NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

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11:16 a.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

I ask everyone present to please rise and recite the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT BAILEY: In the absence of clergy, let us bow our heads in a moment of silent reflection or prayer.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT BAILEY: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, January 11, 2022, the Senate met pursuant to adjournment. The Journal of Monday, January 10, 2022, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT BAILEY: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

At this time can we please take up previously adopted Resolution 1264, by Senator Mannion, read its title only and recognize Senator Mannion.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 1264, by Senator Mannion, commending Dr. Stephen Thomas upon the occasion of his designation as recipient of a Liberty Medal, the highest honor bestowed upon an individual by the New York State Senate.

ACTING PRESIDENT BAILEY: Senator Mannion on the resolution.

SENATOR MANNION: Thank you, Mr. President.

I rise to honor Dr. (Colonel) Stephen Thomas of SUNY Upstate Medical

University, a veteran of the armed forces, a virologist and vaccinologist, a father and husband, and now recipient of the New York State Senate Liberty Medal, the highest award this body can bestow.

Amid an unprecedented global pandemic, Dr. Thomas's expertise has been invaluable in developing lifesaving vaccines, understanding and responding to this virus, and of course treating patients.

When COVID-19 began to spread in the United States, he was put in charge of the COVID-19 Incident Command at SUNY Upstate. He is at the forefront of critical advancements related to both vaccine development and large-scale testing implementation. Knowing Dr. Thomas, he would make it a point to also recognize the excellent team of researchers, doctors and nurses with whom he works in Syracuse to protect public health around the world through groundbreaking science and innovation.

Under Dr. Thomas's guidance, Syracuse was one of the earliest cities to house drive-up testing and triage sites where anyone showing signs of the virus could be tested.

In November of 2020, Dr. Thomas was appointed lead principal investigator for the worldwide Pfizer vaccine trial. Make no mistake, the work of Dr. Thomas and his team has saved untold millions of lives around the world through safe and effective vaccinations.

Mr. President, there's not enough time to speak to all of Dr. Thomas's accomplishments, and there are not enough words to express our gratitude to him.

To Dr. Thomas, I know that your son Mac is looking down and carrying your heart, just as you carry his. Thank you, sir, for your extraordinary service to the people of this state and beyond.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator May on the resolution.

SENATOR MAY: Thank you, Mr. President.

And thank you, Senator Mannion, for bringing this resolution and for honoring Dr. Thomas with a Liberty Medal, which typically goes to people who have saved lives.

There's probably no one on earth who

has saved more lives than Dr. Thomas because the Pfizer vaccine, which he not only was instrumental in getting tested, but he also was instrumental in getting it approved for use, has saved tens of millions of lives around the world.

Dr. Thomas is Senator Mannion's constituent, but he works in my district at SUNY Upstate Medical University. And I could not be more proud to have SUNY Upstate in my district, where not only did they host the tests for the Pfizer vaccine, but Dr. Thomas's colleague, Frank Middleton, developed the pooled surveillance testing and the individual saliva testing that were approved by the FDA and that have also been instrumental in controlling the virus and in helping to reduce the number of deaths that we have seen.

So I just second what Senator Mannion said and say we owe a huge debt of gratitude to Dr. Thomas, Dr. Middleton, and to the whole SUNY Upstate Medical University community.

So I am grateful for this resolution and pleased to be able to speak on it.

Thank you.

ACTING PRESIDENT BAILEY: The resolution was previously adopted on January 11th.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, at the request of Senator Mannion, that resolution is open for cosponsorship.

ACTING PRESIDENT BAILEY: The resolution is open for cosponsorship. Should you choose not to be a cosponsor of the resolution, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: Please take up the reading of the calendar.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 18, Senate Print 7690, by Senator Skoufis, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT BAILEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 18, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Lanza, Oberacker, O'Mara, Ortt, Rath and Stec.

Ayes, 53. Nays, 10.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 20, Senate Print 7692, by Senator Breslin, an act to amend the Insurance Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to

Calendar Number 20, those Senators voting in the negative are Senators Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 45. Nays, 18.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 22, Senate Print 7694, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 23,

Senate Print 7695, by Senator Sepúlveda, an act to amend a chapter of the Laws of 2021.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 23, voting in the negative:

Senator Savino.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 24, Senate Print 7696, by Senator Brouk, an act to amend the Public Health Law and the Environmental Conservation Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 24, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Stec and Tedisco.

