I ask the
9 President to have the report read at this
10 time.

11 ACTING PRESIDENT VALESKY: There
12 is a report of the Judiciary Committee at the
13 desk.

14 The Secretary will read.

15 THE SECRETARY: Senator Sampson,
16 from the Committee on Judiciary, reports the
17 following nomination.

18 As Chief Judge of the Court of
19 Appeals, the Honorable Jonathan Lippman, of
20 New York City.

21 ACTING PRESIDENT VALESKY:
22 Senator Sampson.

23 SENATOR SAMPSON: Yes,
24 Mr. President, I rise to move forth the

1 nomination of the Honorable Jonathan Lippman,
2 who is presently presiding justice of the
3 Appellate Division of the First Department, to
4 Chief Judge of the Court of Appeals.

5 We had a very hearty and fruitful
6 meeting this morning, and I want to commend
7 Jonathan Lippman but most of all commend the
8 Governor on his appointment of Jonathan
9 Lippman.

10 There's always been issues with
11 respect to the selection process and the way
12 in which a nomination list did not contain one
13 of women. And this is of deep concern. And
14 that is why I started conducting hearings
15 dealing with the whole selection and judicial
16 nominating process. But I want you to rest
17 assured that it does not taint the Honorable
18 Judge Lippman.

19 Judge Lippman is a person who I had
20 an opportunity to have a conversation with
21 with respect to the issues of concern not only
22 to me but to our conference: The issue of
23 diversity, the issue of morale within the
24 court system, the issue of pay raises, and

1 also the issue of the appointment of acting
2 Supreme Court judges not only in the city but
3 throughout the State of New York.

4 And we had a very frank and very
5 pointed discussion with respect to those
6 issues, and then he had an opportunity to meet
7 my colleagues. And one thing we walked away
8 with is that this is a man who has heard our
9 issues and concerns, and he's not going to
10 just act with rhetoric or words, he's going to
11 implement in deeds. And that has won over a
12 lot of my colleagues with respect to this
13 nomination who had questions.

14 So at this point in time I would
15 like to move forth his nomination as Chief
16 Judge of the Court of Appeals. And I want to
17 first of all congratulate his family: his
18 wife, Amy Lippman, his son, Russell Lippman,
19 and also his daughter, Lindsay Lippman.

20 And, Your Honor, I want to commend
21 you on going through a process which was
22 uneasy at times, but you handled yourself as
23 the jurist you are. And I look forward not
24 only to being a partner but being a friend

1 when dealing with the judicial system.

2 Because at the end of the day, it's
3 not about me, it's not about my colleagues,
4 it's about the people of the State of New
5 York. And it's about the judicial system,
6 it's about restoring the faith, the trust, and
7 the confidence in the judicial system and
8 ensuring that Lady Justice continues to remain
9 blind and the scales of justice are balanced.

10 In a lot of communities throughout
11 the city and throughout the state, we don't
12 feel that way. But under your leadership,
13 Your Honor, we expect that to occur. And we
14 look forward to working with you not only from
15 this day forward but throughout the future and
16 making sure that your issues are our issues,
17 and our issues become your issues, and you
18 understand how committed we are to those
19 principles that are expressed to you.

20 So once again, at this point in
21 time I would like to move his nomination forth
22 as the Chief Judge of the Court of Appeals.

23 ACTING PRESIDENT VALESKY: Thank
24 you, Senator Sampson.

1 Senator Maziarz.

2 SENATOR MAZIARZ: Thank you very
3 much, Mr. President.

4 Before I speak on this nominee on
5 behalf of the Republican conference as the
6 ranking Minority member, I just want to note
7 for the record and thank the chairman, Senator
8 John Sampson. Senator Sampson handled this
9 nomination in a most courteous and
10 professional manner. As a new ranking member
11 and Senator, I want to thank you for the
12 courtesies that you showed. Thank you very
13 much.

14 SENATOR SAMPSON: Thank you very
15 much, Senator Maziarz. And I learned the best
16 from you, Senator.

17 SENATOR MAZIARZ: Thank you.

18 On the nomination, Mr. President.
19 I want to rise in support, as the ranking
20 member of this committee, in support of the
21 Governor's nomination of Jonathan Lippman as
22 the Chief Judge of this court.

23 Judge Lippman has made himself
24 available to our members, answered all of our

1 questions in a professional and an excellent
2 manner.

3 I just want to say, as many of you
4 have heard me speak on the floor and in
5 Judiciary Committee in the past, I feel very
6 passionately about some issues, particularly
7 as they evolve around the Court of Appeals.
8 And I rise in support of this nomination for a
9 lot of different reasons. I'm only going to
10 mention one.

11 But Judge Lippman -- and maybe he
12 didn't even remember this, but a long time ago
13 there was a judge in upstate New York who was
14 going through an extremely emotional personal
15 situation involving the health of their child.
16 And I don't think Judge Lippman ever even met
17 that judge at that point in time, but through
18 an intermediary he was asked to do something
19 on that judge's behalf, and he did it. And I
20 never forgot it, Judge.

21 So again, on behalf of our
22 conference, I do want to mention that I
23 received a call from a good friend of many of
24 ours, a former chairman of this committee,

1 Jim Lack, in strong support of this
2 nomination.

3 And, Mr. Chairman, I rise and
4 second the nomination by my good friend
5 Senator Sampson. Thank you.

6 ACTING PRESIDENT VALESKY: Thank
7 you, Senator Maziarz.

8 Senator Diaz.

9 SENATOR DIAZ: Thank you,
10 Mr. Chairman.

11 Today we are having a day where
12 sometimes I wish that this day would not
13 happen. But, Mr. Chairman, I'm here today to
14 express why I will abstaining from this
15 nomination.

16 But I have to say it has nothing to
17 do with Judge Lippman. I have great, great
18 regard for Judge Lippman. His qualifications,
19 his resume, and his life shows that he is well
20 qualified to be in the position that he is
21 today.

22 However, Mr. President and members
23 of this body, the system, the way in which
24 Judge Lippman was chosen, casts doubt on his

1 nomination. And I will tell you why,
2 Mr. President.

3 There were two women that applied
4 and were interviewed. One of them was Justice
5 Fern A. Fisher, with a B.A. from Harvard
6 University, with a juris doctor degree from
7 Harvard Law School, admitted to the New York
8 Bar Association in 1980. Deputy director of
9 Harlem Legal Services. Assistant Attorney
10 General of the New York State Department of
11 Law. Four years of pro bono legal services to
12 Harlem-based community organizations. Project
13 director of the National Conference of Black
14 Lawyers. Deputy supervising judge of the City
15 Civil Court. Elected to the New York State
16 Supreme Court in 1993. For the last 13 years,
17 she has been the administrative judge of the
18 Civil Courts of the City of New York.

