
Committee Meeting

of

SENATE JUDICIARY COMMITTEE

The following nomination will be interviewed:

To be an Associate Justice of the Supreme Court

“Michael Noriega, of Fanwood, to succeed Honorable Barry Albin, for the term prescribed by law, ending seven years from the date of appointment”

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: June 26, 2023
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Brian P. Stack, Chair
Senator Nellie Pou, Vice Chair
Senator Joseph A. Lagana
Senator Paul A. Sarlo
Senator Troy Singleton
Senator Jon M. Bramnick
Senator Anthony M. Bucco
Senator Kristin M. Corrado



ALSO PRESENT:

Senator Nicholas P. Scutari
Senate President

David J. Lorette
*Office of Legislative Services
Committee Aide*

Abbey Harris
Matt Peterson
*Senate Majority
Committee Aides*

Michael Molimock
*Senate Republican
Committee Aide*

***Meeting Recorded and Transcribed by
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Brian P. Stack
Chair

Nellie Pou
Vice-Chair

Joseph A. Lagana
Fred H. Madden, Jr.
Paul A. Sarlo
Troy Singleton
Bob Smith
Jon M. Bramnick
Anthony M. Bucco
Kristin M. Corrado
Michael L. Testa, Jr.



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NEW JERSEY STATE LEGISLATURE

SENATE JUDICIARY COMMITTEE

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REVISED

COMMITTEE NOTICE

TO: MEMBERS OF THE SENATE JUDICIARY COMMITTEE
FROM: SENATOR BRIAN P. STACK, CHAIRMAN
SUBJECT: COMMITTEE MEETING - JUNE 26, 2023

The public may address comments and questions to David J. Lorette, Committee Aide, or make bill status and scheduling inquiries to Nina Riccardi, Secretary, at (609)847-3901, fax (609)292-6510, or e-mail: OLSAideSJU@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request. This does not apply to information or remarks concerning the character or qualifications of any person nominated by the Governor which are brought to the attention of the committee considering the nomination. However, oral remarks delivered in a public meeting concerning a nominee are available to the public if recorded or transcribed.

The Senate Judiciary Committee will meet on Monday, June 26, 2023 at 10:00 AM in Committee Room 4, 1st Floor, State House Annex, Trenton, New Jersey.

The following nomination(s) will be interviewed:

TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT:

Michael Noriega, of Fanwood, to succeed Honorable Barry Albin, for the term prescribed by law, ending 7 years from the date of appointment.

TO BE A JUDGE OF THE SUPERIOR COURT:

Honorable Marlene Caride, of Ridgefield, to succeed Honorable Bernadette N. DeCastro, following her retirement, for the term prescribed by law, ending 7 years from the date of appointment.

Alberto G. Santos, of Kearny, to succeed Honorable Lourdes I. Santiago, following her retirement, for the term prescribed by law, ending 7 years from the date of appointment.

Jane L. Weiner, of Bayonne, to succeed Honorable Jose L. Fuentes, following his retirement, for the term prescribed by law, ending 7 years from the date of appointment.

(OVER)

TO BE AN ADMINISTRATIVE LAW JUDGE:

Patrice E. Hobbs, of Basking Ridge, for the term prescribed by law, ending 1 year from the date of appointment.

The following nomination(s) will be considered:

TO BE A MEMBER OF THE STOCKTON UNIVERSITY BOARD OF TRUSTEES:

*Nelida Valentin, of Trenton, to succeed herself, for the term prescribed by law, currently set to expire June 30, 2028.

TO BE A MEMBER OF THE FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY:

*McKenzie Wilson, of Jersey City, to replace Robert Ades, for the term prescribed by law, currently set to expire January 25, 2025.

The following bill(s) will be considered:

*S3954	Revises penalties for possession or consumption of alcoholic beverages
Beach	by underage persons.
(pending referral)	

Issued 6/23/23

*Revised 6/25/23 (Nominees added. S3954 was added.)

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(This is an excerpt from the Senate Judiciary Committee meeting of June 26, 2023.)

SENATOR BRIAN P. STACK (Chair): Good morning, I hereby call this meeting of the Senate Judiciary Committee to order.

Today is Monday, June 26, 2023.

David, please call the roll.

MR. LORETTE: Committee roll call.

Senator Testa.

SENATOR TESTA: Here.

MR. LORETTE: Senator Corrado.

SENATOR CORRADO: Here.

MR. LORETTE: Senator Bucco.

SENATOR BUCCO: Here.

MR. LORETTE: Senator Bramnick.

SENATOR BRAMNICK: Here.

MR. LORETTE: Senator Singleton.

SENATOR SINGLETON: Here.

MR. LORETTE: Senator Sarlo.

I have seen him; he is present in the room.

Senator Madden.

SENATOR MADDEN: Here.

MR. LORETTE: Senator Lagana.

SENATOR LAGANA: Here.

MR. LORETTE: Senator Pou, I've also seen--

SENATOR NELLIE POU (Co-Chair): Here.

MR. LORETTE: Thank you, Senator.

Chairman Stack.

SENATOR STACK: Here.

MR. LORETTE: Chairman, you have a quorum.

SENATOR STACK: Great; thank you, David.

The first order of business is nominations.

Nominations (indiscernible) or released from this Committee today will be considered at the full Senate voting session later today, with the exception of Mr. Noriega, who will be considered at the full Senate voting session on Friday.

First, to be appointed as an Associate Justice of the Supreme Court, Michael Noriega of Fanwood.

Please come forward.

Good morning, Mr. Noriega. If you could please just remain standing, and raise your right hand for the administration of the oath.

MICHAEL NORIEGA, ESQ.: Good morning.

MR. LORETTE: Good morning.

Do you swear or affirm that the testimony you're about to give here today is true, correct, complete, to the best of your knowledge, information, and belief?

MR. NORIEGA: I do.

MR. LORETTE: Thank you.

SENATOR STACK: You may begin.

Senate President, if you could please also come up. I'll recognize the Senate President at this time.

SENATOR NICHOLAS P. SCUTARI: Thank you, Mr. Chairman.

SENATOR STACK: Thank you.

SENATOR SCUTARI: And, to the members of the Committee, I just want to say thank you for holding this hearing and to the Chairman, a true pleasure to work with, and the accommodation that he's given to these nominees today and throughout the year -- and, he's all worried he agreed to summer if necessary, and I think it probably will be.