Ayes, 46. Nays, 17.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 27, Senate Print 7699, by Senator Stavisky, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT BAILEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 28, Senate Print 7700, by Senator Mayer, an act to amend a chapter of the Laws of 2021.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 28, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 30, Senate Print 7702, by Senator Kaminsky, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 34, Senate Print 7706, by Senator Harckham, an act to amend the Executive Law and the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 35, Senate Print 7707, by Senator Ryan, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris, that completes the

reading of today's calendar.

SENATOR GIANARIS: At this time, Mr. President, I believe there's a report of the Judiciary Committee at the desk. Can we please take that up and recognize Senator Hoylman.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senator Hoylman, from the Committee on Judiciary, reports the following nomination.

As an associate judge of the Court of Appeals, Shirley Troutman.

ACTING PRESIDENT BAILEY: Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President. I rise to move the nomination of Justice Shirley Troutman.

First I want to thank Judge Eugene Fahey for his years of service to the State of New York on the Court of Appeals. He is retiring due to an ageist provision, I would suggest, of our State Constitution that forces all judges to retire at age 70.

I think it's a shame that we as a state lose so many qualified judges with such a

wealth of experience, regardless of merit or their ability to continue to serve the people of New York. And that's something, as the chair of the Judiciary Committee, I hope to continue to explore this session.

But now on to the nominee before this house. I had the honor, Mr. President, of chairing yesterday's Judiciary Committee meeting, during which we had a substantive and informative discussion with Appellate Division Justice Shirley Troutman. I thank my colleagues on the committee for their thoughtful questions to Justice Troutman, and I also want to thank Majority Leader Andrea Stewart-Cousins and the staff for supporting the committee's work and ensuring the committee and the Senate have sufficient time and resources to effectively deliberate Justice Troutman's nomination.

Justice Troutman is Governor Hochul's first judicial nomination, and she is an historic one. She will be the second-ever Black woman to serve on New York's highest court, and the only Black woman on the current Court of Appeals.

It's a fitting nomination,

Mr. President, before this chamber with so many Black women leading the way -- of course our leader, Andrea Stewart-Cousins, her chief of staff, Shontell Smith. The Secretary of the Senate is a woman of color. And this is another proud moment in that legacy that has only recently been established.

Justice Troutman is not a native New Yorker, but she got here as soon as she could. After growing up in Georgia, she moved to Buffalo to attend SUNY Buffalo and later got her law degree right here at Albany Law School.

She immediately entered public service and soon began working her way up the judicial ranks, first becoming a Buffalo City Court judge in 1994, then County Court, Supreme Court, and finally elevated to the Appellate Division. I wish I had that career trajectory. She was elevated to the Appellate Division Fourth Department in 2016.

While this resume is impressive, it only tells part of Justice Troutman's inspiring story. As many know, when the Commission on Judicial Nomination began to examine candidates to present to the Governor, I led many of my

colleagues in calling on the commission to present candidates that had a background in civil legal services or public defense work. The commission did present two candidates with such a background, for which we do thank them.

When Governor Hochul nominated Justice Troutman, I know that there were many legal advocates and practitioners that we spoke to who were initially uncertain about her resume on paper because it seemed like so many other nominations they had seen before.

Well, after meeting with Justice Troutman and listening to our discussion in committee yesterday, I can assure you Governor Hochul has made a fantastic choice. Justice Troutman will be an excellent addition to the bench, and I wholeheartedly support her nomination.

Let me explain to you a bit about what I mean. Justice Troutman demonstrated that she understands the perspective of our state's most vulnerable. She knows what it means to deny someone their liberty, even for a single day. Yesterday she testified that she physically trembled, she said, when she first had to

sentence a defendant to more than 10 years in prison, because she realized, Mr. President, the solemn and terrifying impact the court was imposing on that individual.

Justice Troutman also understands better than anyone the horrific scourge of racial injustice that is in so many ways baked into our legal system, unfortunately. For the last several years she has cochaired the Franklin Williams Commission, which educates and advises decisionmakers in the New York court system on issues affecting both employees and litigants of color, and implements recommendations developed to address these issues.

And I want to also acknowledge the Chief Judge, who is here, for her splendid work in that regard with the commission that she initiated under the leadership of Jeh Johnson.

