

LAW DAY CEREMONY
MAY 2, 2011

THE LEGACY OF JOHN ADAMS:
FROM BOSTON TO GUANTANAMO

COURT OF APPEALS HALL

CHIEF JUDGE JONATHAN LIPPMAN: Welcome to Court of Appeals Hall and to Law Day 2011. It is a delight and a privilege for me once again to preside over this wonderful tradition, joined by my six terrific colleagues on the Court of Appeals, Carmen Beauchamp-Ciparick, Victoria A. Graffeo, Susan Phillips-Read, Robert S. Smith, Eugene F. Piggot, Jr., and Theodore T. Jones. I also see our former colleague the one and only Howard Levine. The presiding justices of the four appellate divisions, Honorable Luis Gonzales from the First Department. A. Gail Prudenti from the Second Department. Thomas Mercure sitting in, for Anthony Cardona, and Henry J. Scudder from the Fourth Department.

We are truly honored to have with us today New York's Lieutenant Governor Robert J. Duffy, and New York State Bar President Stephen Younger, and so many other leaders of state government. I see right in front of me the Speaker of the State Assembly Sheldon Silver and his counsel Judge Jim Yates. The Chair of the Judiciary Committee Helene Weinstein from the Assembly. Our great Mayor here in Albany Gerry Jennings. Judge Les Leach, the Appointments Secretary for the Governor, and so many other legislators and public officials here in the Albany area. Eric Schneiderman,

our terrific Attorney General and co-host of today's event is unable to be with us today. His father has suffered a stroke and the Attorney General must be with him at this critical time. He asked me to send you his warmest regards and to assure all of you of his unwavering commitment to the rule of law that we honor today.

It is so appropriate that we gather together to celebrate the rule of law on this landmark day in our nation's war on terror. The death of Osama Bin Laden and the destruction of evil that has been achieved brings us full circle from the horrific events of 9/11, particularly meaningful for all New Yorkers. It reminds us that what separates our great nation from those who seek to tear down everything we stand for is first and foremost the rule of law that has prevailed in this country from its birth and what is so central to the vision of our founders.

So we pause today to celebrate Law Day 2011 and we remember more than ever how the rule of law defines this great nation this day and every day. Our nation, our state, our courts and our justice system face unprecedented challenges and it is so necessary that we use this day to reflect on the rule of law and its paramount importance.

Law Day first started in 1958 as an occasion to celebrate our democratic society's commitment to the rule of law. Every year since, the American Bar Association selects a theme for Law Day events across the country. This year's theme is the legacy of John Adams from Boston to Guantanamo.

John Adams' courageous role as an attorney for the British defendants in the 1770 Boston Massacre trials is regarded as a seminal example of America's special commitment to the rule of law, which encompasses the right of every accused person to receive competent representation and a fair trial. I will shortly address in my Law Day remarks what must be our modern day commitment to this enduring principle here in the Empire State.

The Lieutenant Governor and the State Bar President will then give their Law Day remarks followed by two very special Court of Appeals Law Day traditions, presentation of the Merit Performance Awards and the Garfinkel Essay Contest prizes.

Before we begin with the singing of God Bless America, I want to introduce Mylan Denerstein, the Governor's Counsel, who is sitting next to Judge Scudder. Let us begin with Senior Court Attendant Michelle Perry-Belches singing "God Bless America".

I have chosen to focus my remarks today on what has been a longstanding challenge for our society -- making sure that all persons accused of a crime receive competent legal representation.

On March 5, 1770, in Boston, eight British soldiers opened fire on an unruly crowd and killed five Americans. Samuel Adams promptly began distributing a pamphlet published by Paul Revere which described the incident as a bloody slaughter of the innocent, and so it became fixed in the public's mind, and in history, as the Boston Massacre. Thirty-four year old lawyer John Adams was asked to defend the British soldiers. With public

outrage so high, no one else was willing to take the case. Adams accepted it without hesitation, in the belief, as he said, that no man in a free country should be denied the right to counsel and a fair trial.

