

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES,
PRIVILEGES, AND ELECTIONS

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Wednesday, November 20, 2024
Start: 10:21 a.m.
Recess: 11:45 a.m.

HELD AT: Council Chambers, City Hall

B E F O R E: Keith Powers, Chairperson

COUNCILMEMBERS:

- Adrienne E. Adams
- Joann Ariola
- Diana I. Ayala
- Joseph C. Borelli
- Gale A, Brewer
- Selvena Brooks-Powers
- Amanda Farías
- Crystal Hudson
- Lincoln Restler
- Rafael Salamanca
- Pierina Ana Sanchez

A P P E A R A N C E S (CONTINUED)

Muriel Good-Trufant
Nominee, Corporation Counsel
New York City Law Department

Jack Wei Lin
Former EMT with FDNY

Timothy Headon[?]
Former Lieutenant with FDNY

Christopher Leon Johnson
Citizen of New York City

Raul Rivera
Citizen of New York City

2 SERGEANT AT ARMS: Good morning, and welcome to
3 the New York City Council Hearing on the Committee of
4 Rules, Privileges, and Elections. At this time, can
5 everybody please silence your cell phones. If you
6 wish to testify, please go to the back of the room to
7 fill out a testimony slip. Written testimony can be
8 e-mailed to Testimony@Council.NYC.gov. Once again,
9 that is testimony@council.nyc.gov. At this time,
10 going forward, no one is to approach the dais. I
11 repeat, no one is to approach the dais. Chair, we
12 are ready to begin.

13 CHAIRPERSON POWERS: Good morning, and welcome to
14 the meeting of the Committee on Rules, Privileges,
15 and Elections. I am city Councilmember Keith Powers,
16 chair of the committee. Welcome everyone. Before we
17 begin, I want to introduce the other members of the
18 committee who are present. We are joined by Speaker
19 Adrienne Adams, Councilmembers Ariola, Ayala, Fariás,
20 Hudson, and I believe we are joined on Zoom by
21 Salamanca and Sanchez, and Brooks-Powers, I believe,
22 is here as well. My apologies. We also will be
23 joined, I think, by others momentarily. Also a
24 reminder to all the members, for members on Zoom, we
25 need a quorum in order for them to be able to speak

2 and ask questions, so if you can stick around, please
3 do. I also want to acknowledge the Counsel to the
4 Committee, Jeff Campagna, and the committee staff
5 that worked on today's hearing, Chief Ethics Counsel
6 Pearl Amor, Director of Investigations, Francesca Del
7 Vecchia, and Deputy Director of Investigations,
8 Alicia Vassal. Today, the Committee will consider
9 the nomination of Muriel Goode-Trufant for
10 appointment to the position of Corporation Counsel.
11 Congratulations to you on your appointment.

12 Before I move on, I want to recognize Speaker
13 Adrienne Adams to make an opening statement.

14 SPEAKER ADAMS: Thank you so much, Chair. Good
15 morning, Chair Powers and members of the Committee on
16 Rules, Privileges, and Elections for convening
17 today's hearing on the nomination of Muriel Goode-
18 Trufant for the position of Corporation Counsel.

19 The Council has worked constructively with
20 interim Corporation Counsel Muriel Goode-Trufant, and
21 we appreciate her commitment to public service as a
22 more-than-30-year veteran of the Law Department. We
23 look forward to a thorough and transparent review of
24 the nominee's record throughout this hearing today.
25 The role of Corporation Counsel is a prestigious and

2 powerful position in our City Government. To serve
3 the public at this level is a great privilege based
4 on qualifications, attributes, and many aspects of a
5 nominee's record, including their commitment to
6 public service and justice. They also need New
7 Yorkers' trust and must be accountable to the public
8 and the many officials represented by the Law
9 Department. They must be able to confidently lead
10 the more than 800 attorneys and support staff of the
11 Law Department. They must faithfully represent all
12 of use, the entire city, the Council, agencies, and
13 other elected officials.

14 The reason that our city charter was revised to
15 require this position to receive advise and consent
16 came from the need to ensure Corporation Counsel does
17 not prioritize the mayor or any single official over
18 the city's interest and justice. This issue was a
19 central concern with certain past Corporation
20 Counsels. We consider the context of this history,
21 and the weight of our responsibility to strengthen
22 democratic governance as we approach this hearing.

23 Our goal today is to evaluate the nominee's
24 record and determine whether she meets the high
25 standards and public trust required of this critical

2 position. As a Council, we take this responsibility
3 seriously, because our job is to make city government
4 more responsive to the needs of all New Yorkers. It
5 is our duty to critically examine appointees, their
6 character, their qualifications, and their record, so
7 that we can ensure we have the best person for the
8 job.

9 Leadership matters, especially when city leaders
10 are responsible for providing services that New
11 Yorkers rely upon for their safety and well-being.
12 Ultimately, a transparent process like the one we are
13 undergoing today strengthens accountability and trust
14 in our government. Mrs. Goode-Trufant, I look forward
15 to hearing from you today and our exchange regarding
16 your record, your qualifications, and experiences in
17 consideration of your nomination as Corporation
18 Counsel. Thank you very much and I turn it back over
19 to the hands of our Chair.

20 CHAIRPERSON POWERS: Thank you, Madam Speaker.
21 Before we go ahead, I want to summarize the powers
22 and the duties of the Corporation Counsel before
23 introducing the candidate. Pursuant to Sections 31
24 and 391 of the New York City Charter and by letter
25 dated October 25, 2024, Mayor Eric Adams requested

2 the Council's advice and consent in relation to his
3 nomination of Muriel Goode-Trufant for appointment to
4 be the Corporation Counsel.

5 The New York City Charter designates a
6 Corporation Counsel as the attorney and counsel for
7 the City of New York and all city agencies.

8 Corporation Counsel and by extension, the Law
9 Department is granted the power to conduct all the
10 legal business of the city. Further, a Corporation
11 Counsel has the right to bring or defend any legal
12 action in local, state, or federal courts.

13 The Law Department is comprised of approximately
14 850 attorneys who specialize in all the areas of law
15 necessary to conduct the legal business of the city.
16 The Law Department includes specialists in a wide
17 range of fields of litigation, land use, ethics,
18 professional responsibility, contracts,
19 administrative law, juvenile delinquency, and
20 legislative interpretation, just to name a few. They
21 represent the city, elected officials, and city
22 agencies with all legal issues that they may
23 confront.

24 If the Council gives its advice and consent, Ms.
25 Goode-Trufant will be appointed Corporation Counsel

2 and serve an indefinite term at a salary of \$250,000.
3 Again, congratulations on your nomination. Thank you
4 for being here today.

5 Ms. Goode-Trufant has been serving as an acting
6 Corporation Counsel since the resignation of her
7 predecessor in June. She has served the Law
8 Department for nearly 34 years, and thank you for
9 your service to the city. Prior to joining the Law
10 Department, she was a litigation associate in private
11 practice for five years.

12 She is a graduate of the University of
13 Pennsylvania and received her law degree from Temple
14 University School of Law. Before we begin, I want to
15 ask the Council to administer the affirmation.

16
17 COMMITTEE COUNSEL: Please raise your right hand.
18 Do you affirm to tell the truth, the whole truth, and
19 nothing but the truth in your testimony before this
20 Committee and in answer to all Councilmember
21 questions?

22 MS. GOODE-TRUFANT: I do.

23 CHAIRPERSON POWERS: Thank you, and I'm going to
24 recognize you now to make an offering statement, and
25 then we'll follow with questions.

2 MS. GOODE-TRUFANT: Thank you. Good morning,
3 Madam Speaker, Madam Deputy Speaker, Chair Powers,
4 and members of the Committee. I thank you for holding
5 this hearing and for considering my nomination to
6 serve as the 82nd Corporation Counsel. I would also
7 like to express my gratitude to the Administration
8 for this nomination.

9 I have long believed that public service is a
10 noble calling, and I have lived out that belief
11 through my 33 years at the New York City Law
12 Department. In that time, I have served as an
13 Assistant Corporation Counsel, a Deputy Assistant
14 Chief, an Assistant Chief, a Deputy Division Chief, a
15 Division Chief, Equal Employment Opportunity Officer,
16 MWBE Officer, Managing Attorney, First Assistant
17 Corporation Counsel, and since June 2nd of this year,
18 the Acting Corporation Counsel. I have worked
19 directly or indirectly with all of our 24 divisions
20 and with most of the various city offices and
21 agencies in fulfilling the Law Department's mission
22 to provide legal representation to the City of New
23 York in the tradition of excellence and dedication in
24 the furtherance of the operation of its government.

