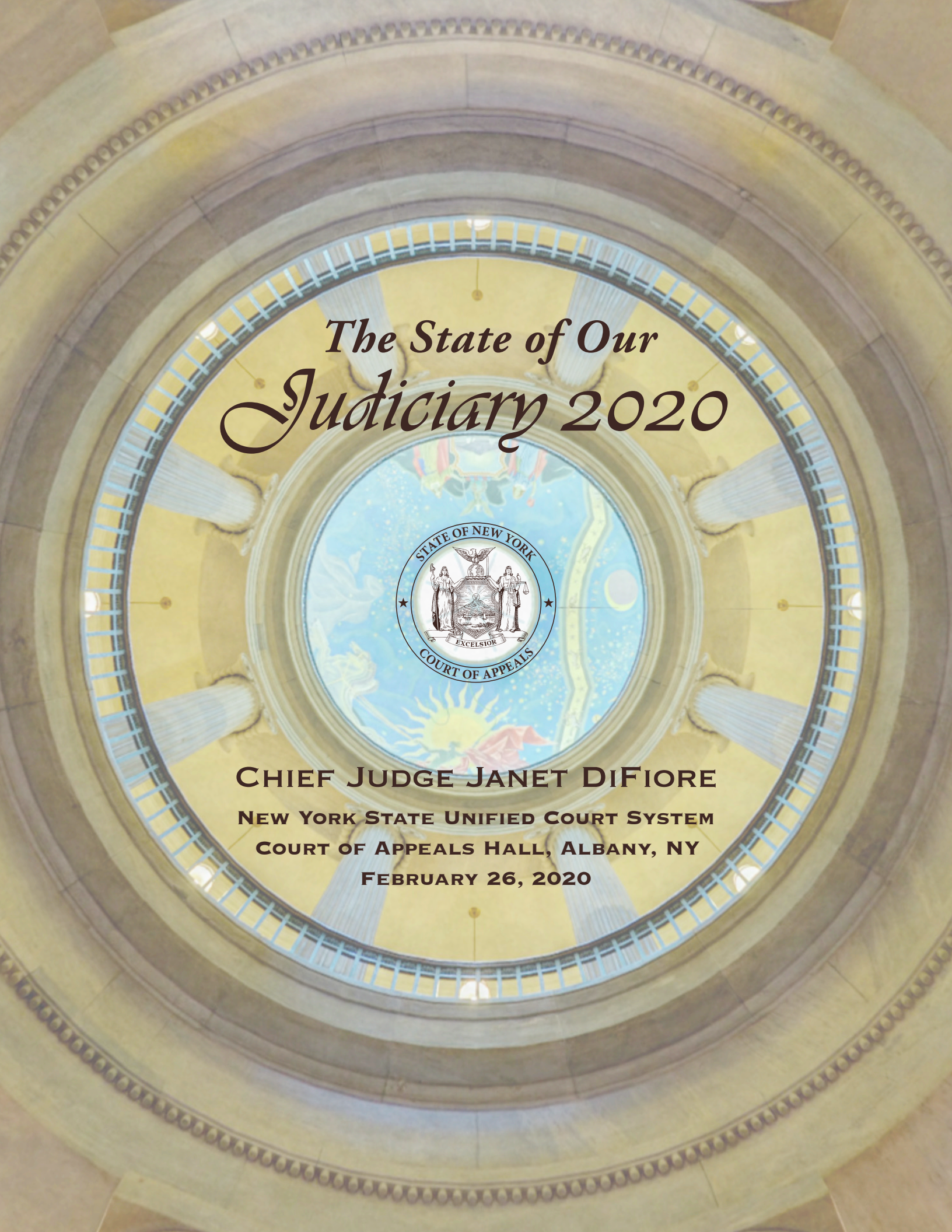

The State of Our *Judiciary 2020*

Chief Judge Janet DiFiore

New York State Unified Court System

Court of Appeals Hall, Albany, NY

February 26, 2020

The State of Our
Judiciary 2020

Janet DiFiore

Chief judge of the court of appeals

chief judge of the state of new york

new york state unified court system

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albany, new york

wednesday, february 26

The cover depicts the graceful Doric, Ionic, Corinthian columns and the dome of the rotunda of Court of Appeals Hall.

Janet DiFiore
Chief Judge of the State of New York
Chief Judge of the Court of Appeals

Lawrence K. Marks
Chief Administrative Judge of the State of New York

ASSOCIATE JUDGES OF THE COURT OF APPEALS

Jenny Rivera

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Gerald J. Whalen
Fourth Department

Table of Contents

The State of Our Judiciary 2020

I. Introduction

Welcome to the State of Our Judiciary 2020.