This belief, for which an ambitious future president was willing to sacrifice his popularity and political career, is so sacred to what it means to be an American that it was constitutionally enshrined by the United States Supreme Court nearly 50 years ago in *Gideon v. Wainwright*, where the court said:

In our adversary system of justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth.

Toward the end of Anthony Lewis's famous book about this case, *Gideon's Trumpet*, written in 1964, Lewis set forth the national challenge presented by *Gideon*:

“It will be an enormous social task to bring to life the dream of *Gideon v. Wainwright* – the dream of a vast, diverse country in which every man charged with crime will be capably defended, no matter what his economic circumstances, and in which the lawyer representing him will do so proudly, without resentment at an unfair burden, sure of the support needed to make an adequate defense.”

Nearly half a century later, there is a disturbing disconnect between the promise of *Gideon* and what is sometimes the reality of our criminal justice

system. In 2006, New York's Commission on the Future of Indigent Defense Services issued a report which found that New York is failing to comply with the basic spirit and ethos of Gideon. The Commission concluded that our indigent defense system here in New York is in many respects dysfunctional and incapable of providing poor defendants with effective legal representation.

The basic fairness of our criminal justice system is being compromised by the reality - in New York and around the country - of chronically overburdened public defenders who have very little time to investigate the facts, get to know a client or build a competent legal defense in each case. Countless defendants are processed every day in an assembly line fashion miles removed from the ideal of equal justice for all. In New York, as has been reported prominently in the press, defendants in our vitally important Town and Village Courts, the courts closest to the people, are routinely arraigned and sometimes even jailed in lieu of bail -- all without a lawyer present to argue for their pretrial liberty or to begin to prepare their defense.

The vast majority of states and the federal government have long recognized the critical need to have counsel present at arraignment -- generally the first court appearance for a defendant accused by the state of committing a crime. In principle, New York ranks with that vast majority of states, but in practice that is not the case in many areas of our State. This is contrary to our professed public ideals in New York, which historically has been a national leader in protecting the rights of our citizens.

As Chief Judge, I see the provision of adequate legal representation for our people, rich and poor alike, as the greatest challenge to the continued legitimacy of our justice system. I believe we are finally on the road to meeting this challenge here in New York, both on the civil side, where in no small measure, thanks to the work of the Task Force to Expand Access to Civil Legal Services, chaired by Helaine Barnett, the former head of the Legal Services Corporation in Washington, we are in the process of laying the foundation for a permanent systemic funding system for civil legal services; and on the criminal side, where last year the Legislature and the Governor created the Office of Indigent Legal Services.

The Indigent Legal Services Office and its 9-member governing Board, which I have the privilege of chairing as Chief Judge, have the overriding responsibility to undertake efforts to “improve the quality of services” provided to persons charged with crimes and to parents in Family Court matters who cannot afford counsel. The ILS Office will collect information, monitor performance and distribute funds appropriated in the executive branch budget. Its mission is to support and work cooperatively with county governments and defenders to improve the quality and cost-effectiveness of New York’s indigent defense system and to bring it into compliance with nationally accepted norms, particularly the ABA’s Ten Principles of a Public Defense Delivery system, which address workload standards, attorney qualifications and training, and supervision and evaluation of attorney performance.

Already, the ILS Office has identified major deficiencies such as excessive caseloads, inadequate or non-existent investigation, lack of qualification standards, poor training and supervision, and lack of oversight for appellate representation. But looming over all of these and other deficiencies is the continuing practice of arraigning and jailing accused persons without affording them the assistance of counsel.

Today, I announce the first major policy objective to be undertaken by the ILS Board and Office -- to address and remedy this practice, which has long been impervious to change. Our goal is to ensure that all defendants arraigned before the courts of this State are represented by counsel at their first court appearance.

In the weeks and months ahead, the ILS Office, working cooperatively with the policymaking branches of state government, the Counties, the State Magistrates Association, and all affected stakeholders will make this issue its absolute top priority and work to develop and implement practical solutions and legislative and rule making changes to facilitate the availability of counsel at first court appearance. The Office will use its discretionary grant authority and technical expertise to encourage and support localities in crafting creative approaches to this problem, including where adjoining localities agree, utilizing centralized arraignments, as well as taking full advantage of modern technology, streamlining inter-agency procedures and improving communications and information sharing.