2 As both First Assistant and more recently as
3 Acting Corporation Counsel, I am familiar with the
4 pressing legal matters and challenges facing the
5 city, which makes me uniquely qualified to seamlessly
6 assume this role, should I be confirmed. The Law
7 Department has approximately 70,000 active matters,
8 excluding our extensive legislative and counseling
9 work. Our portion of the judgment and claims payouts
10 in FY24 totaled nearly \$1 billion.

11 Our Municipal Finance Division handled \$20.4
12 billion in bond transactions in FY24 and has already
13 completed more than \$12 billion in bond transactions
14 in FY25. Our Tax and Bankruptcy Division protected
15 more than \$4 billion in city tax receipts in FY24.
16 Our Environmental Law Division handles a wide array
17 of environmental issues, including the protection of
18 the city's upstate drinking water supply, the largest
19 in the nation.

20 These are just a few samplings of the important
21 work done by the Law Department. I am immensely
22 proud of the Law Department, both its employees and
23 its work. It is because of this work that I desire
24 to become the 82nd Corporation Counsel.

2 I spoke earlier of the Law Department's mission.
3 I now cite our vision to be the finest public law
4 office providing the highest quality representation.

5 An organization's vision is necessarily forward
6 thinking. Meeting and sustaining the Law
7 Department's vision takes continuous dedication and
8 effort. We must train new staff in municipal law.
9 We must equip existing staff so that they can grow
10 into new roles, taking on greater responsibilities.
11 And we must support all staff when they face
12 challenges and obstacles, because no matter how hard
13 or difficult things get, we can accomplish much if we
14 do it together.

15 There remains much work to be done.

16 The Law Department's clients are all of the
17 elected officials of the City of New York, the city's
18 agencies and entities, and at times, individual city
19 employees.

20 Our efforts enable the day-to-day functioning of
21 this municipal corporation. I have had the privilege
22 of serving under nine former Corporation Counsels.
23 Despite any and all difficulties that may have
24 existed during their tenures, each would share that
25 being the Corporation Counsel is one of the best

2 legal positions there is because of the breadth of
3 the legal issues handled by the Law Department.

4 It would be an honor of a lifetime to serve as
5 the 82nd Corporation Counsel. I am committed to
6 working tirelessly on behalf of the city and its
7 residents as we look to continue to build upon the
8 legacy of the Law Department.

9 I thank you again for your time and your
10 consideration, and I welcome your questions.

11 CHAIRPERSON POWERS: Thank you. I also want to
12 recognize we've been joined by Councilmember Borelli
13 and Councilmember Brewer. And before we begin our
14 questions, I just want to reiterate what I said at
15 our last hearing on a nominee for this position as
16 well, which is the hearing of today's hearing is not
17 to determine whether you're a competent attorney. Of
18 course, that is part of it. But we all know you're
19 an accomplished and competent litigator and a
20 dedicated public servant. But this is really an
21 opportunity to hear from the nominee so we can
22 determine whether the nominee has demonstrated a
23 commitment to advancing justice, serving the public
24 trust, to represent the entirety of the New York City
25 as head of the Law Department.

2 We want to make sure the Corporation Counsel has
3 a faith and trust of officials throughout our
4 government, including the Council, the hundreds of
5 attorneys, staff of the Law Department, the diverse
6 people of New York City, that they will represent the
7 public interest of all New Yorkers and prioritize the
8 pursuit of justice over politics. And of course,
9 today's hearing allows us to transparently make that
10 assessment.

11 As chair, I'm going to recognize Councilmembers
12 to address the nominee, to make statements and ask
13 questions, starting with members of this committee
14 and followed by other Councilmembers.

15 We'll give flexibility, as we often do, for
16 members on the first round of questioning, but if
17 there's a second round, we'll put them on a time
18 limit.

19 I want to start by recognizing Speaker Adrienne
20 Adams to ask the first round of questions.

21 SPEAKER ADAMS: Thank you very much, Mr. Chair.
22 Welcome again. It's wonderful to see you.

23 The Law Department attorneys frequently represent
24 the Council in litigation.

2 Law Department attorneys also often represent
3 that they're providing legal advice to the Council
4 during the bill drafting process. In both instances,
5 the Law Department comes into possession of sensitive
6 information that may harm the Council's interests if
7 publicly disclosed or if used against the Council in
8 a court proceeding. Do Law Department attorneys have
9 an ethical obligation to maintain attorney-client
10 privilege and confidentiality with respect to
11 information they receive from the Council in the
12 course of providing legal advice to the Council?

13 MS. GOODE-TRUFANT: Absolutely, and we treat
14 those consultations on a separate line of
15 confidentiality from other clients.

16 SPEAKER ADAMS: Thank you. What obligation, if
17 any, do Law Department attorneys have during the bill
18 drafting process to disclose whether they're
19 representing the Council or the administration during
20 the bill drafting process?

21 MS. GOODE-TRUFANT: It would depend on the
22 particular bill. With most bills, there is an
23 overall process where we understand that there is
24 fluid information flowing amongst the parties for the
25 good of the city.

2 However, if there is a situation where there are
3 particular concerns on one side or the other, we
4 would erect an ethical wall to make certain that we
5 were giving advice that was not disclosed to another
6 entity.

7 SPEAKER ADAMS: I see. Okay. Will you commit
8 that the Law Department will not use any document or
9 information received from the Council in the course
10 of representing or advising the Council in any
11 proceeding adverse to the Council?

12 MS. GOODE-TRUFANT: Absolutely.

13 SPEAKER ADAMS: Thank you. Will you further
14 commit that you will not disclose any such
15 information to any third party, including any other
16 client, without the express consent of the Council
17 unless directed by a court of law?

18 MS. GOODE-TRUFANT: Absolutely.

19 SPEAKER ADAMS: Thank you. Mrs. Goode-Trufant,
20 during our August hearing on the nomination of Randy
21 Mastro for the role of Corporation Counsel, Mr.
22 Mastro opined that if the mayor believes a duly
23 enacted local law is unlawful, he should ask the Law
24 Department to seek judicial intervention before the
25 effective date of such law. Do you agree that in the

2 absence of such judicial intervention , the mayor has
3 an obligation to enforce the laws of the city?

4 MS. GOODE-TRUFANT: Any analysis of this question
5 must be done on a case-by-case basis.

6 For example, a court would likely reject a case
7 brought before the actual enactment of a law because
8 the issue would not yet be ripe for judicial review
9 at that point. There also may be other
10 considerations, such as superseding federal or state
11 law. Therefore, it is important to evaluate each
12 circumstance on the facts presented at the time.

13 SPEAKER ADAMS: Okay. But the question was-- I'm
14 going to ask it again, Mr. Mastro opined that if the
15 mayor believes a duly enacted local law is unlawful,
16 he should ask the Law Department to seek judicial
17 intervention before the effective date of such law.
18 The question was, do you agree?

19 MS. GOODE-TRUFANT: I do not agree.

20 SPEAKER ADAMS: Okay. Thank you. Will you
21 commit that as Corporation Council, if you agree with
22 the mayor that a proposed local law adopted by the
23 council is unlawful, and he decides to veto such
24 proposed local law, that you will advise the mayor to
25 state all legal infirmities in writing in the

2 statement of objections he is required to submit to
3 the council pursuant to Section 37 of the charter?

4 MS. GOODE-TRUFANT: Yes.

5 SPEAKER ADAMS: Thank you. In your pre-hearing
6 questions, you were asked if you would only instruct
7 the department to take legal action to challenge the
8 validity of a local law after coming to a
9 determination that such invalidity could be proven
10 beyond a reasonable doubt. You responded, and I
11 quote, "To my knowledge, the standard for validity or
12 invalidity of a local law is not the, quote, beyond a
13 reasonable doubt standard that applies in criminal
14 prosecutions, unquote."

15 I want to call your attention to a couple of
16 cases on this particular matter. Are you aware of
17 litigation against the city challenging the enactment
18 of a local law that would allow non-citizens to vote
19 in local elections?

20 MS. GOODE-TRUFANT: Yes, the law department is
21 representing the council in such litigation.

22 SPEAKER ADAMS: And are you aware that the law
23 department, which you just stated, appealed that case
24 to the second department?

25 MS. GOODE-TRUFANT: Yes.

2 SPEAKER ADAMS: Okay. In that appeal, your
3 predecessor, Judge Sylvia Hines Raddix, submitted an
4 appellate brief on behalf of the council and the
5 mayor, which cited Moran Towing Corp. v. Urbach for
6 the proposition that the New York State Court of
7 Appeals requires that plaintiffs, quote, plaintiffs
8 bear the heavy burden of proving beyond a reasonable
9 doubt that the law suffers, quote, wholesale
10 constitutional impairment, unquote. Are you aware
11 that during your tenure as acting corporation counsel
12 in connection with the same case, you authorized the
13 submission of a brief to the New York State Court of
14 Appeals on behalf of the council?

