

JUDICIAL DISPATCH



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

December 2017 | Vol. 5 No. 3

PRESIDING MEMBER'S MESSAGE



Conrad D. Singer

For a number of years, I have been active in the New York State Family Court Judges Association, as I am an elected New York State Family Court Judge. I have served in numerous offices within that Association and was President for three terms. I've been asked many times why I volunteered for three terms and I've responded with answers such as a desire to have Family Court judges' voices heard and to make the Family Court a better place to litigate and work. During one of my terms as President, I became involved in the NYSBA Council of Judicial Associations which is comprised of presidents of every judicial association. The Judicial Council has enabled me to meet judges from different jurisdictions and different parts of New York State which is something a court-specific judicial association does not offer. It was through the Council that I became an active member of the Judicial Section of NYSBA. One of the unique qualities of our position as judges is the sense of collegiality that we have, with not only judges from our own areas, but with judges from all over the state. Initially I thought that was why I increased my involvement in the Judicial Section but as time progressed I realized it was not only for the opportunity to become familiar with the judges of different courts, but also for collegiality – the very reason I got involved in my state association.

How do you define collegiality? Well, a quick google search reveals several definitions. Among them: "Collegiality is the relationship between colleagues. Colleagues are those explicitly united in a common purpose and respecting each other's abilities to work toward that purpose." It is this definition that I hope will characterize the accomplishments of the Judicial Section of NYSBA in the coming years . . . and there's no better time to start than now. I hope you will choose to get involved and to encourage your fellow judges to do so as well.

Along with NYSBA, the Judicial Section has advocated on issues that are crucial to the judiciary, most recently judicial pay raises and the death gamble. Why these issues? Because as a section, we are comprised of judges from every different type of court in the state and every region in the state, and these issues are universal to all. At times, it may be difficult to find a common ground on highly contested issues because of the varied demographics of our statewide court system. But our differences should not define us. Collectively, we must work together to form a stronger voice and tackle the issues that are important to the judiciary and the court system, and the people we serve.

Let's unite and be the voice of many as opposed to the voice of few. To start, if you are not a section member or a NYSBA member, please join now. If you are currently a member, please invite one of your colleagues to join. I look forward to working with everyone this year.

Hon. Conrad Singer, Presiding Member

"Life is made up of a series of judgments on insufficient data, and if we waited to run down all our doubts, it would flow past us."
Judge Learned Hand, circa 1939

TABLE OF CONTENTS

Presiding Member's Message – 1

Section Officers and Council
Representatives – 2

In Memoriam – 3

Judicial Wellness: The Ups and
Downs of Sitting New York
Judges – 4

"Achieving the Imperfect Work/
Life Balance" – 5

Meet the Newest Members of
the New York Court of Appeals:
Judge Rowan D. Wilson and
Judge Paul G. Feinman – 6

News from Your Associations – 8

Your Section at Work – 9

Meet Newly Named
Administrative Judges
George J. Silver and Edwina G.
Mendelson – 10

Congratulations to Justices
McKeon and Cooper – 10

Greetings from NYSBA President – 11

New York State Bar Association
Urges Adequate Funding of Courts to
Ensure Justice Throughout State – 11



SECTION OFFICERS

Presiding Member

Hon. Conrad D. Singer

Family Court, Nassau County
1200 Old Country Road
Westbury, New York 11590
(516) 493-4000

Assistant Presiding Member

Hon. Cheryl E. Chambers

Appellate Division, Second Judicial Department
45 Monroe Place
Brooklyn, New York 11201
(718) 722-6310

Secretary

Hon. James P. Murphy

Supreme Court, Fifth Judicial District
Onondaga County Courthouse
Syracuse, New York 13202
(315) 671-1109

Treasurer

Hon. Barbara Kapnick

Appellate Division, First Judicial Department
27 Madison Avenue
New York NY 10010
(212) 340-0400

DELEGATES TO THE NYSBA HOUSE

Presiding Member

Hon. Conrad D. Singer

Family Court, Nassau County
1200 Old Country Road
Westbury, New York 11590
(516) 493-4000

Former Presiding Member

Hon. Marsha L. Steinhardt

Supreme Court Kings County
360 Adams Street
Brooklyn, NY 11201
(347) 296-1545

JUDICIAL SECTION COUNCIL REPRESENTATIVES

Hon. Conrad D. Singer, Presiding Member

Hon. Cheryl E. Chambers, Assistant Presiding Member

Hon. James P. Murphy, Secretary

Hon. Barbara R. Kapnick, Treasurer

Hon. George R. Bartlett, County Judges Association of the State of New York

Hon. David B. Cohen, Association of Civil Court Judges of the City of New York

Hon. Deborah A. Dowling, Association of Justices of the Supreme Court of the State of New York

Hon. Timmie Elsner, Association of Housing Judges of the Civil Court

Hon. William E. Garnett, Association of Criminal Court Judges of the City of New York