One of the great highlights of the court year for us is the opportunity to report to our partners in government, the Bar and the public on the progress we have made, and the challenges we face, in our pursuit of excellence in the delivery of justice.

The focus of this year's State of Our Judiciary is on several priorities that are fundamental to the present and future viability of the New York State courts:

- constitutional simplification of our courts;
- implementing presumptive early Alternative Dispute Resolution, or "ADR," for civil litigation in our courts; and
- criminal justice reform.

To supplement my address today, we have prepared this comprehensive report on the State of Our Judiciary detailing our efforts to better manage and adjudicate the millions of cases on our dockets and highlighting some of the many initiatives that are underway to improve the quality of our services. We have also prepared our Year Four Excellence Initiative Report containing extensive caseload data on the progress we have made to ensure the just and expeditious resolution of all matters.

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It is painfully obvious to all of us that we are living in divided times, but we are fortunate to live in a nation governed by the rule of law. Every year millions of difficult and contentious disputes are resolved peacefully in our courts, and the rulings, orders and decisions issued in those matters are respected and honored by the litigants, the lawyers who represent them and the members of the community at large.

Respect for the work of the courts is of paramount importance to the functioning of our democratic system of government. The public's confidence in our ability to administer justice in a fair and efficient manner is the foundation that enables the judiciary to carry out its mission. That is why, upon assuming the position of Chief Judge four years ago, we announced the Excellence Initiative and placed our institutional focus on improving the efficiency of court operations and the quality of our justice services.

Our goal of achieving operational and decisional excellence is the motivating force behind the three-part plan we have developed to improve the long-term performance of our court system.

I am proud to say that Part I of that plan – the Excellence Initiative – has been, by every measure, a resounding success. Thanks to the hard work and commitment of our judges and court staff, and the support and cooperation of the Bar, we have cut our backlogs dramatically all across the state and eliminated them entirely in many jurisdictions.

Our docket of criminal cases, long plagued by systemic, almost intractable delay, is dramatically down across the state. In the New York City Criminal Court, for example, the number of cases pending for more than a year has been slashed by 90% since the start of the Excellence Initiative. On the civil side of our house, we have been productive and effective as well, cutting our backlog in half across the state and eliminating it entirely in many jurisdictions.

The second part of our plan for the future of the New York State courts – presumptive early ADR – was announced a year ago during the State of Our Judiciary Address with the goal of increasing settlement opportunities, easing case congestion on the front end and providing litigants with more cost-effective options.

I am proud and inspired by the manner in which our judges and professional staff have risen to every challenge under the Excellence Initiative and by the great progress they have made over the last year to transform our statewide civil justice system into a model presumptive ADR system.

But notwithstanding these efforts to improve our performance, we are fighting an uphill battle – which leads me to the third part of our plan for the future of our court system: simplifying the structure of our trial courts.

II. Court Simplification

The processes we have employed to achieve progress under the Excellence Initiative and our presumptive ADR model have opened our eyes to how much more we could be doing to improve the delivery of justice if we were not forced to operate within the confines of the most complicated, inefficient and antiquated trial court structure in the entire nation.

The single greatest barrier to our ability to deliver the kind of timely, efficient justice services the people of this state expect and deserve is the structure of our court system, which has not been meaningfully updated in more than half a century.

Article III of the Federal Constitution lays out the structure of the entire federal judiciary in 365 words, leaving Congress with the flexibility to make changes in the federal courts to respond to the demands of the times. In New York, Article VI of our State Constitution uses over 16,000

words to set forth in mind-numbing detail a rigid trial court structure that ties the hands of lawmakers and judicial leaders and prevents us from taking the steps necessary to adapt our services to the times we live in.

No state in the country has a court system as complicated or complex as ours. California, with double our population, has a single trial court. We have 11, and each has its own jurisdiction, procedures, culture and defined staff.

Given a blank slate upon which to create a court system, no rational person would ever design the system we have in place today.

The fragmented nature of our structure leads directly to increased case congestion and delay because we are unable to move resources quickly and easily when faced with new caseload trends and emergencies. This is the very frustration we experienced not long ago when a serious economic downturn led to dramatic increases in mortgage foreclosure and consumer credit filings. The courts affected by those increases could not stay abreast of their calendars without a significant infusion of judicial and nonjudicial resources, an infusion made more challenging by the artificial boundaries between our courts. Even today, we are still digging out from the aftermath of that difficult period.

Our current structure simply does not serve the public well. It leads to more court appearances, higher legal fees, more lost workdays, extra childcare and transportation expenses and unnecessary added stress and frustration for everyone, including, and most especially, the litigants of modest means who can least afford it.