I am happy to introduce to you Mr. Noriega, who is an esteemed attorney from my district. He's well known within those parameters. He's got an extraordinary background and experience from small firm practice to large firm practice with Senator Bramnick's office, and all the kinds of attributes that you'd like to see in a Justice, and what I've been advocating for for years now, which is an attorney who knows what it is to represent clients; who knows what it is to be in court; and knows what it is to be a practicing lawyer and to be able to help people on a regular basis.

And, that's exactly what nominee Noriega is known for -- for his ability and his willingness to help people. And, most importantly, what he's known for is his decency and his intellect and a great guy. And, those are all the things that we're looking for in a judge -- those intangibles that you can't measure from a piece of paper; which you only know by getting to know people who know him. And, I think in this nominee you have that perfect combination.

I've said it many times with respect to what makes a good judge, and we can tick off all these attributes, but one of the things I've always said is that we know one when we see it. And, with this nominee, I think we know it and we've seen it.

So, I know that you'll find that as well at the conclusion at this hearing, and if you haven't already done so in your interview process. And, I look forward to seeing him on the floor in the very near future after he clears this Committee.

Thank you, Mr. Chairman.

SENATOR STACK: Thank you, Senate President.

Mr. Noriega, you may begin with your opening remarks.

MR. NORIEGA: Thank you, Senate President Scutari, Chairman Stack, Vice-Chair Pou, ranking member Corrado, and distinguished members of this Committee for allowing me the privilege of appearing before you today in consideration of my nomination for the position of Associate Justice on the New Jersey Supreme Court.

I would like to thank Governor Murphy for this opportunity, and a special thank you to the Governor's staff, who have put countless hours into this process. I am eternally grateful for their support and their good counsel.

A special thank you to the Senators from Union County, where I have spent the better part of 15 happy years with my wife raising our daughters. Thank you to Senate President Scutari, Senator Cryan, Senator Bramnick. I am deeply appreciative for your support and for advancing my nomination to this point.

I would like to thank my wife, Melissa; my girls Emma, Abby, Becca, and Katie. Without you, none of this is possible. You are my eternal source of inspiration.

To my friends, colleagues, and the rest of my family -- thank you each for the role that you have played in my life. I measure my life by the

experiences that have helped me become who I am today. Each of you played a part in helping me reach this special moment.

This nomination has meant the world to me and my family. Every immigrant's story starts with the same dream: Set out for a new land with the hope to achieve great success, and the selfless desire to give future generations a better life than they could have achieved in their birthplace. My parents set out for the United States, leaving Peru with no real sense of where they would end up. But, luckily, they found New Jersey and turned their situation into a success story.

The one trend in these stories that never changes is the immense amount of sacrifice each family must endure, as achievement rarely comes without a price. My parents paid that price; they gave up their careers in medicine in Peru so that I could begin my life here and start a new chapter in our family's history. My brothers and I have succeeded in our respective careers because my parents made the difficult choice to abandon theirs. So, in a small apartment in Union City, a family of five banded together and learned from one another the value of hard work, integrity, compassion, and love.

I never saw anyone work as hard as my mother. My father had his leg amputated after an accident when he was 14 years old, but I never saw him as disabled. Instead, my parents worked as an inseparable team, each working a little harder where the other had a weakness. It wasn't until years later that I considered the three flights of stairs in our apartment, and that it would have been impossible for my father to ever carry up those stairs when we would fall asleep on the long car rides. But, somehow, we would always wake in our beds the next day, with no memory of how we got there. My

mother, Terry Noriega, seated behind me, just did it all without a complaint, *ever*.

I've been asked several times whether I've been prepared for the immense work of this Court, should I be fortunate enough to be confirmed. I think back in my career and the long nights preparing for trials; writing summations; working out cross-examinations; drafting last-minute briefs in the middle of a case; or in, immigration practice, drafting applications for citizenship, or preparing for someone's final hearing before the immigration court. Or, even going over my arguments before the Supreme Court dozens of times until I could deliver it in my sleep. And, then, I wonder how I've accomplished it all. It has been by the example of my parents, and their tireless work ethic, and the support of my wife who has been by my side at each step of the way. Through them, I have found the strength to face all adversity.

I *am* ready for this next challenge, if you see fit to grant me this opportunity. I have loved the law since before I even entered Seton Hall Law School. During a summer break from Rutgers University as an undergraduate, I studied as an intern in the Middlesex County Prosecutor's Office and had the privilege of standing beside the assistant prosecutor as she met with victims of domestic violence. Being one of only a few people who spoke Spanish in the office, I was suddenly acting as an interpreter, and it was in the middle of every important discussion. I was able to assist the prosecutor by interviewing victims and unrepresented defendants in restraining-order matters. And, by sitting with the prosecutor at counsel table before the court to interpret between the assistant prosecutor and the victims.

The awesome responsibility that the law placed on the shoulder of advocates became apparent, and I have been hooked ever since.

During law school, I worked at an internship for the honorable Camille Kenny, in the Criminal Division of Hudson County in Jersey City. Once I completed my degree at Seton Hall Law School, Judge Kenny was kind enough to offer me a clerkship. I jumped at the opportunity, though she called me the summer before my clerkship began and let me know she would be reassigned from the criminal to civil division. And, she gave me the option to take a different position. With no experience in civil law and a hope to working criminal law, I took the clerkship anyway, because I knew that Judge Kenny would be an amazing teacher. And, I was right.

I had my first encounter with civil litigation, a skill that I would revisit 10 years later. That year, I applied to all the prosecutor's offices within a 45-mile radius of Union City, and, during the same period, I attended a job fair at the Office of the Public Defender in Trenton, just down the road at the Hughes Justice Complex. As a newly married young man in my 20s and a recent law school graduate with a heavy debt burden, I accepted the offer to become a public defender. The next day, I received five letters from five different county prosecutor's offices, offering me interviews. I believed then -- and still believe today -- that I would have felt fulfilled doing either job.

My job as an Assistant Public Defender was the most emotionally taxing experience of my career, and I loved every second I was a public defender. The office is filled with some of the most honorable and brilliant attorneys in the state. The public perception and the client base did not always see it that way. The job requires setting aside any personal feelings and focusing on the law and doing the work. I did my job, and I did it well.

As a young attorney, I would go into court on a daily basis and go into battle with young prosecutor adversaries, and at the end we would shake hands, commiserate, and do it all again the next day. We understood that we were both necessary to the success of the process. It was about the evidence, the burden, and the law. Nine jury trials in my first year of practice; my first trial within one month after starting work in the office. Trial by fire was never a more apt description. But, I am the attorney I am today because of that experience, and I knew it as I was going through it.