15 MS. GOODE-TRUFANT: Yes.

16 SPEAKER ADAMS: In that brief, the law department
17 argued that the Court of Appeals requires the
18 plaintiff to establish that, "it is impossible to
19 reconcile the local law and the state constitution
20 and that where reasonable doubt exists, the local law
21 must be upheld." Given the presumptive validity of
22 local laws, if asked by the mayor to challenge the
23 validity of a duly enacted local law as
24 unconstitutional, would you only agree to do so after
25 coming to a determination that the department could

2 prove such local law is unconstitutional beyond a
3 reasonable doubt? Or would you allow the department
4 to pursue more speculative litigation to advance the
5 mayor's policy objectives?

6 MS. GOODE-TRUFANT: Given the tenor of the
7 question, I would go with the former, beyond a
8 reasonable doubt.

9 SPEAKER ADAMS: Thank you. I feel like there's
10 one in column A and one in column B and picking door
11 number one or door number two, but I like your
12 answer.

13 Okay. In the court of litigation, the law
14 department has previously demanded that the council
15 agree to stays of enforcement of local laws that the
16 mayor opposed.

17 Will you commit to not requesting the council
18 agree to a stay of enforcement in the absence of a
19 court order?

20 MS. GOODE-TRUFANT: In that particular instance,
21 we were faced with prospects of contempt versus the
22 enactment of a duly enacted local law. We were in an
23 extremely, and we continue to be in an extremely
24 difficult, almost no-win situation.

2 SPEAKER ADAMS: Are those situations common or
3 are they uncommon?

4 MS. GOODE-TRUFANT: Extremely infrequent.

5 SPEAKER ADAMS: Okay. Pursuant to section 24 of
6 the New York state executive law, the mayor may issue
7 an emergency executive order to suspend a local law.

8 Do you believe the use of this power must be rare,
9 narrowly tailored, limited in time span, and that
10 such power should never be used when the disaster in
11 question could be resolved using the day-to-day tools
12 of city government, i.e. rulemaking or legislation?

13 MS. GOODE-TRUFANT: State law requires that when
14 the mayor exercises emergency authority to suspend a
15 law or regulation, the suspension must meet a number
16 of conditions.

17 One, the suspension must safeguard the health and
18 welfare of the public.

19 Two, it must be reasonably necessary.

20 And three, the suspension should provide for the
21 minimum deviation from the law or rule deemed
22 necessary.

23 State law also provides that emergency
24 suspensions must expire after five days unless they
25 are renewed based on the relevant facts and

2 circumstances. Rulemaking and legislation can also
3 address the impact of an emergency or be instrumental
4 in preparing for an emergency. But when an emergency
5 occurs, there will often be a need for an immediate
6 response that doesn't allow for the usual legislative
7 or rulemaking processes.

8 That said, all parts of the city government
9 working together have succeeded in getting us through
10 severe weather disasters, 9-11, the devastating
11 pandemic, and other emergencies. I take seriously
12 our role in advising all our clients about the tools
13 our state laws provide for emergency response.

14 SPEAKER ADAMS: In your estimation, in the past,
15 let's say, six months, have the executive orders that
16 are issued, do they follow those requirements that
17 you just stated?

18 MS. GOODE-TRUFANT: Yes.

19 SPEAKER ADAMS: Is it your estimation, then, that
20 the mayor should usurp legislative powers during
21 emergencies?

22 MS. GOODE-TRUFANT: It depends on what type of
23 emergencies and what the emergency requires.

24 SPEAKER ADAMS: Okay, that goes back to my former
25 question, then. So in your estimation, do you feel

2 that executive powers that were used, executive
3 orders that were used in the past six months follow
4 those requirements and that the mayor has not usurped
5 legislative powers?

6 MS. GOODE-TRUFANT: I think that the emergency
7 orders issued within the past six months were
8 necessary under the state law requirements.

9 SPEAKER ADAMS: Okay, I'm going to move on.
10 During the Giuliani administration, the mayor decided
11 the city could cut off funding to the Brooklyn Museum
12 because of the mayor's objections to what the museum
13 was exhibiting.

14 The general counsels representing the council,
15 the public advocate, the comptroller, and the borough
16 presidents all opposed the mayor stating their common
17 opinion that doing so would be a violation of the
18 First Amendment.

19 Notwithstanding the objections of the attorneys
20 representing all the other divisions of city
21 government, the Corporation Council argued on behalf
22 of the mayor's position in court. The court ruled
23 that defunding the museum was a clear violation of
24 the First Amendment and ordered that funding be
25 restored.

2 In your pre-hearing questions, you were asked
3 your opinion of how the Corporation Council, then
4 Michael Hess, handled that matter. You responded
5 that he did what he thought was best at the time. By
6 your written answer, are you saying that you believe
7 there was a legal basis for the mayor refusing to
8 fund a museum based on his opinion of the exhibits
9 inside?

10 MS. GOODE-TRUFANT: I was not saying that. I was
11 acknowledging that the former Corporation Council,
12 Michael Hess, found himself in a challenging
13 situation, which is, I think, the case for every
14 Corporation Council. He did what, in his estimation,
15 was best at the time.

16 SPEAKER ADAMS: Did you work on that case on
17 behalf of the mayor?

18 MS. GOODE-TRUFANT: I did not.

19 SPEAKER ADAMS: If Mayor Adams decided to
20 withhold funding from an organization based on his
21 opposition to the political opinions of its executive
22 director and all the top lawyers from all the other
23 non-mayoral entities that make up city government
24 raised First Amendment concerns, would you defend the
25 mayor's decision?

2 MS. GOODE-TRUFANT: Likely not.

3 SPEAKER ADAMS: Why not?

4 MS. GOODE-TRUFANT: Well, we are in a different
5 time than the situation from the late 90s and the
6 Brooklyn Museum. I think that the Corporation
7 Council's obligation is to make certain that we are
8 serving justice and following the rule of law.

9 So, I would support the First Amendment in that
10 situation.

11 SPEAKER ADAMS: Thank you. During the hearing on
12 the mayor's nomination of Randy Mastro to be
13 Corporation Council, he testified, he being Mr.
14 Mastro, testified that the reason he left city
15 employment to represent corporate interests against
16 the city and its residents was because even though he
17 was one of the highest paid city employees, he was
18 too broke to support his family.

19 You, Ms. Goode-Trufant, are a 34-year veteran of
20 the law department. Why didn't you ever leave city
21 employment to make more money elsewhere?

22 MS. GOODE-TRUFANT: Opportunities have presented
23 themselves unsolicited, but there is no finer work, I
24 believe, than at the law department. I have had the
25 benefit of extraordinary colleagues, of fascinating

2 work, and the opportunity to continue to grow and to
3 pour into others.

4 There are some who choose money, and there are
5 some who choose fulfillment. I have been quite
6 fulfilled at the law department.

7 SPEAKER ADAMS: Thank you. The Daily News has
8 repeatedly characterized this committee as a kangaroo
9 court based on the hearing we held on Mr. Mastro's
10 nomination for Corporation Council. The term
11 "kangaroo court" refers to a show trial staged to
12 justify extra-legal lynchings, executions, and to
13 impose life sentences of hard labor. Do you agree
14 with the Daily News' characterization of this
15 committee and the council?

16 MS. GOODE-TRUFANT: I certainly would not say
17 such a thing about the council, and I was away in
18 another time zone during the hearing, so I did not
19 have the opportunity to watch it.

20 SPEAKER ADAMS: Oh, too bad. You missed some
21 really, really-- I won't go anywhere further than
22 just the-- too bad.

23 Do you believe that any appointee subject to the
24 advice and consent process, by accepting the
25 nomination voluntarily, submits themselves to the

2 opinions of this body and whatever statements and
3 questions members deem relevant about the nominee's
4 work history, values, and credibility?

5 MS. GOODE-TRUFANT: Yes.

6 SPEAKER ADAMS:

7 Ms. Guttrufant, thus far, do you believe you've
8 been treated fairly during this process and during
9 today's hearing?

10 MS. GOODE-TRUFANT: Yes.

11 SPEAKER ADAMS: Thank you very much for your
12 testimony. Thank you, Mr. Chair.

13 CHAIRPERSON POWERS: Thank you. I have a long
14 list of questions, but I'm actually going to let
15 members go, and then I'll come back at the end.

16 So our first three we have, Councilmembers
17 Fariás, Ayala, and Hudson. I'm going to give them an
18 opportunity. No? Councilmember Hudson?