Hon. David S. Gideon, NYS Magistrates Association

Hon. Louis P. Gigliotti, The Surrogates' Association of the State of New York

Hon. Wilma Guzman, Supreme Court Justices Association of the City of New York

Hon. William F. Kuntz, II, Federal Court Judges

Hon. Joseph L. Latwin, New York State Association of City Court Judges

Hon. Gerald Lebovits, Association of Supreme Court Judges by Designation

Hon. Renee Forgensi Minarik, National Association of Women Judges, New York State Chapter

Hon. Martha E. Mulroy, Association of Judges of the Family Court of the State of New York

Hon. Robert Mulroy, New York City Family Court Judges Association

Hon. Joanne D. Quinones, Latino Judges Association

Hon. Jeanette Rodriguez-Morick, Court of Claims Judges

Hon. Toko Serita, Asian American Judges Association

Hon. Ruth E. Shillingford, The Judicial Friends

Hon. Richard Sise, Court of Claims Judges Association

Hon. Michael R. Sonberg, Association of Lesbian and Gay Judges

Hon. Karen M. Wilutis, District Court Judges Association of the State of New York

Hon. Eileen Bransten, Former Presiding Member

Hon. Joseph J. Cassata, Former Presiding Member

Hon. Paul G. Feinman, Former Presiding Member

Hon. Deborah H. Karalunas, Former Presiding Member

Hon. Rachel Kretser, Presiding Member

Hon. John F. O'Donnell, Former Presiding Member

Hon. Ellen Spodek, Former Presiding Member

Hon. Marsha L. Steinhardt, Former Presiding Member

Hon. Michelle Weston, Former Presiding Member

Patricia K. Wood, Liaison to Judicial Section, New York State Bar Association



Editor, Judicial Dispatch

Hon. Deborah H. Karalunas

Supreme Court 5th Judicial District
401 Montgomery Street, Suite 401
Syracuse, NY 13202
(315) 671-1106

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, or the Judicial Section and its Officers.

IN MEMORIAM

By: Hon. Deborah H. Karalunas

Judge George Bundy Smith

George Bundy Smith, civil rights activist and distinguished jurist died on August 5, 2017 at the age of 80.

Born in New Orleans, Judge Smith grew up in Washington, DC, earned a bachelor's degree from Yale University, and a law degree from Yale Law School. During his second year of law school, Smith traveled to Montgomery Alabama as a Freedom Rider where, while dining at a whites-only lunch counter, he was arrested for (and convicted of) breach of the peace. (His conviction was later overturned by the United States Supreme Court).

Judge Smith began his legal career as an attorney with the NAACP Legal Defense Fund. He subsequently served for a decade as a law secretary to several distinguished Supreme Court justices. In 1975, Smith began his own judicial career. He was a New York City Civil Court Judge from 1975-1979, a Supreme Court justice at the trial level from 1980-1986, a justice of the Appellate Division, First Department from 1986-1992, and an Associate Judge of the New York Court of Appeals from 1992-2006. On our state's highest court, Judge Smith authored a decision finding unconstitutional New York's death penalty. After retiring from the bench, Judge Smith became a partner at Chadbourne & Parke, served on JAMS, and was a professor at Fordham Law School.

Judge Smith was remembered fondly by many. Chief Judge Janet DiFiore had this to say: "He was soft-spoken, self-effacing and completely dedicated to fairness and justice for all people throughout his career. He leaves our nation a better place than he found it. We will miss him deeply." Former colleague Judge Howard Levine said: "He was humble. And he brought a very strong moral dimension to being a judge. He was the Isaiah of our court."

Judge Smith was a founding member of the New York Metropolitan Black Bar Association, and worked tirelessly mentoring and championing the careers of young lawyers in New York, especially the careers of African-American attorneys. According to his former law clerk, Dionne Fraser, he spent a lifetime encouraging young African-American lawyers to believe in themselves, at times encouraging them to "put in their papers," *i.e.*, to seek judicial office.

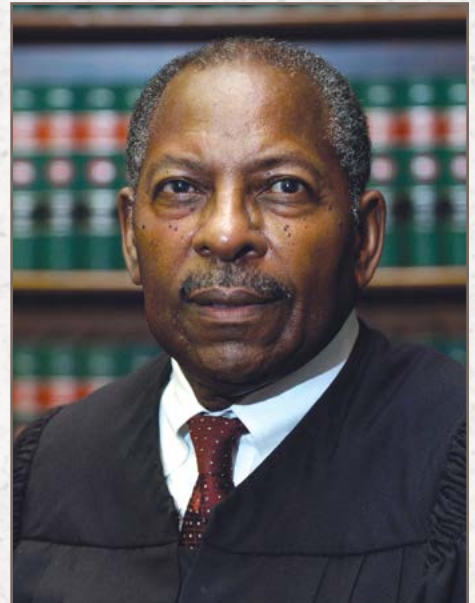
Gov. Andrew Cuomo said it well: "Judge Bundy Smith lived a life of distinction and public service. . . He was a giant who left a mark on New York, and we are all the better for it."