As Chief Judge and Chair of the ILS Board I am committed to seeing that effective reforms of this longstanding failure are identified and, most critically, acted upon now. While there are pending legal and constitutional challenges in this area that will continue to run their course, there is an independent and compelling moral obligation for every participant in the criminal justice system to work together to forge policy solutions to this problem -- because the arraignment and pretrial jailing of defendants who are not represented by counsel is a fundamental failure that can no longer be tolerated in a modern, principled society governed by the rule of law. The problem may not be totally solved in one day, one month, or even one year, but it is my pledge to you today that by next Law Day, the norm in our great State will be that defendants are represented by counsel at arraignment, and that anything less than that will be aberrational in nature.

A great deal of additional work lies ahead if we are to make good on the promise of Gideon and provide competent, efficient, ethical, conflict-free legal representation for criminal defendants who cannot afford an attorney. It will require nothing less than deep reform of the current system, beginning with the engagement of the policymaking Executive and Legislative branches, along with the participation and investment of state and county government, and every entity and person involved in administering, funding and delivering public defense services.

Outreach by the ILS Office's Executive Director, William Leahy, has emphasized cooperation, communication, creative problem solving, and a

renewed focus on the quality and efficiency of services. The goal is to listen, support and encourage -- not to impose new mandates on localities, but rather to move forward together with a common purpose and unswerving commitment shared by all stakeholders.

One of the key ways in which we will promote reform is by transitioning away from payments to localities that are based solely on local expenditures and by moving toward a funding system in which future payments will be based on performance, attention to quality, and need.

Earlier this year, in advance of implementing this performance-focused grant process, the Board authorized the ILS Office to set aside initial grants to be awarded in exchange for commitments by counties and local defender leaders to implement innovative, quality-enhancing measures to improve the delivery of services. The results of this initiative could not be more encouraging. Dozens of counties have submitted plans that would, for example: add attorneys to provide representation at arraignment in high-volume Town Courts; reduce excessive caseloads through enhanced attorney staffing; establish a multi-county immigration advisory center to provide constitutionally required services in this highly important area; obtain labor-saving case management systems to monitor caseloads, identify conflicts, and prepare mandated reports; add alternatives to incarceration coordinators to link eligible defendants to drug and mental health treatment services; restore necessary attorney training which had been lost to budget cuts; upgrade existing investigatory capacities, and many, many others.

This is the process -- balancing challenge, innovation and cooperation-- by which we will, together, reinvigorate our public defense framework, improve the quality of services, and ensure that in these difficult fiscal times we are getting maximum results from the resources at our disposal, both at the state and local level. Together, in the next year, we commit to ensuring that the dream of Gideon is alive and well in the Empire State. Thank you so much.

It is now my great honor and pleasure to introduce to you our terrific Lieutenant Governor, the Former Chief of Police and Mayor of Rochester New York and just a wonderful person and a great, great public servant, the Honorable Robert J. Duffy. Mr. Lieutenant Governor.

LIEUTENANT GOVERNOR ROBERT J. DUFFY: Thank you very much. I'm here on behalf of Governor Cuomo. On behalf of the Governor I want to first of all thank Judge Lippman, our esteemed Chief Judge for all the great work he does on the Court of Appeals, and for everyone attending today to celebrate Law Day.

I'm here with Mylan Denerstein who is also the great counsel to the Governor. It is truly an honor and a privilege to be here and have a chance to address you.

First for Judge Lippman, a man who I have enormous respect for. He swore us in on New Year's day. I'll forever have an affinity with the judge, but to have a chance to come today and first of all thank you, and thank you to the members of the Court of Appeals for what they do every day. I want to

personally thank those who, first of all enforce our laws, who defend our laws, and also interpret our laws.