19 Over 30 years' experience,
20 Mr. President. But she was found not
21 qualified, not qualified by the committee that
22 gave it to Judge Lippman. An African-American
23 lady. It has nothing to do with being
24 African-American, it has nothing to do with

1 being a woman, it has nothing to do with being
2 a minority. It has to do with her
3 qualifications. Unqualified.

4 The other lady, woman, Justice
5 Carmen Beauchamp Ciparick, graduated from
6 Hunter College in 1963, a juris doctor degree
7 from St. John's University. She has served as
8 a Legal Aid attorney. She's been assistant
9 counsel for the Judicial Conference of
10 New York State. She's been chief law
11 assistant of the New York City Criminal
12 Courts, counsel to the Office of the New York
13 City Administrative Judge. Judge of New York
14 City Criminal Court.

15 In 1982, she was elected to the
16 New York State Supreme Court. Member of the
17 New York State Court of Appeals since 1993,
18 16 years a member of that body. And she is
19 the senior associate judge of the New York
20 State Court of Appeals. Thirty-two years of
21 experience. Another woman, Hispanic, was
22 found to be not qualified.

23 Two women. Two women -- one
24 African-American, one Hispanic -- not

1 qualified. This is a shame, the way in which
2 our system works. When is it that a woman or
3 a minority person would have the possibility
4 to compete?

5 Judge Lippman is superqualified.
6 He's qualified. I'm glad, and I'm joining his
7 family today in congratulating him. But these
8 two women were prevented, Mr. President, they
9 were prevented from competing.

10 And now my question is, with their
11 resume, with their experience, with their
12 education, why were they found not qualified?
13 Because they're women? Are we discriminating
14 against women, because one is black and one is
15 Hispanic? Are we discriminating against a
16 black? Are we discriminating against a
17 Hispanic?

18 So there we've got a problem, as I
19 said before. We have a big problem in this
20 state. And if I vote yes, then I become part
21 of the problem. If I vote no, people might
22 think that I'm voting against Judge Lippman,
23 which I would never do.

24 But I cannot vote yes to be part of

1 the problem, and I cannot vote no because I
2 don't want to be under -- I don't want to give
3 people the opportunity to say that I'm voting
4 against him.

5 I'm abstaining. I will not vote, I
6 will not take part in this process. Just to
7 show my anger, to show my rejection of the way
8 in which these two women were prevented and
9 found not qualified.

10 The system has to be changed. And
11 then they gave the Governor seven candidates
12 and forced the Governor to choose from one of
13 the seven.

14 These two ladies, Mr. President,
15 were not qualified. I mean, this has sent a
16 message to all of us. And I said before that
17 this happens to us over and over and over.
18 And then they say: We will fix it. Don't
19 worry about it, vote yes and we will fix it.
20 And then it happens again. And then we all
21 have been promised that the system is going to
22 be changed. Maybe, maybe because they think
23 that we minorities, we come here, we talk, and
24 then we say okay, yes.

1 No. The time is going to come --
2 and I think the time is going to come, I'm
3 saying no, the time is going to come when we,
4 black and Hispanic legislators, have to stand
5 up and say no way, no how. That's why I'm
6 abstaining, Mr. President. Thank you.

7 And I congratulate Judge Lippman on
8 his nomination today.

9 ACTING PRESIDENT VALESKY: Thank
10 you, Senator Diaz.

11 Senator Espada.

12 SENATOR ESPADA: Thank you,
13 Mr. President, for giving me the opportunity
14 to share some thoughts on the nomination and
15 indeed, as my colleague Senator Diaz just
16 articulated, on the process itself.

17 But first, as to the nominee,
18 absolutely qualified.

19 I wish to thank Senator Sampson for
20 his deliberations. And he was very thoughtful
21 and very fair in taking his time. This is a
22 deliberative process and a deliberative body.
23 He's accomplished and made us very proud this
24 day.

1 But I was particularly taken with
2 the comments that Judge Lippman made on
3 advocacy versus activism. And I was very
4 pleased to hear you, sir, speak about the need
5 to advocate for reform and advocate for
6 change. And that doing so in no way, in no
7 way sets the court apart from its essential
8 process of become objective and weighing the
9 facts in evidence.

10 And the facts in evidence in this
11 case, as you so clearly articulate, Senator
12 Diaz, is that we have a flawed and terrible
13 system not only with respect to this process,
14 but I navigated and traversed other counties
15 and met with other people on my own about this
16 process of our justice system. Not just this
17 nomination of the Chief Judge, but those who
18 serve as acting judges, those who serve on
19 housing court and civil court, the highest
20 courts of the land, visited on this issue that
21 has politicized the judiciary in this country
22 and in this state for far too long.

23 And so there are many issues that
24 burden us today. But for me, this candidate

1 is worthy of support, but I must stay
2 steadfast and focused on this process. This
3 process will not only yield, in my humble
4 estimation, the most powerful person in this
5 state henceforward, today, will be Justice
6 Jonathan Lippman, presiding over what many
7 times is the last recourse for justice.

8 But we talked about the beginning
9 of the process, the need to reform the grand
10 jury system, when too many who cannot afford a
11 lawyer have no voice and no defense. And to
12 that point I congratulate you, sir, you were
13 right on target with having, you know, the
14 most indigent defendants get their day in
15 court. But it starts there. And so he was
16 clear on that, and I support him
17 wholeheartedly on that.

18 The draconian Rockefeller Drug Laws
19 that have seen generations of
20 African-Americans, Hispanics, poor people that
21 have not had the ability and judges who have
22 not had the ability to pass judgment and to
23 use their discretion to render justice.

24 And so to all of those points --

1 not the resume, but the person, his soul, his
2 preparation, his character -- I think we will
3 be well served.

4 But as the rules of the house do
5 not provide for an abstention, when I walk
6 through those doors, through that exit sign, I
7 will join Senator Diaz, sir, in not voting
8 against you but to make a point that so many
9 issues in our justice system have to be
10 visited.

11 And so for this moment and this
12 day, I wish to join you in this protest,
13 Senator Diaz. With no aspersions to you and
14 your nomination, Judge Lippman.

15 Thank you, Mr. President.

16 ACTING PRESIDENT VALESKY: Thank
17 you, Senator Espada.

18 Senator Hassell-Thompson.

19 SENATOR HASSELL-THOMPSON: Thank
20 you, Mr. President.

21 I rise to lend my support to the
22 nomination of Judge Lippman to this, the
23 highest post in the court system in the State
24 of New York. And I do so not with the same

1 level of conflict as some of my colleagues
2 have.

3 I have serious conflict with the
4 process, I think I've made that publicly
5 known. And I think that every opportunity
6 that I get, I will be participating in a
7 proactive way to ensure that this process is
8 in fact changed as quickly as we possibly can
9 do so.