19 COUNCILMEMBER HUDSON: Yes, I'd like to ask a
20 question. Thank you. Good morning.

21 MS. GOODE-TRUFANT: Good morning to my
22 Councilmember.

23 COUNCILMEMBER HUDSON: I'm happy to have a
24 constituent up for such a prestigious role.

2 This administration has a reputation of ousting
3 those who don't play by their rules or bend the
4 rules, and there's a reported pattern of pushing out
5 black women with integrity who stand their ground. I
6 would classify you as one such woman, so my questions
7 for you are: One, how do you plan to insulate
8 yourself from these pressures? And two, perhaps most
9 importantly, how do you plan to manage yourself in an
10 extremely high-demanding job with pressures coming
11 from many different directions and where maintaining
12 your integrity and convictions is paramount?

13 MS. GOODE-TRUFANT: I think the last part of your
14 question is the key to the answer.

15 I must stay grounded in my personal integrity at
16 all times, and so my path towards making sure that
17 that happens is to build up the law department team
18 and to make sure that we are all clear about what our
19 mission is, and that is to do the best for the city
20 as a whole. That's what is in the charter, and we
21 have to make sure that we do it so that in 2030,
22 2040, the paths that we have laid make certain that
23 those following after us can indeed continue to serve
24 this city in a fine fashion.

2 COUNCILMEMBER HUDSON: If you were forced to
3 resign because you refused to do something that you
4 didn't think was the right thing to do, how would you
5 approach that situation?

6 MS. GOODE-TRUFANT: I think with grace.
7 Candidly, I have been with the city for 30-plus
8 years. I'm Tier 4, and so I'm going to be all right.

9 What I want to make sure is that the law
10 department is all right, and so what I will do from
11 the day I am confirmed for a position in the law
12 department, as long as I am privileged to serve, is
13 to build up the department so that they can face
14 whatever challenges come their way.

15 COUNCILMEMBER HUDSON: Great. Thank you so much.
16 I will say as your representative, I'm proud to have
17 you up for this role. I'm excited for the
18 opportunity to have you confirmed, assuming all goes
19 well, but I think it's really, really important, and
20 it can't be made clear enough how important this role
21 is in holding up the entirety of this city,
22 advocating on behalf of all New Yorkers, and
23 maintaining the role with the utmost integrity. So
24 thank you for your answers.

25 MS. GOODE-TRUFANT: Thank you.

2 CHAIRPERSON POWERS: Thank you. We'll go to
3 Councilmember Brooks-Powers, followed by
4 Councilmember Brewer.

5 COUNCILMEMBER BROOKS-POWERS: Thank you, and
6 thank you for your testimony. It was a pleasure
7 meeting with you yesterday in advance of today's
8 hearing.

9 I wanted to understand, when there's a potential
10 conflict, and the speaker touched on this a little
11 bit, and I wanted to touch on it as well, but when
12 there's a potential conflict or difference of opinion
13 on a legal matter between the mayor and the council,
14 how would you approach the situation as the
15 Corporation Counsel? And I'm also curious on your
16 perspective on the mayor's last-minute intervention
17 this past year in the Charter Revision Commission.

18 MS. GOODE-TRUFANT: I'm going to take those as
19 two questions.

20 COUNCILMEMBER BROOKS-POWERS: Yes, yes.

21 MS. GOODE-TRUFANT: The first is that if there is
22 a difference of opinion between the two, we would
23 continuously communicate with both parties, seeking
24 as best we could to find a resolution. If no
25 resolution can be had, we have and will afford

2 alternate counsel, as we have done in certain
3 circumstances for city council.

4 You separately asked about the Charter
5 Commission, but I missed a couple of words, I
6 apologize.

7 COUNCILMEMBER BROOKS-POWERS: Sorry, I apologize
8 for my beautiful raspy voice today. But what is your
9 perspective on the Mayor's last-minute intervention
10 this past year in the Charter Revision Commission?

11 MS. GOODE-TRUFANT: State law permits the Mayor
12 to have Charter Revision Commissions in that manner.
13 And so whether one is in favor of the particular move
14 or not, the state law permits it currently.

15 So, yeah.

16 COUNCILMEMBER BROOKS-POWERS: Thank you for that.
17 Thank you.

18 CHAIRPERSON POWERS: We're going to go back to
19 Councilmember Farías, Councilmember Ayala, and then
20 we'll go to Councilmember Brewer.

21 COUNCILMEMBER FARÍAS: Thank you so much, Chair.
22 Thank you for being here. Just to follow up on the
23 question about the Mayor declaring states of
24 emergencies to stop enforcement of local laws during
25 the emergency: The Mayor only declared a state of

2 emergency to state enforcement of a ban on solitary
3 confinement after we passed our local law. So, is
4 that proper use of the emergency authority, and in
5 your opinion? And was the emergency threatened at
6 all during bill negotiation?

7 MS. GOODE-TRUFANT: The situation was clear
8 during bill negotiations. The challenge in that
9 particular circumstance is that everything that is
10 included there is also the subject of longstanding
11 litigation.

12 And there are difficulties that the city faces in
13 that litigation. Separately, there are instances
14 where our supervision by the court would have been
15 impacted by the full-throttled enactment of that
16 particular local law. And so, we had very immediate
17 challenges that we had to face.

18 It was an extraordinarily difficult situation
19 which persists.

20 COUNCILMEMBER FARIÁS: Okay. So, are you stating
21 that you do believe it was proper use?

22 MS. GOODE-TRUFANT: It was an extraordinarily
23 difficult situation, yes.

24 COUNCILMEMBER FARIÁS: Okay. Thank you. Is it
25 still morning?

2 COUNCILMEMBER AYALA: Good morning. Losing track
3 of time around here. I don't have a question per se,
4 but we had an opportunity to have a conversation.
5 And we've read your bio, definitely really impressed
6 and really excited to see a woman sitting before us,
7 a woman of color with many, many years of experience,
8 quite capable of doing this job.

9 And I just wanted to reiterate, you know,
10 something that I mentioned in our conversation, that
11 experience is important, education is important, but
12 so is having a good moral compass. And for that, you
13 know, that is important to us as a body. Somebody is
14 going to make sound judgment based on the law.

15 Obviously, we don't want anyone neglecting that.
16 But I just wanted to say that I'm really excited to
17 see you here and, you know, happy to get to know each
18 other a little bit better. And I wish you all of the
19 luck in the world.

20 MS. GOODE-TRUFANT: Thank you. Thank you, Madam
21 Deputy Speaker.

22 CHAIRPERSON POWERS: Thank you. We'll go to
23 Councilmember Brewer and followed by Councilmember
24 Ariola.

2 COUNCILMEMBER BREWER: Thank you very much. And
3 it was nice to talk to you via Zoom a while ago.

4 I have a few questions. First of all, when I was
5 borough president, I did sue the mayor at that time
6 against the issue of the override, what we call the
7 mayoral zoning overrides. And that was a situation
8 in my case at Holmes. In the end, the developer
9 dropped the project, so it wasn't carried out. But I
10 wanted to know your position on the use of mayoral
11 zoning overrides.

12 MS. GOODE-TRUFANT: I believe it really depends
13 on the situation. From the overrides that I have
14 seen, they have primarily been for schools or public
15 housing. I have not seen any overrides for purposes
16 other than those.

17 I can't speak personally to the situation in
18 which you were a litigant. But I think that if
19 properly used in order to make certain that we have
20 sufficient seats in a school or that we're able to
21 provide better services and public housing, it can be
22 very appropriate.

23 COUNCILMEMBER BREWER: My situation was zoning
24 trying to override what we felt was a ULURP that was
25 necessary. And obviously the mayor did not.

2 So ULURP, I would say please do not use that as
3 an override. That would be my suggestion. Carter
4 cases, and again, I know this is a 30-year
5 discussion-- I'm tier 2, by the way. I just want to
6 let you know.

7 MS. GOODE-TRUFANT: Congratulations.

8 COUNCILMEMBER BREWER: I just missed tier 1.
9 Just missed it. So the young people don't know what
10 we're talking about.

11 The Carter cases, what is your take on how they
12 could be addressed, if at all? We're spending a lot
13 of money, DOE is working, et cetera.

14 Do you have any comment on Carter cases?

15 MS. GOODE-TRUFANT: It is a very big challenge.
16 And there needs to be a range of resources, and not
17 simply monetary-- Strategic and human resources
18 brought to bear in order to solve that particular
19 problem. It has unfortunately grown, and because
20 it's a problem at one of our clients, it is also a
21 problem for the law department.

22 COUNCILMEMBER BREWER: Okay. So you're going to
23 address it in some way or try to address it?

24 MS. GOODE-TRUFANT: We have been working with the
25 Department of Education.

2 COUNCILMEMBER BREWER: With Liz Vladeck.

3 MS. GOODE-TRUFANT: Yes.

4 COUNCILMEMBER BREWER: What would you do? We
5 have a situation. I'm very supportive of the
6 sheriff, and obviously I want to get rid of the
7 unlicensed cannabis.