We are a nation of laws and that's what makes the United States the greatest nation on this earth and New York State the greatest State. And to celebrate today brings an opportunity to go back and look at some aspects of this day that really will hopefully reinvigorate our believe system and our support of really why we are here today.

The choosing of John Adams, the second President of the United States, as an example I think is a wonderful legacy. As Judge Lippman mentioned one aspect of John Adams, he did defend the British soldiers involved in the Boston Massacre. He also was the second President. He was a Vice President for two terms, but along with defending the British soldiers one other part of his career that stands out is he was an author of the Declaration of Independence, which was a certain death sentence in that day. And what John Adams epitomizes to me is the issue of courage and integrity.

They have the courage to stand up at that time to defend those soldiers, an inherently unpopular decision, one that I'm sure he was reviled for doing, but he did so in his belief in the law and a belief in our system of justice. And also for signing the Declaration of Independence. To risk one's life for what they believe in; you cannot ask for a higher level of commitment to public service in our country.

To take what John Adams has put forth in his career and bring it forth today, in my remarks I'll focus on an aspect of President Adams and that is

courage and integrity.

One thing we seem to lack so often today in public service is that. It's to have the courage of our convictions to do what is right, not what is popular. To stand up for what is right based on a rule of law or what is right for the people of our State and our country. And there are examples of that, we saw one yesterday. President Obama to show presidential leadership in making a very difficult, I'm sure a very emotional decision that he did yesterday in the operation in Pakistan. To the men and women who carried that out yesterday, the incredible courage that they showed in carrying out that mission.

That is leadership, that is courage, that is integrity. And I'm very, very proud of our President and proud to be an American based on the courage that he showed 24 hours ago. To our Governor who came into office facing an enormous budget gap, \$10 billion dollars, and no easy way to bridge that. The decisions that were made in partnership with folks like Speaker Silver from the Assembly, Senator Skelos from the Senate, to bridge that gap, to put a budget together that while in many ways was not popular in some circles, it was right and it was justified and it took leadership. It took conviction, it took integrity to stand up and make decisions based on what this State needs at this time and to then bring it to the conclusion with our judiciary.

I have read many decisions over the years from this body. I will say, I don't disagree with any of those your honors. I certainly have read those decisions but in this body here with Judge Lippman and the esteemed judges of the Court of Appeals, and right in this building the difficult decisions that

have been made here. And I'm sure the judges have been criticized over the years for those decisions, but they made those decisions based on what they believed was right, what they believed was under the rule of law and I think it's a great example for all of us.

Today in our State and our country far too often leadership is defined by sound bites, leadership is defined by press conferences. That's not leadership, to me it's theater. To me true leadership is being able to stand up for what is right. Stand up in the face of immense unpopularity because of the rule of law and because of what is best for the people of the State and this country. And I think to celebrate Law Day today is to thank all of those who make our system great, such as the Chief Judge and the judges here and around the State. To thank those who in some way, some small, some large, have supported this great system, the greatest system in the world, one that we all should be proud to be part of and to live under. It's a time to really reflect on what made that system great.

I do think if we look at President Adams and what he has done, look at the courage and conviction and integrity that he has shown in our own lives, whether we are elected officials, whether we are judges, whether we are public servants, in any capacity that we end up being in today, to try and model those behaviors, those traits, those principles. If we do that every single day we make the state and this country stronger and stronger. And we take Law Day from just a celebration to perhaps a way of life and a way of living.

Again, I want to just close by saying this, on behalf of the Governor I just am honored to come here and address you today. He would have liked to have been here himself. But I'll close by saying I'm proud to work along side this governor. I'm proud of what he's done in his very short period of time in four months, the decisions that he has made. What I've seen behind the scenes and what I've seen outside publicly. What he says privately he says publicly.

I always believe in integrity and character. It comes down to what not you do when somebody's watching, it's what you do when nobody's watching that really defines ones character and ones strength. I think we have that in our Governor, we have that in our Chief Judge in the Court of Appeals, we have that in the state and this country, and I think today's a great way just to celebrate all the good things that are going on in New York State. The good things because of what's happening in this building and elsewhere, and reaffirm to make this state stronger every day, week, month and year.

