

JUDICIAL DISPATCH



A publication of the Judicial Section of the New York State Bar Association

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PRESIDING MEMBER'S MESSAGE



Hon. Barbara R. Kapnick

I am very honored to have become the Presiding Member of the Judicial Section on June 1, 2020. Of course, this has happened at a bizarre and unprecedented time – in the midst of a worldwide pandemic caused by the COVID-19 virus. Who could have ever imagined that we would all have spent the last several months essentially quarantined at home doing our best to adjust to working virtually from home on Skype, without the assistance of our staff or the camaraderie we are used to sharing with our judicial and non-judicial colleagues and the lawyers and litigants who appear before us.

And then in the midst of the pandemic, our world was shaken again by the tragic and senseless killing of George Floyd in Minneapolis, setting off a wave of national and international protests, rekindling long-standing anger and outrage over the systematic discrimination and racial inequality in our legal system and beyond. In response to these events, and in an attempt to further the court system's commitment to the core values of equal and just treatment under the law, Chief Judge Janet DiFiore announced the formation of an independent review of our court's responses to issues of institutional racism, to be conducted by Jeh Johnson, who served as U.S. Secretary of Homeland Security and General Counsel for the Department of Defense in the Obama administration, and who currently is a partner at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison, LLP in New York City. Mr. Johnson will be assisted in this evaluative process by our good friends and colleagues – Hon. Troy K. Webber, Associate Justice of the Appellate Division, First Department, and Hon. Shirley Troutman, Associate Justice of the Appellate Division, Fourth Department – who are the co-chairs of the court system's Franklin H. Williams Judicial Commission, one of the nation's first organizations dedicated to promoting racial and ethnic fairness in the courts, and of which both I, and our Section Secretary Hon. Joanne Quiñones, are members.

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*If you're lookin' for hope tonight, raise your hand
If you feelin' alone and don't understand
If you're fightin' in the fight of your life, then stand
We're gonna make it through this hand-in-hand
And if we fall, we will fall together
Oh, and when we rise, we will rise together
Together we are dangerous
Together with our differences
Together we are bolder, braver, stronger*

For King and Country (feat. Kirk Franklin and Tori Kelly) – "Together"
https://www.youtube.com/watch?v=IR1Hk0FVi_k



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The *Judicial Dispatch* is your newsletter. To receive future complimentary paper editions, you must be a member of NYSBA's Judicial Section.

I welcome submissions on topics of interest to the members of our Section. If you have an article or announcement you would like considered for publication, please send it to me in electronic format.

The views expressed in articles in this newsletter are not necessarily the views of NYSBA, the Judicial Section, or its Officers.

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As Chief Judge DiFiore stated in her press release on June 9, 2020:

“The death of George Floyd, and the issues it has brought into harsh focus, are a painful reminder of the repeated injustices and institutional racism that have long undermined the values and unity of our nation. The court system’s commitment to these values is especially vital. Their preservation is a cornerstone of the rule of law, the subject of sacred oaths taken by all judges and lawyers, and the daily endeavors of the thousands of court employees around the State who work tirelessly to advance the cause of justice.”

In addition, the New York State Bar Association has created a Task Force on Racial Injustice and Police Reform to analyze the criminal justice system and to provide policymakers, as well as the judiciary and law enforcement, with recommendations for ending policing practices that disproportionately affect people of color. The Task Force will be co-chaired by NYSBA President-Elect T. Andrew Brown, and Taa Grays, Vice President and Associate General Counsel of Information Governance at MetLife.

We hope the work of these groups will help our courts, and the legal community as a whole, address issues of systematic and implicit bias within our court system and our legal world.

Going back to the virtual world we are all living in now, in the same way that NYSBA conducted its first ever installation and House of Delegates Meetings on Zoom, our very own Judicial Section, which includes our officers, former Presiding Members and the Council of Judicial Associations, consisting of the presidents of all the judicial associations throughout the state, conducted its very first virtual Council meeting on July 1, 2020. We had an excellent turnout, and were pleased to welcome NYSBA President, Scott M. Karson, to give welcoming remarks, during which he commended the judiciary for our actions in keeping the courts running during the pandemic and recognized the court system as a whole for its “great leadership which required unprecedented adjustments.”

Our guest speaker was Hon. Lawrence K. Marks, Chief Administrative Judge of the New York State Courts, who focused on the extraordinary effect the pandemic has had on our court operations, the devastating impact it has had on the budget and the upheaval resulting from the death of George Floyd. Judge Marks answered many questions from our Council’s members about the status of trials and technology in our courts, and what the future of our court system may look like.

It is hard to know what the next months will bring, but we hope to continue to accomplish the important work that we do – in person, the pandemic permitting - or if not, then working as successfully virtually as we all have done so far.

I want to take this opportunity to thank our immediate past Presiding Member, Hon. James P. Murphy, Administrative Judge of the Fifth Judicial District, for his excellent efforts in instituting new programs during his tenure as Presiding Member, increasing section membership, shepherding us through the adoption of new section By-Laws and running an excellent Section Luncheon in January 2020, held in conjunction with the NYSBA Annual Meeting at the NY Hilton in Manhattan. At the luncheon, we honored Chief Judge Janet DiFiore with our Distinguished Jurist Award, Hon. Rosalyn H. Richter of the Appellate Division, First Department with our Section’s Advancement of Diversity Award, and heard an inspiring keynote address from Craig M. Boise, Dean and Professor of Law at Syracuse University College of Law, who gave what turned out to be a most timely presentation on the Future of Legal Education.

This year, we hope to keep the Judicial Section involved in commenting on the reports of the various NYSBA sections, especially those which involve our day to day work. We already have added our support to the Report of the Commercial and Federal Litigation Section’s 2020 Women’s Initiative Task Force, and our support was specifically acknowledged by the Hon. Shira Scheindlin, former judge of the SDNY, in the course of her presentation of the Report at the House of Delegates Meeting on June 13, 2020. In addition, the Housing Court Judges Association recently submitted its comments and suggestions to the Report of the Housing Working Group of the COVID-19 Recovery Task Force, which we have forward to the NYSBA Executive Committee.

We think it is very important, particularly at this challenging time, for the Judicial Section to continue to weigh in on the reports emanating from the various NYSBA sections, since so many of them involve the crucial work we are involved in. We will strive to keep you all informed of the reports as they become available.

I look forward to working with our Section’s very dedicated officers – Hon. Denise A. Hartman, Assistant Presiding Member, Hon. Joanne D. Quiñones, Secretary, and Hon. Gregory Gilbert, Treasurer – and also would like to thank our Staff Attorney Kirsten Downer, who has been of invaluable assistance to me, and to Justice Murphy, in preparing our meetings and events over the past year, her first year as our NYSBA liaison.

I sincerely hope that we will be able to meet again in person at events as the year progresses, so we can socialize with each other as we have so enjoyed doing in the past. Until then, we will continue to work together virtually to promote the goals of justice and equality in our court system. Please don’t hesitate to contact any of the Officers if we can be of any assistance to you.

Stay safe and healthy!

Fondly,
Hon. Barbara R. Kapnick
Presiding Member

2020 ANNUAL LUNCHEON AND AWARD CEREMONY

The Judicial Section Luncheon was held on Friday, January 31, 2020 during the NYSBA's Annual Meeting at the New York Hilton. Over 140 people attended the event at which our officers were elected and sworn in, the Section's Distinguished Jurist Award was given to Chief Judge Janet DiFiore, and the Hon. Rosalyn Richter received the Section's Advancement of Diversity Award. In what some might view as an eerie premonition, Guest Speaker Craig M. Boise, Dean and Professor of Law at Syracuse University College of Law, spoke about virtual education.



Welcome by Hon. James Murphy, 2019-20 Presiding Member of the Judicial Section



Remarks by Chief Judge Janet DiFiore



Hon. Barbara Kapnick presenting the Judicial Section's Advancement of Diversity Award to Hon. Rosalyn Richter



Remarks by Hon. Rosalyn Richter



Hon. James Murphy presenting the Judicial Section's Distinguished Jurist Award to Chief Judge DiFiore



Remarks by Hank Greenberg, Esq. 2019-2020 NYSBA President

2020 ANNUAL LUNCHEON AND AWARD CEREMONY



Chief Judge Janet DiFiore sharing her phone screen with Hon. Paul Feinman



Remarks by Craig M. Boise, Dean and Professor of Law at Syracuse University College of Law



Judicial Section Luncheon dais, from L to R: Craig M. Boise, Esq., Hon. James Murphy, Hon. Rosalyn Richter, Chief Judge Janet DiFiore, Hon. Barbara Kapnick, Hank Greenberg, Esq.

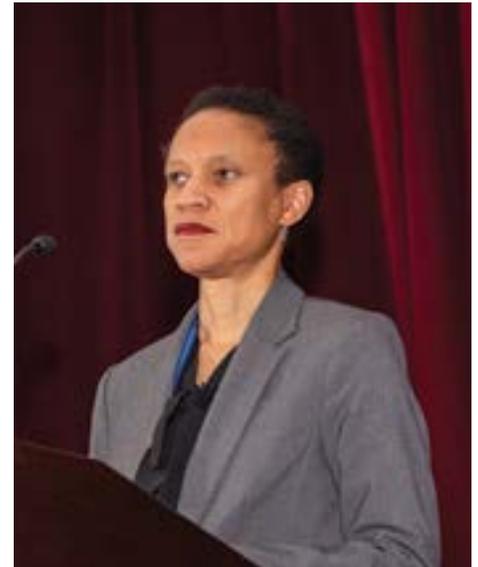


Judicial Section 2020 Annual Luncheon Meeting



Judicial Section 2020 Annual Luncheon Meeting

2020 ANNUAL LUNCHEON AND AWARD CEREMONY



Kirsten Downer, Esq., Liaison to NYSBA Judicial Section

Swearing in officers of the Judicial Section. From L to R: Chief Judge Janet DiFiore, Hon. Barbara Kapnick (Presiding Member), Hon. Denise Hartman (Assistant Presiding Member), Hon. Joanne Quiñones (Secretary), Hon. Gregory Gilbert (Treasurer)



Hon. Elizabeth Garry conferring with Hon. Leslie Stein and Leslie's husband, Mark Sonders, Esq.



