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New York Court of Appeals Round-Up (March 2023)

Client Alert | March 15, 2023

This past year marked an important turning point for the Court, with Judges Anthony Cannataro, Madeline Singas, and Shirley Troutman joining as new members on the seven-member bench. Then, in Summer 2022, Chief Judge Janet DiFiore abruptly resigned, leaving a surprising, additional vacancy. The Court designated Judge Cannataro to be acting Chief Judge until the vacancy could be filled.

To fill the seat, Democratic Governor Kathy Hochul nominated Justice Hector LaSalle, the Presiding Justice of the Appellate Division, Second Department (the busiest state appellate court in the nation). His nomination was quickly opposed by some in light of his prosecutorial background and a perception that his judicial rulings were overly conservative. The State Senate rejected his nomination in a largely party-line vote, with Democrats opposing his nomination—the first time New York legislators have rejected a governor's nomination for chief judge. The vacancy remains to be filled.

The Court's jurisprudence nonetheless continued along previous trends during this period. Judges Cannataro and Singas (like their predecessors) often voted with Judges DiFiore and Garcia to form a majority, while Judges Wilson and Rivera continued to author numerous, lengthy dissents. Judge Troutman (like her predecessor, Judge Fahey) appears poised to emerge as a potential swing vote. Although the Court in previous years was not perceived as particularly ideological, its rulings have been increasingly fractured along often-predictable voting lines. It remains to be seen if this trend will continue after a new chief judge is confirmed.

The Court also continued its trend of reviewing a reduced number of cases. The Court nevertheless issued significant opinions on a wide array of issues, from fantasy sports to electoral redistricting, insurance, mortgage-backed securities, and tort law.

The New York Court of Appeals Round-Up & Preview summarizes key opinions, primarily in civil cases, issued by the Court over the past year and highlights a number of cases of potentially broad significance that the Court will hear during the coming year. The cases are organized by subject.

To view the Round-Up, **click here**.

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