And Your Honor I thank you so much for the opportunity and I wish you the very best on Law Day and God Bless you all. Thank you.

CHIEF JUSTICE LIPPMAN: Thank you Lieutenant Governor. It's such a delight to have you with us on Law Day. Our next speaker representing one of the largest bar associations in this country with 80,000 members and going strong is Stephen Younger who has done such an absolutely spectacular job as the 113th President of the New York State Bar Association.

NEW YORK STATE BAR ASSOCIATION PRESIDENT STEPHEN YOUNGER:

Chief Judge Lippman, Lieutenant Governor Duffy, Speaker Silver, Mayor Jennings, the judges of our Court of Appeals, presiding justices Gonzales, Prudenti, Mercure, and Scudder, and all of the incredible public servants that are with us today.

It's a real honor on this 54th Law Day to recognize the importance of the rule of law. What better place to do so than in this beautiful courthouse. I tell you I always get the tingles when I walk in the door, there's where I got my start three decades ago and I'll never forget it.

Today we honor the ideal of justice. Justice for all Americans no matter how poor, no matter how rich, no matter how popular or unpopular their cause. And this year we celebrate the legacy of John Adams, who was a great patriot, a great lawyer, and an incredible public servant.

John Adams memory is certainly alive with us in this incredible courthouse today. In his spirit I think we should applaud our Governor Cuomo and Lieutenant Governor who have gotten Albany moving again. Congratulations. Together they've steered us to an on time budget and they pressed critical policy issues which are the right issues for the day, like government ethics reform and marriage equality; which we should hopefully get in this coming year and we wish you great luck with all the courage you've seen through this year.

But John Adams was also a champion of access to justice. He believed

that in a free country a lawyer ought to be the last thing that an accused person ought to go wanting for. Reflecting these beliefs, as you heard, he represented British soldiers in the Boston Massacre. Think about how unpopular that cause was at that time. It was like representing the Guantanamo defendants.

It was Adams who famously said, "If we don't lay ourselves out in the service of mankind, who is it that we should serve?" It is thus quite appropriate for us today to applaud Chief Judge Lippman's efforts in promoting access to justice for all New Yorkers. Congratulations.

When the great recession hit our IOLA (Interest on Lawyer Account) fund he stepped forward and made sure there were funds to make sure that the devastating impact of these cuts would not have a severe blow on legal services providers throughout our State.

In a similar vein, he allocated new money this year for civil legal services for the poor because justice for all, the poor and the unpopular is the hallmark of Law Day. It's even more important today as the poor had been hurt so hard by our fiscal crisis. But we should also congratulate the Chief Judge for the professional way he's handled difficult cuts made to the judiciary budget. These cuts will have a huge impact on the courts, but he's stressed the need to reinvent ourselves. To look at new forms of court operations, like E-Filing and court consolidation, to reflect the new paradigm that we live in. Surely Adams would be proud of this approach.

But today we focus not on John Adams of public service, but on John

Adams the lawyer. So in preparing to speak with you today I thought about how dramatically the practice of law has changed since John Adams' day. For example, in Adams' era a lawyer used a quill pen, a tablet of parchment paper and a library full of books.

Today, we as lawyers use a different kind of tablet. A probably antiquated notion but quite often it's an I-Pad or it's some other device that allows us to carry a virtual law office around with us.

It's not surprising that many of the changes that have dramatically changed our profession have been fueled by technology. These changes have created a far different environment for us to practice law than the one that John Adams knew.

For example, in Adams' day lawyers could take their time to think out a problem that a client brought and go to the law library before giving advice. In today's world our clients want instantaneous answers e-mailed to their handheld devices within minutes. Just imagine how Adams' life would be different if his legacy was lived out by e-mails sent every minute of the day. A much different legacy I'm afraid.

But technology has also opened up outsourcing of legal services. One researcher estimates that by 2015 the United States will lose 80,000 legal jobs to outsourcing. That's about one job for every lawyer on the New York State Bar. But technology is also providing benefits. It's helping us provide legal services more efficiently. It's forcing us to rethink how we train our new lawyers and how we would structure our business models. The result has

been a rapidly changing legal landscape.