Hon. James Murphy welcoming Keynote Speaker, Craig M. Boise, Dean and Professor of Law at Syracuse University College of Law



Hon. Rosalyn Richter's table. From L to R sitting: Susan Richter, Hon. Betty Weinberg Ellerin, Hon. Rosalyn Richter, Hon. Angela Mazzarelli, Hon. Rolando Acosta. From L to R standing: Claire Gutekunst, Esq. former NYSBA President, Hon. Barbara Kapnick, Hon. Matthew Cooper, Hon. Saliann Scarpulla, Hon. Helen Freedman (ret.), Hon. Bernice Siegal, Hon. Marguerite Grays, Hon. Karla Moskowitz (back facing camera)

JUDGE J. MACHELLE SWEETING - THE LEGACY OF JUDGE JANE BOLIN CONTINUES

By: J. L. Gary, Jr. (abridged)

July 22, 2019 marked the 80th anniversary of Judge Bolin's appointment as a Judge to the Domestic Relations Court – now named the Family Court – by Mayor Fiorello LaGuardia in 1939. The appointment made Bolin the first African American female Judge in the United States. Judge Bolin was a woman of many firsts: she was the first black woman graduate of Yale Law School, the first to join the New York City Bar Association, and the first to join the New York City Law Department as an Assistant Corporation Counsel.

Judge Bolin served with distinction in the New York County Family Court for 40 years. Following in Judge Jane Bolin's footsteps, Judge J. Machellesweeting is currently the only African American woman jurist presiding in the New York County Family Court. In addition to their shared passion for law and justice, these two women share many additional parallels. In 1936, Bolin served as an Assistant Corporation Counsel for the New York City Law Department. Similarly, Sweeting began her legal career in the New York City corporation counsel's office, in 1997, where she was one of the founding attorneys of the Special Federal Litigation Division.

Prior to her ascension to the bench, Judge Bolin ran for the elected office of Assemblyperson in the 19th Assembly District in New York. Although she did not win, her candidacy paved the way for creation of the 10th Municipal Court District in Harlem. This opened the door for the future election and appointment of African Americans in the historic 10th Municipal Court District, including Judge Bolin in 1939 and Judge Sweeting in 2014.

Bolin and Sweeting had similar undergraduate experiences. Bolin, who attended Wellesley College in Wellesley, Massachusetts, credited the institution for providing an excellent education, but as one of only a few African American students, she often felt socially isolated. Sweeting, who was one of only 15 African American students in her freshman class at Davidson College in North Carolina, expressed similar sentiments about her undergraduate experience. Sweeting's feelings of isolation were further magnified by the fact that she was one of only two students from an urban city in the Northeast. Notwithstanding the tremendous social challenges they faced, both women highly regard

the quality of the education they received and credit their undergraduate experience for their "lifelong interest in the social problems, poverty and racial discrimination rampant in our country."

Both women loved to read and grew up in what Bolin described as "racially conscious households [whose] main interest has always been the uplift of our race." The lives of both women reflect a genuine passion, innate desire, and unbridled commitment to equality and social justice. To that end, both Judge Bolin and Judge Sweeting were active in the NAACP and served as 2nd Vice President for the NAACP's New York Branch.

Even more importantly, both women are sculpted by the same judicial philosophy, believing in "individualized justice," and believing that children should not be judged and tried as adults. Judge Bolin would have embraced New York State's new "Raise the Age" law as she publicly denounced the 1978 New York Juvenile Offender Act, which permitted children as young as thirteen to be tried publicly for felonies and as adults in Supreme Court.

Like Bolin, Judge Sweeting remains clothed in humility. She has put aside personal ambition to hold higher judicial office in response to a higher and more important calling, which is to remain steadfast in her commitment to improving the court system, especially as it relates to ensuring that families and children are given access to justice. Recently, Judge Sweeting was invited to Yale Law School by the Historical Society of the New York Courts and the Yale Black Law Students Association to speak at a ceremony commemorating the life and legacy of Jane Bolin. As she walked around the pristine grounds of Yale University, Judge Sweeting could not help but reflect and give homage to Judge Jane Bolin, who set the standard of excellence that made it possible for Sweeting to rise from the housing projects in Harlem, to her current judicial position.

For more information about the life and legacy of Jane Bolin, read: "Daughter of the Empire State" by Jacqueline A. McLeod.



Hon. Jane Bolin

Hon. J. Machellesweeting



GIRLS AND GIRLS OF COLOR IN THE CRIMINAL JUSTICE SYSTEM

By: Hon. Rachel Kretser (Ret.), Chair, 3rd Judicial District Gender Fairness Committee

In 1980, girls constituted approximately 11 percent of children in the juvenile justice system. Four decades later, in 2020, that percentage has tripled. Girls now account for almost one third of all juvenile arrests in the United States. Equally significant is the fact that girls of color are 2.7 times more likely than their white counterparts to be referred to the juvenile justice system and 1.2 times more likely to be detained than white girls. Those startling statistics prompted the OCA 3rd Judicial District Gender Fairness Committee and its primary co-sponsor, the Permanent Commission on Justice For Children, to produce a program entitled, "Girls and Girls of Color in the Criminal Justice System," which examines racial and gender disparities in the juvenile justice system and explores possible solutions.

On June 16, more than 300 judges and lawyers participated in a virtual CLE co-sponsored by Albany Law School, Albany County Bar Association, National Association of Women Judges, Women's Bar Association of the State of New York, Legal Project, National Conference of State Trial Judges, Women in the Law Section of NYSBA, the Center for Women in Government and the Capital District Women's Bar.

Panelists included Hon. Karen K. Peters, former Presiding Justice of the Third Department, Appellate Division and Chair of the Commission on Justice for Children; 9th Judicial District Administrative Judge Hon. Kathie

E. Davidson; Supreme Court Justice Hon. Lisa Fisher; NYU professor Dr. Shabnam Javdani and doctoral fellow McKenzie Berizin.

The program could not have been more timely. Recent events require us to face the harsh reality that we still do not live in an equitable world. There is a heightened awareness of the need to address racial injustice and gender inequality in all forms.

After an in-depth discussion of the problem, the program presented possible solutions, including an innovative approach utilized by a specialty court in Westchester known as the GRIP (Gender Responsive Initiatives and Partnerships) Court. There, sensitized judges assigned to the court take a holistic approach to these cases by including all the various stakeholders—the presentment agency, the probation department, the attorney for the child and social workers—to attempt to understand each girl's unique background and experiences with the goal of collaboratively determining the best form of intervention for that particular child. Although the specialty court has been in existence slightly less than a year, it is already showing promising results. The girls are learning to trust members of the team assigned to their case and to understand that everyone involved wants them to succeed.

Some participants in the CLE program expressed an interest in replicating the GRIP court in their regions and there was a sense



Hon. Rachel Kretser

of optimism that we are on the road to a better understanding of positive interventions that can address the disparities in justice experienced by girls and girls of color in the juvenile justice system. The program was recorded and is available on YouTube at <https://youtu.be/OWLJUoU2o5s>.



From L to R:
 Top row - Hon. Rachel Kretser, Hon. Karen Peters, Hon. Lisa Fisher
 Bottom row - Hon. Kathie Davidson, Kristin Conklin, Executive Director of Commission on Justice for Children, Prof. Shabnam Javdani

SECTION AND MEMBER ASSOCIATIONS AT WORK

LATINO JUDGES ASSOCIATION

2019 Judicial Seminars



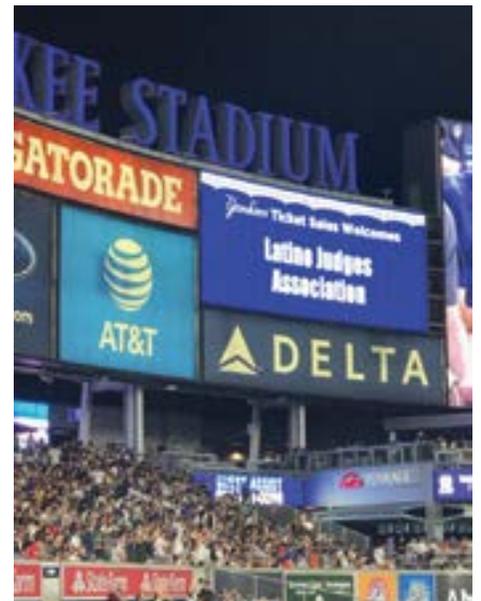
Members of the Latino Judges Association and Dean Juanita Bing Newton at the first week of the 2019 Judicial Seminars, Doral Arrowwood, Ryebrook, NY.

Outing to Yankee Stadium

Approximately 40 LJA members and their guests, donned in Yankee shirts and baseball caps, attended the Yankees vs Orioles game on August 13 at Yankee Stadium in the Bronx. The event was organized by LJA Vice President Hon. Walter Rivera (Court of Claims, Westchester County) and LJA Immediate Past President Hon. Joanne D. Quiñones (Supreme Court, Kings County).



L to R: Hon. Mary Ann Brigantti (Bronx Civil Supreme); Hon. Joanne D. Quiñones (Brooklyn Criminal Supreme); Hon. Llinet Rosado (Bronx Civil Supreme)



The scoreboard welcoming the Latino Judges Association

SECTION AND MEMBER ASSOCIATIONS AT WORK



Latino Judges Association members and their families

Hon. Llinet Rosado (Bronx Civil Supreme); Hon. Lizbeth Gonzalez (Appellate Division, 1st Department),

Hon. Joanne D. Quiñones (Brooklyn Criminal Supreme); Hon. Wilma Guzman (Bronx Civil Supreme)



Latino Judges Association members and their families

NYSBA Judicial Section Luncheon



Members of the Latino Judges Association enjoying lunch at the January 31, 2020 Judicial Section Luncheon

SECTION AND MEMBER ASSOCIATIONS AT WORK

The Dominican Bar Association

On Tuesday, September 24, 2019, members of the Latino Judges Association attended the annual gala of the Dominican Bar Association at which Hon. Faviola Soto of the Court of Claims was honored as a Quisqueyana Trailblazer. The event was held at Battery Gardens in Lower Manhattan.