The most challenging time I ever had was as a solo practitioner, taking on everything that came my way. I handled trials that lasted months while still managing my office; the bills; my regular court calendar; continuing my work with *pro bono* organizations; teaching appellate advocacy at Seton Hall Law School; being a husband and a father -- all while trying to keep the lights on. I have been fortunate enough to represent clients in all manner of cases over the course of my career. I've handled criminal matters; restraining orders; guardianship cases; corporate matters involving international employees; transactional immigration matters; civil matters involving contracts; personal injury; will contests; real estate closings; and even two landlord-tenant trials.

My career has taken me to every court at every level of the Judiciary, from special civil parts, to the New Jersey Supreme Court. I have even been lucky enough to practice in Federal courts in various jurisdictions in other states, and before the third circuit court of appeals. I have lectured across this great state, and even in some international locales, regarding issues of criminal law, ethics, and immigration law. I have had the privilege of working with the best attorneys in the country right here in New Jersey. I

am proud to say that some of them were even my students when I taught appellate advocacy at Seton Hall, and now they are becoming experts in the field in their own right, and teaching me a thing or two along the way.

It was through my parents' example that I learned to work with and do everything in my power to lift up the community around me. I watched my dad help every person who walked into his office, regardless of whether they could afford his services or not. Being in private practice allowed me to continue a life of service like my parents. Whether it was working with those suffering from gender abuse violence with the Sanar Wellness Institute, or working with immigrant detainees through Make the Road New Jersey, or working with undocumented children through Kids in Need of Defense, I've spent a large portion of my career and my time in private practice serving the Latino community, whose needs I felt particularly well-equipped to address.

Seeing each of my fellow community members as equals, only at a different stage of the path from me, I am reminded of a quote from my favorite author, Gabriel García Márquez: "Un hombre solo tiene derecho a mirar a otro hacia abajo cuando ha de ayudarlo a levantarse." "A man has only the right to look down at another man when he is helping him from the ground."

I sometimes look back and wonder where my motivation and energy came from to take on these challenges. And, maybe it was knowing that my mom carried each of us up those stairs alone, never complaining even once. Maybe it was when my dad slowly rose those stairs one at a time after each of the really long nights in the office. They struggled, and were happy to do it. I struggle happily as well.

All of these experiences, both personal and professional, have led me here and have influenced what kind of justice I would be if lucky enough to be confirmed. I have spent my career approaching each case with an open mind and a critical eye, because I believe the strongest defense of a case requires understanding the offense's strategy. In doing so, I had built a wealth of experience starting each and every case with an objective view so that I could analyze it from all sides. Now, I believe that this approach will benefit me in this new position, as I will be asked to set aside my own feelings and opinions to focus solely on the objective of interpreting the constitution and the laws created through the work of the Legislature and the Governor.

I know that I am up to the challenge, and prepared to accomplish the work of the court with honor, dignity, and impartiality. I understand that if confirmed, I will leave behind a practice of the law, and I will take up the important work of the Court. I am grateful at the prospect of serving the public once again.

Thank you for the opportunity to address you here today. Thank you to my family and friends for all of their support. And, I look forward to answering your questions.

Thank you.

SENATOR STACK: Mr. Noriega, thank you very much for your testimony.

And, it's no secret that you have my full support. You are truly a person who we are very fortunate to have the nomination from Governor Murphy to put on the Supreme Court. I know you'll do a great job there.

I love the fact that you have ties to Union City, I'm not going to lie. And, the fact that you are a Latino and you truly represent people. And,

the fact-- And, when I read your background, and met you, the people who you represented -- the poor, immigrants -- whether it be criminal defendants, whether you're working in the Public Defender's Office, speaks volumes about who you are and your moral compass.

And, we're very fortunate to get your nomination and consider you today. But, you have my full support. I know you'll do a great job. I know you make your family proud; I know you make the community proud; you make *me* proud that you're here today.

So, I wish you the best of luck, and congratulations to you.

MR. NORIEGA: Thank you so very much.

SENATOR STACK: I'll turn it, at this point, over to Senator Bramnick.

SENATOR BRAMNICK: Thank you, Mr. Chairman.

Approximately 10 years ago, one of my partners, Rob Rowbotham, came to me and said, "I know a lawyer who would be a terrific member of my firm." And he said, "And his name is Mike Noriega." I said, "How do you know Mike?" He said, "I was the assistant prosecutor in Essex County, and Mike was a public defender in the same courtroom."

So, the first recommendation of this outstanding gentleman came from his adversary, the prosecutor who was prosecuting cases against the public defender. That proved to me immediately that this is someone who can be an adversary, but also can do it with respect and civility.

I said to Mike when I heard about the nomination, I said, "This is going to be a financial challenge for you. You have four beautiful children, a great family." He said, "We will manage."

Every letter that Mike sent out, every email that Mike sent out, ended with, “Sincerely.” I never saw that before. And, that’s because he *is* sincere. It is with great respect that we have someone before us who is truly selfless; someone who cares more about mankind than himself. This is highly unusual in today’s world.

So, though you will be missed, I wish you the best. You have my 100% support, and congratulations to your family. You will be a terrific asset to the Court.

Congratulations.

MR. NORIEGA: Thank you, Senator Bramnick.

SENATOR STACK: Thank you, Senator.

Any other members?

Senator Sarlo.

UNIDENTIFIED SPEAKER: (indiscernible)

SENATOR STACK: I’m sorry.

Senator Bucco.

SENATOR BUCCO: Thank you, Chairman.

My congratulations.

MR. NORIEGA: Thank you, Senator.

SENATOR BUCCO: First, I want to thank you for taking the time to come to my office a couple of weeks ago and meet with me. I enjoyed our conversation, and I appreciated your openness and your candor in answering the many questions that I had, and discussing your personal and professional backgrounds.

In particular, I appreciated our discussion -- and, you’ll probably recall this -- about matters of judicial philosophy, and how you would view

your role as a Justice if confirmed to the Court. I know we discussed some of the history in the Court, as well as how courts can sometimes venture into the dangerous practice of judicial activism, as opposed to the more traditional approach of using judicial restraint. If I recall correctly, you seemed to indicate that you did not think it would be your role to legislate from the bench.

Can you elaborate a bit more as to your outlook on that concept, and the role of a Justice -- or the Court as a whole -- as you see it?

MR. NORIEGA: First of all, thank you very much, Senator, for that question.

And, it was a pleasure to meet with you as well.