This is why when I took office as President last June we launched a task force to examine the future of our profession. We challenged all the lawyers in the State to consider how these changes were affecting the legal market and looked for ways to adapt to these changes. I believe that that's what John Adams would have had us do, to think out how the profession has changed and what we can do about it, because he was a true thought leader of his day.

In 1816, Adams wrote to his son and urged him to let the human mind move. And that's what we do as lawyers. That's the greatness of us as lawyers. So with that spirit we asked our task force to address four key issues. First, how do we train our new lawyers. Second, how can we better promote work life balance in the profession. Third, how our law firm should relate to the modern client including the development of alternate billing systems. And fourth, how does evolving technology affect us as lawyers.

I'd like to highlight some of the key themes that the tasks force recommendations reflect, which were approved by our house of delegates here in Albany last month.

Today many graduating law students have never interviewed a client. They've never drafted a contract. As a result we find clients who don't want young lawyers working on their matters. In contrast, in Adams' day, lawyers apprenticed and they got the skills that they needed to practice law before they went out into the marketplace.

Lawyers in many countries still use that apprenticeship model. Our task force has recommended more skills based training for young lawyers so they can better meet the demands of the modern client. The task force also recommends new mentoring systems so that they get the kind of guidance that young lawyers need in the marketplace. We've also recommended taking account of the fact that lawyers are seeking flexibility and predictability in our personal and professional lives.

Think about the 24/7 workplace that we live in now. We're bombarded by e-mails at our kid's soccer games, our dinners are interrupted by cell phone calls. It's not the kind of workplace that we can really recommend to our kids, much less our grandchildren. So we need the law firms to come up with policies that help promote flexible work styles in the workplace because this isn't just the right thing to do, it makes good economic sense.

Healthier work life balance for lawyers will help foster good client relationships and reduce the cost associated with lawyer turnover.

Now the economic downturn was devastating for New York lawyers. It resulted in the layoff of many lawyers, contracted hiring at law firms, and reduced law firm earnings. But as the economy recovers, it's become clear that we cannot just go back to business as usual. As a result, our task force recommended that to stay competitive law firms need to examine their structures. They need to take light of the fact that we are seeing increasing outsourcing, and even virtual law offices where people don't even go to the office anymore.

Firms need to consider how they can expand the use of alternative fee arrangements to make sure that value continues to be delivered to our clients. But new technology is perhaps the glue that holds together all the recommendations of our task force. While technology is a driving force behind the changes within our profession, it also helps us better identify solutions for our clients.

By embracing technology we can compete more effectively in the global marketplace. It allows us to work faster and more efficiently. The task force has recommended that law firms harness technology through a better training of their lawyers and enhanced access to new technologies.

Now this year we've also focused on another subject, which is promoting New York law as an international legal standard. And this Court of Appeals really stands for that. This Court of Appeals has set down so many cases in commercial law that are followed not just in this State but around the world. This is a critical issue for all New Yorkers given the globalization of our economy.

If we can maintain New York's role as a commercial center, it is going to be key to advancing our economic development in our State. Each year, U.S. lawyers export over \$7 billion dollars in legal services. Think about that figure. We need to maintain the prominence of New York law as an international standard if we're going to retain the status of New York as a commercial center.

Now the legal profession has often been characterized as being

incapable of quick change. And I know some of our leaders understand that. They get fought by lawyers who don't like change. And I'm reminded of something our governor has said, which was that change isn't about me, it's always about you or somebody else. But we have to adapt as lawyers. And if we're going to thrive in the season of rapid change in our profession we have to heed John Adams' call, which was to let the human mind loose.

We're called on to be the stewards of our profession. We're called on to shake the future of our profession. And by fulfilling this duty we can make sure that the legal profession remains a wonderful one, not just for us as it was in John Adams' day, but one that's rewarding for the generations of lawyers to come.