Pictured from L to R: Hon. Bianka Perez; Hon. Maria Arias; Hon. Walter Rivera; Hon. Lourdes Ventura; Hon. Rolando Acosta; Hon. Alicea Elloras; Hon. Enedina Pilar Sanchez; Hon. Mary Ann Briganti; Hon. Fidel Gomez; Hon. Faviola Soto (DBA Honoree); Hon. Patria Frias-Colon; Hon. Sallie Manzanet-Daniels (LJA President); Hon. Joanne D. Quiñones; Hon. Wilma Guzman; Hon. Javier E. Vargas; Hon. Llinet Rosado; Hon. Angela Badamo

ASIAN AMERICAN JUDGES ASSOCIATION OF NEW YORK, THE JUDICIAL FRIENDS AND THE LATINO JUDGES ASSOCIATION

On Tuesday, March 3, 2020, members of the Asian American Judges Association of New York, the Judicial Friends and the Latino Judges Association gathered together at M1-5 in Tribeca for a joint judicial mixer. The idea for the event was conceived by Hon. Lillian Wan, President of the Asian American Judges Association. Justice Sallie Manzanet-Daniels, President of the Latino Judges Association, gave welcoming remarks to the group of approximately 50 judges. Brief remarks also were given by Justice Wan and Justice Verna Saunders, Vice President of The Judicial Friends.



Members of the Asian American Judges Association of New York, the Judicial Friends and the Latino Judges Association gather together for a joint judicial mixer just two weeks before our courts went into reduced operations



From L to R: Hon. Verna Saunders, Vice President of the Judicial Friends, Hon. Sallie Manzanet-Daniels, President of the Latino Judges Association; Hon. Lillian Wan, President of the Asian American Judges Association of New York

SECTION AND MEMBER ASSOCIATIONS AT WORK



Members of the Judicial Friends from L to R: Hon. Eddie J. McShan, Hon. Dakota Ramseur, Hon. Claudia Daniels-Depeyster, Hon. Joanne D. Quiñones, Hon. Patsy Gouldborne, Hon. Verna Saunders, Hon. Abena Darkeh, Hon. Debra James, Hon. Dweynie Paul, Hon. Robert R. Reed

Members of the Asian American Judges Association from L to R: Hon. Donald Leo, Hon. Richard Tsai, Hon. Karen Gopee, Hon. Shah Ally, Hon. Karen Bacdayan, Hon. Shorab Ibrahim, Hon. Wendy Li, Hon. Grace Park, Hon. Lillian Wan, Hon. Ushir Pandit-Durant, Hon. Margaret Chan, Hon. Phyllis Chu, Hon. Dean Kusakabe



Members of the Latino Judges Association from L to R: Hon. Javier E. Vargas, Hon. Sergio Jimenez, Hon. Shah Ally, Hon. Bianka Perez, Hon. Sallie Manzanet-Daniels, Hon. Joanne D. Quiñones, Hon. Patsy Gouldborne, Hon. Patria Frias-Colón, Hon. Bryant Tovar

SECTION AND MEMBER ASSOCIATIONS AT WORK

ASSOCIATION OF JUSTICES OF THE SUPREME COURT OF THE STATE OF NEW YORK

Annual Meeting of the Association of Justices of the Supreme Court of the State of New York, Mohonk Mountain House, New Paltz, New York, September 15-18, 2019

Though its history has yet to be written, the Association of Justices of the Supreme Court Justices of the State of New York (AJSCSNY), carrying a motto of “An Independent Elected Judiciary Counts” was founded a little more than half a century ago. In 1978, the New York State Legislature enacted Judiciary Law § 217, which mandates the establishment of a judicial association for each of the courts of the unified court system and requires that each such association “hold at least one annual meeting, at which its members shall elect officers, confer on matters of mutual interest and conduct such other business relating to the performance of their judicial functions as they deem appropriate.”

Over the years, AJSCSNY has convened its annual meeting in different parts of the Empire State: from the northwest region of Niagara, Warren, and Onondaga Counties to the northeast reaches of Essex and Saratoga Counties. In 2019, AJSCSNY members, returning to Ulster County, held their meeting and conference at the Mohonk Mountain House, New Paltz, a national historic landmark that was celebrating its own sesquicentennial anniversary. With approximately 125 conveners from throughout New York State, the AJSCSNY held its executive committee and members meetings, where the important business of the association was discussed. Members also attended a wide array of accredited continuing judicial education/continuing legal education seminars, such as CPLR, Criminal Law and Court of Appeals Updates, Judicial Ethics, Mental Health and the Courtroom, and “How to Avoid Reversal”. In between the official business and CJE/CLE, the conveners took to the great outdoors, hiking a few of the 40,000 acres of forest and wildlife on the mountain, competing in some sports activities, and enjoying post dinner dancing to the live music of a talented recording vocalist and his group of professional musicians. With the conclusion of a successful annual meeting and conference, Supreme Court justices returned rejuvenated to their respective courthouses.



Kneeling from L to R: Hon. Marsha Michael, Hon. Deborah Karalunas, Hon. Pamela Fisher, Stewart McCollum (husband to Hon. Mary Farley), Hon. John Colangelo. Standing from L to R: Hon. Francesca Connolly, Alan Klinger, Esq., Dina Kolker, Esq., Hon. Bernice Siegal, Hon. Dianne Renwick, Hon. Ellen Gesmer, Hon. Debra James, Hon. Peter Moulton, Hon. Joan Lefkowitz, Hon. Linda Christopher, Adam Peel (husband to Hon. Linda Christopher).



Enjoying the view after a great hike:
L to R: Hon. Deborah Karalunas and Hon. Saliann Scarpulla



From L to R: Hon. John Colangelo, Hon. Francesca Connolly, Adam Peel (husband to Hon. Linda Christopher), Hon. Ellen Gesmer, Hon. Pamela Fisher, Alan Klinger, Esq., Dina Kolker, Esq., Hon. Marsha Michael, Hon. Joan Lefkowitz, Hon. Linda Christopher, Hon. Bernice Siegal, Hon. Dianne Renwick, Hon. Peter Moulton, Hon. Debra James, Hon. Deborah Karalunas, Stewart McCollum (husband to Hon. Mary Farley)

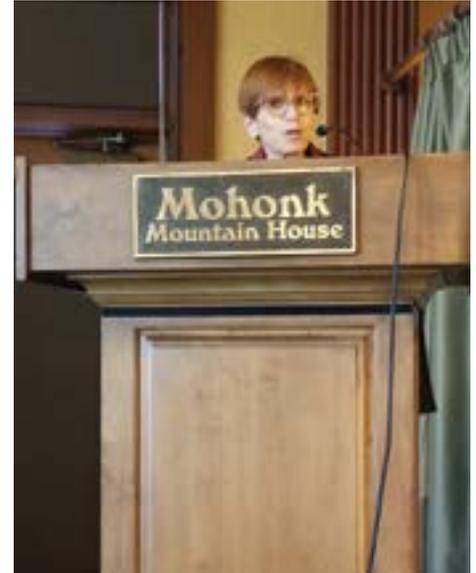


Say “hi” to Evie Haller, Deb’s mom, who has a lifetime appointment to sell merchandise at AJSCNY conferences

SECTION AND MEMBER ASSOCIATIONS AT WORK



Listening attentively to Burt Lipshie's Civil Update CLE



Hon. Marsha Steinhardt giving the nominations report



Alan Klinger, Esq. updating AJSCNY members



L to R: Our officers: Hon. Barbara Kapnick, Hon. Francesca Connolly, Hon. John Colangelo, Hon. Carmen Valasquez, Hon. Charles Merrell. Not pictured, then President Hon. Debra James



L to R: Our officers: Hon Barbara Kapnick, Hon. Francesca Connolly, Hon. John Colangelo, Hon. Carmen Valasquez, Hon. Charles Merrell, Hon. Debra James

SECTION AND MEMBER ASSOCIATIONS AT WORK



Morning hike. L to R: Hon. Linda Christopher, Alan Klinger, Esq., Hon. Saliann Scarpulla, Hon. Francesca Connolly, Hon. Barbara Kapnick, Hon. Deborah Karalunas, Hon. Linda Jamieson, Hon. Sandra Scortino



During an Appellate Division CLE, sharing their wisdom on how not to get reversed from L to R: Hon. Phillip Rumsey, Hon. Joanne Winslow, Hon. Elizabeth Garry, Hon. Leonard Austin, Hon. Jeffrey Cohen, Hon. Barbara Kapnick, Hon. Judith Gische



A great group of wise jurists!

Membership in the Judicial Section

I invite you to join NYSBA and OUR Judicial Section. United as one body, we strive to promote, insure and deliver justice. We work hard to make membership in the Judicial Section valuable and rewarding. So please join the more than 300 judges at all levels of the state and federal judiciary who already enjoy the many privileges afforded by their affiliation with NYSBA and the Judicial Section.

NYSBA provides a wide array of programs and services to keep attorneys and judges well informed and connected. The Judicial Section addresses issues unique to the duties, responsibilities and welfare of the judiciary. Our Section also provides a forum for representatives of the Council of Judicial Associations to address issues important to the Judiciary including legislation and court procedure. Among the other benefits of membership in our Section are:

- three free online CLE educational programs
- free access to CasePrepPlus's entire library of advance sheets, as well as unlimited access to all archives
- a discount to attend the Judicial Section Annual Meeting luncheon
- a complimentary copy of the *Judicial Dispatch*, the only newsletter in New York State written by judges for judges
- unparalleled camaraderie among our State's guardians of the law

If you have any questions, please contact our Member Resource Center at (800) 582-2452.

Membership in the Judicial Section is only \$25.00. Section membership dues can be paid online at nysba.org. or by mail to NYSBA, Attention State Bar Service Center, One Elk Street, Albany, NY 12207. Join now!

SECTION AND MEMBER ASSOCIATIONS AT WORK

NATIONAL ASSOCIATION OF WOMEN JUDGES – NEW YORK CHAPTER

On September 10, 2019, the New York Chapter of the National Association of Women Judges (NAWJ-NY), led by its President, Hon. Marguerite Grays, Deputy Administrative Judge, Civil Term – 11th Judicial District, held its annual dinner at Manhattan Manor in New York City. The evening's honorees were: Hon. Deborah Kaplan, Administrative Judge, 1st Judicial District; Hon. Kathie Davidson, Administrative Judge, 9th Judicial District; Hon. Doris Gonzalez, Administrative Judge, 12th Judicial District and retiring Associate Justice of the Appellate Division, First Department, Hon. Marcy Kahn. Also present at the dinner was Attorney General Letitia James, who gave welcoming remarks.