We are very fortunate in New Jersey that our constitution very particularly describes the roles of each of the different branches of our government. And, in this way, it is absolutely clear that there are three separate co-equal branches that shall not act in any way in any of the other branches. Anyone involved in the Judicial branch may not, in any way, take on the role of the those of the Executive and the Legislature. And, I believe that very firmly. It is entrenched in our -- jurisprudence in our constitution, and I would follow that precisely as written.

And, I don't believe that it is any Justice or judge's obligation, duty, or role to legislate from the bench.

SENATOR BUCCO: Thank you very much.

That's exactly what you told me in my office, and I appreciate that.

What else can you tell us about the type of judicial philosophy we can expect from you if you are confirmed to the court?

MR. NORIEGA: Thank you.

I think a judicial philosophy, in my position, is something difficult to describe. It's something I can theorize about, and something I have thought a great deal about over the past several months.

I can draw from my experience in trying to go to every case with an open mind; with the idea of understanding *all* of the facts; looking at all of the applicable law; understanding what all of the parameters are before making any specific decisions or allowing my biases, my prejudices, or any of my feelings interfere with my ability to look at a case with as open a mind as possible to be able to make proper decisions.

SENATOR BUCCO: Thank you.

I am more than satisfied with the answers you gave me in my office, and with the confirmation that you just gave here today -- your judicial philosophy and how you will handle yourself.

Everyone here speaks extremely highly of you. You've worked closely with my good friend and colleague, Senator Bramnick, who I respect immensely. And, there is no doubt in my mind that I think you will make a great Justice to our Supreme Court.

You've got my support. Thank you.

MR. NORIEGA: Thank you very much, Senator.

SENATOR STACK: Thank you, Senator Bucco.

Senator Sarlo.

SENATOR SARLO: Thank you, Mr. Chairman.

And, congratulations to you, sir.

And, I apologize for being unable to get together with you; the month of June gets a little crazy in my world, as there's a little \$50 billion

document that I have to deal with day in and day out, that I'm here as the Budget Chairman. So, it takes up a lot of time in the last couple of weeks, spending time in Trenton. So, I apologize for not having the chance to meet with you, but I did publicly come out in support of you.

I was glad to hear your statement today. Your statement-- Clearly, you have a great story to tell, and a wonderful family behind you. And, you've spoken with so many different folks in the immigration field who have said nothing but incredible things -- some highly well-known immigrant folks in North Jersey who have come across you over the years.

One thing I just-- I have to ask this question, and Senator Bramnick touched upon it. I think it's important. Now, my 20 years here, either as the Chairman of the Judiciary Committee or sitting on this Committee for 20 years, every member of the Supreme Court I've had the chance to review their resumes and their bios and have a chance to confirm them. And, some of the times, you're here long enough, you start to go through their tenure process.

We are remaking the court; we definitely have a much younger Supreme Court these days. You're a young man, with a very young family. Many of them still have a chance to go through high school, and onto college. As you sit here, clearly, your pay will be fixed over the course of the next-- Hopefully you're there until your retirement.

Are you concerned about that? Does it trouble you? You do have a young family, and we all know young families put a lot of pressure on you as well. You want to be there for them to live the American dream, like you had the chance to live the American dream. But you're taking on this role hereafter, giving up a lot of earning power. You have a lot of earning

power ahead of you. I just think it's important for you to put that on the record of where you stand on that.

MR. NORIEGA: Thank you very much for the question, Senator.

I have dedicated my entire career to practice areas that do not generate a significant amount of financial wealth. The value of a career, in my mind, is not measured by the amount of money you make. I think my choices speak to that.

And, these are discussions that I've had with my wife. And, my children are aware of our choices regarding how we've reached this point. As a family, we've decided that this is an acceptable position, in terms of the financial position we would be in. We've managed in other similar positions, and my expectation is that we will manage.

I have no concerns.

SENATOR SARLO: Thank you.

I've made it clear to the Governor's Council that the next individual that they would appoint would need to be ensured that they've had practical experience being in a courtroom, so when they get to the bench -- the Supreme Court bench -- they're going to realize that, what it is to serve in a courtroom and be there -- combat; hand-to-hand combat, and they're working with other lawyers or judges.

Your experience of being in a courtroom over the years, whether it was working for our good friend Senator Bramnick's firm or on your own firm before that. What do you think that does to you to become-- Does it make you a much better Supreme Court Justice?

MR. NORIEGA: I can't speak to whether it would make me a better Supreme Court Justice than anyone else, but I think that for my purposes, I expect and hope that it brings a certain value to those conversations, and a certain background and experience that others may not share.

So, I think the hope is that in any-- Any opportunity to draw consensus may allow me to bring that background experience to the table, and may hopefully provide some insight that others simply don't have.

SENATOR SARLO: And, my final comment, final question is-- Senator Bucco said it perfectly. We always get concerned, and we want to ensure that those who are appointed to the Supreme Court don't go there to legislate-- They don't go there to legislate. I thought your response to Senator Bucco was tremendous.

Take this with you-- And, I always pride myself as being somebody who tries to be as practical and as moderate and mainstream as possible, on every decision. How does it impact the people who would have been elected to represent, across all spectrums of social economic factors, across all demographics, when decisions that you will be making, as long as they are practical and they are mainstream and are not there to hurt folks on one extreme or the other. I'm just going to ask you to make a comment on that, and please state that. Practical, moderate, and your decisionmaking.

MR. NORIEGA: Thank you for that question, Senator.

My objective will be to uphold the oath that I will swear to, if fortunate enough to be confirmed, and assure that I approach every case with a fair and open mind, listening to the facts, reading all of the information

brought before the court, and applying the appropriate law and constitutional provisions, without any particular agenda beyond that.

With an open mind is the most sound way to approach these matters.

SENATOR SARLO: Thank you; thank you for being here.

Congratulations to you and your lovely family.

And, you have my full support.

MR. NORIEGA: Thank you, Senator.

SENATOR STACK: Thank you, Senator Sarlo.

Senator Singleton.

SENATOR SINGLETON: Thank you, Chairman.

Michael, I echo Senator Sarlo's comments. I am deeply apologetic that our schedules didn't allow us to have a chance to have a conversation before we're here today.

So, in light of that, I promise you whatever I ask you is not a gotcha question; I'm just generally curious about your philosophy or thought around something.

Generally, when individuals come before us, they look before at other justices and sort of thought through and tried to think about style and temperament, and maybe jurisprudence of how they emulate or would maybe see themselves in that sort of vein.