As part of that work, Justice Troutman was intimately involved in the development of the recent report that the Chief Judge commissioned that exposed many ways that our court system disadvantages and disrespects litigants of color. So we expect that work to continue under the Chief Judge's

leadership, along with Justice Troutman.

On a personal level, Justice Troutman has dealt with racism in the legal system. I was shocked when she relayed the story yesterday of a potential juror that openly avowed that she could not render a fair verdict because of the defendant's race.

I was shocked but, sadly, I'm sure Justice Troutman has heard it before. While I and many others would have more than a few choice words to say to such a person as nonjudges, most of which are unsuitable for this body, Justice Troutman calmly recognized the importance of the person's honesty for the purposes of building an impartial jury, and she continued to run the jury selection with professionalism and poise.

Finally, I want to call attention to one recent opinion Justice Troutman wrote that particularly struck me. In this case, a young woman was being attacked, bullied, in her high school. When a teacher stepped in to break up the attack the young woman, not knowing who the person was, and believing it may have been a second attacker, lashed out with a knife and

injured the teacher.

The young woman was convicted, and by all accounts she acknowledged that her actions were wrong. But when it came time for sentencing, the trial court ignored the recommendations of the defense, the prosecution, and even the victim, and denied the defendant youthful offender status. This young woman was a high school student.

When the case came before Justice Troutman in the Appellate Division, she recognized the injustice that this court ruling would render. She specifically cited the intersectionality at play in the defendant's case. She put forward statistics showing that prosecutors dismissed seven out of every 10 cases involving white girls, as opposed to only three out of every 10 cases for African-American girls.

Using these facts and her understanding of what it must be like to be this young woman involved in the criminal justice system, Justice Troutman was able to convince her colleagues to unanimously support her order to reverse the trial court and grant youthful offender status, exercising the court's

discretion in the interest of justice.

I'm certain that Justice Troutman will continue her stellar work on the Court of Appeals. I'm certain that the Chief Judge welcomes her into the ranks of this esteemed body which is so important to New Yorkers at every level. When the time comes, I'll be voting aye on this nomination.

I'm very proud to hereby move her nomination, Mr. President, to the floor. And please recognize, of course, any Senator who wishes to speak on the nomination.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Hoylman.

Senator Kennedy on the nomination.

SENATOR KENNEDY: Thank you very much, Mr. President.

I rise to support Governor Hochul's extraordinary nomination of one of Buffalo and all of New York's finest jurists to the position of associate judge on the Court of Appeals, the Honorable Shirley Troutman.

Welcome, Judge Troutman, to these auspicious chambers, as well as the Chief Judge

of the courts here as well today.

I want to thank the Governor for putting forward this nomination. I want to thank our great Majority Leader, Andrea Stewart-Cousins, for moving this nomination to the floor today, and our great Judiciary chairman, who articulated the amazing history and experience, expertise, professionalism and heart that Justice Troutman will bring to the court's highest position.

Justice Troutman has served with distinction throughout her career, from her time as prosecutor in the Erie County District Attorney's office to the New York State Attorney General's office, Assistant U.S. Attorney for the Western District, to her terms on the Buffalo City Court, the Erie County Court, the State Supreme Court and currently as an associate justice for the Appellate Division since 2016.

Her honors and awards speak for themselves: The Outstanding Service to the University and Community by a Non-Alumnus Award from the U.B. School of Law, the Trailblazer Award from the Minority Bar Association of Western New York, the M. Dolores Denman Lady

Justice Award from the Women's Bar Association -- and many more, Mr. President, including being named to the Bennett High School Alumni Honor Roll for Law, a sign of a Western New Yorker who continues to make her hometown incredibly proud, and a demonstration to the thousands of current Buffalo public school students that they can achieve great things.

In fact, not only is Justice Troutman a product of the Buffalo public schools, but she earned her undergraduate degree at SUNY Buffalo, a shining example of the merits of our public education system.

The Trailblazer Award she received from the Minority Bar Association of Western New York was fitting when she received it back in 2019, and it's even more fitting now, as Justice Troutman will be only the second Black woman to sit on the Court of Appeals. It shouldn't have taken this long. It shouldn't have taken until 2022. But I know that Justice Troutman will lead the way to a much greater diversity on the court that better reflects our state.

Justice Troutman's commitment to justice and the rule of law is unquestioned, and

Western New Yorkers know that she makes her rulings with a fair-minded compassion and empathy that makes it clear how seriously she takes the gravity of her job. It's something the rest of New York State will quickly learn as well.