Brooklyn Judges at NAWJ-NY Dinner: Hon. Joanne D. Quiñones; Hon. Lizette Colon; Hon. Joy Campanelli; Hon. Robin Sheares; Hon. Marguerite Grays (NAWJ-NY President); Hon. Betty J. Williams (ret.); Hon. Cenceria Edwards; Hon. Rosemarie Montalbano; Hon. Cheryl Gonzales; and Hon. E. Niki Warin. Photo: Brooklyn Eagle/Caroline Ourso



Attorney General Letitia James gives welcoming remarks Photo: Brooklyn Eagle/Caroline Ourso



Hon. Marcy Kahn, Associate Justice, AD1 gives brief remarks after being presented with a Tiffany's crystal vase. Photo: Brooklyn Eagle/Caroline Ourso



Hon. Kathie Davidson, Administrative Judge, 9th JD; Hon. Doris Gonzalez, Administrative Judge, 12th JD; Hon. Marguerite Grays, NAWJ-NY President & Deputy Administrative Judge, 11th JD; Hon. Marcy Kahn, Associate Justice, AD1; Hon. Deborah Kaplan, Administrative Judge, 1st JD; and Hon. Joanne D. Quiñones, NAWJ-NY Treasurer. Photo: Brooklyn Eagle/Caroline Ourso



Hon. Joanne Quiñones, NAWJ-NY Treasurer, presents an award to Hon. Deborah Kaplan, Administrative Judge, 1st JD. Photo: Brooklyn Eagle/Caroline Ourso

MUSINGS FROM THE PANDEMIC

In the early days of the COVID-19 pandemic, courts were open, i.e., judges were working - albeit remotely. However, with the absence of trials and new filings, many judges found their workloads diminished. To fill their days, some judges became creative, and many increased their volunteerism, of course, consistent with judicial ethics and COVID-19 safe practices.

One Supreme Court Justice, Hon. Emilio Colaiacovo from the 8th Judicial District, took to song writing about COVID-19 and OCA restrictions and regulations. His songs are certain to brighten your day and keep you chuckling! The youtube link to Justice Colaiacovo's first song, Country Roads, is https://youtu.be/_wngYCUvjXo.

Justice Colaiacovo's second song, to the tunes of Margaritaville and I Will Survive, is my personal favorite. It can be found at: <https://youtu.be/2mbg1XycM10>. Finally, Justice Colaiacovo third song, "You'll be Back," inspired by Broadway's hit show Hamilton can be found at <https://youtu.be/BEZxolW6nfo>.

Watching Emilio, a talented pianist and singer, perform live is definitely the way to go, but until then, enjoy his words:

Country Roads

Six weeks and going, coronavirus
Wearing face masks, virtual court chambers
Life is boring, worse than special term
Way too many emails, things will get ad-
journed

COVID virus, go away
I can't take it, not another day
Essential Matters
Skype and Zoom,
COVID virus, go away

Two sets of sweatpants, are what I wear
Crazy hairdos, stranger to my shower
Fighting children, for what I have no clue
My stocks have tumbled, what am I to do

COVID virus, go away
I can't take it, not another day
Essential Matters
Skype and Zoom,
COVID virus, go away
I get the morning emails about new technol-
ogy
VPN ain't working and my wi-fi's down today
But, watching Fox and Fake News again I get
a feeling
That its Groundhog Day...Groundhog Day

COVID virus, go away
I can't take it, not another day
Essential Matters
Skype and Zoom,
COVID virus, go away

COVID virus, go away
I can't take it, not another day
Essential Matters
Skype and Zoom,
COVID virus, go away

Quarantinaville & I Will Survive

Eating some Cheesecake
A big old belly ache
All of my clothes just don't fit anymore
I need to eat better
Should I change this old sweater
Nine weeks inside is just way too long

Wasting away again in Quarantinaville
Stand six feet away and wash your damn
hands
Some people claim that there's no TP again
But I know it's nobody's fault

Too many emails
I'll just need to exhale
Another memo about what I should do
I'll write my decision
For the Appellate Divisions
Are they working up there
I haven't a clue

Wasting away again in Quarantinaville
Don't forget your mask or jar of Purell
Some people claim that there's no TP again
But as my wife says - it's usually my fault

A virtual court chamber
Hopefully done by September
Another Skype conference scheduled for 2
Essential case tracking
My patience is lacking
I'll just adjourn things a month or two

Wasting away again in Quarantinaville
Don't forget your mask or jar of Purell
Some people claim that there's no TP again
But who knows - it's probably my fault

Some people claim that there's no TP again
But who knows - it's probably my fault

[Transition to I Will Survive]



Hon. Emilio Colaiacovo

First I was afraid, I was terrified
Staying inside the house with the same peo-
ple all the time
But then I spent too many nights drinking
beer and lots of wine
But I grew strong
And I learned we have to move along

So now we're back
In week 8
I just walked ten miles from my house with a
mask upon my face
I should have instead read a book or maybe
sat under a tree
If I'd known for just a moment we'd be here
for eternity ...so

Go on now Go, go wash your floor
Go clean a room now
Because we're quarantined some more
We'll soon be back signing orders by the
score
Judges don't stumble
We will let them testify

Oh no not I, we'll all survive
Oh as long as I can write Hereof, I know I
will get by
I've got decisions I must give
And I've got lawyers to forgive
I will survive, I will survive... hey... hey

You'll Be Back

They say
 Coronavirus is something that won't go away
 You sigh
 When your zoom conference is late and you
 know you're still stuck inside
 Why so sad
 Remember to stand far apart and wear your
 mask
 Don't forget to wash your hands
 Despite our virtual arrangement (setup),
 there's a brand new plan

We're going back, next week you'll see
 You'll remember your old chambers routine
 We'll be back...9:30 on the spot
 Hope we still can find a parking spot

New cases filed, robes back on
 No more pajama pants at work from now on
 And when phase 2 comes around
 Our AJ will be walking the halls to make sure
 we can be found
 Da da da dat da dat da da da ya da
 Da Da dat dat da ya da
 Da da da dat da dat da dad da da ya da
 Dat da dat dat da

You say that we're essential from now on
 Does that mean virtual tracking is forever
 gone
 I'm not saying this is incorrect
 But before these new rules take effect
 I need a barber to correct
 My hair is just a big mess
 It goes on forever, and ever, and ever

Now we're back, just like before
 Guess they'll miss me at my liquor store
 Back to work, oh it stings
 Did they find that guy from Tiger King?
 I'll have to shave, shower too
 I'll miss those conferences in my living room
 But when we all return
 I just hope they're ready to reschedule every-
 thing that I adjourned

Da da da dat da dat da da da ya da
 Da Da dat dat da ya da
 Da da da dat da dat da dad da da ya da
 Dat da dat dat da

Thank you Justice Colaiacovo! You brighten our days! Hear our shout: "ENCORE, ENCORE."

Forging New Friendships

THE CORONA SISTERS

By: Hon. Marsha L. Steinhardt

When we welcomed in the New Year on December 31, 2019, no one envisioned that in approximately two months the world we knew would be turned upside down. That the comfort and safety of home would take on a different meaning. That, as per a cartoon I read, the bank teller wanted the mask the robber was wearing. Food and necessities were delivered, if a slot became available, and toilet paper became a rationed commodity. Comfy clothes became the norm and make-up was a thing of the past. And yet, day by day, moment by moment, each of us found our own way to cope.

For me and nine other women – four judges, six attorneys – the solution became the Corona Sisters text. Hailing from four of the five boroughs (alas, no one from the Bronx) our group was formed during the dark and frightening days in March. Originally, "We Were Living in the Corona Twilight Zone," but quickly realized that a more meaningful title for our text was necessary. We were all acquainted beforehand, but not all of us were close friends. We were a few participants initially, but one person suggested someone else and then another and our little group grew. We shared suggestions, recipes and humor constantly. We critiqued TV shows and books. We shared family births (sister's) and family deaths (aunt's and un-

cle's). We participated, long distance, in children's birthday parties. We discussed Court developments and, fleeting (the judges were all careful at this point) the law. We were whimsical and fun and serious and sad. We were living each day to its fullest by being able to share a bit of our humanity. We conducted zoom meetings, usually scheduled for cocktail time, and were able to speak face to face, so to speak! When one of us was a little gloomy, the others made sure not to be and smiles and laughter became the order of the day. We said "good morning" via text every day and it was not unusual for me to wake up to 100 plus messages.

I am happy to report, that little by little, day by day, life as it once was, is resuming. We are planning a "real" night out, eating in the outdoor area of a neighborhood restaurant. We will see each other's legs for the first time in more than four months. We will exchange virtual hugs and know that the strength of one became the strength of all and that the bond we formed will remain glued together for life.



Hon. Emilio Colaiacovo

SKYPE AND ZOOM CONFERENCES

Although the OCA's contract with Microsoft apparently mandates that we use Skype for Business - despite its many failings - for our virtual conferences, fortunately, during the pandemic we were free to participate in bar association meetings, CLE programs, and social hours using other virtual platforms, including Zoom and WebEx.