Is there a particular Justice who has come before this New Jersey Supreme Court who you would -- who you say would be someone who you would emulate in the course of how you go about your tenure, if you are so confirmed?

MR. NORIEGA: Thank you for that question.

I think it would be unfair to select anyone in particular, given the amazing history that this court has had.

I will say that I have had the opportunity throughout this process to interact with, speak with, and be provided some advice from a great number of former Justices. And, it has been a tremendous honor.

Former Justice Long, who is here today -- and, I had a lovely conversation where she advised me of the immense amount of work involved in this job, and to consider how that would impact you. And, I thought it was a very important question for me to consider.

Former Chief Justice Poritz provided me with the insight of the burden that this job provides, and the immense responsibility that people feel when you're making decisions that will impact all of New Jersey. So, I have taken each piece of advice that I've been provided, and I am honing it in to apply it if I'm fortunate enough to take on this position.

So, I have been very fortunate to be given a multitude of different pieces of advice that are amazing, and hopefully will lead me in the right direction.

SENATOR SINGLETON: OK.

Would you be-- Can you, if you can, share with me and my colleagues either a policy, a law, a regulation, that you personally oppose as a matter of policy, but would agree is constitutional under our current precedent?

MR. NORIEGA: Senator, unfortunately, I can't do that. I think that providing an opinion of that nature could negatively affect litigants who could appear before the Court in the near future depending on my answer.

I will say that there is a long history of precedent in this state, and I think that *stare decisis* is something that we look to to ensure that we as a state have some stability in a legal profession. So, I do believe that the court has a deep sense of confidence in the jurisprudence, and it continues to do so going forward to assure that lawyers and judges had the ability to practice appropriately under what is our current jurisprudence.

SENATOR SINGLETON: Fair; fair response.

Maybe, then, a different way -- maybe you can answer this one a little differently.

Is there a particular position, whether it's social, legal, moral, or political position that you previously advocated for that you no longer believe to be correct, based on your experience that you gained over your time as a lawyer?

MR. NORIEGA: Again, unfortunately, Senator, that's not a question I can answer.

I think in my personal capacity, whatever opinions I may hold or views I have would be unfair to state that in this fashion now.

SENATOR SINGLETON: But, you would probably agree that there are some things that you thought, but as you've matured as a lawyer -- as you've matured as a person; as a man -- that you've come to a different conclusion, perhaps, than what you once thought.

You don't have to tell me the position because I'd agree with you, perhaps, that that may be difficult. But, it's fair to say that you've had an evolution of thinking on some matter over the course of your time as you've grown as a lawyer.

MR. NORIEGA: I guarantee that that's accurate, yes.

SENATOR SINGLETON: OK, that's fair; we'll leave it at that. I won't ask you to opine on anything in particular.

Again, I apologize for us not having the chance to have this conversation not in a room full of people. But, I appreciate the sincerity of your response and your answers.

Senator Bramnick, who I've known a long time, and enormous respect, and individuals who I know who he is supportive of, and work with, gives me a lot of comfort in the conversation.

But, having reviewed your background and looked at your history and talked to a lot of people, I just couldn't get around to talking to you, which was a shame on me. I talked to a lot of people who have had the pleasure and honor of working with you and know you personally. I know of your commitment to the law, and to your comments to my friend Senator Bucco, I know you realize that you call balls and strikes; you don't sort of dictate the game from the bench. And, I think as a Legislator, I personally appreciate that.

So, I look forward to supporting your nomination today.

MR. NORIEGA: Thank you very much, Senator.

SENATOR STACK: Thank you, Senator Singleton.

Any other questions or comments by the Committee?

Senator Corrado.

SENATOR CORRADO: Just a comment, Chairman; thank you.

Mr. Noriega, I want to thank you for making the time to speak with me last week. And, I know it was a very important day for your family, as your daughter was graduating high school. So, I thank you for that.

When I asked you to talk to me, tell me a little bit about yourself, you actually did something that I truly appreciated: You spoke about your family. You spoke about your parents and your brothers and growing up and the sacrifices your parents made, and then you talked about your daughters and your wife and the sacrifices that you made for your family as well. And, I think that spoke volumes about the type of person you are, and the type of Justice that you will be.

You are clearly someone who is aware that when you make a decision, it impacts others, and I can tell that you put time and thought into the decisions that you will be making.

So, congratulations to you and your family. I truly enjoyed getting to speak with you and learn about you, and I wish you much success on your next chapter.

MR. NORIEGA: Thank you so much, Senator, it was a pleasure speaking with you as well.

SENATOR STACK: Thank you, Senator Corrado.

Any other questions or comments from members of the Committee?

Sure, Senator Pou.

SENATOR POU: Thank you very much, Mr. Chairman.

Good morning. Good morning.

MR. NORIEGA: Good morning.

SENATOR POU: First of all, let me thank you for having spent nearly, actually -- we spent almost two hours together in my office discussing everything that -- some of the very same information that you've shared here publicly. So, it was a really good opportunity for me to get to know you. We

didn't really know each other very well before now, so it allowed us an opportunity to kind of talk about some of the similar things that we certainly have in common, and things that you've shared with me, just like Senator Corrado indicated.

And, I think it's evident in the fact that you made mention about your family background. It really did, in fact, add an important factor or quality and spoke in terms of your -- what, who you were, the kind of person who you are, and what can be expected.

It's no secret here that there's a number of different concerns or questions that many of us have as members of the Judiciary Committee to make sure that the person who's coming before us is the individual who is best suited to serve in that position. And, I think by evidence of what many people have indicated here, and others who are not here but spoke about your character, has certainly gone public in that regard.

In response to-- I do have a question, though. And-- And, we actually talked about this, but I think it's worth having you share this with all of us once again. In response to a question in your Senate Judiciary questionnaire, you've indicated that you have unique qualifications or experience that you possess to be a member of the State -- the New Jersey State Supreme Court. That being said, you've indicated that you have a "diverse perspective."

So, could you please speak to that? What is -- in your opinion - - is that unique, diverse perspective that you think your particular position and being given the opportunity to be in such an important, an important position, that you will bring to the highest court in the State of New Jersey?

MR. NORIEGA: Senator, thank you very much for that question. And, it was a pleasure speaking with you last week.

I've been very fortunate that my career has taken me to so many different areas of the law and has allowed me to interact with so many different New Jersey residents in different capacities, at different stages of their life. In some of the most dire circumstances that people might face -- when they're incarcerated; when they're facing deportation; even when they're facing more basic dilemmas in municipal courts; or cases that have even gone before the Supreme Court, I have represented individuals. I have stood by their side during the most complicated and difficult moments of their lives, and I have learned a great deal from that process.