She's a member of the Ethics Commission of the United Court System, cochair of the Franklin H. Williams Judicial Commission, and a member of the Advisory Committee on Judicial Ethics, demonstrating that we are elevating someone in our state's highest court who is focused on delivering justice for all.

I think that the great Hazel Dukes of the New York State Conference of the NAACP put it best when she said that Justice Troutman, quote, has lived the experience to ensure she treats all who come before her with compassion, dignity and respect.

It's an incredible honor for me here today, Mr. President, to stand on this floor to nominate -- second the nomination of such an exemplary individual.

And speaking of exemplary individuals, I want to thank the great Appellate Court Justice Gene Fahey for his outstanding

service to our state, and we wish him the best as he begins the next chapter in his life.

To Justice Troutman, her husband Kenneth, her son Stephen and daughter Lauren, congratulations on a well-deserved and -earned appointment. And we know that you will continue to make your hometown and all of New York State proud with your work. Congratulations.

Thank you, Mr. President. I'll be voting aye on the floor today.

ACTING PRESIDENT BAILEY: Senator Ryan on the nomination.

SENATOR RYAN: Thank you, Mr. President.

So Judge Troutman is a Buffalo success story. She's one of six in her family. She was born in Georgia. Her family joined the great migration and moved from Georgia to Buffalo to participate in our booming industrial economy.

In Buffalo when people say "Where did you go to school," they don't mean college, they mean high school. And Judge Troutman is a proud graduate of Bennett High School. She's a Tiger through and through. She went to UB undergraduate, Albany Law School.

These are all really good things, and there's many things that make Judge Troutman uniquely qualified to be on the Court of Appeals. Six years in the Appellate Division. Served on the Supreme Court. Served on the Erie County Court. Buffalo City Court judge.

But I think of all the great attributes that this candidate has, Mr. President, her time in the Buffalo City Court is what I believe makes her uniquely qualified to be on the Court of Appeals. And her time there gives you a glimpse, gives you a strong idea of the type of justice she will be on the Court of Appeals.

You know, many lawyers view city court as a low-stakes court. Now, while it might be for lawyers, it's not for the people who are appearing in front of that court. Buffalo City Court, it's a people's court. Often it's the only court people ever see, their only interaction with the judiciary. It's where neighbors settle disputes. It's where landlords and tenants go. Low-level criminal cases. It's a court often of down-faced young people and really angry parents. It's a high-volume, often

chaotic place.

And it was there that I first met Judge Troutman. I appeared in front of her representing indigent defendants dozens and dozens of times. These people were having the worst day of their lives. And in that court, Judge Troutman somehow slowed things down for people. She somehow reduced the chaos. And she treated each defendant with respect. She carefully explained everyone's rights, how the process was going to work, and she kept that level of respect throughout the entire process.

So that's who Judge Troutman is as a person, and that's how she is as a jurist. And I am confident that she is going to be a tremendous asset to the Court of Appeals.

I thank Justice Gene Fahey for his wonderful career in public service. And if you can believe this, being on the Court of Appeals was just one chapter of Judge Fahey's public service.

I thank the Judiciary chair, Brad Hoylman, and Leader Stewart-Cousins for bringing this nominee through the process and to the floor today.

To Judge Troutman's husband Kenneth, to her son Stephen and daughter Lauren, who are with us today in the mezzanine, I say congratulations.

And to Judge Troutman, I say to you the people of Buffalo are proud of you today, and I look forward to casting my vote in the affirmative.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Lanza on the nomination.

SENATOR LANZA: Thank you, Mr. President.

First, I want to commend the Governor on this outstanding nomination, and I want to thank Senator Hoylman for moving this nomination to the floor today.

I want to briefly say, from one former assistant district attorney to another, it is a distinct privilege and honor to add my voice of support for this nomination.

You know, Justice Troutman's entire career has been characterized by intelligence, compassion, and commonsense. And she possesses an unrivaled grasp of the law. She's eminently

qualified, that is beyond a doubt.

I want to thank you, Justice Troutman, for taking on this challenge, for saying yes, for taking this job. It's an awesome responsibility. There are tremendous sacrifices to you and to your family. But I want to say, on the behalf of the people of the State of New York, that we are so blessed and fortunate that you are saying yes.

You know, most people in the State of New York really don't know what happens in the Court of Appeals. And that's okay. But when you find yourself before that court, it is probably the most consequential moment in your life. And I know that every litigant and every citizen of the State of New York will be in good hands with you on that bench.