Judge Milton Mollen

Former presiding justice of the Appellate Division, Second Department, and a 2017 NYSBA Judicial Section Lifetime Achievement recipient, Judge Milton Mollen died on August 14, 2017 at the age of 97. In his seven decades as a lawyer, city official, judge, and political advisor, Justice Mollen made a profound impact on New York City and beyond. Active NYSBA member, Mark Zauderer, described Justice Mollen as "a consummate gentleman and an inspiration to many lawyers."

Born in 1920 and raised in Brooklyn, Mollen fought in World War II. When his plane was shot down over occupied France, Mollen was taken prisoner by the Germans. He escaped after eight months of captivity.

A 1950 graduate of St. John's University, Justice Mollen began his legal career in private practice. In the ensuing years, he served on the New York City Criminal Court, Kings County Supreme Court, and the Appellate Division, Second Department. Upon retiring from the bench, Justice Mollen became Deputy Mayor for Public Safety under then Mayor David Dinkins. Two years later, Mayor Dinkins appointed Justice Mollen to lead NYC's Commission to Investigate Allegations of Police Corruption (which later became known as "The Mollen Commission"). In 1995, Mollen opened the first JAMS office in New York state. He later returned to private practice finally retiring in 2016. Justice Mollen's obituary most appropriately noted: "Milton lived a beautiful life with purpose, integrity and compassion for people in need."



Judge George Bundy Smith



Judge Milton Mollen

JUDICIAL WELLNESS: THE UPS AND DOWNS OF SITTING NEW YORK JUDGES

By: Hon. Gerald Lebovits

(This is an abridged version of an article that appeared in the June 2017 NYSBA Journal)

Judges aren't immune from anxiety, addictions, or mental illness. Judicial responsibility comes with pressures. Judges are held to high standards of ethics and competence in our personal and professional lives, and make difficult decisions nearly every day. The burden of judicial decision-making is heavy. We are responsible not only for the fate of litigants, but also for upholding the public good, due process, equal justice, and the federal and New York Constitutions. Nothing is easy about doing that day in and day out.

The words judges use to render decisions are another source of stress. We walk a fine line between writing too much and too little. We fear that after years of service we will say or write something that in a micro-second might destroy our otherwise stellar careers. The high-stakes nature of exercising discretion to decide a case also is taxing, and inevitably there are times we must render decisions that contradict our values. Judging is stressful and demanding, and New York State judges struggle with the added anxiety that surrounds re-elections and re-appointments.

Because judges are subject to public scrutiny, we must remain circumspect and behave prudently at all times, both on and off the bench. A judge's behavior, professionally and socially, always is under the microscope. A monetary lapse in judgment, even in the form of a joke or off-hand remark can have catastrophic effects on a judge's career. Unfailingly, we must exercise the highest levels of integrity and wisdom without breaking a sweat, complaining, seeking anything in return, or expecting a thank you. And we must do it alone. After taking the bench, judges often lose contact with friends, family, and peers. The result: many judges suffer from isolation. The isolation felt by female judges is even greater than that of their male counterparts. In addition to generally bearing greater family responsibilities, many female judges face gender bias and must ward off gender-based attacks.

Our decisions sometimes subject us to criticism by lawyers, the public and aggrieved parties, and even threats of violence. These

and other stressors have impaired some of the most qualified, skilled, humane, and intelligent jurists. Because we cannot respond to disparaging accusations, we suffer in silence.

Manifestations

Accumulating stress and suppressing emotions can have a damaging effect on the cognitive and decision-making skills of judges. After all, we are human. Judges suffer from compassion fatigue and burnout. Compassion fatigue and burnout lead to chronic health problems, poor job performance, and impoverished relationships. And sometimes judges use negative coping methods like gambling, drinking, anger, and abusing drugs to deal with these problems. But there are better ways to cope with our stressors.

Suggestions

As judges, we should integrate stress-management techniques and activities into our daily lives. Tackling milder stressors head-on can prevent long-term adversities like depression, substance abuse and other addictions. Physical activity, rest, relaxation, and social activity are among the most useful strategies to cope with bench-related stress. Take time outside the courtroom. Time spent outside the courtroom can make for a less stressful and more productive judicial career.

Learn to confront stressors and find healthy coping mechanisms. Instead of avoiding subjects and making excuses, acknowledge symptoms. Demonstrate the strength, courage and conviction to get held when needed. Help can be found through the Judges' Assistance Program of the NYSBA Judicial Wellness Committee. The Committee is made up of judges who assist other judges with stress-related concerns. With carefully tailored exceptions to protect the public interest, communications between judges and the Committee are confidential.

During the day, decompress, drink water, take short breaks, go for a walk, and eat a healthy lunch. Connect. Secure a network of like-minded individuals who deal with similar issues. Find or be a mentor. Attend judicial conferences, lunches and dinners, and bar association meetings. Educate. Attend substantive CLEs, and study and adhere to judicial ethics opinions. Judges who know the law are less stressed than those who do not. Do



Hon. Gerald Lebovits

not overstress drafting perfect decisions, and don't live in fear of getting reversed. Control lawyers and control your courtroom, but do so patiently and without controversy. To avoid saying the wrong words while on the bench, speak one third slower and filter your thoughts. When things get stressful, take a deep yoga breath, in the nose and out the mouth.