May 15, 2020 NYSBA Judicial Council Officer's Meeting



L to R: Top row - Hon. Cheryl Chambers, Past Presiding Member; Hon. Joanne D. Quiñones, Secretary; Hon. Denise A. Hartman, Assistant Presiding Member

Bottom row - Kirsten Downer, Esq., NYSBA Liaison, Hon. Gregory C. Gilbert, Treasurer; Hon. Barbara R. Kapnick, Presiding Member

July 1, 2020 NYSBA Judicial Council Zoom Meeting



L to R: Top row - Scott Karson, Esq., Hon. Lillian Wan, Hon. Llinet Rosado, Hon. Vincent DelGiudice, Hon. Charles Merrell

Second row - Hon. Esther (Micky) Morgenstern, Hon. Gregory Gilbert, Hon. Marsha Steinhardt, Hon. Eileen Bransten (not pictured), Hon. Alan Beckoff

Third row - Hon. Jonathan Nichols, Hon. Ellen Spodek, Hon. David Cohen, Hon. Michael Sonberg, Hon. Jeannette Rodriguez-Morrisk

Fourth row: - Hon. Curtis Farber (not pictured), Hon. Deborah Karalunas, Hon. Corey Klein, Hon. Erik Pitchal, Hon. Rita Mella

Bottom row - Hon. Paul Feinman, Hon. Rachel Kretser, Hon. Daniele China (not pictured), Hon. David Guy (not pictured)



L to R: Top row - Hon. Esther (Micky) Morgenstern, Hon. Corey Klein (not pictured) Hon. Lillian Wan, Hon. Eileen Bransten, Hon. Kevin Castel (not pictured)

Second row - Hon. Lawrence Marks, Hon. Gregory Gilbert, Hon. Alan Beckoff, Hon. Michael Sonberg, Hon. Jeanette Rodriguez-Morick

Third row: - Hon. David Cohen, Hon. Erik Pitchal, Hon. Verna Saunders, Hon. Deborah Karalunas, Hon. Denise Hartman

Fourth row: - Hon. Marsha Steinhardt, Hon. Karl Manne, Hon. Charles Merrell, Hon. James Murphy, Hon. Paul Feinman

Bottom row - Rita Mella, Hon. Jonathan Nichols, Hon. David Guy (not pictured)



L to R: Top row - Hon. Barbara Kapnick, Kirsten Downer, Esq., Hon. Joanne Quiñones, Hon. Denise Hartman, Hon. James Murphy

Second row - Hon. Miriam Cyrulnik, Hon. Robert Pipia, Scott Karson, Esq., Hon. Lillian Wan, Hon. Llinet Rosado

Third Row - Hon. Vincent DelGiudice, Hon. Charles Merrell, Hon. Esther (Micky) Morgenstern, Hon. Gregory Gilbert, Hon. Marsha Steinhardt

Fourth Row - Hon. Eileen Bransten (not pictured), Hon. Alan Beckoff, Hon. Jonathan Nichols, Hon. Ellen Spodek, Hon. David Cohen

Bottom Row - Hon. Michael Sonberg, Hon. Jeanette Rodriguez-Morick, Hon. Curtis Farber (not pictured), Hon. Deborah Karalunas, Hon. Corey Klein



L to R: Top row - Hon. Lourdes Ventura, Hon. Joanne Quiñones, Hon. Rachel Kretser, Hon. Bernice Siegal

Second row - Hon. Therese Wiley Dancks, Hon. Lisa Sokoloff, WBASNY President Joy Thompson, Esq., Hon. Lisa Fisher

Third row - Hon. Llinet Rosado, Hon. Sally Unger, Hon. Maritza Buitrago, Hon. Marguerite Grays

Bottom row - Hon. Deborah Karalunas, Hon Andrea Phoenix (not pictured); Hon. Betty Ellerin (not pictured), Hon. Marjorie Martin (not pictured)

Passing the Time

UNTIL THE NEXT TRAIL PARTY

By: Hon. Lillian Wan

Those of you who know me know that I am a runner. I have been a runner since high school. And after three decades of running on the road, I discovered trail running in May 2019. A friend of mine convinced me to sign up for the Mayapple 10 miler at South Mountain, New Jersey. Trail running is really a completely different sport from regular running. There is dirt (and occasionally shoe-sucking mud), trees, roots, rocks, rivers, streams, deer, and sometimes even snakes. Running a trail race is not about your mile pace or the time it takes you to get from the start line to the finish line. It is about enjoying being out on your feet (and staying on your feet) in our beautiful world, and if you finish without getting lost, going off course for several miles, spraining an ankle, stepping on a large snake, or cutting yourself open on a rock, then you have had a great day! Even if one of those things does happen to you, it's still a great day. In my first trail race, I got lost in the woods several times, and wound up running 3 extra miles and had the most fun I've ever had in a race. From May 2019 to March 2020, I signed up for every trail race I could find. I did manage to run one road race - a Turkey Trot in Prospect Park. See photo of me with my dear Kings County Family Court friends on Thanksgiving Day before the phrase "social distancing" came into existence.

The trail running community is out there to have fun. In fact, one race director lives by the motto that "every run is a trail party!" Another race director has a strange obsession with Rudolph the Red Nosed Reindeer and has put on races named after Rudolph characters. My favorite was the "Beat the Bumble 10k" which involved being chased around by several folks dressed up in fuzzy abominable snow monster costumes at various points on the course. I did this race with a 75-year-old ultramarathon friend from Vermont, and we managed to finish that course before the sleet and snowstorm started. After having not run a marathon since law school, I even managed to complete a 40-kilometer (that's 24.855 miles) trail race in Pennypack Park, Philadelphia. My last trail race was on March 14, 2020, the weekend before the COVID-19 lockdown. That race consisted of a 3-mile loop, and the object of the race was to run as many loops as possible in a 3-hour time span. That day ended with the rental car breaking down in the park and us eventually having to Uber it back to Brooklyn from Stokes State



From L to R: Hon. Lillian Wan, Hon. Ben Darvil, and Hon. Ilana Gruebel, Prospect Park Track Club 5 mile Turkey Trot, Brooklyn

Forest, New Jersey. And it was still a great day! Last July, I even did a race that consisted of running up and down Campgaw Mountain Ski Hill in Mahwah, New Jersey for 3 hours.

I was signed up for my first ultramarathon, a 50-kilometer trail race (about 32 miles) which was supposed to take place on May 9, 2020. I even convinced my Nassau County colleague, the Hon. Francis Ricigliano, to sign up for it too. Our race was initially postponed and then eventually cancelled due to the COVID-19 pandemic. For now, I am grateful that my family is healthy, and running races just seems like a luxury. But I do look forward to the day when I can resume with this part of my life. Maybe I can convince you to hang up your robe, don a pair of running shoes, and join me.



Hon. Lillian Wan at the finish line for the "Yukon's Gold Rush" 10 miler At Watchung Reservation, NJ



Additional jurists who clocked miles during COVID-19, Hon. Jeffrey Cohen and Hon. Mark Dillon, both of the Appellate Division, Second Department (picture taken before quarantine)

GREETINGS FROM CHIEF JUDGE JANET DIFIORE

The COVID-19 pandemic struck New York and our nation with lightning speed, changing every aspect of our personal and professional lives overnight, savaging the economy and dramatically altering how we operate and deliver services. As of this writing, over 32,000 New Yorkers have lost their lives, including, sadly, a number our own judicial colleagues and professional staff.

In the New York State courts, our leadership team and all of our judges and professional staff pivoted quickly to set up a virtual court system that has safely provided justice services to litigants and lawyers throughout the pandemic. As I write this in late July, we are in the process of carefully and steadily restoring in-person court operations and services all across the state to support our state's phased reopening of the economy.

As a court system, we have demonstrated resilience and ingenuity and performed well to keep our courts up and running and providing access to justice during a very serious public health crisis. But with that said, we still face many serious challenges, especially the challenge of safely restoring jury trials and preparing for an expected large surge of new pandemic-related case filings. And while our immediate focus is on restoring in-court services and responding to the imperatives of the pandemic, we have not lost sight of our broader values and objectives as the third branch of government, including following through on our urgent obligation to identify and eliminate all vestiges of systemic racism from our institution.

The road ahead will not be smooth or easy, but whenever I look back on the magnificent response of our judges and professional staff to the unprecedented challenges of keeping our courts up and running during the pandemic, I feel confident in our ability to meet whatever challenges may lie ahead.

When the number of COVID-19 cases exploded in New York in early to mid-March, much of the science and data surrounding the virus was still emerging and not fully understood. Like all private and public sector leaders, we had to move swiftly and make important decisions based on a fast-evolving situation and shifting public health guidance.

As it quickly became clear that the virus thrived on person to person contact, spread silently in many cases through asymptomatic carriers and was unlikely to abate anytime

soon, we immediately began working on a plan to drastically overhaul our in-person operating model. We knew that we could no longer allow tens of thousands of people, including litigants, lawyers, jurors, members of the public, judges, court attorneys, court officers, court clerks and agency personnel to traffic through our courthouses on a daily basis.

On March 16th, we announced that in-court functions would be sharply limited to "essential and emergency" matters, such as criminal arraignments and Family Court temporary orders of protection, which we immediately geographically centralized in a limited number of courthouse locations.

On March 25th and 26th, we launched our virtual court model in the New York City Criminal and Family Courts, with proceedings conducted remotely through Skype videoconferencing or telephone, and a very small number of dedicated court clerks and court officers present in the courthouse to support virtual operations and provide security. By April 6th, we had taken this virtual court model statewide for all essential and emergency matters.

By April 13th, we expanded our virtual court operations beyond essential and emergency matters to allow judges and staff in all 62 counties to get back to work on their pending caseloads by conducting compliance conferences with attorneys to resolve outstanding issues, move cases closer to final resolution and facilitate settlements where appropriate.

All of this was accomplished in record time through the herculean efforts of our IT Department, the excellent planning and execution of our leadership team of Administrative Judges, led by our tireless Chief Administrative Judge, Lawrence Marks, the dedication, flexibility and ingenuity of our trial judges and professional staff and, of course, the support and cooperation of our many stakeholders.

As we steadily expanded our virtual capacity, our court system remained remarkably busy and productive. From April 13th through July 15th, our judges and professional staff:

- Conferenced and heard approximately 135,000 matters;
- Settled or disposed of 46,000 matters, over a third of all matters heard; and



Hon. Janet DiFiore

- Issued over 23,500 written decisions on motions and other undecided matters, taking advantage of this period to clear out our entire backlog of undecided civil motions outside New York City, and vastly reducing that backlog in the City.

With our virtual courts up and running, we are now in the process of gradually and safely restoring in-person operations. We have implemented a host of safety measures to prevent a resurgence of the virus and safeguard the health of our judges, our professional staff and all court users and visitors. All persons entering our courthouses are being required to wear face masks and undergo COVID screening. And we have retained an epidemiologist to ensure that our decisions and actions are informed by the latest public health guidance.

We have also called upon the assistance of our newly created Commission on the Future of the New York State Courts. Led by Hank Greenberg, Immediate-Past President of the State Bar, and made up of leading judges, lawyers and technology experts, the Commission has been given a dual mandate of providing expert guidance and recommendations to help us restore jury trials and other critical in-person operations, and developing a blueprint for the future of our court system that draws upon the lessons learned from our experience in managing the courts through the pandemic and our enhanced use of technology, online platforms and other innovations.