10 My support of Judge Lippman,
11 however, is based upon his history of his
12 hiring practices, his support and nurturing of
13 people of color in his historic rise to this
14 position. I listened to testimony this
15 morning, but certainly I have many friends in
16 the court system across this state who revere
17 the work that he has done and the efforts that
18 he has made to ensure not only that they are
19 in positions of importance and prominence, but
20 certainly that they are a part of the policy
21 process.

22 Many times we will have people who
23 will come before us and talk about that they
24 are regretful of the process and that they

1 feel very bad about it, and they pay lip
2 service. But I happen to know that
3 historically the work that I have had the
4 opportunity to do with Judge Lippman in my
5 district responds to the needs of those who
6 were formerly incarcerated for drug use, and
7 Judge Lippman helped to work in our community
8 to ensure that we had alternative programs to
9 incarceration.

10 And this was among a group of
11 people who were unrepresented and who are
12 black and who are poor and who are Latino.
13 And so that set the tone for me in terms of
14 observing how he would go about doing the work
15 that he will do.

16 I think that Judge Lippman,
17 separate from the process, will be very
18 important to our judicial system. He has
19 waxed eloquently on those things that he
20 recognizes, similarly to me, that the kinds of
21 things that we need to do to ensure fairness
22 and to restore the trust of the people in our
23 judicial system in the State of New York are
24 tantamount to his first priorities.

1 And therefore, the importance of
2 what this appointment means, he represents.
3 And therefore I join my colleagues in
4 supporting this nomination, but I will be
5 calling on Judge Lippman as we go forward to
6 ensure that he stays actively involved in the
7 process to change this system so that people
8 who believe that we need stronger justice will
9 see that that is so.

10 No one would consider Judge Lippman
11 as liberal, but they certainly would judge him
12 as fair-minded. And that is appropriate and
13 necessary for our judicial system,
14 particularly when you look at the numbers of
15 minorities who come and go throughout our
16 court systems.

17 And as our young girls are becoming
18 more and more involved in the juvenile and the
19 justice system, it becomes important to have
20 someone at the head of our judicial system
21 that understands the need to address these
22 issues in a preventive as well as a judicious
23 way as they come through the courts.

24 So I am very pleased to make, based

1 upon my knowledge of his experience and the
2 opportunities that he has given, that he will
3 be a justice that will be fair. And that he
4 also know I will be breathing down his neck to
5 ensure that the things that he has done in the
6 past will be those that he will continue to do
7 in the future. And those people who attempt
8 to block his good efforts, he will have a
9 champion in me to help him to move those
10 roadblocks as he represents the people of the
11 State of New York.

12 Thank you, Mr. President.

13 ACTING PRESIDENT VALESKY: Thank
14 you, Senator Hassell-Thompson.

15 Senator Klein.

16 SENATOR KLEIN: Thank you,
17 Mr. President.

18 I rise today to second the
19 nomination of Jonathan Lippman as our Chief
20 Judge of the Court of Appeals.

21 I think this is sort of, I think, a
22 celebration for the judge and his family, and
23 also all of us as New Yorkers. A man who came
24 from humble beginnings, growing up on the

1 Lower East Side, I think he reflects what many
2 young lawyers at the time -- when they go to
3 law school, when they graduate from law
4 school -- what their dreams would be. And I'm
5 sure there's many who dream of being just a
6 judge. But many, I guess, wouldn't dare to
7 dream to be Chief Judge, the top judge in the
8 great State of New York.

9 And I think again, if anyone can
10 plan their life on what the road map you would
11 take to be the Chief Judge of the Court of
12 Appeals in New York State, I think Judge
13 Lippman followed that road map. Worked his
14 way up from a law secretary in Manhattan,
15 later became an administrative judge, then an
16 Appellate Court judge, all the while learning
17 and making our court system better.

18 Again, I think one of the things
19 that Oliver Wendell Holmes once said, that the
20 experience of the law is what's important.
21 And I think in many cases there's no one in
22 the court system that has more experience than
23 Judge Lippman.

24 Everything that has been good about

1 our judicial system over the last 20 years, in
2 many ways Judge Lippman had a very important
3 and positive impact on all of that. Domestic
4 violence courts, expanding the Family Courts,
5 all types of different medical malpractice
6 parts, Jonathan Lippman had a major impact on
7 each and every one of those things.

8 And there's also, I think, when you
9 think about the type of person who should be
10 the Chief Judge -- I talked extensively about
11 his administrative experience, but also his
12 legal acumen. He understands the various
13 issues that come before our great court in the
14 State of New York. And I think he's going to
15 be a credit to each and every one of us.

16 And I think all of us here should,
17 I think, take pride in the fact, especially if
18 we're an attorney, that we can rise not only
19 to become a State Senator, as we all stand
20 here today, but also become a great judge,
21 even a Chief Judge.

22 And the only thing I can say, when
23 Jonathan Lippman officially assumes his post
24 as the Chief Judge of the State of New York, I

1 think the residents of the State of New York
2 can rest assured that justice will be done.

3 Thank you, Judge.

4 ACTING PRESIDENT VALESKY: Thank
5 you, Senator Klein.

6 Senator Volker.

7 SENATOR VOLKER: Mr. President,
8 first of all, if I might just say that Senator
9 Sampson did an excellent job at the hearing.

10 In fact, it was mentioned that
11 former Judicial chairman Jim Lack mentioned
12 support of Jonathan Lippman. The only reason
13 I mention Senator Lack is that when he was
14 chairman of Judiciary, I think that John
15 Sampson did a better job of handling one
16 particular witness who has testified on many
17 occasions. And Senator Lack had a little bit
18 bigger problem with that witness. In fact, I
19 think that woman got thrown out of the room.
20 But that's neither here nor there.

21 But I have to say, Jonathan, that
22 you have always been, with me as chairman of
23 Codes and as somebody who has worked for many
24 years with the judiciary, a class individual,

1 forthright, ready to assist in any way
2 possible.

3 In fact, I think one of the things
4 that kind of bothers me a little is I heard
5 some criticism of Judge Kaye, that it's a
6 continuation of Judge Kaye. Gee, that's too
7 bad. I thought Judge Kaye did a pretty good
8 job, personally.

9 And, you know, I realize very much
10 that the problem with the judiciary is, let's
11 be very frank, the judges are all angry
12 because they didn't get a pay raise. We know
13 that. The last time I looked, the Chief Judge
14 of the Court of Appeals doesn't get to vote in
15 either house of the Legislature.

16 It is a shame, because the
17 judiciary should have gotten a pay raise. But
18 that's something that this house, I think,
19 tried our best to make that happen. But -- I
20 know we passed legislation. I didn't want to
21 get into that.