8 But there is a situation where the OATH lawyer
9 indicates that there's been a problem with that
10 particular case, and that particular individual
11 establishment, and that hasn't been perhaps correctly
12 written down. So in that case, OATH says
13 establishment can stay open because of whatever
14 reason, and the sheriff has been overriding that,
15 saying, "Oh, it's got to close." Now, I do want them
16 closed, but I also want to follow the law.

17 So I'm just wondering what's your position on
18 that issue? Is it okay, the statute as it is, or
19 should we be changing that statute?

20 MS. GOODE-TRUFANT: I think that the statute is
21 fine. We started this process, as you know, in the
22 spring. We continue to work with all of the
23 component pieces to make certain that we smooth out
24 any rough patches and make certain that due process

2 is followed when enacting closures, inspections, et
3 cetera.

4 COUNCILMEMBER BREWER: Okay. So I guess, so OATH
5 will say X, and then the sheriff will do Y, but you
6 still think that's okay at this moment?

7 MS. GOODE-TRUFANT: It would really be fact
8 specific based on what is in the record.

9 COUNCILMEMBER BREWER: Okay. But there's a whole
10 issue, as you know, about should the public have
11 access to records that reveal when and what the city
12 did during the 9-11 and the toxins? That's been in
13 the paper a lot. Do you have a position on that,
14 whether we should be releasing that information to
15 the public, 9-11 toxin records?

16 MS. GOODE-TRUFANT: To the extent that it is
17 possible, yes. Yes.

18 COUNCILMEMBER BREWER: Okay, because the mayor
19 has not released them yet, as you know.

20 MS. GOODE-TRUFANT: Yes. It is, unfortunately,
21 very complicated.

22 COUNCILMEMBER BREWER: Just like everything else,
23 yes.

24 MS. GOODE-TRUFANT: Yes.
25

2 COUNCILMEMBER BREWER: So you're saying that
3 that's still being discussed about releasing those
4 records?

5 MS. GOODE-TRUFANT: It's not a matter of finding
6 a box and saying, "Here. Here's the information."

7 COUNCILMEMBER BREWER: No, I know.

8 MS. GOODE-TRUFANT: My understanding is that it
9 is a database that has particular needs in order to
10 be ready, in order to be released.

11 COUNCILMEMBER BREWER: Okay. In terms of the
12 police cases, many-- I think you and I discussed
13 this. Do you have some ideas about how we obviously
14 want to have as little money spent on the city's
15 dollars for those that are suing the city and so on?

16 So do you have some ideas about how those cases
17 could be reduced, or is it training, or is it law
18 department, or what can we do, both to be secure for
19 the police department, but at the same time, have
20 some officers that are not ending up in your
21 bailiwick, so to speak?

22 MS. GOODE-TRUFANT: We continue to work with the
23 police department on a variety of topics, including
24 on training.

2 It is an ongoing practice. Training is not a one
3 and done. Issues evolve, training has to evolve, and
4 we have to continue to work at it.

5 COUNCILMEMBER BREWER: So you think in your
6 leadership you could perhaps bring down some of those
7 cases, or work towards that?

8 MS. GOODE-TRUFANT: That is always the goal.

9 COUNCILMEMBER BREWER: Okay. Thank you, Mr.
10 Chair.

11 CHAIRPERSON POWERS: Thank you. We're joined by
12 Councilmember Restler, and we're going to go to
13 Councilmember Ariola, followed by Councilmember
14 Restler.

15 COME ARIOLA: Thank you for coming today.

16 MS. GOODE-TRUFANT: Thank you, Councilmember.
17 And congratulations on being put forth.

18 I'd like to talk about some inequities that I
19 have found with the law department, especially in
20 cases regarding the de Blasio administration's
21 mandates, the vaccine mandates in particular.

22 This is a mandate that has now been deemed
23 arbitrary and capricious by judges across the city
24 and the state, but thousands of our city workers are
25 still not back at their jobs. Some were terminated,

2 some retired, and others left their jobs because of
3 not wanting to take the vaccine for religious and
4 medical reasons. And you said in your testimony,
5 which made me very hopeful, that you are here to
6 follow the rule of law and civil rights of people.

7 Yet time after time, these people, these people
8 who work for our city have won their cases, won their
9 Article 78s, and yet the city continues to appeal
10 these cases and spending taxpayer dollars to appeal
11 cases that they're losing.

12 Now, once these cases are lost, some members are
13 being allowed to come back to work, and others are
14 not, and yet they're similarly situated. When they
15 win their Article 78, they're not allowed to come
16 back, yet others do, and no reasons are given.

17 And we've been in touch with the law department
18 about this, and I know that you've been there. So
19 I'm hoping that you could say to me and make a
20 commitment to me that under your leadership, that
21 there would be equity, that there would not be some
22 members who are similarly situated, won their Article
23 78s to come back to work by a judge lawfully, who
24 followed the rule of law, would be able to come back
25

2 to work. There's also waivers that some employees
3 were made to sign and others not.

4 So what I'm asking you is that will-- under your
5 leadership, will there be more equity and protection
6 of civil rights for every single civil servant that
7 works for the city of New York?

8 MS. GOODE-TRUFANT: Is the question concerning
9 vaccines mandate in particular or in general?

10 COUNCILMEMBER ARIOLA: This is for the vaccine
11 mandate in particular, because this is where we seem
12 to have the stumbling block. We have Article 78s
13 that have been won. People have been ordered back to
14 work, and yet the city is appealing it.

15 Either there's a stay or they've lost the
16 appeals. Taxpayer dollars are being spent. It's
17 unfair. It's unfair to the people who are now living
18 in shelters, living in their cars, living with
19 family, just by charity.

20 And meanwhile, courts, judges, have ordered that
21 they come back to work, a mandate that was now called
22 arbitrary and capricious and now ineffective by the
23 former Department of Health doctor and the most
24 current. And we've been fighting for so many of them
25 to come back to work, and many have.

2 Yet others that are similarly situated are being
3 turned down. Why is that?

4 MS. GOODE-TRUFANT: We have, in fact, pursued
5 some cases to the Court of Appeals. We recently won
6 a case concerning teachers.

7 There is another pending case in the Court of
8 Appeals. Because the circumstances shifted from time
9 to time during the pandemic, there are different
10 classifications of employees. Some who did not
11 follow initial orders, some who did not work with the
12 reasonable accommodation process.

13 It is not a one-size-fit-all because the
14 circumstances of the individual employee does matter
15 in evaluating their situation. But what is important
16 is to make certain that should the city have another
17 crisis, pandemic, like we had with COVID, that we are
18 able to keep the public as a whole safe.

19 COUNCILMEMBER ARIOLA: That is true. And they
20 would still be required to adhere to that mandate if
21 it were so brought back. But the problem here is
22 that the law department does not have a consistent
23 policy when it comes to these particular people. We
24 have had 16 sanitation workers that won their case,
25 and yet the city law department appeals it.

2 And then you hire outside counsel in Heinz Radix
3 and pay them hundreds of thousands of dollars. These
4 are taxpayer dollars, taxpayer dollars that we are
5 supposed to be saving. So I would like to know that
6 under your leadership that you would take more of a
7 look at this and bring equity.

8 And I can send you-- and I would like to, and I
9 will send you dozens of cases, dozens of cases that
10 are exactly situated to the ones that you brought
11 back to work, yet others are still waiting to hear
12 and are unemployed. And when I say that they are
13 living in cars and in shelters and rely on the
14 charity of family, I'm not making that up and I'm not
15 exaggerating it.

16 But we need to see more equity. And we've been
17 really leading the charge on this, but each time we
18 try, we hit a stumbling block. I'm hoping that if
19 you should make it through, that you will look at
20 these cases and you'll see that-- and I'm going to
21 send them to you, because you'll see that they are
22 exactly situated the same. And there shouldn't be
23 any inequity for all of them to come back, especially
24 when the mandate was lifted.

25 Thank you.

2 MS. GOODE-TRUFANT: Thank you, Councilmember.

3 CHAIRPERSON POWERS: We'll now go to
4 Councilmember Lincoln Restler.

5 COUNCILMEMBER RESTLER: Thank you so much, Chair
6 Powers, Speaker Adams, and Madam Corporate Council.
7 Congrats on the appointment, and I look forward to
8 supporting your nomination. I enjoyed learning when
9 we had a chance to chat last week that credit to your
10 tenure at the Law Department goes to the parishioners
11 at Emmanuel Baptist Church for bringing you to
12 Brooklyn.