The pandemic has challenged us to break down, reexamine and reinvent how we operate our courts and deliver justice services. Our judges and staff are working in ways we never imagined, particularly in our use of

web-based videoconferencing technology to conduct court conferences and proceedings. And we have had no choice but to work around the antiquated and artificial barriers of our court structure. We have shared facilities, borrowed staff and cross-assigned judges as needed to deliver justice and meet the exigencies of the moment.

For a period of time in March, we consolidated the operations of multiple courts within a single court facility in each Judicial District. At different points, judges were assigned to work on matters outside their respective courts, including criminal judges who were assigned to assist in the elimination of the large backlog of civil case motions across the state. We also cross-assigned professional staff from one court to another as needed. For example, the New York City Family Court and the New York City Civil Court “borrowed” the New York City Criminal Court’s facilities and staff in order to conduct virtual juvenile delinquency arraignments and other proceedings. We have also moved several trial parts from the cramped facilities of the Kings County Housing Court to more spacious courtrooms in the Kings County Supreme Court building for the purpose of safely conducting trials and other in-person proceedings.

The importance of amending our state constitution to simplify and modernize the structure of our court system has been underscored by our experience managing the courts through the pandemic. These last difficult months have opened our eyes to how much more efficient and accessible our court system could be if we had the ability to move our resources quickly and flexibly as an inherent and routine aspect of our organizational structure.

We are pleased and encouraged by the progress we made to advance the cause of court simplification in 2020. Our proposed constitutional amendment received broad and enthusiastic support from Governor Cuomo, the Legislature and an unprecedented coalition of judges, lawyers, policymakers, good government groups and business leaders. We have done a good job of demonstrating to the public and the legal community how court simplification would greatly expand access to justice and improve the efficiency and quality of justice services in our state. We now look forward to building on our positive momentum and achieving first passage of this critically needed reform when the Legislature returns to session in 2021.

Another urgent challenge facing our court system is maintaining public trust and confidence in the core values of equal justice and equal treatment under the law. The senseless killing of George Floyd by the Minneapolis Police has brought into sharp focus the all-too-familiar evils of racial injustice and disparities in our criminal justice system. And because people rightly look to the courts, above all institutions, for fairness and equal treatment, it is important that we take ownership of this issue and make sure that our own house is in order.

In early June, I asked Jeh Johnson, a partner at Paul, Weiss, Rifkind, Wharton & Garrison, LLP, and former U.S. Secretary of Homeland Security in the Obama administration, to conduct an independent outside “Equal Justice Review” of our court system’s policies and practices to help us identify and eliminate any vestiges of racism, bias and inequality in New York’s Judiciary. We look forward to receiving Secretary Johnson’s findings and recommendations and we are committed to doing our utmost to ensure that our court system meets the highest standards of fairness and equal treatment.

I want to thank the New York State Bar Association, and members of the Judicial Section, for your support and cooperation. Our collaborative efforts to successfully navigate the unprecedented challenges of this combined public health and economic crisis would not have been possible without the individual and collective contributions of our state and federal judges. Thank you for your service to the public in these difficult times.

The New York Bar Foundation

The New York Bar Foundation plays an important role in ensuring access to justice in New York State. Your generous support makes it possible for the New York Bar Foundation to provide support to legal services organizations, nonprofits, bar associations and other charitable initiatives, and offers the bench and the bar an opportunity to invest in their own community.

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For further information, please contact Foundation Executive, Deborah A. Auspelmeyer, at **(518) 487-5650** or at dauspelmeyer@tnybf.org.

COURT CONSOLIDATION – UNANSWERED QUESTIONS

By: Hon. Deborah H. Karalunas



Hon. Deborah H. Karalunas

The Office of Court Administration has proposed a constitutional amendment seeking to “consolidate,” or “simplify” New York courts. Among the reasons stated are: 1) New York courts are confusing and complex; 2) New York courts are inefficient because “families are required to pursue

related legal issues in multiple courts in front of different judges, each of whom has only the partial ability to see the full picture;” and (3) it will make New York’s judiciary more diverse.

If we learned anything during the last few months, we learned that improvements can and must be made to the way our courts operate. Indeed, OCA should be applauded for its admirable response to the many challenges caused by COVID-19. Throughout the pandemic, our courts regularly adjusted and improved the delivery of justice, primarily through sweeping technological improvements, without a constitutional amendment. We can do more, but the proposed, radical constitutional amendment leaves too many questions unanswered.

Confusing and Complex

New York has long heralded specialization in its courts and among its jurists. Indeed, in addition to our separate Supreme, Surrogate, Court of Claims, County, Family, District and City courts, each with its own special needs, challenges and procedures, since 1993, OCA has created no fewer than ten additional specialty courts: i.e., Community Court, Drug Treatment Court, Family Treatment Court, Domestic Violence Court, Integrated Domestic Violence Court, Mental Health Court, Sex Offense Court, Veterans Court, Human Trafficking Court and Opioid Court.

Evidently, in recognition of the need for specialization, the proposed constitutional amendment does not eliminate a single specialty court, and while it purports to reduce New York’s “11” trial courts to two, in fact, it merely renames the separate courts “divisions.” So, does the proposed constitutional amendment really consolidate or simplify New York’s courts? Consider the following:

a) If OCA’s constitutional amendment is passed, there will be the same number of separate divi-

sions as there currently are separate courts. How then is the proposed court structure simplified or made easier for litigants to navigate? For example, if someone now wants to file a will contest, they are told to file in Surrogates Court; under the proposal, they would be told to file in the Probate Division. If someone wants to file an action against the State, they are told to file in the Court of Claims; under the proposal, they would be told to file in the State Division. How is this different?

b) Is the State intending to waive additional sovereign immunity such that claims against the State and private parties could be tried before a jury in one proceeding? If not, how does the proposed amendment solve the overlap between Supreme Court and the Court of Claims?

c) If the proposed constitutional amendment passes, in what specific manner, if at all, will the CPLR be changed? The Family Court Act? The Eminent Domain Procedure Law? The Surrogates Court Procedures Act? The Court of Claims Act? The Criminal Procedure Act? The New York City Civil Court Act? The City Court Act? The District Court Act? If these statutes won’t be changed in anything but name, will any real “simplification” be achieved?

d) Will there be one central filing location for all courts, or will litigants still have to file papers in the separate clerk’s offices, most often in different buildings?

e) Will OCA purchase and implement one case management system for all courts? If so, how much will that cost, and how long will it take to implement?

f) The proposal calls for “merger-in-place.” In other words, some Supreme Court justices would be elected in a single county, some would be elected in a multi-county judicial district, some would be appointed by the Governor, and some would be appointed by the NYC Mayor. Some would serve 9 years, some would serve 10 years and some would serve 14 years. Doesn’t “merger-in-place” create confusion, even chaos, for the electorate?

One Family – One Judge

Some argue “one family – one judge” is good for litigants. Others argue it is not because, for example, a judge deciding issues of equitable division, custody or support should not be influenced by what s/he might hear in a criminal domestic violence proceeding. Regardless of where you come out on this issue, there is nothing in the current constitution that prevents OCA from requiring

one factfinder to assume and decide all aspects of a family matter. Indeed, the current proposal does not solve the OCA created reason a family breaking up goes before multiple fact-finders. For married families seeking a divorce, all matters are decided by the Supreme Court justice. For unmarried families, relief comes in Family Court, but in most cases not from Family Court Judges, but from Court Attorney referees (who decide custody and orders of protection) and Support Magistrates (who decide child support). For the rare case when a married couple seeks initial relief in Family Court and subsequently seeks a divorce, OCA could mandate, without a constitutional amendment, that all matters be transferred to the Supreme Court. Consider the following:

a) If OCA does not intend to eliminate Support Magistrates and Court Attorney referees, how will the proposed constitutional amendment achieve “one family-one judge”?

b) OCA created Integrated Domestic Violence Courts to solve the issue of “one-family one-judge” issue. The change was made without a constitutional amendment. According to OCA’s website:¹

“IDV Courts serve families by allowing a single judge to hear multiple case types - criminal, family and matrimonial - which relate to one family where the underlying issue is domestic violence. Dedicated to the “one family – one judge” model, IDV Courts respond to a historic problem in the court system, where domestic violence victims and their families traditionally had to appear in different courts before multiple judges, often located in different parts of a county, to address their legal issues. By connecting one judge with one family, IDV Courts aim to provide more informed judicial decision-making and greater consistency in court orders, while reducing the number of court appearances. In addition, these courts facilitate access to enhanced services for litigants and help to ensure offender accountability.”

Thus, won’t properly organized, staffed, funded and implemented IDV Courts in all counties throughout the State solve the problem of “one-family-one judge,” when appropriate?

c) Won’t continued and expanded use of remote appearances, address/ameliorate/reduce the delays/cost of multiple appearances?

¹ Interestingly, as OCA promotes court consolidation, this passage was deleted from its website.

Judicial Diversity

OCA maintains the proposed constitutional amendment will improve judicial diversity. Yet, the WBASNY and virtually every minority bar disagrees.

a) What statistics, if any, does OCA have to support its position on judicial diversity?

Costs

a) What is the total cost of implementing the merger, and the increased annual cost of sustaining the merger? In that number, what is included, how are the costs broken down, who calculated them, and when?

b) Will all court support staff, e.g., court officers, court clerks, back-office staff, be cross-trained so they can be "moved" between divisions and locations? How long will that take? What will that cost?

c) Who will make the necessary statutory/regulatory changes to the court procedural acts and regulations if the constitutional amendment passes? Who will bear that cost? What is the estimated cost in hours and dollars?

d) What is the estimated cost in dollars and time delay that will result from moving judges between divisions, and particularly to divisions in which they have no expertise?