I have learned a great deal from their backgrounds, their stories, their struggles. And, I don't know that there's any other way to have that level of education other than simply doing it; other than simply having that practical experience of representing individuals in all of those different areas. I think my background is unique in that way. I don't know how many attorneys there are who have handled landlord-tenant cases and managed before the Supreme Court all in the same five-year process, the five-year window.

So, I've been very lucky. The cases that have come to me and the folks who have relied on me to do work for them, they've all helped me broaden my experience and my background in a way that has prepared me for this position. So, I really am very grateful for the career that I've had.

SENATOR POU: Thank you; thank you for that.

I was hoping maybe, Mr. Noriega, that you would be able to speak in terms of your unique perspective to the Court as a member of the Latino community, of course.

Being a Latina, for me, is something that I speak about and I speak about it very proudly. Having someone who is coming before us who serves and is certainly in that same position.

I think it's important that our courts be diverse. I've spoken quite a bit about that throughout my tenure as a member of the Committee, and there's been a lot of discussion around that.

So, I was hoping, perhaps, maybe, you might want to reflect upon that and share with us, if you will, the importance of that.

MR. NORIEGA: My background and my good fortune of having been the son of Peruvian immigrants is a very critical part of who I am, and it has formed an amazing connection with the culture of all types of Latinos throughout New Jersey. It has allowed me the opportunity to speak the same language as individuals who are in the criminal justice system, the civil system, and allowed me to represent them in a more dynamic way because I've been able to communicate with them on a basic language level and a basic cultural level, and having an understanding of where they're coming from.

So, it has provided me with an absolute, unique perspective in the ability to see folks very much like myself who are still struggling and still trying to get ahead and lend them a hand and lift those members of the community up. And, I've spent a lot of my time doing that between *pro-bono* work and representing individuals who are undocumented in this state, trying to give them information and provide them with resources of how they can

manage their situations while being lawful actors in this state and trying to do the right thing for their families.

So, my background and my culture have informed a lot of my choices and where I chose to practice and how I chose to practice, and the types of clients I was able to reach out to and help. In addition to young lawyers coming up behind me who sought to have someone who reflected their background and their culture assist them and give them some advice along the way. So, I have been very fortunate to receive that assistance from my own family and provide it to others in the legal community as well.

SENATOR POU: Thank you, thanks so very much for sharing that and sharing your experience as well as your background.

I think-- I take a moment to reflect upon that, because I think it's important for all of us, and especially someone, like I said, in such an important position, to be able to speak proudly in terms of what the significance of this particular position, this domination.

Clearly, many of my colleagues here will tell you that -- and, the Chairman will also share, will mention -- that I have always continued to, whether it's in this position or any other -- being, by that, I mean in terms of board commissions -- I have strongly advocated for diversity and gender diversity as well, that being women, making sure that we have an opportunity to nominate more women to the various different court systems, as well as in other boards. So, it's no question, or no doubt. And, we talked about that a little bit during our conversation.

But, I raised a question about the importance of reflecting upon your background. Because, as you sit there and we are exchanging this dialogue, it's important for us to understand and make it part of the record

for the future young men and young women who will be in an opportunity -- who will be in a position such as ours -- to be able to say clearly that we had an exchange for someone who is being nominated to the New Jersey Supreme Court who happens to be not only the kind of character and qualifications that clearly everyone has talked about here, and what your record indicates, but it's also a matter of making sure that you're going to have the responsibility of carrying them on those broad shoulders that you have and making sure to maintain and keep all of us super proud of having been the person who is being able to take that onto the future generation.

So, speaking about that -- and speaking it in public so that everyone understands and knows that it's important for someone such as myself to be able to do that -- I do think that we should certainly not stop there -- hint hint, to the administration -- we should not stop there; we need to do more of this, right?

But, clearly, I am happy that we had an opportunity to go over each and every one of those particular areas, and we had an opportunity, also, to get into the real specific areas of some of the cases that you had and what those cases ended up to be and how your representation really made a difference in the lives of so many people who otherwise would not have had the opportunity to be represented in that way.

So, thank you very much for the time that you've made yourself available and the time that we spent. I think this moment should not be left without having everything possibly said, given that we don't always have an opportunity to have a nominee who has come before this Committee for the New Jersey Supreme Court.

Thank you, Mr. Chairman.

MR. NORIEGA: Thank you very much, Senator.

SENATOR STACK: Thank you, Senator Pou.

Any other members?

Senator Lagana.

SENATOR LAGANA: Thank you, Mr. Chairman.

Mr. Noriega, I just have one question for you, and I want to remind you that you're under oath.

Do you think that Senator Bramnick is the funniest lawyer in New Jersey?

(laughter)

Be careful before you answer that.

SENATOR BRAMNICK: Note my objection, your Honor.

As judges say, "Next question."

(laughter)

SENATOR LAGANA: You don't have to answer that, but I just want to congratulate you and your family.

We didn't get a chance to talk thoroughly, but I can tell by your testimony that you are a kind, compassionate person; obviously you're an exceptional lawyer.

I, too, grew up in a household-- I was first generation; my parents were immigrants. So, when you talk about your family, about your parents, you look at them like they're superheroes, and I can completely associate with that. And, that makes you very special to look at your family to get strength. And, I think that will make you an exceptional Justice.

There is a lot of back and forth when we speak to attorneys who were never judges before, and I think, most importantly, going from being an

advocate to being neutral is really the biggest step you're going to have to take. And, I think you're going to-- It's going to be seamless for you, I can just tell.

And, I just am very proud to be able to be here today to vote for a person like you. Congratulations to you and your family.

MR. NORIEGA: Thank you so very much, Senator.

SENATOR STACK: Thank you, Senator Lagana.

Senator Madden.

SENATOR MADDEN: Thank you, Chairman.

Mr. Noriega, welcome.

MR. NORIEGA: Thank you.

SENATOR MADDEN: In the Supreme Court, in my mind, what is really extremely important in our Justices is that they have judicial independence. They are their own person. They don't become part of groupthink.

And, in your experiences over the past 22-plus years in law, have you ever been in a position where you really, truly had to stand apart from those who you worked with? Maybe in the law firm, there might have been a case where everyone was on one side and you clearly had to stand on your own. And, if so, could you share that with the Committee?

MR. NORIEGA: Thank you very much for that question, Senator.