Outside the courtroom, maintain a healthy regimen. Physical fitness, diet, and strong, supportive social networks will help keep mental health on track. Regular exercise increases a judge's ability to think better and perform at optimal levels, and it builds immunity to fight disease and illness. Spend time with loved ones, and take and enjoy regular vacations. Learn when to say no. Accept that perfection is the enemy of the good. Conduct yourself as though the whole world is watching. Remember, you are a judge everywhere – from your chambers to every unfamiliar street.

Judicial service is like joining hands with our maker to effect justice for victims and bring peace to our neighbors. Judicial service isn't for the faint of heart, and we don't have to do it alone. Never be afraid to get and stay well!

"ACHIEVING THE IMPERFECT WORK/LIFE BALANCE"

By: Hon. Lillian Wan, Kings County Family Court

First let me start by saying this article is not meant to be an advice column, and besides I don't even know if I have any good advice to give. I do not pretend that I have come anywhere close to achieving a perfect work/life balance. Indeed, I've come to the conclusion it is never going to be perfect. Sometimes it's barely minimally adequate, and sometimes it's just downright "bad mom." I make it work best I can on a daily basis, as I'm sure do many of my colleagues. This is perhaps a cautionary tale more than anything else or maybe it will just make you feel that your hectic life is just a normal life of a person with lots to balance.

I am a Family Court judge in Brooklyn Family Court, and I wake up every day feeling like I have the best job in the world. I hit my five-year anniversary mark on the bench on July 12, 2017. I currently sit in an all-purpose trial part hearing juvenile delinquency cases and child abuse and neglect cases. I also sit in the "crossover youth" part, which is a special part designated for children who are dually involved in both the juvenile justice system and the child protective system.

I'm married to a lawyer and we have two children: a 12-year-old daughter in 7th grade and a 9-year-old son in 5th grade. They both are on travel soccer teams with practices on two different days at two different times each week. They also take piano lessons and violin lessons, and on weekends they have soccer games at various ends of the earth.

When I was first appointed to the bench, my daughter was seven and my son was five, just about to start kindergarten. I initially was sitting in the Bronx Family Court, and the kids were in school in Brooklyn so I wasn't able to drop them off at school, and I didn't know any of the other children or parents in my son's class. One Saturday, I took my son Nathan to a birthday party at "Carmelo the Science Fellow," a fun place that holds birthday parties and runs after-school programs and camps. I dropped my son off for a 2:00 p.m. birthday party. When we got there, the kids were sitting in a circle on the rug and passing around an animal. Nathan sat right down on the carpet and joined in the fun. I gave him a kiss goodbye and was on my way. About 30 seconds later, a woman came chasing

after me and asked: "whose party are you here for?" I responded I was here "for Jacob's party." The woman responded to me: "this actually is Max's party." When I went back inside Carmelo's, one of the party facilitators politely told me I had the wrong day for Jacob's party; I was a day early. Jacob's party was *the next day* (Sunday). Meanwhile, my son was happily playing on the rug with a bunch of strangers. I remembered to bring him back the next day at the same time for the correct child's birthday party. I had a lot going on at the time as a brand-new judge, getting used to a new role and new "work life." At the same time, I was expected to be "same old mom."

Fast forward five years. I've now gotten the hang of the "work life"—the volume, the enormous weight of my decisions, and the lack of time I have each day to accomplish everything I should. Also, I enjoy writing decisions, so I try to do that whenever I think a written decision could drive legal discourse forward. In fact, the Hon. Conrad Singer asked me to write this article after I admitted to him that "I like writing." The only problem with that is there is no time during the work day to write decisions because I am too busy hearing the cases. So, the writing comes at night and on the weekends, and occasionally I have an early morning epiphany about something I am working on.

Most mornings I am up at 5:00 a.m. and either go for a run or swim. I have been a long-distance runner since high school so that is something I do to maintain my sanity. It's a great way to start the day, especially if it's going to be a long one, even if it means less sleep.

I'm actively involved in numerous committees and bar and judicial associations and I'm always organizing some kind of program or getting ready for some type of presentation. I've always had a hard time saying "no" when asked to do something. My evenings often are filled with various events and networking functions. Even though logistics are not my strong suit, it's funny how it all gets done in the end. I pay fine attention to detail when it comes to everything that has to do with my "work life," but when it comes to my personal life, it's a different story. Case in



Lillian Wan

point: I signed up for the Rock-n-Roll Brooklyn Half Marathon four months ago because they were having a 50% off sale for Global Running Day. You have to download and print off a confirmation sheet in order to pick up your race number, timing tag, and participant t-shirt. This is done by typing in your name and date of birth. Well, I did that, but later the system did not show me as registered for the race. It took me a little while to figure out the problem: I spelled my name wrong. I registered myself as "Lillian Wa," somehow leaving the "n" off my last name. Who spells their name wrong???