Miscellaneous

a) Isn't the problem of not having at least one Supreme Court Justice resident in every county easily solved by giving "acting" status to one resident judge in each county? Isn't this much more economical than elevating all judges and their staffs to Supreme Court?

b) With the amendment, won't OCA's appointment power be greatly enlarged because it will have power to appoint all judges to all divisions? In other words, instead of voters, won't OCA decide the placement – (both in terms of types of cases they will hear and geographic location) for each and every judge?

c) What options has OCA explored/considered for court simplification that do not take away the power of citizens to select judges for specific courts? Why were they rejected?

d) Without ascribing bad intentions to OCA, under the proposal, for example, if the Supreme Court justice presiding over probate matters retires, and the Supreme Court justice elected to fill the vacancy had a practice limited to criminal defense, who will be assigned to sit in the "Probate Division?"

e) How do New Yorkers benefit from giving the Governor (and all future unknown governors) power to appoint to the Appellate Divisions individuals from a pool of his/her own personal appointees?

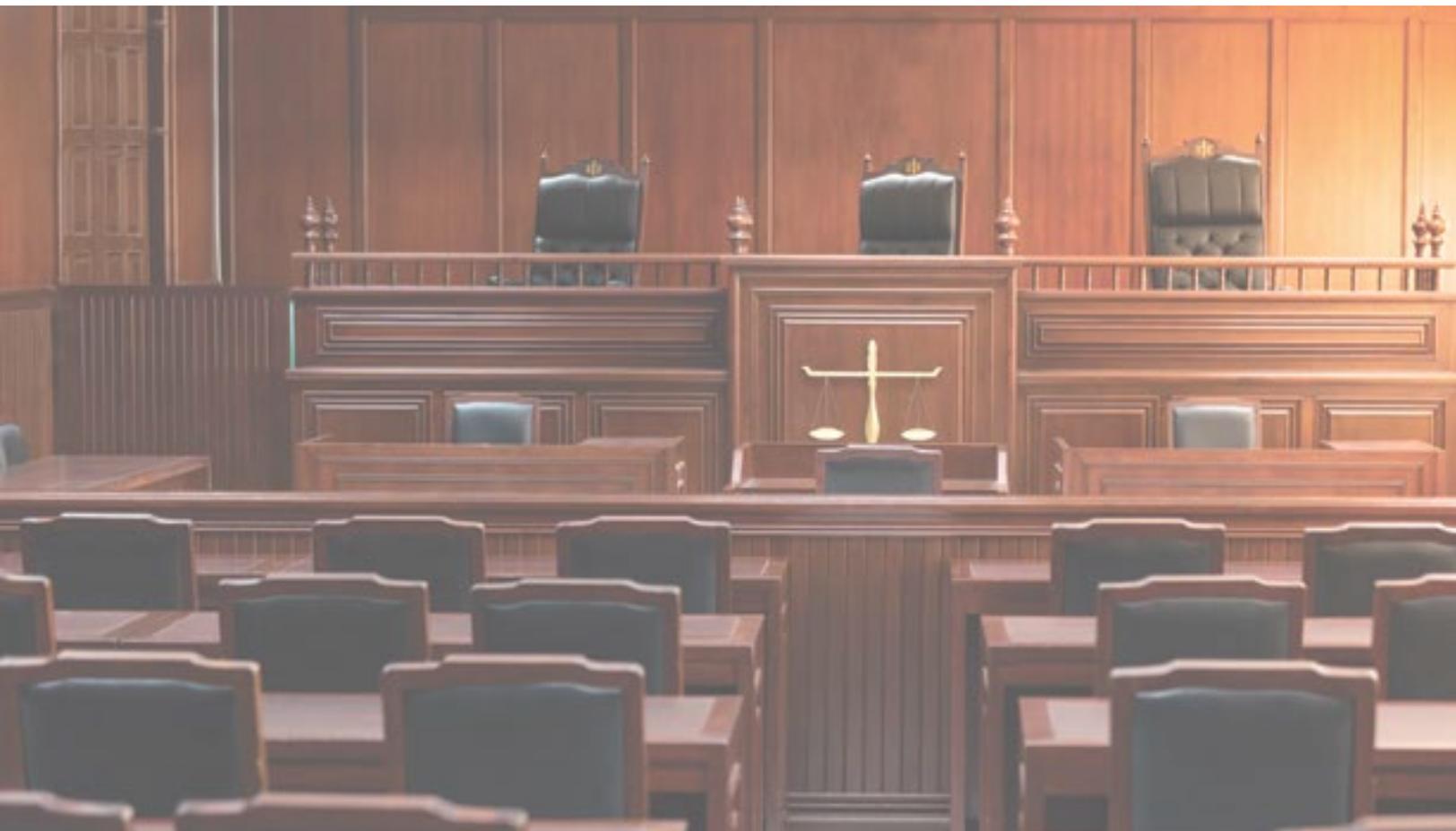
f) OCA has stated on multiple occasions that one of the goals of the constitutional amendment is to expand OCA's ability to move "resources" throughout the state. Taking a snapshot today, from what court/location would OCA take resources, what resources would they be, and to what court/location would the resources be deployed?

g) What specific obstacles, if any, has OCA encountered in its efforts to move "resources" within the current court structure? Is there anything in the existing constitution that prohibits OCA from moving "resources"?

h) Is there merit to structuring New York City courts differently than upstate courts?

i) What statistics, if any, shows the proposed constitutional amendment will increase diversity, reduce the number of required court appearances, reduce litigant court costs, reduce OCA's costs, and make our courts more efficient?

OCA has so much on its plate, including expansion and improvement of its technology and remote access capabilities and safe, gradual restoration of in-person operations. During this time when there is so much uncertainty, when the New York State budget is deeply in the red, and the New York court budget has been reduced minimally by 10%, and with so many unanswered questions, is it really time to make a wholesale change to our court system?



MEMBER HIGHLIGHTS

RECOGNITIONS AND AWARDS

Congratulations to the following members of the judiciary:

NYSBA's Ruth Schapiro Award and the Judicial Section Diversity Award

Hon. Rosalyn Richter, Associate Justice of the Supreme Court, Appellate Division, First Department was the 2020 recipient of NYSBA's Ruth Schapiro Award which honors a male or female member of the Association who has made a noteworthy contribution to the concerns of women through pro bono services, writing, service to bar associations or community organizations or related endeavors. Justice Richter also received NYSBA's Judicial Section 2020 Advancement of Diversity Award.



NYSBA Past President Hank Greenberg presenting the Ruth Schapiro award to Hon. Rosalyn Richter



Judicial Section Presiding Member Hon. Barbara R. Kapnick presenting the Advancement of Diversity award to fellow Associate Justice of the Appellate Division, First Department, Rosalyn Richter

Puerto Rican Bar Association's Judiciary Excellence Award

Hon. Joanne D. Quiñones Immediate Past President of the Latino Judge's Association was presented the Puerto Rican Bar Association's Judiciary Excellence Award on Friday, October 18, 2019 at the Lighthouse, Pier 61, Chelsea Piers.



Photo credit: Vincent Villafane

L to R: Front row - Hon. Myrna Socorro, Hon. Bianka Perez, Hon. Betsy Barros, Hon. Joanne D. Quiñones (PRBA Honoree and LJA Immediate Past President), Hon. Llinet Rosado, Hon. Laura Visitacion-Lewis (ret.)

Back row - Hon. Walter Rivera, Hon. Mary Rosado, Hon. Christopher Robles, Hon. Javier E. Vargas, Hon. Ruben Martino, Hon. Enedina Pilar Sanchez, Hon. Jenny Rivera, Hon. Wilma Guzman, Hon. Maria Vasquez-Doles, Hon. Margarita Lopez Torres, Hon. Patria Frias-Colon, Hon. Sallie Manzanet-Daniels (LJA President), Hon. Fiordaliza Rodriguez, Hon. Carmen Beauchamp Ciparick (ret.), Hon. Gloria Sosa-Lintner (ret.), Hon. Lizbeth Gonzalez, Hon. Reinaldo Rivera, Hon. Connie Mallafre, Hon. Mary Ann Brigantti, Hon. Luis Gonzalez (ret.), Hon. Edwin Novillo

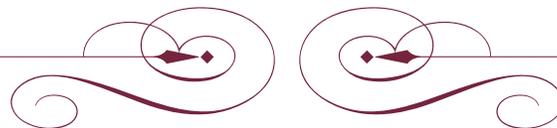
MEMBER HIGHLIGHTS

Gartland Award for Public Service from Dutchess County Bar Association

Town and Village Justices were out in force to honor one of their own as the Hon. Jonah Triebwasser, (*New York State Magistrates Association President* and Village and Town of Red Hook Justice) received the Gartland Award for Public Service from the Dutchess County Bar Association. The award is given annually to a member whose dedication to making their community a better place exemplifies the legacy of Jack Gartland. Justice Triebwasser was honored for his work with Boy Scouts, Rotary, local and state bar associations, and local and state magistrates associations. Jonah also was selected to serve as a member of the NYSBA's Task Force on Autonomous Vehicles and the Law.



L to R: Hon. John Kane (Town and Village of Rhinebeck), Hon. Dr. Carrie O'Hare (Town of Stuyvesant), Hon. Susan Sullivan Bisceglia (New York State Magistrates Association Director, Town of La Grange and Village of Wappingers Falls), Hon. Jonah Triebwasser, Hon. Barbara Seelbach (Town of Clinton), Hon. Thomas Dias (New York State Magistrates Association Past-President, Town of Ancram, retired) and Hon. Jeffrey C. Martin (Dutchess County Family Court; Town of Red Hook Emeritus)



APPOINTMENTS

Appellate Division

Congratulations to the following exceptional jurists who were appointed by Governor Cuomo to serve as justices of the Supreme Court, Appellate Division.

On **November 1, 2019** Gov. Andrew Cuomo made five appointments to the Appellate Division: **Lizbeth Gonzalez, Paul Wooten, John Colangelo, Molly Reynolds Fitzgerald** and **Tracey Bannister**. In his announcement, the Governor said: "These appointees represent some of the best and brightest legal minds in the Empire State displaying exceptional integrity, temperament and commitment to public service."

Prior to her elevation to the Appellate Division, First Judicial Department, **Justice Lizbeth Gonzalez** served in New York City Family Court, New York City Civil Court, the Housing Part of New York City Civil Court, Supreme Court, and beginning in 2016, the Appellate Term, First Department.

Paul Wooten was the Governor's appointment to Appellate Division, Second Department. Justice Wooten was elected to Supreme Court in 2009, following a long career in state government and politics, including as counsel to the New York State Black and Puerto Rican Legislative Caucus and as special assistant to members of the New York City Board of Education.