Practicing in criminal law is one of the most isolating experiences that exists, in that when you walk into the courtroom, the defendant isn't relying entirely on you. And, while it's their case, and they make the ultimate decisions, the entire strategy falls upon the lawyer.

So, there is no other opinion other than your own in those moments when you have to make quick decisions in a courtroom as to the legal argument, as to the way in which you ask a question, and the way in which you pivot in the middle of a trial.

So, as much as there is entire organizations -- the Association of Criminal Defense Lawyers, for example, is a wonderful organization that supports each other entirely. But, in those moments, in the trenches, you are completely on your own. Regardless of what opinions you've received up to that point, you have to make that independent judgement alone.

So, I have felt that experience, even in a firm. There are still those moments when you can get all the advice in the world, but when you go into the courtroom, those moments are yours to own. So, I feel that that will assist me in making an independent judgment of my own when the time comes.

SENATOR MADDEN: When I put my name and my vote on you today -- which, I will, I look forward to that--

MR. NORIEGA: Thank you.

SENATOR MADDEN: I just want you to maybe realize, from my position, I am trusting that you will be this; find the strength to just do exactly what you believe you can do going forward.

Periodically, it's been said that the courts have politicized things, and, let's get all beyond that, just that discussion. I believe in you as an individual to stand on your own two feet, argue your position, and, if you truly believe it, not be swayed from your position.

And, if you can do that moving forward, we're going to have an awesome court. And, that's all I ask of you.

MR. NORIEGA: Thank you so much.

SENATOR MADDEN: My best to you and your family.

MR. NORIEGA: I appreciate that very much.

SENATOR MADDEN: God bless you.

Thank you.

MR. NORIEGA: Thank you.

SENATOR STACK: Thank you, Senator Madden.

Any other questions? (no response)

Seeing none, I will entertain a motion.

Senator Bramnick.

SENATOR BRAMNICK: With great honor and respect, I move
the nomination.

SENATOR STACK: I'll second it.

Please call the roll, David.

MR. LORETTE: Sorry for the interruption, Chairman--

SENATOR STACK: I'm sorry.

MR. LORETTE: We do have one sign-up slip, excuse me.

Mr. Noriega, can you excuse yourself back into the audience,
please?

MR. NORIEGA: Yes.

MR. LORETTE: Mr. Tomicki, do you want to come forward?
I've got your sign-up slip here; we didn't forget about you.

Thank you, Mr. Noriega.

MR. NORIEGA: Thank you.

So, yes, the one sign-up slip wishing to offer testimony on the nomination, it is Mr. John Tomicki, representing the League of American Families.

Mr. Tomicki, if you could just remain standing and raise your right hand, I will administer the oath to you.

Do you swear or affirm that the testimony you are about to give here today is true, correct, and complete to the best of your knowledge, information, and belief?

J O H N T. T O M I C K I, ESQ.: Yes, I do.

MR. LORETTE: Thank you.

SENATOR STACK: Thank you, John.

Thank you, David.

MR. TOMICKI: First of all, Mr. Chairman, thank you so much for inviting me up and allowing me to share my thoughts.

At some hearings, some people say, “Well, we don’t care what you think about.” That’s not true. This is a very, very important day.

First, I might want to say I’m glad the pandemic is over. Because if you could see the love of this family, hugging and greeting each other, that would have been missed. I am glad that we are in that kind of environment right now where we can share that kind of love and respect.

Providentially, I had just walked out of the bill room, collecting some material, when I ran into the nominee and his family. What we do within our group-- Because I took the opportunity to listen to the ceremony -- I’m going to call it that -- when Governor Murphy made his formal announcement of the nomination. We’ve asked every one of our affiliate

members to listen to that, because you can hear the mettle of the man; what he thinks, what he feels; what his family felt; what was really happening.

And, unless you had watched it, you would not understand this: That I don't think the rumor is true that the nominee has already set aside the judge room to now be his temporary chambers. You'd have to know that story. I wish, as I told him when I met him in the hallway, that his dad was still here. Because it's a proud day for his family; for what he is, and what his accomplishments have done. And, in greeting his mother, she thanked me, and I said, "We're all in his hands," and that's true. I understood what she meant, and, Senator Bramnick, I end all of my emails, unfortunately, not "Sincerely," but I end them with "In your service," because that's what we all are.

This is a good day. I would ask, Mr. Chairman -- I know he had (indiscernible) that this record be transcribed. That used to be the history and tradition of this Committee. You would transcribe the hearings so that those of us who would be looking in the future, as in Justice Albin case, to go back to Albin -- and, that becomes important, because of the understanding the nominee has (indiscernible) to Justice Albin and his judicial career. It takes a four-hour hearing to go through that. Justice Albin was a very contentious hearing; it lasted almost four hours. A lot of questions were asked about the judicial decisions, had there been legislation from the bench. It's a worthy exercise to go back and read that, because that would (indiscernible) the questions coming out today about *stare decisis*.

When Governor Corzine served in the U.S. Senate, one of the questions he always asked of Judicial nominees was, "What is your philosophy? What is your philosophy?" And, in every hearing, people tried

to dig into that. What is going to be that philosophy? Let me assure the nominee of the following: Too often, today-- There's nothing wrong with criticizing judicial decisions. Felix Frankfurter urged that, that all decisions of a court should be subject to vigorous discussion and debate, but it must always be done with respect. Always.

Let me assure this nominee, that if any time in the future he feels that he's being harassed, or his family, I will give them my phone number -- if I'm still alive -- most of you know, I'm approaching my 90th year. Some people would hope I would quit, but I'm a stubborn polack, and I don't know when to quit.

The time he has taken to explain his background is very important. If we listen and can recall the hearing where now Justice (indiscernible), her dogma rang loudly within her. You do not hear that from this nominee. What is his dogma?

When you listen to the introduction on May 15, he did use a remark that he's told the Supreme Court doing great forward-thinking decisions. That was the words that concerned myself, and some of the lawyers who I work with. What does that mean? Is that the standard? What does "forward thinking" mean?

One of the people, judges, the Governor's Advisory Committee, is Justice Pollock. Justice Pollock wrote a piece -- and, I doubt most of you are aware of it. It was called-- It's a lecture he gave over at the NYU Law School called the *Art of Judging*. He saw what was the difference between an artist and adjudication. He saw that state courts should take the opportunity to get creative. That's the (indiscernible) I have. Justice Albin went into

that; Justice Pollock believed in it. Does that dogma live within this nominee? I don't know. I can't ascertain it.

