

BRENNAN
CENTER
FOR JUSTICE

at New York University School of Law



Justice at Stake
c a m p a i g n

Feb. 14, 2011

The Honorable Jonathan Lippman
Chief Judge
State of New York Court of Appeals
20 Eagle Street
Albany, NY 12207-1095

Re: Change to New York Judicial Disqualification Rules

Dear Chief Judge Lippman:

We write on behalf of the Brennan Center for Justice at N.Y.U. School of Law and the Justice at Stake Campaign to both applaud and thank you for your leadership in championing revisions to the state's rules governing judicial disqualification.

Nationally, spending on judicial elections has soared to unprecedented levels. More than ever, the public needs to be assured that special interests cannot buy favorable treatment from elected courts. By strengthening its disqualification rules, New York's court system has sent a powerful and positive message that its courts can not be seen as for sale.

New York is at least the eighth state to strengthen its rules since the landmark 2009 U.S. Supreme Court case, Caperton v. Massey. These eight states have taken varying approaches to combat special-interest influence on court decisions. Without question, New York's rules are among the nation's strongest and most unambiguous in preventing judges from hearing cases involving those who spend heavily to elect them.

Our two groups may submit additional thoughts during the public comment period, including on how other states have addressed such issues as discouraging "forum shopping" by litigants. But for now, we wish to congratulate New York for its leadership on an issue critical to courts across the country. We believe these changes are an important step in protecting the public trust in our court system, and we are

optimistic that New York will continue to build on its track record of ensuring the independence and impartiality of its judiciary.

Respectfully,



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