22 But Jonathan Lippman -- and I
23 understand the feelings of people here that
24 there were other people who could have been on

1 the list. And, you know, I've got to say
2 something, years ago I said that Jim McGuire
3 should have been on the list also. And he
4 wasn't on the list. And you could name any
5 number of people. It wasn't that they weren't
6 qualified, it's just that the list was picked
7 based on a decision that had to be made.

8 And of course I will say this too,
9 Judge. One of the Court of Appeals judges --
10 I happen to know him much, much, much longer
11 than you -- Gene Piggott, since he comes from
12 my area. Please take care of him and watch
13 that he doesn't get into trouble. Okay?

14 But in any case, you'll make a fine
15 chief justice. I'm happy to support you. I
16 haven't always agreed in the past with the
17 former Chief Judge's decisions. But then, as
18 I've said, a lot of people disagree with me.

19 So I can only say this, that I
20 think that the Office of Court Administration
21 will be especially -- and maybe that's as
22 critically important as anything -- will be
23 run by somebody that knows more about it than
24 anybody else. And in this time, this fiscal

1 time, that may be -- and I'm not saying
2 that -- obviously, the decisions that are made
3 are extremely important. But running the
4 Office of Court Administration right now is
5 going to be something that's almost equally as
6 important.

7 So good luck to you, and Godspeed.

8 ACTING PRESIDENT VALESKY: Thank
9 you, Senator Volker.

10 Senator Leibell.

11 SENATOR LEIBELL: Thank you,
12 Mr. President.

13 This is probably one of the most
14 important confirmations that we will have the
15 opportunity to consider over the course of any
16 term. The Chief Judge of the New York Court
17 of Appeals leads our other branch of
18 government, the judiciary.

19 And we are really very fortunate
20 today because we have someone whose name has
21 been sent to us who has had a tremendous,
22 tremendous career in the law and as a judge.
23 He brings to this position every possible
24 qualification that we could ask for as a

1 legislative body. He has great integrity, he
2 has the disposition we would expect from a
3 judge, he has the knowledge of the law that we
4 would hope for from a judge. And he has a
5 tremendous sense of fairness.

6 I've had the good fortune to know
7 Judge Lippman for some time, worked with him
8 on a number of issues. I cannot think of a
9 better person to fill this position. So I am
10 very pleased to stand here today and to lend
11 my support to this nomination.

12 Thank you, sir.

13 ACTING PRESIDENT VALESKY: Thank
14 you, Senator Leibell.

15 Senator Saland.

16 SENATOR SALAND: Thank you,
17 Mr. President.

18 I too rise in support of Judge
19 Lippman's confirmation to the position of
20 Chief Judge of the Court of Appeals.

21 I have had the good fortune of
22 knowing the judge for a number of years here
23 in Albany, in my capacity as a member of
24 several committees with which the judiciary

1 deals with from time to time.

2 Certainly when I chaired the Senate
3 Children and Families Committee, and as a
4 member of the Judiciary and Codes Committees,
5 I had opportunity to frequently have contact
6 with Judge Lippman, and always found him to be
7 extraordinarily dedicated, extraordinarily
8 capable, a man possessed of keen intellect, a
9 man dedicated to public service, a man whose
10 word was his bond, a man who full-well
11 understood that there is a process, a
12 legislative process, which contains that
13 ever-present element of give and take. A man
14 who understood that, a man who tried his best
15 to use his abilities to influence that system
16 on behalf of his constituencies, particularly
17 when he was chief administrative judge of the
18 judiciary.

19 I mentioned earlier in the
20 Judiciary Committee today that in my earlier
21 time as an attorney, I spent a lot of time in
22 court -- not as much since I came to this
23 chamber -- and there were certain qualities
24 that I would always hope to find in a judge.

1 And those qualities, whether it be the trial
2 bench or the appellate bench, I think are
3 critically important.

4 Obviously, first and foremost, you
5 want somebody who's fair, somebody who can
6 analyze with a kind of keen intellect, a
7 person who doesn't have an agenda, a person
8 who is about justice, a person who is
9 judicious, a person who epitomizes everything
10 that you believe in when you look at the
11 symbol of that blind goddess.

12 Well, Judge Jonathan Lippman is
13 such a person. Judge Jonathan Lippman has
14 been a superb public servant. He will be an
15 exemplary Chief Judge. He is certainly a
16 credit to his family, he is a credit to the
17 judiciary, and he will be an enormous credit
18 to the State of New York.

19 I wish you well, Judge.

20 ACTING PRESIDENT VALESKY: Thank
21 you, Senator Saland.

22 Senator Stewart-Cousins.

23 SENATOR STEWART-COUSINS: Yes, I
24 too rise to second the nomination of Jonathan

1 Lippman for the Chief Judge of the Court of
2 Appeals.

3 Certainly there's no question that
4 the process is seriously flawed, and I would
5 be remiss in not saying that. But I would
6 also be remiss in not standing in support of
7 someone who has been outstanding.

8 I had the privilege of being on the
9 county board of legislators when Judge Lippman
10 was our chief administrative judge. And
11 during that time, he did what he does, make
12 sure that we move ahead, make sure that we
13 progress, make sure that there are no
14 obstacles to reforming our court system or, as
15 was the case in Westchester County,
16 restructuring and rebuilding our courts.

17 It was a difficult time because the
18 money was very, very large that was involved.
19 There were many of us who were concerned with
20 the expense. And at some point the process
21 seemed to be stalled. And it was Judge
22 Lippman who made sure that we understood the
23 big picture, we understood the ramifications
24 for all of our county residents and beyond.

1 And we understood that, while he showed
2 leadership but an incredible amount of respect
3 with every step.

4 There was never a question that
5 this was about better service to the people --
6 not about ego, not about anything but making
7 sure that our courts were the best they could
8 be.

9 He has brought with him those
10 values, those considerations, and that
11 commitment. And whether it's the drug courts
12 or restructuring the system or being part of
13 the process that will change the process that
14 has lingered, there couldn't be better
15 leadership.

16 So I congratulate you, and I
17 welcome working with you.

18 ACTING PRESIDENT VALESKY: Thank
19 you, Senator Stewart-Cousins.

20 Senator Adams.

21 SENATOR ADAMS: Thank you,
22 Mr. President.

23 I came to Albany this week
24 intending, as a member of the Judiciary

1 Committee, intending to vote no on this
2 nomination -- until I had a conversation with
3 Senator Sampson, who's the chair of that
4 committee, and he assured me that some of our
5 concerns were laid to rest.

6 You know, if only life was as
7 simple and as black-and-white as just going
8 with the qualifications of an individual. But
9 the reality is there are shades of gray. And
10 my belief, as I listened to Senator Espada and
11 Senator Diaz, is this is a sad moment for the
12 State of New York. Where we can put a black
13 man into the White House, we cannot put a
14 black or Hispanic in a black robe in the
15 highest court in our land.