It is absolutely essential that we set aside politics and parochial notions of elitism and status and work together to eliminate the harmful vestiges of the past. We must do what is right for the people of this state who make up the bulk of our docket: children, families, criminal defendants, tenants facing eviction, consumers strangled with debt, small businesses – plain ordinary people seeking compensation for losses suffered or enforcement of their legal rights. The litigants who regularly use our courts need an efficient, easy-to-navigate judicial system.

With their needs in mind, we have called for an amendment of Article VI of the State Constitution to consolidate our confusing patchwork of 11 different trial courts into a simple three-tiered structure comprised of:

1. a statewide Supreme Court into which the Court of Claims; County Court; Family Court; and Surrogate's Court would be merged;

2. a statewide Municipal Court replacing the New York City Civil and Criminal Courts; Nassau and Suffolk District Courts; and 61 City Courts; and

3. the Justice Courts, which would not be affected by our proposal.

Our proposal will eliminate the artificial barriers and fragmentation that prevent us from managing our courts with true efficiency and frustrate access to justice for litigants.

The new structure will assure that families receive coordinated decision making from one judge, in one court. Under our current system, it is not uncommon for one family to shuttle back and forth between multiple judges and courts. If a family is appearing in Family Court for custody, visitation, child support or protective orders but wants to end the marriage, one of the parties must commence a separate action in Supreme Court before a different judge. And if a family member is victimized by a domestic abuser, the criminal prosecution creates a third set of court appearances and procedures.

This is not a model we are proud of. Nor does it serve the public interest. We have tried in the past to work around our constitutional limitations by crafting solutions, such as Integrated Domestic Violence Courts, which relieve litigants of the burden of appearing before multiple judges and courts, but these workarounds are not a rational or responsible way to provide critical justice services to our citizens or to operate a $3 billion branch of our state government.

What we need is a modern, simplified court system that increases the people's access to justice; speeds the resolution of cases; minimizes court appearances; keeps litigation costs down; and enables judges to decide cases in a coordinated, comprehensive manner. The new structure we have proposed is smart, clean and will allow us to achieve these goals by clearing away the clutter and streamlining and consolidating our services. It will:

- enable us to manage our caseloads more efficiently;
- ensure that there is a resident elected Supreme Court Justice in every county of the State. Many upstate counties have not had a resident elected Justice in decades;
- make the New York City Housing Court a constitutional court and help us eliminate the damaging perception that it is a second-class forum;
- eliminate the obsolete constitutional cap on the number of Supreme Court Justices and relieve court administrators of a responsibility they do not want. Court administrators presently select half of the judges who serve on the Supreme Court in New York City. This is a responsibility better left to the voters and those elected officials who appoint our judges;
- enable the Legislature to establish a badly needed fifth appellate department. The Appellate Division, Second Department, encompasses half of our state's population and is responsible for more dispositions than the other three Departments combined; and

- improve the diversity of the Supreme Court and the Appellate Division, especially upstate, by merging county-level courts into a consolidated Supreme Court and adding more minority and women judges to the Supreme Court bench and pool of jurists eligible for appointment to our appellate courts.

We were greatly encouraged when Governor Cuomo, recognizing the urgent need to reform the courts, pledged in his State of the State Address to work with us to simplify our structure. And true to his expression of support, the Governor has submitted a proposed constitutional amendment as part of his Executive Budget that fully captures the reforms we have called for. We are excited and energized by the Governor's concrete support, which we believe greatly enhances the likelihood of passage.

On behalf of the Legislature, Senate Judiciary Chair Brad Hoylman and Assembly Judiciary Chair Jeffrey Dinowitz held public hearings last November and did an outstanding job of examining the issues and fostering an informative and productive public debate. Thirty-five witnesses testified before the panel. Not at all to our surprise, these witnesses overwhelmingly supported court simplification.

I have spoken personally with Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie, who both assured me that they will work with us to explore the issues. Hopefully, our work together will resolve any concerns they may have about reform – and those efforts are already underway.

We are very excited and inspired by the unprecedented and growing coalition of over 100 organizations across the state that publicly support our proposal, including: bar associations; legal service providers representing people of limited means; victims' rights groups; business organizations; good government groups; along with many others, including the broad support of editorial boards across the state.

We heard sad and compelling testimony at the public hearings from litigants and lawyers with real courthouse experiences, including a courageous survivor of domestic violence, who described how the confusion and delay created by our current system ends up revictimizing families in crisis and victims of abuse. Standing alone, the experiences of those who represent the most vulnerable litigants in our courts should be enough to compel action to create a better system for all.

Recognizing the imperative before us, the 70,000-member New York State Bar Association and the Fund for Modern Courts have jumped to the forefront of the movement to simplify our court system. State Bar President Hank Greenberg and the lawyers who practice in our courts understand better than anyone how our current system increases litigation cost and delay and imposes intolerable burdens on real people. We are grateful to our colleagues in the organized Bar for their leadership and commitment to achieving responsible reform of the courts.