What does this say about my life? Perhaps I have too much going on, and I am still proverbially dropping my kid off at a birthday party a day early. But the truth is, I really would not have it any other way. I think it's just the way I roll. A wise mentor once said to me: "Staying still is like going backwards for you." I love my job, my family, and my life. I'm blessed with an incredible family and an amazing job. No one ever said there's a perfect way to do it all. You just do it.

MEET THE NEWEST MEMBERS OF THE NEW YORK COURT OF APPEALS: JUDGE ROWAN D. WILSON AND JUDGE PAUL G. FEINMAN

By: Hon. Deborah H. Karalunas

Rowan D. Wilson

Rowan D. Wilson, was confirmed on February 6, 2017 as an Associate Judge of the New York Court of Appeals. Judge Wilson was born in Pomona, California in 1960, and grew up in Berkeley, California. He received his A.B. degree from Harvard College in 1981, and his J.D. degree from Harvard Law School in 1984. From 1984 to 1986, Wilson served as a judicial law clerk to the Honorable James R. Browning, Chief Judge of the United States Court of Appeals for the Ninth Circuit, based in San Francisco, California. In 1986, he joined the firm of Cravath, Swaine & Moore in New York City as an associate, and was elected to partnership there in 1991. Wilson remained with Cravath until his judicial confirmation in February 2017.

Although Judge Wilson had no judicial experience prior to his appointment to the New York Court of Appeals, his litigation experience, keen intellect and fervent work ethic leave little room to doubt his ability to ably serve on New York's highest court. Judge Wilson comes to the Court of Appeals with a strong commercial law background having focused while at Cravath on cases spanning antitrust, intellectual property, contract, securities fraud, entertainment and media law.

Describing his new career, Judge Wilson said: "My role is to be a good colleague. To be helpful. To be collaborative and to produce the best rulings possible." In furtherance of that goal, in the weeks leading up to his confirmation, Judge Wilson said he re-read all Court of Appeals' written rulings over the past four years. Responding to an inquiry about how difficult it is to discern how a new judge is going to vote on any issue, Judge Wilson said, "I hope that I would be just as unpredictable as the core of the court here is."

Following Judge Wilson's confirmation, Gov. Andrew Cuomo issued a statement praising his nominee: "Admired for his unsailable integrity, keen intellect and extensive experience handling some of the most pressing legal matters of our time, Judge Wilson is committed to the principles of justice and equality that are the very foundation of New York's judicial system."

Judge Wilson resides with his wife Grace and three children in Port Washington, New York.

Paul G. Feinman

Paul G. Feinman was confirmed on June 21, 2017 as the newest Associate Judge of the New York Court of Appeals. Judge Feinman, who was born and raised on Long Island, earned an undergraduate degree in French Literature from Columbia University, and a law degree from the University of Minnesota in 1985.

Feinman began his legal career as a public defender with the Legal Aid Society. From 1989 to 1996, he then served as law clerk to Justice Angela Mazzarelli, first on the trial bench and then at the Appellate Division, First Department. In 1996, Feinman was elected to New York City Civil Court. He served in that court until 2004 when he was made an acting Supreme Court Justice. Three years later, in 2007, Judge Feinman was elected to the Supreme Court. In 2012, Gov. Andrew Cuomo elevated Judge Feinman to the Appellate Division, First Department, where he served with distinction and honor alongside his former boss and mentor, Justice Angela Mazzarelli.

The praise for Judge Feinman's warmth, intellect, and morality is endless. New York State Trial Lawyers Association president Edward Gersowitz described Judge Feinman as a "judge's judge" who impresses with his "intellect, calm demeanor and sense of moral rectitude." Gov. Andrew Cuomo praised Feinman as a "leader in his field and a trailblazer," who spent "nearly his entire career serving New York courts and championing the principles of justice and fairness." Upon his confirmation, Gov. Cuomo said: "With today's confirmation we are honoring the legacy of Judge Sheila Abdus-Salaam and adding another supremely talented and deeply respected legal mind to the state's highest court."

Judge Feinman called his nomination "a tremendous honor." He promised to strive daily to earn the reputation [Judge Abdus-Salaam] enjoyed of collegiality, thoughtfulness and industriousness." At his investiture, Judge Feinman was "verklemt," a Yiddish word he said meant "to become emotional." He talked about the importance of the leaders in the LGBT community and judges who "forged the path" for him to become the first openly gay judge on New York's highest court. "Without them, this day would not have been possible. And from this I under-



Rowan D. Wilson



Paul G. Feinman

stand that I have an obligation to those who come after me. In the words of Hillel, 'If I am not for myself who will be for me? But if I am only for myself, who am I? And if not now, when?'"

In addition to all his work on the bench, Judge Feinman has worked tirelessly to promote justice through his service in numerous organizations. Among them, Feinman is a former president of LEGal, and the Interna-

tional Association of LGBT Judges. He also is the former Presiding Member of NYSBA's Judicial Section and a former President of the Association of Justices of the Supreme Court of the State of New York.

Judge Feinman lives with his husband, Robert Ostergaard, in Manhattan.