16 And although there's a celebratory
17 mood that's here, although we want to
18 celebrate because a qualified person is
19 reaching that level, but the reality is the
20 dream that Judge Lippman is living is a
21 nightmare that though black and Hispanic
22 lawyers and judges are qualified, they're
23 never getting there.

24 We cannot stay in the minor leagues

1 our entire life. We need to play in the major
2 leagues. We need to sit on the top courts.
3 We need to participate.

4 And so for those who dismiss the
5 concerns of Diaz and Espada and others as mere
6 just rhetoric, I say no to that. It's a real
7 pain, it's a real concern. We can't continue
8 to hear "Well, maybe next time, maybe next
9 year, maybe next appointment, maybe next
10 moment." No to that "next."

11 Now is the time. If a black can
12 integrate the White House, then we can
13 integrate black robes in our court system.
14 Enough is enough.

15 And so what I'm hoping, out of all
16 of this madness, I'm hoping that the judge
17 doesn't see this as a step back but an
18 opportunity, an opportunity to diversify the
19 ranks.

20 And it's also an opportunity for us
21 to look at the process. There's no way that
22 in as diversified a state as New York, a group
23 of male whites decide the criminal justice
24 system. Our justice is supposed to be blind,

1 but I'm tired of a hole being in that
2 blindfold, when it comes down to people of
3 color, to look at the sentencing, to look at
4 how we're treating the various people that
5 come in front of the court system.

6 So this is our opportunity to
7 change the process and not allow ourselves
8 again to have a list where qualified black
9 women and men were not on the list and no
10 matter what people tried to color it with,
11 they were deemed ineligible. If you're not on
12 the list, you are ineligible. And there are
13 too many eligible people of color that are
14 capable of sitting on the high court and are
15 constantly and continually being passed over.

16 So yes, I'm happy that Judge
17 Lippman is here. Yes, I'm happy I had a
18 conversation with Senator Sampson and he said
19 we have an opportunity to do some great
20 things. And I thank Senator Sampson for
21 leading that committee and chairing it and
22 saying let's have an opportunity.

23 But I don't want to sit here again
24 and hear "maybe next time." I'm tired of my

1 community staying in the minor leagues. We
2 don't want to live a lifetime of running fast,
3 jumping high, but we can't coach the team.
4 We've heard that before. I don't want to hear
5 it anymore. I don't want to hear about, well,
6 it's only fair. I want to deal with those
7 shades of gray that other people want to
8 ignore.

9 And this is not a statement towards
10 Judge Lippman. I'm sure Judge Lippman is
11 highly qualified to do this.

12 But the reality is we can wear the
13 handcuffs. The reality is we can occupy the
14 prisons in the northern part of the state.
15 The reality is we can sit inside the precincts
16 cuffed to the benches. The reality is we can
17 be called perps. The reality is that our
18 justice system has a blindfold around the
19 woman that holds the scales of justice. But
20 when we come into that courtroom, when we fill
21 out our qualifications to sit on the bench,
22 all of a sudden the blindness of justice has
23 some way to peek through and say
24 "unqualified."

1 Enough is enough. Enough is
2 enough. If we can occupy, again, the White
3 House, we can wear a black robe on the high
4 courts in our state.

5 So I say aye, but I respect the
6 concerns of Senators Diaz and Espada and
7 others that have constantly stated enough is
8 enough. Enough is enough.

9 ACTING PRESIDENT VALESKY: Thank
10 you, Senator Adams.

11 Senator Monserrate.

12 SENATOR MONSERRATE: Thank you,
13 Mr. President, and to my distinguished
14 colleagues here in the State Senate.

15 First I want to recognize the fine
16 work of the Judiciary Committee and their
17 chair, Senator John Sampson, for his diligence
18 in this process.

19 I want to acknowledge that with
20 Judge Jonathan Lippman we have an individual
21 of impeccable credentials, an individual with
22 a lifelong service record, one that is
23 exemplary.

24 I stand here, however, to join my

1 colleagues Senator Reverend Diaz and Senator
2 Espada to in essence cast an abstention vote
3 to the process, a process which did not allow
4 for the eligibility of women or Latinos in
5 particular and other African-Americans.

6 And I stand here to say that I
7 understand that Judge Lippman will do a fine
8 job as our chief justice.

9 But we need to do more than just
10 pay lip service to inclusion, particularly to
11 large and emerging communities such as ours,
12 which seems to be the fastest-growing and the
13 largest in the state with respect to minority
14 groups. We have to ensure that there's a
15 process that integrates and doesn't segregate
16 us out.

17 And we are standing, the three of
18 us in particular, not to just make a political
19 statement for the day, but to say that we are
20 committed to the due diligence that this house
21 will have for years to come to ensure that
22 there is inclusion and a process that
23 enfranchises people, people who have
24 historically have felt disenfranchised from

1 this process.

2 And the finality of this process,
3 though it produced a fine judge, a judge that
4 will serve us well, still leaves millions of
5 New Yorkers scratching their heads and asking
6 the question, is the process ever going to be
7 equitable for all of the people?

8 So I will be joining my colleagues
9 and in essence not cast a vote on this.

10 Thank you very much.

11 ACTING PRESIDENT VALESKY: Thank
12 you, Senator Monserrate.

13 Senator Schneiderman.

14 SENATOR SCHNEIDERMAN: Thank you,
15 Mr. President.

16 I rise also in support of the
17 nomination of Judge Lippman -- Chief Judge
18 Lippman before the day is out.

19 And I would like to note, in
20 keeping with the comments of my colleagues,
21 that we are supporting Judge Lippman today.
22 We are supporting you today, sir, and we will
23 seek your support tomorrow as we seek to
24 improve and open the judiciary to ensure that

1 all New Yorkers are represented.

2 Because the voice of the Chief
3 Judge of the Court of Appeals is not just a
4 powerful voice in rulings on the law from the
5 bench, it is a powerful voice for reform, for
6 justice, and for the ongoing process of
7 improving the judicial system and the legal
8 system in the State of New York.

9 So I'm honored to vote to confirm
10 this highly qualified nominee. But I assure
11 you all that the concerns voiced by my
12 colleagues are not going away. And indeed, I
13 would like to mention to all of my colleagues
14 who are not on the Judiciary Committee, who
15 were not present at the hearing we had earlier
16 today, it is absolutely clear that our new
17 Judiciary chair, Senator John Sampson, is
18 committed to transforming the flawed process
19 that brought us here today. He has already
20 begun to hold hearings. We've already started
21 to move on this.

22 So, ladies and gentlemen, reform is
23 on the way. We're beyond the point of saying
24 hope is on the way: Reform is on the way.