So thank you. When the time comes, Madam President, I will be voting in the affirmative.

ACTING PRESIDENT PERSAUD: Senator Bailey on the nomination.

SENATOR BAILEY: Thank you, Madam President.

The only bad news is that she

goes -- the honorable -- she goes from "Justice" to "Judge." But if you're Shirley Troutman, if you're somebody like her, you know titles don't matter. And if -- the reason why you're in this position, Your Honor, is because titles don't matter to you; the work does.

It is an incredibly fulfilling day for me, as a person of color -- as an attorney of color who has been in courtrooms and seen the lack of diversity, who has experienced the lack of diversity -- to see that we are finally, in the State of New York, amending some of the things that have been so wrong with our justice system and our judicial system for so long.

Your Honor, you represent what is great about our justice system: Diversity of thought, diversity of practice, diversity of experience. Not just you and diversity, but the diversity in the work that you have done throughout your storied legal career. It is no mistake why you're here. It's because of hard work, dedication, diligence, understanding, and an unrivaled legal acumen -- the reason why you're here.

But what you represent is far

greater. What you represent as only the second Black woman to ascend to our state's highest court is something that will resonate not just in my mind, but in the minds of young women and men of color, to see that when you're up there, that they can do that too.

Representation matters. It matters to see people like you in these positions, in decision-making positions, in positions of authority that few if any have ascended to. Your ascension to this position comes with, I would say -- I don't want to say a heavy burden, Your Honor. But I want you to know that my two daughters are going to be watching. And that daughters and sons throughout this state, Black, brown, Asian and white, no matter who they are, they're going to be watching, because of what you represent up here.

Again, it's one of these moments in this chamber that we get to come together as Democrats and Republicans and those who respect the court system and what judges do, and we get to unite around a common -- not just good, a common great. And that great is you, Your Honor.

My grandparents also did that great

migration with my family. Not from Georgia, from Johnson county, North Carolina. And seeing the possible is something that was always what my grandparents wanted my father and his brothers and sisters to do. And you, you are that possible. The only bad thing -- the second bad thing is that you're not from the Bronx. That would have made this even better.

But you know, Tim Kennedy and Sean Ryan and our Western New York delegation, they get to have a great one in this. And the Governor has made an excellent choice here.

Madam President, I will be voting aye on this nomination when the time is coming. And Your Honor, I am so pleased that you will be sitting on our state's highest court.

Congratulations.

ACTING PRESIDENT PERSAUD: Senator Boyle on the nomination.

SENATOR BOYLE: Thank you, Madam President.

I rise, as the ranking Minority member on the Judiciary Committee, to stand in strong support of Justice Troutman's nomination to the Court of Appeals. I congratulate the

Governor on nominating this outstanding nominee.

I'd also like to associate myself with our distinguished chairman Brad Hoylman's remarks about Judge Fahey, thank him for his service, and agree that age discrimination is rampant in this situation, where you can be President of the United States in your seventies and eighties, but not a judge in the State of New York. And I look forward to working to change that with you as well.

I won't reiterate everything that's been -- the wonderful remarks about Justice Troutman and her outstanding background. She's a person of intelligence and integrity. I've looked at her bio, and I studied, matriculated at Albany Law School at the same time. She's a lot smarter than I am, and that's why I'm glad she's ascending to this high position and I'm right here with you folks.

I think that as a former prosecutor, the minority party is really impressed and hopeful. We have some big issues in criminal justice reform, as we know. Some big cases will be coming up to the Court of Appeals. I know that as a former prosecutor, then-Judge Troutman

will be able to look at not only the rights of the accused, but the rights of the citizenry of New York State to feel safe, as she reviews our laws.

I'll end simply by saying that I believe we had a unanimous bipartisan vote in the Judiciary Committee for Shirley Troutman. That says a lot about the way we all feel about the type of nominee she is. I believe 2022 is going to be a great year for Buffalo, as the Bills win the Super Bowl. But for me as a Jets fan, I'm happier that Justice Troutman is about to become Judge Troutman.

I'm going to support her.

ACTING PRESIDENT BAILEY: Senator Jackson on the nomination.

SENATOR JACKSON: Thank you, Mr. President.

Good afternoon, my colleagues and to all of the guests here today. I rise to explain my support for the nomination of Justice Shirley Troutman to the Court of Appeals.

