

New York Law Journal

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'A Great Day for Mediocrity'?: Many Lawyers Left Disappointed by Nominees for NY's Top Court

An NYU professor said there was "no effort to think about professional diversity on the court." But despite the criticism, Nassau County DA Madeline Singas and NYC Civil Administrative Judge Anthony Cannataro do have strong supporters as they head toward confirmation hearings.

By Ryan Tarinelli | June 07, 2021



Left to right: Nassau County District Attorney Madeline Singas and Administrative Judge Anthony Cannataro

When Gov. Andrew Cuomo revealed his picks for New York's top court last month, a parade of glowing statements flowed in the wake of the announcement.

But behind the scenes, many attorneys in New York’s legal industry expressed disappointment and surprise at the governor’s decision to nominate Nassau County District Attorney Madeline Singas and Administrative Judge Anthony Cannataro for the state Court of Appeals.

Critics say the governor passed over far more qualified candidates who had stronger legal resumes and would have helped elevate the national profile of New York’s highest court. Not only are Cannataro and Singas not the best candidates for the court, but their nominations have political overtones, the critics said.

“It was a great day for mediocrity,” said one experienced New York litigator. “These are not cutting-edge people that he nominated.”

More than two dozen attorneys spoke with the Law Journal about the two Court of Appeals nominees, including lawmakers, former judges and private attorneys. Some cheered the nominations while others expressed deep dissatisfaction.

“There was just no effort to think about professional diversity on the court,” said Rachel Barkow, a professor of law at New York University.

Barkow, one of dozens of law professors who are raising concerns over Singas’ controversial nomination (<https://www.law.com/newyorklawjournal/2021/06/04/singas-nomination-to-ny-court-of-appeals-draws-concern-from-law-professors/>), said a court should have jurists with a broad array of professional backgrounds, including people with criminal defense and civil rights experience.

If confirmed by the state Senate, Singas and Cannataro would not bring with them any experience as an appellate division judge, even though they would be replacing judges who came from midlevel appellate courts, critics argued.

Singas has never been a judge and Cannataro has spent less than four years as an elected state Supreme Court judge, the critics noted. Singas is a career prosecutor while Cannataro works as the citywide administrative judge for the civil court of New York City.

The state Senate Judiciary Committee is scheduled to hold a hearing with the two nominees on Tuesday.

Despite the criticism, Singas and Cannataro can count strong supporters.

“Madeline is one of the finest public officials and prosecutors that I have ever met in my life,” said Erie County District Attorney John Flynn, who argued that Singas will not go into cases with preconceived notions.

The western New York prosecutor said Singas cares about everyone involved in the criminal justice system—the victims, the defendants and the witnesses.

Several state senators have also expressed their support (<https://www.law.com/newyorklawjournal/2021/05/26/some-ny-senators-express-support-for-state-top-court-nominee-singas/>) for Singas joining the state’s high court.

Laura M. Jordan, president of the New York State Academy of Trial Lawyers, complimented both

nominees on their intelligence.

Mark C. Zauderer, an experienced litigator, said selecting judges for the court is one of the most significant responsibilities of any governor.

"Here, I think the governor has done very well," he said.

Singas has come under fire from criminal defense attorneys who see her nomination as a threat to the rights of criminal defendants. But there's palpable disappointment outside of those circles too.

Critics say both Court of Appeals nominations are more surprising considering the other candidates who weren't chosen.

Widely seen as a favorite in the legal community, candidate Caitlin Halligan was previously nominated for the U.S. Court of Appeals for the District of Columbia Circuit by former President Barack Obama.

Another candidate, Erin M. Peradotto, has been a long-time midlevel appellate judge in New York.

Both Singas and Cannataro are first-time candidates for the court. Before the two court vacancies, Halligan and Peradotto each were Court of Appeals candidates three times.

Overall, Singas and Cannataro did not receive standout ratings from bar associations and legal groups compared to the other candidates.

Of the dozen Court of Appeals candidates, nine received a "well qualified" rating from the New York State Bar Association. Cannataro and Singas were among the three candidates who were given a "qualified" rating from the association.

One New York appellate lawyer said Cuomo had an opportunity to build one of the leading benches in the nation, but he has a history of passing over extraordinarily qualified candidates for the state's top court.

"His performance in this area has been uniquely disappointing," the attorney said.

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(<https://www.law.com/newyorklawjournal/2021/05/25/singas-cannataro-announced-as-cuomos-choices-for-new-york-court-of-appeals/>)

Singas' Nomination to NY Court of Appeals Draws Concern From Law Professors

(<https://www.almcms.com/contrib/newyorklawjournal/wp-admin/post.php?post=135220&action=edit>)

Some NY Senators Express Support for State Top Court Nominee Singas

(<https://www.law.com/newyorklawjournal/2021/05/26/some-ny-senators-express-support-for-state-top-court-nominee-singas/>)

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