In years back, this court -- Supreme Court -- dealt with the whole situation of school funding. What's in our Constitution in New Jersey: thorough and efficient system. What did that mean? Nobody could answer it. (indiscernible) was your librarian for the State. It bothered him, that question. So, he took the time -- about two or three years -- to do research to find out what it meant. His article is in the Rutgers Law Journal. I would hope the nominee would take time to look at it, because thorough and efficient system meant just spreading out the tax dollars evenly across the state. In that case, he begs -- and, there's an article -- to review (indiscernible); to review *Abbot v. Burke*. So, that's why the issue was *stare decisis*, at times, has to be re-examined.

The reason I waited for you to return, Mr. Chairman, was to say this transcript-- This hearing should be transcribed, just as the (indiscernible) is not completed for research. Seven years from now, he will come up again for renomination for lifetime tenure, so the questions that he asks -- that you ask, and answered -- should be here.

What I have for the nominee, I enjoy the exchanging of gifts in his family, so I have two gifts that I think are allowed, and I hope in the future -- I know I'm going aside -- that, Senator Bramnick, your friendship will not end. You may lose a partner, but your friendship is not going to end, and you should not be afraid -- (indiscernible) have a different relationship. Know that you're always going to be friends, and you should be, and you should celebrate families together. And, that's sad that in our current society

there's become this division. Yes, we're divided sometimes on issues, but you don't divide from friends; you don't divide from being human beings.

The two books I have for him, one is about Justice Scalia. The forward is by Ruth Bader Ginsberg. In it, I learned something new. That Justice Scalia -- actually, they were two great friends; two people who were more dialogically -- so different in their viewpoints, and arguing on cases. Yet, the friendship was there; the mutual love and respect. They vacationed together, they'd go to the opera together. And, she says in the forward that many times he would come over to her chamber and say, "Look, I understand the argument you're making, but you could probably state it better this way." He helped her, sometimes, so they were trying to refine the argument. And, one of the things is I have spent an afternoon with Justice Scalia. I've spent an afternoon with Judge Bork, my former law professor from Fordham University Law School, who was apparently also the teacher of Amy Barrett. Professor (indiscernible) and I differed for a long time, along with Scalia, on the concept of personhood.

I know I'm going through a lot of history that's here, but what I want to compliment the Chairman on, because in this room at one time -- a different configuration -- the then-Senator of the Judiciary Committee Gormley wanted me arrested because I was raising a question relative to Justice Poritz, because a hidden story -- you don't know this particular history -- Justice Willentz lived in New York. That should not have been allowed. I brought an individual lawsuit; there was a stay of the hearings; the case was referred to the Appellate Division--

SENATOR BRAMNICK: Mr. Chairman, as they say on the Democratic side, "Stay on the bill."

I appreciate the information as to Justice Willentz, but I would request that the Chairman keep the witness on the bill.

SENATOR STACK: John, if you could just try to stay on the nominee.

I always appreciate the time that you take to come here and to speak with us, and I know you traveled from a couple hours today to get here and I appreciate that. And, I always enjoy speaking with you and hearing your commentary.

But, if we could just stay on the nominee, I would appreciate that.

MR. TOMICKI: I understand that, and I understand where Senator Bramnick is going, because I was trying to see where can I now say what's happening. It's the last thing on the nominee I'm here for.

The other book is a book on what is meant by natural law, originalism, that's where I was going. Originalism is now finding it being taught in the law schools again. There are going to be issues that are going to come up before this court. Affirmative action; student loan issues are going to be settled by the Supreme Court; LGBT rights; can a coach pray at the end of a game? That's what is in that announcement made by Governor Murphy, that his nomination was being put in place, because his decisions will shape future generations.

That was an invitation to me that they should legislate from the bench. That's why I go through the history. Because this hearing, Mr. Chairman, is what we're about.

And, I thank you, Senator Bramnick. If I went a little field, it's also because it dealt with Justice Poritz. Because when we brought that case

that the Justice Willentz really was not in a domicile in New Jersey, eventually it was cleared up because he agreed to move back. He had to move out because his wife was ill. Why did that become important? Because it deals with the Appellate Division. We mentioned that before. There should be a change that the Appellate Division should be appointed by a Governor, not by the Chief Justice.

So, thank you for allowing me to share a bit. Some of it was personal, but I wish him the best. I know he will be confirmed, and we will look forward to his decisions.

SENATOR STACK: John, thank you very much; you're always a gentleman. Thank you.

David, do we have anyone else on the nominee to testify this morning?

MR. LORETTE: No, there isn't anybody else signed up on the nomination.

SENATOR STACK: OK, great.

If we could ask Mr. Noriega if you could please come back up, we'd appreciate that.

MR. LORETTE: And, Mr. Chairman, if I may--

SENATOR STACK: Sure.

MR. LORETTE: In response to Mr. Tomicki, you asked me a question about having this meeting transcribed. Just a note for you, the members of the audience, and anybody listening to this hearing today, as a matter of course at the Office of Legislative Services, we *always* have the interviews with the Supreme Court justices transcribed.

So, this hearing is being transcribed today. All previous transcriptions are all available on the website. You can find them by year if you need to go back and ever look and read any of those.

Thank you, Chairman.

SENATOR STACK: Thank you. Thank you for clearing that up, David, I appreciate that.

Thank you, again, Mr. Noriega for your time.

MR. NORIEGA: Thank you.

SENATOR STACK: Any members have any additional questions at this time? (no response)

Seeing none, we had a motion by Senator Bramnick. I second the motion.

MR. LORETTE: Roll call on the nomination.

Senator Testa.

SENATOR TESTA: Yes.

MR. LORETTE: Senator Corrado.

SENATOR CORRADO: Yes.

MR. LORETTE: Senator Bucco.

SENATOR BUCCO: Yes.

MR. LORETTE: Senator Bramnick.

SENATOR BRAMNICK: Yes.

MR. LORETTE: Senator Singleton.

SENATOR SINGLETON: Yes.

MR. LORETTE: Senator Sarlo has indicated a yes vote.

Senator Madden.

SENATOR MADDEN: Yes.

MR. LORETTE: You are a yes; thank you.

SENATOR MADDEN: I am a yes.

MR. LORETTE: Senator Lagana.

SENATOR LAGANA: Yes.

MR. LORETTE: Senator Pou.

SENATOR POU: Yes.

MR. LORETTE: Chairman Stack.

SENATOR STACK: Yes.

MR. LORETTE: The nomination is released.

SENATOR STACK: Congratulations.

(applause)

Thank you.

(END OF EXCERPT)