1 And I hope that Judge Lippman, I am confident
2 that Judge Lippman will be our partner in that
3 effort.

4 I am confident that he will join us
5 because of his record so far. And I would
6 urge all of my colleagues that if you look at
7 the last decade in the New York court system,
8 it has been a time of tremendous innovation.
9 It has been a time where other courts and
10 legislatures around the United States have
11 looked to New York and looked to reforms made
12 in New York for ideas of how we can do better.

13 We have to do better. We have to
14 do better here and around the country. The
15 United States is coming to a point, I believe,
16 where we are all realizing that our failed
17 national experiment with mass incarceration
18 must be put to an end. We have 2.4 million
19 people in prison in the United States. One
20 out of every nine young African-American men
21 is in jail or prison.

22 We have to change the system. We
23 have to go with innovations that Judge Lippman
24 has been a part of such as drug courts,

1 innovations such as changing our system of
2 parole and probation. We have over 9,000
3 prisoners in the New York State correctional
4 system for technical violations of parole.
5 That wastes money, that wastes lives, that is
6 unacceptable.

7 So I rise both to compliment our
8 Judiciary Committee chair, Senator Sampson,
9 for beginning the process of reform, and to
10 voice my strong support for this great
11 nominee, with the confidence that he will join
12 all of us in the effort to continue to reform
13 the system, to open the process, to ensure
14 that all have adequate representation, and to
15 ensure that this is a system of equal justice
16 under law for all New Yorkers.

17 Thank you, Mr. President.

18 ACTING PRESIDENT VALESKY: Thank
19 you, Senator Schneiderman.

20 Senator Dilan.

21 SENATOR DILAN: Yes,
22 Mr. President.

23 I rise to indicate that I will be
24 voting in the affirmative for the nominee.

1 I'd like to congratulate him.

2 I would also like to indicate that
3 despite that the process was flawed, I am
4 still voting for him.

5 I had the opportunity to question
6 Judge Lippman directly in committee, and I'm
7 satisfied with his answers that he indicated
8 that he will be reviewing a panel that was
9 created in 2007 to review the qualification of
10 sitting elected judges. He will also be
11 reviewing court diversity. And also, he
12 indicated to me that he will be staking out a
13 clear and concise position on judicial pay
14 raises.

15 And as a result of that, I will be
16 working with my colleagues, and especially
17 Senator Sampson, the chairman of the Judiciary
18 Committee, and Judge Lippman to work on those
19 reforms.

20 Thank you, and congratulations.

21 ACTING PRESIDENT VALESKY: Thank
22 you, Senator Dilan.

23 Senator Perkins.

24 SENATOR PERKINS: Thank you,

1 Mr. Chair.

2 I want to rise and second the
3 nomination and appreciation for Judge Lippman,
4 our next Chief Judge of the Court of Appeals.

5 But first I want to send some love
6 to my chairman of the Judiciary Committee for
7 the outstanding work that he's been doing, and
8 especially in this particular process.

9 And I daresay I would like to
10 commend his partner, Senator Maziarz, because
11 they've worked in a very collegial, bipartisan
12 way during this process, but even in other
13 instances. But this one especially, because
14 it was controversial.

15 And rather than simply complain
16 about the broken process and the shortcomings
17 of the process, you took the leadership to see
18 what could be done to reform it, to fix it.
19 And I think that's a very, very important
20 model for all of us, in or not in leadership,
21 to look at as we move forward to address not
22 just this type of a concern but the budgetary
23 process and other areas as well.

24 And to Judge Lippman, I want to

1 thank you for your availability as we were
2 exploring the problems of the process and as
3 we were looking for solutions. And you were
4 open and frank. You heard criticism. Where
5 it was appropriate, you accepted it, and where
6 it was not, you didn't. But at the same time,
7 you offered, I think, a very positive approach
8 to the concerns that were not only expressed
9 here but also were expressed in those moments
10 that we had together.

11 And I'm very pleased. For those
12 who are concerned about the injustice of the
13 Rockefeller Drug Laws, there is a judge about
14 to become the Chief Judge of the Court of
15 Appeals who heard that concern, understands
16 that it needs corrections, and is prepared to
17 provide visible leadership -- not just a memo
18 to the parties that are interested, but
19 actually really looking at the problem and
20 making sure that a change, a difference will
21 be made.

22 And that I think is very, very
23 important for the kind of reform that all of
24 us are looking for, not only with regard to

1 the Rockefeller Drug Laws but other areas of
2 criminal justice that are important to us.

3 And I think that yes, the process
4 raised a lot of concerns, from the Governor's
5 office to the man and woman in the street.
6 And we need to see how we can continue the
7 efforts on our part in the Judiciary Committee
8 and other areas to bring about that kind of
9 reform.

10 But I just wanted to make sure that
11 I lent my voice to your candidacy, to what I
12 believe is going to be an outstanding
13 leadership in the Court of Appeals, and want
14 you to know that I and I daresay all of my
15 colleagues are there to be with you.

16 Thank you.

17 ACTING PRESIDENT VALESKY: Thank
18 you, Senator Perkins.

19 Senator Oppenheimer.

20 SENATOR OPPENHEIMER: Thank you.

21 Your concerns about the process of
22 my colleagues is certainly shared by, I think,
23 almost all of us. And the process, as I
24 understand it, is in the process of being

1 changed.

2 And so I would like to take these
3 few moments to speak about Jonathan Lippman.

4 And I feel that if we all loved the
5 courts under Judith Kaye, we will continue to
6 love the courts under Jonathan Lippman. There
7 are no two people who worked more closely
8 together, that shared a similar philosophy of
9 reform of our courts. And I think this is an
10 amazingly good appointment.

11 And on a personal level, Jonathan
12 lives in my district, Judge Lippman lives in
13 my district and is well-regarded in Rye Brook.
14 And his family is.

15 And this is person that has not
16 only the intellectual skills, but he also has
17 excellent interpersonal skills and skills of
18 compassion and thoughtfulness. And I think in
19 this appointment we are going to see the
20 finest that we could possibly see.

21 And, Jonathan, I'm just very happy,
22 not only for you but for us too. And I second
23 the nomination.

24 ACTING PRESIDENT VALESKY: Thank

1 you, Senator Oppenheimer.

2 Senator Craig Johnson.

3 SENATOR CRAIG JOHNSON: Thank you
4 very much, Mr. President. I too rise to
5 support the nomination of Judge, soon to be
6 Chief Judge Lippman.

7 Of course I want to add my kudos to
8 my very good friend and chairman of the
9 Judiciary Committee, John Sampson.

10 And maybe I'm unique, but I'm one
11 of the few lawyers that don't sit on the
12 Judiciary Committee. But I've had the
13 opportunity to speak with a number of the
14 members through the process, to hear their
15 concerns as well as their wisdom.