So on this law day I call on each and every lawyer in our State to heed John Adams' spirit and to adapt to the changes that are sweeping through our profession. Thank you so much.

CHIEF JUDGE LIPPMAN: We now proceed to what has always been a terrific part of our program. The presentation of Merit Performance Awards. It's my pleasure to introduce Chief Administrative Judge Ann Pfau and Deputy Chief Administrative Judge for New York City Courts Fern Fisher. Both of them terrific, who have kept our court system up and running and accessible to all in even the most difficult times. They will preside over this part of the program.

CHIEF ADMINISTRATIVE JUDGE ANN PFAU: Thank you Judge Lippman. On behalf of the Trial Courts throughout the state I want to thank the Court of Appeals for including the Merit Performance Awards in today's Law Day celebration in this beautiful courthouse. I have the great privilege of giving today's honorees their 2011 Merit Performance Awards.

The five employees that we recognize today are truly deserving of these awards for their outstanding professionalism and generosity that they bring to their positions. Every year we use this special occasion of the court to highlight the work of the men and women who support the judges and serve both the litigants and their communities.

This year's awards recognize five members of our court family from throughout New York. Mike Williams from the New York City Family Court, Pamela Greene from the Sixth District Office in Binghamton, Marisa Alleyn from the Nassau County Supreme Court, Sarah Sennett from the Monroe County Surrogates Court, and Peter Robinson from the Niagara County Supreme Court.

As they come up to receive their awards I am delighted to introduce them to you and to tell you why they were selected this year. So when I call your name please come up. Mike Williams.

Every court has a go to person and I can say with certainty that in the New York City Family Court Mike holds that honor. No matter where the problem is Mike is always willing and able to go and fix it. We are recognizing him this year with the Merit Performance Award for his outstanding

contributions in assisting the thousands of unrepresented litigants who come to the family court each year. Mike has devoted himself to the success of the online Do-It-Yourself Programs that enable unrepresented litigants to access the court.

Because of Mike's dedication to this effort, a dedication that went far beyond his traditional duties, last year over 26,000 support modification and paternity petitions were generated using this program. For his outstanding dedication and extraordinary service it is my honor on behalf of the court system to give Michael Williams the 2011 Merit Performance Award for Superior Work Performance.

Pamela Greene. As the court system moves forward, the use of technology is vital. From electronic filing to data gathering we are turning more and more to automation to fill our needs. In doing so we are incredibly fortunate to have Pamela Greene as a key part of that effort. As a LAN administrator in the Sixth Judicial District, Pam has been instrumental in the development and rollout of software applications that cover an enormous range of cases from traffic matters to foreclosures, as well as solving practical problems like keeping track of computers and furniture.

Pamela worked long hours to make sure that we use automation to its fullest, putting her legendary ingenuity and work ethic online time and time again. Pam has demonstrated her leadership and dedication throughout her career and I am extremely proud to recognize her with the 2011 Merit Performance Award for Superior Work Performance.

Marisa Alleyn. Marisa works not just in the very busy Nassau County Supreme Court, but has chosen to use her skills and expertise in the highly charged environment of divorce cases. Families in crisis are not easy for anyone to manage, but Marisa is able to cut through the emotion and help families resolve their differences and reduce the acrimony.

For over four years Marisa, who is a social worker and mediator, has brought calm to the matrimonial center in Nassau County, assisting parents, creating parenting plans that put their children first and helping families access much needed social services. In the end, thanks to Marisa, divorce is easier and quicker in allowing families to move on with their lives. It is my pleasure to give the 2011 Merit Performance Award for Superior Work Performance to Marisa Alleyn.

Sarah Sennett. Just as every court has its go to person, most courts have one person whose commitment to their community infuses the court with enthusiasm for those around them. In Monroe County Sarah is this person.

Sarah is the shining example of dedication, making sure that we in the courts serve the community every day. Sarah has overseen countless blood drives, working in every capacity to coordinate over 50 blood drives in the past decade. The donations that she has spear headed have helped nearly 7,000 critically ill patients.