13 And so I'm glad that after 30 years of
14 distinguished service at the Law Department, you'll
15 be taking on this top role.

16 I had a couple questions I wanted to just ask
17 about. I'm deeply concerned about the staffing in
18 the Law Department.

19 Since the pre-pandemic levels, when we had well
20 over 900 attorneys, I think that what was reported in
21 the budget hearings to us earlier this year was we
22 were down, I believe, 765. So, we had seen nearly a
23 20 percent-- approximately a 20 percent reduction in
24 headcount of attorneys at the Law Department. And
25 when the Law Department shrinks, it slows down

2 everything in city government, and agencies can't do
3 their jobs.

4 And so, A, could you just give us an update?

5 Where are we currently on staffing levels? And from
6 your vantage point, what is the necessary staffing
7 level for attorneys at the Law Department for Law to
8 be able to function at the level that you think
9 appropriate?

10 MS. GOODE-TRUFANT: Your estimate is about right.
11 We continue to work with the Office of Management and
12 Budget on our needs. We're hopeful that in future
13 cycles, we'll be able to supplement our staff.

14 COUNCILMEMBER RESTLER: Okay. Look, we do our
15 best in this council under the Speaker's leadership
16 to fight for our city agencies. As Chair of GovOps,
17 I look forward to working with you to advocate for
18 the Law Department, to have the resources that are
19 needed.

20 I think this is a big problem, and I think we
21 need to work on it together. So I look forward to
22 hopefully having some success with you there.

23 I'd also like to ask you about juvenile justice.

24 My understanding is the Law Department, for the
25 last few years under Mayor Adams, has referred about

2 a third of cases for prosecution. And I think 31
3 percent is the data we saw in the MMR, pretty
4 consistent over the last few years. What can we do
5 to increase diversions? And I really am focused on
6 this because, as you know, as this council knows
7 well, we've just about doubled the number of kids in
8 jail while Mayor Adams is in office.

9 I just want to say that again. Since Mayor Adams
10 came into office, we have nearly doubled the number
11 of minors who were sent away to juvenile justice
12 facilities, sent away to jail. So we are way over
13 capacity in the jails. It's a horrible experience
14 for young people, and we want to prevent those
15 experiences whenever possible.

16 So is there anything that you're looking at? I
17 know law is just one piece of the puzzle here, but
18 it's something that I think is really important, and
19 you do have a role to play. Any guidance or insight
20 or recommendations that you could offer for how we
21 could try and improve that situation?

22 MS. GOODE-TRUFANT: We continue to have multiple
23 concerns. There are some juveniles who are no
24 strangers to the city as a whole because they may
25 have been previously encountered through ACS. So we

2 have to provide support for families generally. We
3 need greater programming in communities to give
4 children opportunities to spend their time
5 constructively.

6 COUNCILMEMBER RESTLER: I know that you all track
7 the diversion rates as well. How can we increase
8 those diversion rates? What do you think are the
9 opportunities? What should we be focused on as a
10 council and law department together to try and
11 increase the diversions and prevent fewer kids from
12 going into juvenile detention?

13 MS. GOODE-TRUFANT: While we track diversions,
14 the actual diversion is done by entities, not the law
15 department, but making sure that there are sufficient
16 opportunities to use to divert children too. That
17 would be the most helpful.

18 COUNCILMEMBER RESTLER: The last topic I was
19 hoping to ask on, something you know that I'm
20 passionate about, is affirmative impact litigation at
21 the law department. This is something that under
22 Corp Council Carter and Estana and the judge, we've
23 seen continued and expanded. Would this be a
24 priority of yours? I'm particularly interested in
25 environmental issues, housing issues, and the law

2 department should be, it's not anymore, the largest
3 law firm in the city that's operating for the public
4 good, fighting the good fight, taking on bad actors.

5 Could you just lay out your vision for us a
6 little bit on that as well?

7 MS. GOODE-TRUFANT: We are very proud of our
8 affirmative work. Much of it is done by affirmative
9 litigation division, but not all of it. We have an
10 environmental law division, and we have many partners
11 throughout the department in the various divisions
12 that are fighting with respect to various initiatives
13 that we would like to either protect or push forward.

14 We announced just recently a new vape case. It
15 was not the first, but we are suing a distributor of
16 candy flavored vapes, which is designed to attract
17 children and get them addicted to nicotine.

18 That's not the only issue. There are many things
19 that we are exploring, such as immigration at
20 present, and we'll continue to look at more ways that
21 we can do justice throughout the city.

22 COUNCILMEMBER RESTLER: We're going to have some
23 challenging years ahead with the incoming president.
24 I think the strong working relationship between the

2 city council and the law department is going to be
3 more important than ever.

4 Look forward to you being a strong partner for
5 us, and look forward to the law department providing
6 independent guidance to this city council so that we
7 can do the best job possible advocating for
8 vulnerable New Yorkers. I think that you bring a
9 commitment to independence to the role, and that's
10 part of the reason that I'm eager to support your
11 candidacy. Thank you very much for your testimony
12 today.

13 MS. GOODE-TRUFANT: Thank you, councilmember.

14 CHAIRPERSON POWERS: Thank you. I'm going to ask
15 a few questions, and then I'll offer an opportunity
16 to colleagues if they want to do a second round as
17 well.

18 I want to just ask, you have a few outside
19 appointments, commitments as well. I know you serve
20 on the tourism board, on the advisory board, the
21 magistrate selection panel. You have a few other
22 outside commitments as well.

23 Have you sought clearance or guidance from the
24 conflict of interest board on those commitments, and
25

2 can you give us a sense of what they've advised you
3 to date?

4 MS. GOODE-TRUFANT: Yes. COIB did provide a
5 letter with regard to both things. With respect to
6 the tourism board, I serve by appointment from the
7 mayor.

8 I'm one of five individuals from the city
9 government that serve on the executive committee to
10 promote the interest of the city as a whole.

11 Separately, the law department works closely with
12 the tourism board to protect New York City's
13 intellectual property, including our city marks. You
14 may recall, particularly after September 11th, there
15 were people in the marketplace counterfeiting our
16 marks. We, through our efforts, have put a stop to
17 that to make sure that we protect the city's
18 intellectual property.

19 With respect to the Magistrate Merit Selection
20 Committee, COIB also furnished a letter approving
21 that. I serve in that position and, again, support
22 the city interest in making certain that the judges
23 selected to serve as a federal magistrate will be
24 fair when city cases come before them. We are a
25 major litigant in the federal courts.

2 CHAIRPERSON POWERS: Thank you. I want to go
3 back to some questions that Councilmember Restler
4 touched upon, which is recruiting and rebuilding the
5 agency. It's something that came up in the last
6 hearing as well, which is how to recruit the best
7 individuals to come serve for the city and the law
8 department, and, of course, also rebuilding the ranks
9 to get up to the headcount necessary to do the work.

10 That, of course, affects us in the City Council
11 and affects the taxpayers.

12 Can you talk about a little bit of your strategy
13 to be employed or ways you might help recruit people
14 to come work for the little city of New York?
15 There's obviously lots of competition out there for
16 folks who have a law background, a law degree.

17 How do we recruit the best talent to come serve
18 for the city? What are ways that you might employ--
19 what tactics might you employ to help bring those
20 people into the ranks of public service, and how can
21 we rebuild that number from, I think, 765 up to
22 closer to the 900 or 800 people working in your
23 department?

24 MS. GOODE-TRUFANT: Certain of the work was
25 wonderfully done by Judge Heinz Raddix. She made

2 certain that our attorney salaries are now
3 competitive with other public employers. At one
4 point during the pandemic, we lagged behind even our
5 colleagues at the district attorney's offices.

6 In such a situation, it was difficult to recruit.
7 Judge Heinz Raddix, made certain that that got
8 corrected.

9 Additionally, as with other managerial titles
10 throughout the city, employees of the law department
11 can elect to do some remote work. That is also aided
12 in recruiting and providing a quality of life.

13 Beyond that, there are various other things that
14 we have done. We partner with area law schools to
15 provide clinics where students can come in and see
16 and appreciate what we do. Sometimes people don't
17 apply because they don't know all of the fun that we
18 have at the law department.

19 Once we acquaint them with the types of work that
20 we do and the range of matters that we have, there
21 are people who are drawn to us. The opportunities we
22 have with the various law schools, and I think we
23 have partnerships with virtually every law school in
24 the area, has provided a pathway, a feeder into the
25 law department.

2 We are also active in various bar associations.
3 We are an accredited CLE provider. There are a range
4 of opportunities that we give for people to see us,
5 to see what we do, and to learn more about our work
6 so that they might be tempted to join us.