Congratulations Judges Wilson and Feinman!



Membership in the Judicial Section

We 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 Section valuable and rewarding. So please join the more than 300 judges at all levels of the state 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 and research services, as well as unlimited access to all archives (an annual value of \$160)
- 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 and 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 Member Resource Center, One Elk Street, Albany, NY 12207. **Join now!**

NEWS FROM YOUR ASSOCIATIONS

Association of Justices of the Supreme Court of the State of New York



The Fall Conference of the Association of Justices of the Supreme Court of the State of New York was held September 24 to September 27, 2017 at Mohonk Mountain House, in New Paltz. In addition to a wide variety of CLE programs, golf and tennis, attendees enjoyed hiking in the beautiful Mohonk Preserve. Newly elected officers, to be installed in January 2018 are:

President – Deborah H. Karalunas
 President-Elect – Debra A. James
 1st Vice President – Charles C Merrell
 2d Vice President – Carmen R. Velasquez
 Treasurer – Francesca E. Connolly
 Secretary – John Colangelo

2018 District Directors are:

1st JD – Barbara Kapnick
 2d JD – Ellen Spodek
 3d JD – William McCarthy
 4th JD – Richard T. Aulisi
 5th JD – Anthony Paris

6th JD – Eugene Faughan
 7th JD – Daniel Doyle
 8th JD – Frank Caruso
 9th JD – Mary Smith
 10th JD – Leonard B. Austin
 11th JD – Daniel Lewis
 12th JD – Kenneth L. Thompson
 13th JD – Thomas Aliotta

Congratulations to the new officers and directors!

At the conference, the Association also resolved by vote of its members to oppose the Constitutional Convention on grounds it is unnecessary, cost prohibitive, and may result in the reversion, elimination or diminution of many current constitutional rights and safeguards.

The Association of Justices of the Supreme Court of the State of New York will hold its Annual Fall Meeting at the Harbor Hotel Resort, Watkins Glen, New York for Sunday, October 21, 2018 through Wednesday, October 24, 2018. There will be a full complement of CLE programs.

Judicial Friends

Hon. Sterling Johnson Jr., U.S. District judge for the Eastern District of New York, swore in the new officers of the Judicial Friends Association during its meeting in

October 2017. The Judicial Friends Association is an organization that was established in 1976 by African-American judges. It monitors administrative and policy issues in the courts, holds programs and mentors new attorneys and judges.

Congratulations to the slate of new officers!

Family Court Judges Association

The Family Court Judges Association held its Fall Conference from October 18-20, 2017 at Hunter Mountain, in Greene County. Judge Martha Mulroy was sworn in as President along with a new slate of officers and directors. In addition, Judge Sidney Gribetz received the New York State Family Court Judges Association award for 2017 Judge of the Year. Judge Gribetz was appointed to the Bronx Family Court in 1999 and re-appointed in 2009 for an additional ten-year term. Judge Gribetz was recognized for his development of the NYSFCJA website and his work with the legislative committee. He also is past president of Family Court Judges Association and works tirelessly to assist its members with information that supports their roles as Family Court Judges.

Congratulations Judge Gribetz!

Join Us!

Judicial Section Luncheon

The Judicial Section Annual Luncheon will be held during NYSBA's Annual Meeting on Friday, January 26, 2018 at 11:30 a.m. at the New York Hilton Midtown, New York, NY. The Section is proud to announce the recipients who will be honored at the luncheon:

Hon. Paul Feinman will receive the Judicial Section's 2018 Distinguished Jurist Award.

Hon. George Silver will receive the Section's Advancement of Judicial Diversity Award.

Hon. Karen Peters and **Hon. Randall Eng** will be recognized for their Lifetime Achievements.

Please join us on January 26, 2018 at 11:30 a.m. at the New York Hilton Midtown to honor these remarkable jurists for the work they have so adeptly done to promote justice for all.

Latino Judges Association

On Sunday, November 19, 2017, Latino Judges Association Board Members, Hon. Joanne Quinones (President, Supreme Court, Kings County), Hon. Fiordaliza Rodriguez (Secretary, Family Court, Bronx County), Hon. Javier Vargas (Treasurer, Family Court, Kings County), Hon. Julio Rodriguez III (Director and Community Service Project Chair, Criminal Court, Bronx County), Hon. Sallie Manzanet Daniels (Director, Appellate Division, 1st Dept), Hon. Llinet Rosado (Director, Supreme Court, Bronx County), Hon. Doris

Gonzalez (Director, Supreme Court, Bronx County), Hon. Wilma Guzman (Immediate Past President, Supreme Court, Bronx County), and Hon. Walter Rivera (Director, Court of Claims), traded their robes and gavels for aprons and brooms. Through New York Cares, the judges swept, mopped, washed down and put away tables and chairs, and tidied up the kitchen and dining hall of the Xavier Mission. The Xavier soup kitchen is NYC's largest regular soup kitchen serving over 900 meals every Sunday to those less fortunate. In the spirit of Thanksgiving, the LJA Board was grateful for the opportunity

to serve the community and help the less fortunate.