For the last eight years Sarah also has served as a SEFA campaign manager helping to generate thousands of dollars in donations to worthy causes. Everyone who works for Sarah is infected with her generosity and

enthusiasm and the support for her work is universal. In recognition of her service to others I am proud to give the 2011 Merit Performance Award for Community Service and Humanitarian Pursuits to Sarah Sennett.

Officer Peter Robinson. We end on a high note with Officer Peter Robinson from the Niagara County Supreme Court. Officer Robinson is an accomplished singer who donates his musical talent and his time to the community in countless ways. He not only sings at courthouses and community events, but he finds time to work with young people as a hockey coach, a motivational speaker, a volunteer commissioner for the Niagara County Youth Bureau. He also serves as the President of the Lockport Fire Department, and last year led the effort to collect for food pantries.

Peter puts his remarkable talents to work in improving the lives and lifting up of his community and it is a great pleasure for me to give him the 2011 Merit Performance Award for Community Service and Humanitarian Pursuit.

Congratulations to all of today's awardees and thank you Judge Lippman for allowing us to be part of this day.

DEPUTY CHIEF ADMINISTRATIVE JUDGE FERN FISHER: Good afternoon, Judge Lippman, Lieutenant Governor Duffy, members of the Court of Appeals, presiding justices, one and all. I'm very happy that this is a part of this program today because this is the part of the program where we recognize our future stars.

The 2011 David A. Garfinkel Essay competition included 92 students from community colleges throughout the state of New York and today we recognize the winners. I'm going to start off with the third place winner who could not be here today because he had an exam. So we will excuse him and we understand why he's not here. Our third place winner is James Gerber from the Borough of Manhattan Community College. He's a lieutenant in the New York City Fire Department and an EMT. He's balancing his career with nursing classes at BMCC and internships in some of New York's most challenging hospitals. Eventually he wants to earn his masters degree in nursing or another medical field.

He had been on the job as a firefighter for six months when 9/11 struck. He was half a block away when the towers collapsed and searched for people in the debris for the next three months. Before becoming a firefighter James earned a bachelor's degree in engineering at Boston University. His topic, Fire Prevention in The Wake of The Triangle Shirtwaist Factory Fire of 1911: The Role of Fire Chief Edward Croker. For that he's getting the third place and we should congratulate him in absentia.

Now I should back track and indicate to you, that this year the topic is the Legal Legacy of the Triangle Shirtwaist Factory Fire in New York City.

Our second place winner is here today. Would you come up, Kevin Volk. Kevin attends Genesee Community College and he's studying math and science with concentration in Chemistry and Physics while working full time as a waste water treatment plant operator for the city of Batavia, part time at

a second waste water treatment plant, and also as a tutor of English, Chemistry, and Mathematics. He doesn't sleep apparently.

He is active in his church and in the Boy Scouts and enjoys doing mechanical machine work and has a fair hand at welding. His professor, Derrick Maxfield was responsible for helping him through this process. Kevin's topic, A Brief Examination of the Difficulties in Finding Justice for the Victims of the Triangle Factory Fire in 1911, earned him the second place this year. Congratulations.

Our winner, our first place winner, Amelia would you please come up. Amelia Weimar attends Onondaga Community College and she's a second semester freshman currently working toward her Associate's Degree in Humanities. She's in the honors program at Onondaga Community College and is an early acceptance student at SUNY Upstate Medical University in Syracuse where she will study for a Bachelor's Degree in Radiation Therapy. She is a solo pianist, plays volleyball and sings in her church choir.

Her faculty mentor is Professor David Hines, who is here today. Professor Hines would you stand and be acknowledged please.

Amelia's topic, The Triumph and Tragedy: How Frances Perkins Shaped the Labor Movement. I urge that all of you read all three essays. I had a chance to read them and they're just wonderful. Amelia, yours was the best and you are our first place winner and I congratulate you.

Our future depends on these young people and I think we've seen the best of the best here today. Thank you.

CHIEF JUDGE LIPPMAN: Michelle Perry-Belches will close with “America the Beautiful”. Thank you all for being here for Law Day 2011.