7 CHAIRPERSON POWERS: We hope more than tempted.
8 We hope they actually join you. Right now, do you
9 believe the law department has the budget? Budget to
10 fulfill its mission and to recruit talent and also
11 pay them appropriately and also to be staffed at the
12 appropriate headcount?

13 MS. GOODE-TRUFANT: We continue to work with the
14 Office of Management and Budget to supplement areas
15 that we might feel could be strengthened.

16 CHAIRPERSON POWERS: That's a very diplomatic
17 answer.

18 I want to talk a little bit about the ability for
19 proactive litigation and the role that you see the
20 law department potentially playing in some proactive
21 defenses here in the city against federal action, but
22 of course any other issues where we might take
23 action. Can you talk a little bit about the role
24 that it's played in your time there and the ways that
25 you might seek out proactive litigation, proactive

2 action to defend New Yorkers and protect the city's
3 interests?

4 MS. GOODE-TRUFANT: The law department has done a
5 range of proactive litigation. I'll mention a few
6 and I'll then go into what we might continue to do.

7 We have, dating back to the Bloomberg era, sued
8 gun manufacturers for the epidemic of guns on city
9 streets.

10 More recently, we successfully sued online
11 retailers who made ghost guns that were coming into
12 New York City without requisite background checks or
13 requiring any type of serial numbers.

14 We have sued social media platforms concerning
15 their contributions to, I would say, the degradation
16 of youth mental health.

17 We were part of a nationwide class action against
18 Jewel. We have sued manufacturers and distributors
19 who shipped untaxed cigarettes into New York City.
20 We've done a host of cases to push forward protection
21 of New Yorkers in their physical and mental health.

22 Beyond that, we joined with many municipalities
23 and attorney general offices during the first Trump
24 administration to protect the City of New York,
25 particularly when there was an attack on sanctuary

2 cities. We anticipate that we will need similar
3 types of efforts to protect the city of New York.

4 CHAIRPERSON POWERS: Can you talk about areas
5 where you might see that as necessary in the coming
6 years?

7 MS. GOODE-TRUFANT: We absolutely must work with
8 partners across the country. We have pre-existing
9 lines of communication with other cities that have
10 similar interests, and we have already begun those
11 discussions as to how we might work collectively to
12 protect our particular interests.

13 I am a little reluctant to talk about the precise
14 areas where we think we might see attack, because
15 that might give someone an idea, oh, this is what
16 they're really fearful of.

17 CHAIRPERSON POWERS: Understood. I'm going to
18 turn to see if any colleagues have any other further
19 questions at this time. Okay.

20 Congratulations on your nomination. Thank you
21 for taking time with us today to answer questions and
22 testify. You are dismissed. We're going to go to
23 the public testimony here as well.

24

25

2 Oh, excuse me. Just stay there. We have
3 Councilmember Sanchez on Zoom who has a question.
4 Apologies.

5 We'll call on Councilmember Sanchez.

6 COUNCILMEMBER SANCHEZ: Thank you so much. I'm
7 so sorry right when we thought you were going to
8 exhale and leave, but this is just a quick follow-up.
9 Thank you so much for your service to the City of New
10 York over the past 34 years. I join my colleagues
11 in, you know, feeling a breath of an ability to
12 exhale at your nomination and just having you here
13 today and answering our questions.

14 My question is a follow-up to a few of the
15 questions that the speaker asked earlier regarding,
16 you know, specifically the legislative process when
17 we're moving legislation forward and negotiating
18 legislation.

19 Is there a-- you mentioned in your responses that
20 you, the law department or the attorneys will not be
21 disclosing if they're advising on behalf of the
22 Council, or advising on behalf of mayoralty in a
23 continuous manner throughout a negotiation. Is there
24 a particular way that-- in your-- during your tenure
25 when you've worked on legislation, there has been a

2 way for the Council to separately from an ongoing
3 negotiation say to Counsel in the law department, can
4 we have a separate conversation? I have this narrow
5 concern about the legislation before us and I'd like
6 your perspective, separate from any-- like without
7 you sharing with the administration side. Is that
8 something that has happened before?

9 MS. GOODE-TRUFANT: Yes, it has and we are happy
10 to do it. Whenever there is a request, we make
11 certain to provide a response in a confidential
12 manner.

13 COUNCILMEMBER SANCHEZ: And what is, what is the
14 way that we as members, or our staff and central
15 staff go about requesting that kind of feedback and
16 confidentiality?

17 MS. GOODE-TRUFANT: You can reach out to us or, I
18 will-- I will add that we work regularly with the
19 Office of General Counsel to the Council and they are
20 in touch with us on a weekly basis. o just reach out
21 to your General Counsel's office and they will
22 contact us.

23 COUNCILMEMBER SANCHEZ: Okay, excellent. Thank
24 you. Thank you so much and thank you, Chair.

2 CHAIRPERSON POWERS: Thank you. We will now go
3 to the public. So thank you for being here today and
4 thanks for answering questions.

5 MS. GOODE-TRUFANT: Thank you very much.

6 CHAIRPERSON POWERS: We'll take a second, but
7 we'll call up a panel next of, I think it's Tim
8 Headon, if that's correct, sorry if I mispronounce
9 that, and Jacqueline.

10 MR. HEADON: Should I wait, or--

11 CHAIRPERSON POWERS: Just give her one second.
12 She'll be up in a second.

13 MR. HEADON: I'd like for you to bring me back to
14 work. I've been out of work for three years.

15 CHAIRPERSON POWERS: Sir, just give her a second
16 to actually, properly leave.

17 Thank you, guys. Thank you for being here.
18 We'll start with you. We only have three minutes on
19 the clock, and you can begin your testimony and then
20 we'll go to the other gentleman.

21 MR. WEI LIN: Sure. Thank you for the
22 opportunity to speak today. My name is Jack Wei Lin.
23 I'm a former EMT with the FDNY for over 14 years. I
24 was terminated from my position with the New York
25 City Fire Department due to the COVID-19 vaccine

2 mandate after my religious exemption was denied
3 twice.

4 I'm here to voice my opposition to the
5 appointment of Muriel Goode-Trufant as Corporation
6 Council and to urge the City Council to support
7 Resolution 5 to reinstate workers like myself who are
8 fired for refusing the vaccine mandate.

9 As an EMT, I dedicated myself to serving the
10 people of New York City during some of their most
11 vulnerable moments. I worked in person during the
12 pandemic when little was known about the virus.

13 Despite my dedicated service, I and many other
14 city workers were fired simply for exercising our
15 right to our sincerely held religious beliefs and
16 bodily autonomy. The appointment of Ms. Goode-
17 Trufant as Corporation Council is concerning because
18 she has been part of the law department that has
19 actively fought against reinstating workers like
20 myself.

21 Her long tenure in the department suggests that
22 she will continue to defend the city's unjust
23 policies rather than seek to right this wrong. I
24 urge the City Council to reject Ms. Goode-Trufant's
25 nomination and support Resolution 5. This resolution

2 would require the reinstatement of city employees
3 dismissed due to the vaccine mandate. It's a common-
4 sense measure that recognizes the valuable
5 contributions of dedicated public servants who were
6 wrongfully terminated.

7 The current situation makes no sense. While we
8 remain out of work, city positions stand vacant and
9 new hires are not mandated to take the very same
10 vaccines. How can the city justify keeping
11 experienced workers like myself out of our jobs when
12 there's a clear need for our services? Why the
13 double standard with the DCAS waiver? How can the
14 city continue fighting reinstatement after Dr. J.
15 Varma was exposed for having drug-fueled orgies while
16 he was pushing the mayor to kick us out of work?
17 Where is the justice?

18 I am not alone in this fight. Hundreds of city
19 workers across various departments—firefighters, EMS,
20 police officers, teachers, and more—lost their
21 livelihoods over this mandate. Many of us are still
22 struggling financially and emotionally from this
23 unjust termination. By supporting Resolution 5 and
24 opposing Ms. Goode-Trufant's appointment, you have
25 the opportunity to correct a grave injustice and

2 bring valuable, experienced workers back to serve our
3 city.

4 I implore you to do the right thing and stand up
5 for the rights of dedicated public servants who have
6 been wronged by this mandate. Thank you for your
7 time and thank you for your consideration. Thank
8 you.

9 MR. HEADON: My name is Tim Headon. I was a
10 Lieutenant in the FDNY until three years ago when I
11 was placed on leave without pay for not getting the
12 COVID vaccine. I was summarily terminated on July 6,
13 2022, after 22 years of service.

14 That I am here today, still testifying, trying to
15 return to work, is patently absurd. Four and a half
16 years ago, while most of the city in America was shut
17 down and working from home, myself and my FDNY co-
18 workers were out on the streets of New York City,
19 going to emergencies of all kinds, from fires to gas
20 leaks to auto accidents and assisting EMS on calls,
21 many of which were CPR.