New York State Magistrates Association

In October, Hon. David S. Gideon was installed as the President of the New York State Magistrates Association at its 108th annual conference. The New York Magistrates Association represents and supports approximately 2100 Town and Village justices throughout New York State.



(pictured from left to right) – Hon. Julio Rodriguez, III, Hon. Fiordaliza Rodriguez, Hon. Doris Gonzalez, Hon. Walter Rivera, Hon. Joanne Quinones, Hon. Llinet Rosado, Hon. Sallie Manzanet-Daniels, Hon. Wilma Guzman, Hon. Javier Vargas.



(pictured from left to right) – Hon. Walter Rivera, Hon. Fiordaliza Rodriguez, Hon. Sallie Manzanet-Daniels, Hon. Joanne Quinones, Hon. Julio Rodriguez, III, Hon. Wilma Guzman, Hon. Llinet Rosado, Hon. Doris Gonzalez, Hon. Javier Vargas.

YOUR SECTION AT WORK

Education Programs Sponsored by the Judicial Section

Law Justice & The Holocaust: How the Courts Failed Germany

On November 2, 2017, the Judicial Section sponsored an education program entitled "Law, Justice and the Holocaust: How the Courts Failed Germany." The program, presented by the United States Holocaust Memorial Museum, examined the pressures faced by German jurists under the Nazis. It opened up for debate the responsibility of judges to ensure that the kinds of failures that led to the Holocaust do not happen in this country.

Elder Abuse: The Mind, The Body, The Law

The Judicial Section co-sponsored a CLE in Albany on October 23, 2017 entitled "Elder Abuse" The Mind, The Body, The Law. Additional sponsors were the Third Judicial District Gender Fairness Committee. Co-sponsored by: New York State Bar Association Judicial

Section; Albany County Bar Association; Albany County Coalition Against Domestic Abuse; Albany Law School; Capital District Black and Hispanic Bar Association; Capital District Women's Bar Association; Equinox; and The Legal Project.

The program explored the nuanced elements of elder abuse, including physical, medical and mental dimensions, and the legal and ethical complexities in identifying, prosecuting and preventing crimes against elders.

Hon. Rachel Kretser, Albany City Court Judge (ret.) moderated the program, and Hon. Thomas Breslin, Supreme Court Justice, gave opening remarks. Additional participants included: Hon. Deborah Kaplan, Statewide Coordinating Judge for Family Violence Cases; Paul Clyne, Assistant Attorney General; Sarah Duval, Center for Elder Law & Justice; Stephanie Kaiser, RN; Joshua Kean, NYS Police senior investigator; and Nancy Needell, MD.

Update of Judicial Benefits Litigation

Bransten v. State

On November 21, 2017, reversing a lower court decision, the New York Court of Appeals ruled that the state did not violate the compensation clause of the New York Constitution by reducing its contributions to judges' health insurance premiums. The Court said the state's health care contributions are not "part of a judicial salary or a permanent remuneration for expenses necessarily incurred in fulfillment of judicial obligations."

MEET NEWLY NAMED ADMINISTRATIVE JUDGES GEORGE J. SILVER AND EDWINA G. MENDELSON



Judge George J. Silver

On March 30, 2017, Hon. George J. Silver was appointed Deputy Chief Administrative Judge for the New York City Courts, and Hon. Edwina G. Mendelson was appointed Deputy Chief Administrative Judge for Justice Initiatives. Of Judges Silver and Mendelson, Chief Administrative Judge Larry Marks had this to say: "We are fortunate to have two such exemplary members of New York's Judiciary as part of the court system's administrative team. Judges Silver and Mendelson are highly accomplished judges, each with a proven record of effective management and a reputation for hard work, integrity and innovation."

Judge George J. Silver

As Deputy Chief Administrative Judge for the New York City Courts, Judge Silver oversees the day-to-day management of the trial courts in New York City's five boroughs.

Judge Silver began his judicial career in January 2005 following his election to New York City's Civil Court. Recognized early as a rising star, in 2009 Silver was assigned to New York City Family Court, and in 2010 he was designated as an Acting Supreme Court Justice assigned to New York County, Civil Term. In 2013, Silver was elected to the Supreme Court bench where he ably handled with wit, intellect and humor matrimonial and medical malpractice cases, and presided over a mediation part. Judge Silver is a Hofstra Law School graduate, with an MBA in finance from New York University. Prior to taking the bench, Silver was a partner in Silver & Santo LLP, a law firm specializing in personal injury, maritime and commercial matters. Judge Silver has long been an active member of NYSBA, where many judges and attorneys from outside New York City have had the privilege to work with, socialize and befriend him.



Judge Edwina G. Mendelson

Judge Edwina G. Mendelson

As Deputy Chief Administrative Judge for Justice Initiatives, Judge Mendelson will direct a wide range of initiative to ensure meaningful access to justice in civil and criminal matters for all New Yorkers regardless of income, background or special needs.