16 I want to add a few things. As a
17 practicing attorney, I've had the privilege of
18 working and appearing before a number of
19 judges on the bench. And what I've noticed in
20 my short tenure as an attorney is when
21 Jonathan Lippman became the chief
22 administrative judge for all of the courts in
23 New York State, justice moved. Justice became
24 swift.

1 It was a problem that numerous
2 practitioners -- it was widely known, the
3 backlogs on the civil side. And quite
4 frankly, with a little bit of an iron fist,
5 but a deft touch, Jonathan Lippman improved
6 the New York State court system.

7 But I think what's very important
8 to my colleagues, I urge you, take a moment to
9 look at a resume that is not simply one page,
10 but it's a resume of accomplishment and
11 demonstrates the superior legal mind that we
12 are getting in Jonathan Lippman as the Chief
13 Judge for the Court of Appeals.

14 And you have a difficult chore
15 ahead of you. You are succeeding a great
16 chief judge in Judith Kaye, and it goes on
17 from there. And we could talk about the
18 accomplishments, but I am confident that you
19 are going put your own imprint on the Court of
20 Appeals -- a Court of Appeals that in recent
21 years has seen a little bit of division in
22 terms of philosophies and needs to be the
23 strong Court of Appeals that it once was.

24 And I am confident that you will

1 bring that. And I'm confident that when
2 plaintiffs and defendants, prosecutors and
3 defenders come before you on issues, they will
4 get a fair and impartial hearing and the
5 decision that you render or help craft will be
6 one of wisdom and one of fairness.

7 So I congratulate you today. It's
8 an honor well-deserved. I think all of
9 New York's residents should look forward and
10 should have the confidence that when they
11 appear before you, if they have to appear
12 before you -- and hopefully they don't have to
13 appear before you -- that they will have a
14 wise Chief Judge to make their arguments to.

15 I congratulate you, I wish you the
16 best of luck.

17 Thank you very much, Mr. President.

18 ACTING PRESIDENT VALESKY: Thank
19 you, Senator Johnson.

20 Senator Squadron.

21 SENATOR SQUADRON: Thank you very
22 much, Mr. President. I also rise in support
23 of the nomination of Chief Judge Jonathan
24 Lippman.

1 We know and I think we've heard a
2 lot today about how important it is that the
3 scales of justice are fair. But of course
4 it's also very important that the scales of
5 justice work.

6 And Chief Judge Nominee Lippman's
7 career in the judiciary in this state, really
8 making sure that it works, that our state
9 judiciary works, is so important and so
10 welcome in the position of Chief Judge. It
11 leads to all of the issues we've talked about
12 today, whether it's increasing justice by
13 reforming how we deal with the Rockefeller
14 Drug Laws or increasing access for those who
15 are most in need to our court system. Or
16 making the process that we all go through of
17 jury duty easier so that the civic engagement
18 of it is effective.

19 And your background on the courts
20 is something that I think will be welcome
21 across the state. But of course there's
22 another background that you have that I want
23 to rise and mention, which is on the Lower
24 East Side of Manhattan, which is where you

1 come from and what I represent.

2 And so many of us in this room and
3 across this country started on the Lower East
4 Side; if not personally, our families did. My
5 grandfather did, you did personally. And when
6 you look at these same issues, when you look
7 at questions of equity, questions of justice,
8 questions of diversity, which has been such a
9 subject -- for good reason -- today, the Lower
10 East Side of Manhattan is the best place to
11 find those issues.

12 And I am confident that with your
13 background there, your history of coming from
14 the place where the melting pot melts, from
15 around the world and then goes forth to the
16 rest of the country, that your focus on the
17 courts and as Chief Judge will help to push
18 for those goals of diversity, of equity, of
19 justice.

20 And I do, before I sit, just want
21 to also congratulate Senator Sampson for
22 having really brought these issues to the fore
23 at the same time that he moved you forward, so
24 that we can both have a Chief Judge with all

1 of these skills and also make sure that these
2 issues which have been raised today and so
3 often do not get lost in the shuffle.

4 So I look forward to working with
5 you. And it is another -- it's a good day for
6 the State of New York and, as so many days
7 are, a good day for the Lower East Side of
8 Manhattan.

9 Thank you very much.

10 ACTING PRESIDENT VALESKY: Thank
11 you, Senator Squadron.

12 Senator Sampson.

13 SENATOR SAMPSON: Thank you very
14 much.

15 In closing, I want to thank all my
16 colleagues, especially those who spoke on this
17 nomination.

18 And, Senator Squadron, as you said,
19 the judge comes from the Lower East Side in
20 your district. But what I can say is you have
21 a kid from Brooklyn who, along with the
22 gentleman from the Lower East Side, is not
23 going to only make change with respect to
24 rhetoric, but we're going to go from hope to

1 reforming this system.

2 So, Judge Lippman, I want to
3 commend you. And you heard my colleagues.
4 You know, we don't want to be in the minor
5 leagues no more. We want to be in the major
6 leagues. We don't want lip service as to
7 inclusion, because we want to be included. We
8 want to be at the table when decisions are
9 being made.

10 But most of all, as Senator Adams
11 said, there is a hole in the blindfold of Lady
12 Justice. And I want to make sure your
13 commitment as well as my commitment is making
14 sure that we change that blindfold and we make
15 sure that the scales of justice are balanced.
16 Because time and time again throughout
17 communities throughout the State of New York,
18 justice is not balanced.

19 And this is what I talked about
20 when challenging the whole selection process.
21 It's about restoring the faith, the trust, and
22 the confidence in the judicial system. And
23 that's what it's all about.

24 You know, justice is supposed to be

1 color-blind, but a lot of times it's not. And
2 that is the reality of the day. And that is
3 the reality of the people on the streets -- in
4 Brooklyn, Bedford-Stuyvesant, East New York,
5 Brownsville -- because we experience it on a
6 day-to-day basis.

7 So, Your Honor, I want to commend
8 you on being very frank, being very
9 forthright, on listening to us but also
10 implementing, as you're saying, certain
11 resolutions. We're a body that we're not
12 concerned about rhetoric or words, because
13 they are meaningless to us. We want to see
14 action. And we don't want to see action a
15 year from now, two years from now. Action
16 needs to take place as soon as you are sworn
17 in and your confirmation is done here today.

18 That's what we're about. We're
19 about an active body. We're not a
20 dysfunctional body, we're a body concerned
21 about the issues and concerns of the people in
22 the State of New York, from Brooklyn all the
23 way to Buffalo.

24 So, Your Honor, I want to commend

1 you but most of all commend your family on the
2 journey that you have taken.