To the Appellate Division, Third Department, went Justices **John Colangelo** and **Molly Reynolds Fitzgerald**. John Colangelo began his judicial career in 2003 when he was appointed to the New Rochelle City Court. In 2010 he was elected to serve as a County Court judge in Westchester County. He remained in that position until his 2013 election to Supreme Court in the Ninth Judicial District. **Molly Fitzgerald** was first elected to Supreme Court in 2007, and in 2016 she was appointed Administrative Judge of the 6th Judicial District.

Justice Tracey Bannister was appointed to the Appellate Division, Fourth Department. Justice Bannister began her judicial career in

APPOINTMENTS

2005 as an acting justice of the Kenmore Village Court in Erie County. She was elected to Supreme Court in the Eighth Judicial District in 2008, and became that district's supervising judge for civil matters in 2016.

On **July 14, 2020**, Gov. Andrew Cuomo appointed four justices to the Appellate Division, First Department: **Tanya R. Kennedy**, **Manuel Jacobo Mendez Olivero**, **Saliann Scarpulla** and **Martin Shulman**. In announcing their appointments, the Governor said the selected judges "reflect the diversity, talent and experience present throughout New York's judicial system."

Justice Kennedy was elected to New York City Civil Court in November 2005 and then served in Criminal Court (January 2006-September 2008), Civil Court (September 2008-December 2009), Family Court (January 2010-December 2010), as acting Supreme Court Justice (January 2011-December 2012) and as supervising judge of Civil Court (January 2014-December 2015). She was elected to Manhattan Supreme Court in November 2015.

Justice Mendez was elected judge of the Civil Court, New York County in 2003. He presided by designation in Bronx Criminal Court from 2008 to January 2010, and served as an acting justice of Supreme Court, Bronx County, and then New York County, until his election to Supreme Court in 2012. Since 2018 Justice Mendez has been the coordinating judge of the New York City Asbestos Litigation.

Justice Scarpulla was elected to the New York City Civil Court in 2001, appointed to the state's Supreme Court in 2009 and elected to the Supreme Court in 2012. Since February 2014, Justice Scarpulla has been sitting in the renowned Supreme Court, Manhattan Commercial Division.

Justice Shulman was elected judge of New York County's Civil Court in 1995, and served as an acting justice of the Manhattan Supreme Court from 1999 until his election to that court in November 2002. He was appointed as a Justice of the Appellate Term, First Judicial Department in 2009, and became the Presiding Justice of that court in 2018.

Appellate Term Appointments

Kudos to **Thomas Aliotta** on his appointment as Presiding Justice of the Supreme Court, Appellate Term for the 2d, 11th and 13th Judicial Districts and to **Carol H. Edmead** on her appointment as Presiding Justice of the Supreme Court, Appellate Term for the 1st Department.

We also offer congratulations to **Robert E. Torres**, **John R. Higgitt** and **Eddie J. McShan** on their appointment as Associate Justices of the Appellate Term, 1st Department.

Administrative and Supervising Judge Appointments

Congratulations to the following individuals who were appointed by the Office of Court Administration to serve as Administrative or Supervising Judges in their respective Judicial Districts:

Felix Catena, Administrative Judge, Fourth Judicial District

Andrew A. Crecca, Administrative Judge, Suffolk County

Eugene Faughnam, Administrative Judge, Sixth Judicial District

Marguerite A. Grays, Administrative Judge for Civil Matters in the 11th Judicial District

Kathleen Hogan, Supervising Judge for the County Courts in the Fourth Judicial District

James P. Murphy, Administrative Judge, Fifth Judicial District

Julio Rodriguez, III, Administrative Judge for Criminal Matters in the 12th Judicial District

Appointments by Mayor de Blasio

Earlier this year, Mayor Bill de Blasio made 28 judicial appointments, including reappointments.

Family Court - Reappointments

Sarah Cooper

Alicea Elloras-Ally

Lisa J. Friederwitzer

Jane Pearl

Family Court - New Appointments

Linda Capitti

Michael Gaffey

Wandy (Wendy) Licitra

Archana Rao

Audrey Stone

Jonathan Svetkey

Kerry Ward

New York City Criminal Court - Reappointments

Abena Darkeh

Curtis J. Farber

William Garnett

John T. Hecht

Salvatore J. Modica

Edwin Novillo

Kim Petersen

Raymond Rodriguez

Elizabeth N. Warin

Stephanie Zaro

New York Civil - Reappointments

Deepa Ambekar

Quynda Santacroce

Jonathan H. Shim

Jay L. Weiner

New York Civil - New Appointments

Ashley B. Black

Paul McDonnell

Jean T. Walsh

IN MEMORIAM

Sadly, New York Courts were hit hard by COVID-19. We lost three sitting Supreme Court justices, one retired Supreme Court justice, and several beloved court employees. Members of our court family also lost many of their own.

Hon. Johnny Lee Baynes

On March 26, 2020, Hon. Johnny Lee Baynes died of pneumonia related to coronavirus. He was 64 years old.

Johnny Lee Baynes was born in a small town in Georgia and moved to New York with his family at a young age. When he was eight years old, his mother died, and he was raised largely by his sisters. Baynes attended Fordham University and Howard University School of Law. Those close to him said he became a lawyer and eventually a judge in response to the injustice he saw in his community.

Baynes became a Housing Court judge in 1993 and was elected to the New York City Civil Court in 2005. In 2011 he won an election for a 14-year term to the Kings County Supreme Court.

“He was a great man, he was great to work for,” said Hon. Jill Epstein, who served as Justice Baynes’ law clerk for nine years. “He pushed me, supported me and he was just the most gentle bear and lovely person. When people came into his courtroom, he wanted them to leave knowing they were treated with dignity and respect whether they were from a big firm or just some unrepresented pro se litigant. He tried to treat everybody fairly.”



Justice Johnny Lee Baynes

Photo: Mario Belluomo/Brooklyn Eagle

Upon hearing the news of Baynes’ death, Jim Walden, formerly with Gibson, Dunn & Crutcher and now with Walden, Macht & Haran, said: “His death is a huge blow to the bench and bar. He was a judge of deep integrity and keen instincts for justice. There are few like him.”

Justice Baynes is survived by his daughter Jolie and his ex-wife Pamela Thomas.

Hon. Noach Dear

On April 19, 2020, at the age of 66, Noach Dear became the second sitting Brooklyn Supreme Court justice to die from coronavirus.



Hon. Noach Dear

Photo: Mario Belluomo/Brooklyn Eagle

Raised in Brooklyn, Dear attended Yeshiva Torah Vodaath, graduated from Brooklyn College in 1975, received a master’s in social work from Brooklyn College in 1977, and a law degree from Brooklyn Law School in 1991.

Noach Dear served for nearly two decades on the New York City Council. Term limits kept Dear from seeking re-election in 2001. The following year he lost a primary for the New York State Senate, and in 2007 he was elected to New York City Civil Court. He was appointed an acting Supreme Court justice in 2010. In 2015, Dear was elected to a 14-year term on the Supreme Court where he sat until his death. Judge Dear’s Assistant law clerk said: “I will remember Judge Dear for his compassion, kind heart, bright energy, and how much he cared about people.”

Justice Dear is survived by his wife Rickly and four daughters.

Hon. Steven I. Milligram

Steven I. Milligram died on April 28, 2020, at the age of 66, from complications due to COVID-19. Born and raised in Yonkers, New York, Milligram was a graduate of SUNY Buffalo and Pace University Law School.



Hon. Steven I. Milligram

Milligram began his legal career in the Bronx County District Attorney's office. He later went into private practice as a trial attorney where he concentrated in the field of medical malpractice defense. Well regarded by his peers, in 2012, Milligram was elected President of the Orange County Bar Association.

Milligram first held judicial office as a Town Justice in the Town of Monroe, a position he held for eight years until January 1, 2020 when he took office as an elected New York State Supreme Justice in Orange County.

Active in law and his community, Justice Milligram was a coach for the NYSBA Mock Trial Program, a member of the NYS Conference of Bar Leaders, and a former PopWarner football coach. He also served on many not-for-profit boards including the Justice Brandeis Law Society of the 9th Judicial District, Orange Regional Medical Center Foundation, and the local YMCA.

State Sen. Pete Harkham, said that Milligram "brought an incredible amount of respect, dignity and wisdom to the courtroom, first as Monroe Town Judge, and since January to the 9th District." Orange County District Attorney David Hoover also had kind words for Justice Milligram: "Milligram was a credit to the field of law. He was an excellent trial lawyer, very smart man, kind, and he had a witty sense of humor. We lost a judge, but we also lost a really good man."

Justice Milligram is survived by his wife, Evan, and four children.

We send prayers of strength, courage and health to all of you! May we win the battle against this horrific virus.

Gerald Rosenberg

Gerald Rosenberg passed away on April 6, 2020, at the age of 85, due to complications caused by coronavirus. Born in Brooklyn, New York, Rosenberg graduated from James Madison High School.



Hon. Gerald Rosenberg
Photo: Rob Abruzzese/Brooklyn Eagle

He was a 1956 graduate of the University of Wisconsin and 1959 graduate of Brooklyn Law School. After more than 10 years in private practice, and 10 years as a Law Secretary, in 1985, Rosenberg was elected to the NYC Civil Court in Brooklyn and he was named deputy supervising judge of that court in 1991, a position he held through 1997. Justice Rosenberg was elected to the Kings County Supreme Court in 1999 and sat on that bench until his retirement in 2011. For the 27 years he served on the bench, Judge Rosenberg earned an excellent reputation as an intelligent, fair and hardworking judge who was well-respected by his colleagues and those who appeared before him. To help others achieve trial expertise, Justice Rosenberg founded the Kings County Nathan Sobel American Inn of Court, which he later helped lead as president, and then as an Inn Master. He was a member of the Brooklyn Bar Association, Columbian Lawyers Association and Bay Ridge Lawyers.

In addition to his involvement in legal organizations, Justice Rosenberg served as an Ambassador to the Guild for Exceptional Children.

Justice Rosenberg is survived by his wife of 62 years, Harriet Koenigsberg, two sons and daughter-in-laws, and seven grandchildren.





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