First let me congratulate the Majority Leader, Andrea Stewart-Cousins, and all of the staff, along with the Judiciary chair,

Brad Hoylman, for moving this process of confirming the nomination of Justice Troutman along with such civility.

And I also want to commend our Governor, Kathy Hochul, and this superb choice in nominating Justice Shirley Troutman to the Court of Appeals.

The decision concerning Justice Troutman's nomination was easy for me to make. As some of you may know, Justice Troutman was deemed highly qualified by several bar associations and has a long, distinguished career on the bench. She has invaluable experience as a prosecutor, trial court judge, and appellate justice.

Her resume speaks loudly to her qualifications that she has. Before joining the court at the Appellate Division Fourth Department, she was a justice for the Erie County Supreme Court in the 8th Judicial District, a Buffalo City Court judge, an assistant United States attorney for the Western District of New York, an assistant state attorney general, and an assistant district attorney in Erie County.

Given that background, I am happy to vote for Justice Troutman based on her resume and professional conduct. Justice Troutman has proven to have strong concerns for taking due process seriously. And moreover, she is a true champion for justice, diversity, and inclusion.

Her appointment underscores the importance of diversity, as she will be the only judge of the Court of Appeals from Western New York. And if confirmed by this body, the New York State Senate, she will be the second Black woman to serve on New York's highest court. There is absolutely no doubt in my mind that Justice Troutman is qualified to sit on the highest court in our state.

Yet we also need to talk about the need to ensure greater transparency in the Court of Appeals process. It is my hope and belief that going forward we can ensure that persons appointed to the Court of Appeals will be given greater scrutiny, given the enormity of the court.

We must ensure diversity of work backgrounds by nominating people that have committed themselves to represent all New

Yorkers, and especially vulnerable New Yorkers in the public defense, housing, immigration, court and civil actions. And we must ensure nominees to the court receive individual hearings so that there is ample and sufficient time to ask pertinent and important questions.

We must ensure sufficient time between nomination and hearings and confirmation on the floor so this body, the New York State Senate, and Senators and the public may understand and deliberate the qualifications of each nominee.

These are some of the reforms needed to guarantee a more robust and transparent process for our judiciary.

I have no doubt that Justice Troutman will faithfully serve the people of New York on the Court of Appeals, and therefore, Mr. President, I vote yes to confirm Justice Shirley Troutman.

Thank you.

ACTING PRESIDENT BAILEY: Senator Ortt on the nomination.

SENATOR ORTT: Thank you, Mr. President.

You know, sometimes the things that receive the least attention are the most important things that we do in this chamber. And I don't know if there will be front-page stories about this confirmation, but I really believe that confirming judges, whether it's the highest court or any court, is maybe one of the most important things that we do from an impact on the people of New York.

There will be folks who are in this chamber for two years, four years, maybe longer, but these judges will be in their position for many years, making decisions that have real impacts on our constituents, on New Yorkers, on businesses, what have you, for many years -- maybe decades.

And it's great that we are able to -- I didn't know -- I don't know Justice Troutman personally. I had the privilege to speak to her yesterday or two days ago. She was very generous to be able to call me, and we went over her qualifications. And I think that's what I want to focus on, her qualifications.

I don't know her. I don't know that I ever had the privilege to meet her. But

looking over her qualifications, there is no one that could argue that she is in any way unqualified. In fact, I have seen few judges in my time here that are more qualified or better qualified to sit on this court.

She was a former prosecutor. That's important to me, it's important to a lot of folks. She's been on -- as a prosecutor, of course, as an assistant U.S. attorney, she knows that side of the law. She understands the role of protecting the public. But she's also -- as has been noted, she's had a ton of experience as a judge, as a jurist.

She was put on this path in part by a former member of this house, then-Senator -- or once-upon-a-time-Senator, then Mayor Tony Masiello, someone that I know is familiar with the Western New York delegation here, someone who I consider a friend, someone who I know speaks very highly of Judge Troutman.

And you see all the Western New York delegation here today because at the end of the day we're all kind of homers and we're always going to stand up for one of our own when that's warranted. And in this case it is definitely

warranted.

So I think those qualifications should speak for themselves. I know at various points with different majorities over the years that I've been here, we've had some folks put up for the highest court that I wouldn't have questioned those qualifications, whether they were law professors who had never practiced, whether they had only spent one time on one part or in one aspect of the criminal justice system. But Judge Troutman -- you would want every judge that you were ever before to have her background, to have her grace, her professionalism, and I think her real commitment to administering the law in a fair but firm way on behalf of New Yorkers.