Judge Mendelson was appointed to New York City Family Court in January 2003 and reappointed in 2014. She served as the Administrative Judge of New York City Family Court, and beginning in 2015 served as an acting Supreme Court Justice assigned to New York County, Criminal Division. Mendelson is a graduate of CUNY Law School, and she earned a doctorate in criminal justice from the CUNY Graduate Center. Prior to taking the bench, Mendelson worked as a court attorney-referee and was on the Assigned Counsel Panel. Judge Mendelson was an adjunct professor at John Jay College of Criminal Justice, and in her "spare time" she lectures frequently on family law issues, and is active with the New York City Bar Association.

Congratulations Judges Silver and Mendelson!

Congratulations to Justice Douglas McKeon and Justice Matthew Cooper

On November 28, 2017, Chief Administrative Judge Lawrence Marks announced that Justice Douglas McKeon will take over as presiding justice of the Appellate Term of the Supreme Court, First Department, effective January 1, 2018. Justice Marks replaces Justice Richard Lowe III who is retiring. Marks also named Justice Matthew Cooper as an associate Justice on the Appellate Term, First Department. Justice Cooper fills a vacancy created by the retirement of Justice Martin Schoenfeld. Marks said: "Justices McKeon and Cooper are widely-respected judges whose experience, scholarship, integrity and commitment to the fair administration of justice will greatly benefit this prestigious court and those it serves."

GREETINGS FROM NYSBA PRESIDENT



Sharon Stern Gerstman

Greetings,

It is my pleasure and honor to serve as the President of NYSBA for 2017-2018 and as Executive Committee liaison to the Judicial Section. Many thanks to Hon. Marsha L. Steinhardt who served so admirably as your Presiding Member for 2016-2017 and congratulations to Hon. Conrad Singer who serves as your current Presiding Member.

Thank you for your membership in NYSBA and in the Judicial Section. NYSBA is proud that so many of New York's judges are members of this and other sections. We hope you are able to participate in many different programs which coincide with either your "day jobs" or with passions you share. We encourage you to be involved with our substantive sections: You will find them welcoming and appreciative of your participation. They are always looking for the judicial perspective on their panels and committees, and I believe you will enjoy camaraderie with other like-minded judges and with the lawyer members. I would also encourage you to serve on committees. NYSBA has over 50 standing committees covering many different subjects, and we encourage judges to apply for membership. The application period will start in February, so look for notices in the State Bar News, or in your emails from us.

Many of our highest priorities are in support of our judiciary. Among our state legislative priorities is "Integrity of New York's Justice System," which includes full funding, supporting the independence of the judiciary, and amending the pension system to avoid the "death gamble." Our House of Delegates fully supported a report to exempt judges from diminution of pension benefits should they die in office. We intend to continue to work with OCA and the legislature to address this problem which often results in the early retirement of some of our best judges. Among our federal legislative priorities is "Integrity of the Justice System," which includes full funding, filling vacancies and avoiding sequestration.

We also have consistently lobbied for an increase in the number of judges, most recently as part of our report on Family Court. We are proud of the success of that effort, which resulted in the addition of a number of judges.

I look forward to your attendance at the Annual Meeting. We have many wonderful programs planned, including our Summit, on Wednesday, January 24, which will be on "Race, Slavery and Mass Incarceration." It includes a free showing of the movie "13th," followed by a panel discussion led by ABA President Hilarie Bass. I hope to meet you all at the Judicial Section's Annual Luncheon on Friday, January 26.

Sharon Stern Gerstman
President

NEW YORK STATE BAR ASSOCIATION URGES ADEQUATE FUNDING OF COURTS TO ENSURE JUSTICE THROUGHOUT STATE

New York State Bar Association President Sharon Stern Gerstman urged for the continuation of adequate funding of the state court system to ensure access to justice for all New Yorkers.

"We continue to emphasize that the Judiciary is the co-equal third branch of government. While we do not expect that funding for the courts will be equal to that of the other branches, court funding must be adequate, in order to efficiently and fairly provide access to justice throughout New York State," Gerstman said in written testimony, presented during a public hearing in New York City, on the current state of the Judiciary.

Gerstman praised the Legislature for extending its constitutional obligation for indigent public criminal defense services granted under the *Hurrell-Harring* settlement statewide without increasing the biennial attorney registration fee in 2017-2018. Raising the fee to help fund the cost had been proposed in the Executive Budget, but was later removed.

Any attorney registration fee increases in the upcoming 2018-2019 budget would be an "unreasonable burden" on small law firms, solo practitioners, government attorneys, lawyers working for legal services providers and nonprofit entities and newly admitted attorneys in a difficult job market, she said.

"Extending *Hurrell-Harring* is a state obligation and a societal responsibility that should be paid for by the General Fund, not by a surcharge on lawyers," Gerstman said.



NEW YORK STATE BAR ASSOCIATION
JUDICIAL SECTION

One Elk Street, Albany, NY 12207

Non-Profit Org.
U.S. POSTAGE
PAID
ALBANY, N.Y.
PERMIT NO. 155

JUDICIAL DISPATCH



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

1.800.582.2452 | www.nysba.org