3 Thank you very much, Mr. President.

4 ACTING PRESIDENT VALESKY: Thank
5 you, Senator Sampson.

6 Senator Libous, to close for the
7 Minority.

8 SENATOR LIBOUS: Thank you,
9 Mr. President.

10 I rise to support this nominee and
11 this nomination. I have known Judge Lippman
12 for a number of years and have had the
13 pleasure of working with him on a number of
14 very important issues as they pertain to the
15 citizens of the State of New York.

16 And as many of my colleagues have
17 mentioned, there at least in my opinion is not
18 a more qualified individual, or I would say he
19 is extremely qualified for this chief justice
20 position.

21 But I want to speak on behalf of
22 those New Yorkers today -- many of my
23 colleagues got up as attorneys and talked
24 about the legal process and their experiences

1 with Judge Lippman. But I want to speak on
2 behalf of probably some 19 million New Yorkers
3 who are not attorneys. And on behalf of all
4 of them, I want to say that the Governor has
5 picked a man who is compassionate, someone who
6 is a good person, he is kind, he is smart.
7 But as I said before, he is extremely
8 qualified.

9 I am very pleased that Jonathan
10 Lippman will soon be our Chief Judge on the
11 Court of Appeals.

12 ACTING PRESIDENT VALESKY: Thank
13 you, Senator Libous.

14 Senator Smith, to close for the
15 Majority.

16 SENATOR SMITH: Thank you very
17 much, Mr. President.

18 I rise to second the nomination, to
19 support the nomination of Justice Lippman.
20 But I also want to give a tremendous amount of
21 respect and credit to our chair of Judiciary,
22 Senator John Sampson.

23 You had to deal with a matter that
24 required you to address your personal

1 concerns, your concerns on behalf of
2 19.5 million people in this state, concerns of
3 other legal scholars throughout the state as
4 well as this body of members. And you did it
5 with tremendous respect, you did it with the
6 type of honor and dignity that I think most of
7 our colleagues were able to recognize that you
8 have set the bar higher for chairs.

9 And I want to tell you myself the
10 respect that I have for you and how you had to
11 deal with this matter, which I know was
12 sensitive to some members as relates to the
13 process, as relates to the selection process,
14 having nothing to do with the candidate. And
15 you did a tremendous job under difficult
16 circumstances at a time when change is in the
17 air, and that's what is present for everyone.

18 So I want to go on record as saying
19 that I appreciate the difficult situation you
20 were in, I appreciate what you have done, and
21 I would hope all of our colleagues respect you
22 as well as your deputy or your ranker, Senator
23 Maziarz, as well. To both of you, you did a
24 tremendous job, and I thank you on behalf of

1 the State of New York.

2 Judge Lippman, Amy, Lindsay,
3 Russell -- to the law firm of Lippman,
4 Lippman, Lippman and Lippman -- this is a
5 proud day for you. It's a proud day for your
6 childhood friend, Sheldon Silver, who I know,
7 while he is not here on the floor, he is
8 watching the proceedings, saying, "Hurry up,
9 guys, get this over with so I can smile."

10 But I will tell you, I've had the
11 experience of knowing Justice Lippman when I
12 was ranker on Judiciary. And aside from his
13 obvious scholarship as relates to the legal
14 profession, what he has done for the Family
15 Court, which is very important for
16 constituents, in particular black and Hispanic
17 constituents, who that Family Court at one
18 point was like a factory -- and I use that
19 word very guardedly.

20 And he knows what had to be done to
21 make that system at least give the dignity and
22 respect to individuals who are going through
23 very difficult times. Family Court is a very
24 difficult, pressing matter that weighs on the

1 heart. And what he did with that system to
2 show and allow dignity and respect for people
3 going through difficult times, I'm hoping that
4 becomes a national model. And so my hat is
5 off to you for that.

6 This is a good day for us,
7 colleagues. You know, we have three branches
8 of government. We have the executive branch,
9 we have the legislative branch, and we have
10 the judicial branch. And while they are in
11 separate places, they work together for the
12 good of the people of this state, meaning that
13 we get elected because we believe the 300,000
14 people that we represent believe in us, and so
15 we try to do the best that we can.

16 The Governor gets elected, along
17 with the Lieutenant Governor and the
18 Comptroller and the Attorney General, and they
19 have a job to do. And now today we have
20 nominated and will be electing Justice Lippman
21 to be the Chief Judge in the highest court of
22 the State of New York, and he will do as we
23 expect to do in terms of representing the
24 people of this state.

1 So, Judge, this is a good day.
2 Your family, I know -- Amy, it's good to see
3 you resting. Good to see you. And I will be
4 forever grateful to each and every one of you
5 for allowing Justice Lippman to put the time
6 that he's put in.

7 It's not easy, just like it's not
8 easy for any of us. Our families suffer a
9 great deal because of the absence of that
10 individual. And when he comes home, he's
11 wearing that day. And I know sometimes you
12 have to allow him that space, which is not
13 always easy. And many people don't get that.
14 But as elected officials, one who is
15 constantly having the public on our mind,
16 decisions on our mind, I know how that weighs
17 on you and the rest of the family.

18 So we appreciate the fact that you
19 have allowed him to take this position. And
20 we would hope that as the future presents
21 itself to us that there will be other
22 individuals who have an opportunity, just as
23 Jonathan Lippman, to rise themselves up to
24 that place as the highest court in the state.

1 So my hat is off to you and the
2 family. God bless you. We will continue to
3 pray for you as you move forward in this
4 position.

5 Thank you.

6 ACTING PRESIDENT VALESKY: Thank
7 you, Senator Smith.

8 The question at this time before
9 this Senate is on the motion to confirm the
10 nomination of Jonathan Lippman as Chief Judge
11 of the Court of Appeals. All those in favor
12 signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT VALESKY:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT VALESKY: The
18 motion carries. The nomination of Jonathan
19 Lippman as Chief Judge of the Court of Appeals
20 is hereby confirmed.

21 (Lengthy standing ovation.)

22 ACTING PRESIDENT VALESKY: Judge
23 Lippman is joined in the gallery today by his
24 wife, Amy; his son, Russell; his daughter,

1 Lindsay. Congratulations and all best wishes.

2 Senator Klein.

3 SENATOR KLEIN: Mr. President, I
4 believe Senator Aubertine has a resolution at
5 the desk. I ask that the resolution be read
6 in its entirety and move for its immediate
7 adoption.

8 ACTING PRESIDENT VALESKY: We'll
9 do that in just a moment, Senator Klein.

10 Reports of select committees.

11 Communications and reports from
12 state officers.

13 Now we're on motions and
14 resolutions.

15 Senator Aubertine, the Secretary
16 will read.

17 THE SECRETARY: By Senator
18 Aubertine, Legislative Resolution Number 371,
19 urging the New York State Congressional
20 delegation to support the United States dairy
21 economy in this time of impending crisis.

22 "WHEREAS, The dairy industry is a
23 keystone industry which not only supports
24 rural communities but enhances other sectors