So I wish you, Judge Troutman, all the success. I congratulate you on a very -- a great day for you and your family, a culmination of a great career.

I do want to thank Senator Boyle, our ranker on Judiciary, along with Senator Hoylman and all of the members of the Judiciary Committee for doing their job, which is to actually vet and ask questions. And I think

that's very important, that whoever the Governor is and whoever the nominee is, we have a role to play. And I think it's important that the Executive always remembers that. And I thank them for their work on behalf of that process.

And I will -- to echo Senator Boyle's point, I just want everyone to know that while I asked her several questions about her experience as a judge, as a prosecutor, as -- you know, what experiences did she think set her up to be uniquely qualified for this role, I also asked her who her favorite football team was.

(Laughter.)

SENATOR ORTT: And -- because she was from Georgia, so who the heck knows? You know, I don't know --

(Laughter.)

SENATOR ORTT: Originally.

But she did answer, I will tell you, in a manner that I will just simply say I thought was befitting a judge on the highest court. So --

(Laughter.)

SENATOR ORTT: -- that was a private conversation I don't want to share.

But I just want to wish her the best of luck. And I think the people of New York are well served in this chamber, It will be a great honor for this chamber to move forward her nomination to the highest court.

So, Judge, congratulations.

Mr. President, I'll be voting aye.

ACTING PRESIDENT BAILEY: Majority Leader Andrea Stewart-Cousins to close.

SENATOR STEWART-COUSINS: Thank you so much, Mr. President.

What an honor it is to be here, certainly, in the presence of my Chief Judge and my Westchester home girl, shall we say. It is good that we are here together to celebrate the ascension of this incredible, incredible woman.

I didn't know Shirley Troutman. Everybody that -- when the Governor called me and she said "I have a great nominee, this Black woman," I said "Wonderful," waiting to meet her and hear about her. And then of course my own Senators, Senator Kennedy, Senator Ryan, could not say enough wonderful things about her. My friend, the Majority Leader in the other side, Crystal Peoples-Stokes. And it was just very

clear that your star had risen to a point that few people actually have an opportunity to experience.

And then you show up. And every person you touched, from the staff to the members -- in the Judiciary where, you know, the incredible Brad Hoylman chairs, guiding that process, having the insightful questions and the answers, the experiences you shared and what you exude as a person and a personality. You are always a professor, you are always that person who came up in your community, who fought and struggled and learned and studied and kept progressing and kept moving forward. You never, ever lost sight of it.

And you touched and taught everyone. You inspired people who aren't easily inspired, because we see a lot, we know a lot, we do a lot -- and quite honestly, it takes a lot to come away from an interview feeling like you got something.

Everyone got something. And today, as we put you in a position where you can shine, we know that you are bringing more than just your historic presence, you are bringing with you the

promise of not only what we're going to celebrate with Dr. King's birthday, but the promise of a future for people who look like you and me and everyone else. That we can indeed, if we handle this dream properly, aspire and reach great heights.

I am so happy that the star of Western New York, the star of Buffalo, becomes the shining star here in New York.

Congratulations to you and your family. I can't wait to see how your presence will transform so much of our great state. Congratulations and all the best.

And of course, Mr. President, I vote aye.

ACTING PRESIDENT BAILEY: Thank you, Madam Leader.

The question is on the nomination. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The nominee is confirmed.

Congratulations.

(Standing ovation.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In the negative, Senator Brisport.

ACTING PRESIDENT BAILEY: The nominee is confirmed.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

Congratulations to our new judge of the Court of Appeals.

On behalf of the Majority Leader, there are hand-ups related to committee changes for the Majority Conference. I ask they be filed with the Journal.

ACTING PRESIDENT BAILEY: The hand-ups are received and will be filed in the Journal.

ACTING PRESIDENT BAILEY: Is there any further business at the desk?

ACTING PRESIDENT BAILEY: There is no further business at the desk.

SENATOR GIANARIS: I move to

adjourn until Tuesday, January 18th, at 3:00 p.m., with the intervening days being legislative days.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until Tuesday, January 18th, at 3:00 p.m., with the intervening days being legislative.

(Whereupon, at 12:07 p.m., the Senate adjourned.)