

1 NEW YORK STATE SENATE

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THE STENOGRAPHIC RECORD

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ALBANY, NEW YORK

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March 6, 2007

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3:12 p.m.

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REGULAR SESSION

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SENATOR CARL L. MARCELLINO, Acting President

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STEVEN M. BOGGESS, Secretary

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EX 9-13

1 Committee at the desk.

2 I ask that we take it up at this  
3 time.

4 ACTING PRESIDENT MARCELLINO:

5 Yes, there is, Senator.

6 We will return to reports of  
7 standing committees. The Secretary will read.

8 THE SECRETARY: Senator  
9 DeFrancisco, from the Committee on Judiciary,  
10 reports the following nomination.

11 As Chief Judge of the Court of  
12 Appeals, Honorable Judith S. Kaye, of New York  
13 City.

14 ACTING PRESIDENT MARCELLINO:

15 Senator DeFrancisco.

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

18 As members continue to come in and  
19 we wait for the Minority, who is apparently  
20 still in conference, we wanted to move the  
21 nomination of Judith Kaye to continue as Chief  
22 Judge of the Court of Appeals and not have her  
23 wait any longer for that conference to be  
24 done.

25 It is really an honor for me to

1 stand here and move the nomination of Judith  
2 Kaye. Although many of the issues that arise  
3 we may have some differences of opinion on, no  
4 one can ever say that she hasn't moved the  
5 agenda that she thinks is the most important  
6 agenda for the State of New York, especially  
7 the judiciary.

8 No one could ever fault her for not  
9 doing everything she possibly can to move that  
10 agenda and to move it quite effectively, as  
11 we've heard from many speakers in the  
12 Judiciary Committee meeting this morning.

13 \* Those speakers spoke almost  
14 unanimously about her phenomenal  
15 qualifications and the great work that she has  
16 done. There was some dissent, but most of the  
17 dissent that we heard were not directly  
18 related to her but the conditions that they  
19 were concerned about, and I think mostly from  
20 personal matters that they may have had with  
21 the court.

22 Obviously, if you have to go before  
23 a court, you're not going to please everyone,  
24 and that's certainly true with any judge.

25 There's no question, from issues

1 such as reform of the jury system, from issues  
2 concerning Family Court dealing with children  
3 and the like, there's a vast improvement in  
4 the Judiciary under the tutelage of Judge  
5 Kaye. In addition, the specialty courts have  
6 been so unique that they're a model for the  
7 courts throughout the country.

8 And we're very pleased that  
9 Governor Spitzer did allow her to continue in  
10 that position as long as she's able to  
11 continue under the laws of this state and  
12 under the Constitution.

13 So I rise to move the nomination of  
14 Judith Kaye to continue her fine work as Chief  
15 Judge of the Court of Appeals. And I would  
16 request that you recognize Senator Bonacic to  
17 second the nomination.

18 ACTING PRESIDENT MARCELLINO:  
19 Senator Bonacic, to second the nomination.

20 SENATOR BONACIC: Thank you,  
21 Mr. President.

22 As I said in the Judiciary  
23 Committee, there must be something in the  
24 Catskill water, because Judge Kaye is in fact  
25 the second Chief Justice of the Court of