22 These close interactions with civilians made it
23 obvious to me that there was no way I had not been
24 exposed to the COVID virus. And therefore, there was
25

2 no logical reason to get a vaccine, especially when a
3 blood test confirmed I had the COVID antibodies.

4 Now, if you remember back then, the scientists
5 were all saying natural immunity didn't exist or
6 wasn't as good as immunity from the vaccine. They
7 have since retracted that assessment.

8 They also said to wear masks, but last year when
9 Canadian wildfires were causing smoke to fill the air
10 in New York, the scientists said the masks didn't
11 work because the smoke particles were too small to be
12 blocked. I'm pretty sure the virus is even smaller.

13 They also told us to keep six feet apart, but
14 have since admitted they just made that up. They
15 told us the vaccine would keep you from getting the
16 COVID and keep you from passing on to others. We now
17 know that is untrue to the point that the scientists
18 and politicians are claiming they never said those
19 things, even though we have it on video.

20 With all that being said, can we finally admit
21 that those of us who didn't get the vaccine are not
22 and were not a danger to our fellow citizens? And
23 that after four years, we've learned many of the
24 things they claimed as science in 2020 and 2021 have
25 been shown to be false.

2 So I ask, why am I still not returned to the
3 career I had? Why did the mayor lift the mandate but
4 refused us to be allowed to go back to work? And if
5 the mayor and others did nothing wrong, why do they
6 insist I sign a waiver of my rights before even being
7 considered eligible to return to work?

8 Mayor Adams, when asked about us returning to
9 work, likes to say it's up to the courts, but the
10 courts have spoken numerous times and have ruled that
11 we were wronged and entitled to return to work. It
12 is the mayor and the Corporation Counsel that
13 continue to defy those judges' orders and appeal
14 those rulings.

15 Last year alone, the city spent \$5 million on
16 lawyers to fight us being returned to work. And while
17 \$5 million may not be a lot of money in the overall
18 budget, I am positive that money could be better
19 spent on more important items. In fact, returning all
20 of us to work with back pay and back time would have
21 cost a lot less than \$5 million and would have made a
22 lot more sense.

23 The courts across the country are ruling for the
24 workers. In fact, last month in super-liberal San
25 Francisco, workers were returned to work and granted

2 damages. It is time, Noah's pastime, for the
3 Corporation Counsel to see the damage they continue
4 to inflict and stop delaying the inevitable and end
5 its blockade of the good employees of this city being
6 allowed to return to the jobs they love and have done
7 for years, in many cases like mine, decades. Thank
8 you.

9 CHAIRPERSON POWERS: Thank you. Do you have any
10 questions? Yup? Councilmember Ariola.

11 COUNCILMEMBER ARIOLA: I would just like to say
12 to my colleagues, after the testimony that we've
13 heard today from Ms. Trufant, as well as these two
14 who are living the nightmare of not being able to get
15 to work, that we understand the importance of
16 supporting Res. 05 that would allow the state then to
17 make the decision for these men and women to get back
18 to work, our first responders, who were out there
19 during COVID risking their lives. Thank you.

20 CHAIRPERSON POWERS: Thank you, Councilmember.
21 Any other questions, comments?

22 Thank you, gentlemen, for being here with us
23 today. Thanks so much.

24 I'm going to call up our next panel. We have
25 Raul Rivera and Christopher Leon Johnson.

2 MR. JOHNSON: Can I go?

3 CHAIRPERSON POWERS: Go.

4 MR. JOHNSON: What's up, Cal? Ms. Powers, Mr.
5 Chair Powers. My name is Christopher Leon Johnson.
6 I want to, first off, disclose the record I'm in my
7 personal capacity, so I'm not in my press capacity.

8 Look, let's keep this real, right? This hearing
9 is nothing but bureaucratic reasons. She's going to
10 be approved by the city council. I don't know why
11 y'all waste y'all time doing this. If the mayor
12 nominated her to be reappointed as the chair, be
13 reappointed as Corporation Counsel, it's going to go
14 through. We need to keep it real about the people
15 that's fighting against this, fight against this lady
16 being reappointed.

17 Look, people got to understand that the reason
18 these firefighters can't be reappointed, can't be
19 rehired because of the past mayor, de Blasio, and
20 that's the reason why. This mayor just doing
21 whatever de Blasio tell him to do. People need to
22 start really getting at de Blasio a little more
23 because he's the one that started all of this.

24 Eric is just continuing what the past mayor is
25 doing and the past administration is doing. The

2 reason they don't want to hire these people back is
3 because of the money. It's all about the money.

4 They don't want to give back pay. The only way
5 these guys get their jobs back is if they forfeit the
6 back pay. That's what all this is about.

7 Like I said, this is going to go through. We all
8 know this is going to go through. This is nothing
9 but the bureaucratic reasons that she had to go
10 through all this stuff like that.

11 We all know she's going to be approved. This is
12 what the mayor wants. Look, here's the thing, all
13 right?

14 I'm not here to try to stop anybody from getting
15 a job here in the mayor administration, but people
16 need to be transparent about the people that's
17 fighting against this lady, like Teachers for Choice.
18 They're backed by Mark Gorton. Mark Gorton is the
19 same guy that's pushing for the City of Yes.

20 Mark Gorton funds Robert Kennedy, which in turn
21 funds Children's Health Defense, and in turn funds
22 Teachers for Choice. They need to be more
23 transparent. Y'all want to call out Ms. Muriel for
24 being unethical, but you guys need to start calling
25 on yourselves for being unethical, too.

2 Y'all get money from the same guy that's selling
3 on our city with these bike lanes and these bus lanes
4 and these City of Yes crap and congestion pricing.
5 Won't you guys start coming out and advocate against
6 any of these appointments from the transportation
7 committee that's pushing the City of Yes and open
8 streets and all this stuff like that instead of you
9 calling out for vaccine mandates? Look, the vaccine
10 mandates are done in the city of New York. They're
11 done. The vaccine mandates are done here. It's
12 done. You can get a job without no vaccine.

13 Look, if you guys want your jobs back, I
14 understand you want your job back, but the reality
15 is, look, you guys got to forfeit your back pay.
16 That's the only reason why they will not rehire you
17 guys because of your back pay reason. They don't
18 want to pay millions of dollars in back pay.

19 That's the truth. So that's all you got. That's
20 why I'm going to say, look, I understand you got your
21 jobs back, but you got to forfeit the back pay.

22 [BELL RINGS]

23 Thank you.

24 CHAIRPERSON POWERS: Thank you.

2 MR. RIVERA: Good afternoon. My name is Raul
3 Rivera. I'm a TLC driver and a TLC driver advocate.
4 I'm a native New Yorker. I am unvaccinated, and we
5 haven't written anything down, but, you know,
6 advocating for seven years in this city, fighting for
7 our rights, you do learn a few things, and we learn
8 that we're losing our rights. A lot of the
9 Councilmembers are cherry picking on what they
10 support, what they don't support. You know, you
11 should, all of you, there should be no question.

12 All of you should stand on your own two feet and
13 support these workers that are losing their jobs.
14 You should listen to when people are testifying and
15 put your phones down. That helps too.

16 I don't know if you're hearing me, but we take
17 the videos and we share, we share this because I
18 don't think you Councilmembers are listening to us.
19 Again, I am unvaccinated. This vaccine mandate was
20 not a law. People hear the word mandate. I don't
21 know why they think that's a law. It's not a law.

22 You, Mr. Powers, you don't even know how to vet
23 your own committee. We have Salamanca on your
24 committee, and his wife received a job from the
25 mayor, a cushy job in the Bronx, and we spoke to you

2 about it, yeah? All you do is you stay there quiet.
3 You give us that dumb look. You have no--

4 CHAIRPERSON POWERS: [TO SERGEANT AT ARMS] Can
5 throw him out of the chamber? Thank you.

6 MR. RIVERA: You have no right for the New
7 Yorkers. No respect.

8 CHAIRPERSON POWERS: Thank you, sir. Thank you.
9 I want to remind everyone of their responsibility to
10 be respectful within the chamber, and when you
11 testify, to be respectful towards members of the
12 public and members of this body as well.

13 Do we have anybody else signed up here to
14 testify? We'll check on Zoom as well. Nobody?
15 Okay. Seeing no, so no one else signed up to
16 testify.

17 The public hearing on this nomination is now
18 closed, and that concludes today's business.

19 I want to thank again the nominee and the member
20 of the public, my colleagues on the committee,
21 committee counsel, staff, and Sergeant at Arms. The
22 meeting here is thereby adjourned.

23 [GAVEL]

24

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 24, 2024