Disappointingly, there are a few groups opposed to simplifying the court system. They come mostly from within our own court family: certain judges worried about losing their status and prerogatives; union leaders understandably concerned about job losses; and some of our judicial colleagues and others who raise important concerns about the possible impact of our proposal on judicial diversity.

Let me say clearly, this reform was not designed to and will not disenfranchise any constituency or group. To the contrary, we have taken meticulous care in preparing the proposal, and we have gone out of our way to avoid harm to any group. As just one example of our intention to focus solely on lawyer and litigant issues, we have adopted a "merger-in-place" approach, in order to preserve the status quo with respect to the sensitive question of how different judges are selected. Those judges who hold elective positions will continue to be elected, and those judges who hold appointive positions will continue to be appointed. Court simplification has nothing to do with politics or issues of judicial selection. Court simplification is about creating a modern, accessible and affordable court system for the benefit of the people we serve.

Importantly, we do not intend to reduce our workforce. No jobs – I repeat – no jobs will be lost due to court simplification. Frankly, our court system is under-resourced and one of the major benefits of simplification will be to maximize the efficiency and productivity of the resources now at our disposal.

And what could be more important to our institution than fostering judicial diversity on the bench and in court leadership positions across the state? Our commitment to diversity is evidenced by the fact that during my tenure as Chief Judge we have appointed the most diverse judicial leadership team in the history of our state's courts. In fact, 10 of our 15 downstate Administrative Judges are minority and LGBTQ judges. Once again, every initiative, and every new approach we pursue, is about building the public's trust and confidence in the work of a strong and independent judiciary, and we best accomplish that goal by creating a judiciary that reflects the rich ethnic and cultural diversity of the people we serve.

Finally, this reform will not meaningfully impact our budget. We anticipate that the total cost for the enormous improvements in service, efficiency and productivity that I have just described will be approximately one-half of one percent annually of our judiciary operating budget. We are prepared to absorb this cost within our budget when it is fully felt in 2027.

Change is never easy. And no proposal to reorganize so massive and sprawling a system as ours can please everyone. Moreover, the experienced lawyers, judges and legislators who are motivated for reform understand that a first cut of any proposal for court reform can never anticipate every possible, relevant or responsible concern. Nothing is carved in stone. We will continue to solicit any and all constructive suggestions from the Executive, the Legislature, the Bar, the Bench and the stakeholder communities that are designed to make our proposal better and more likely to achieve first and second passage in the Legislature followed by the electorate's ultimate approval.

We are fortified and guided by the principle that our system does not exist for the convenience of any one group. Our court system exists for the benefit of the millions of New Yorkers we are pledged to serve. This is about putting the public first. It is about operating a justice system for the benefit of litigants and lawyers who depend on us for the critical services that only we can provide – and that we are constitutionally obligated to deliver.

I look forward to working with Governor Cuomo, Majority Leader Stewart-Cousins and Speaker Heastie to bring about this much needed reform for the benefit of the people of New York State.

III. Criminal Justice

A. CRIMINAL JUSTICE REFORM

And while we work hard to accomplish court reform, we will continue to carry out our work as the third branch of government.

On January 1, a series of major reforms took effect in New York, including:

- elimination of cash bail for most misdemeanors and felonies. In lieu of setting bail, judges must now issue securing orders requiring either release on recognizance, or where a defendant poses a flight risk, release on the least restrictive non-monetary conditions, including supervision by a pretrial services agency;
- an overhaul of our criminal discovery laws requiring the prosecution to disclose information and materials to the defense within 15 days of arraignment and whenever there is a plea offer; and
- new speedy trial mandates requiring judges to make on-the-record inquiries about the People's readiness to proceed and hold immediate hearings on whether certain time periods are excludable for speedy trial purposes. The People cannot declare their readiness for trial until they have certified compliance with the new discovery requirements. The People's failure to be ready for trial within the speedy trial timeframes will result in dismissal of the criminal action.

Kudos to Governor Cuomo and Majority Leader Stewart-Cousins, Speaker Heastie and their legislative colleagues for their bold leadership to make the criminal justice system fairer and more equitable for everyone.

At the heart of their effort is bail reform.

Cash bail, under the general mandate of the former law, has proven to be inherently discriminatory for people of limited means, and it has been revealed that black, brown and poor people have been disproportionately harmed by a bail system that routinely kept them in jail simply because they could not afford to pay their way out. While defendants with the financial means to secure their freedom returned to their communities, defendants unable to pay cash bail faced the prospect of losing their jobs and having their families and their lives torn apart while they sat in jail waiting for their cases to proceed through the criminal justice system.

The new reform legislation was enacted to correct this unfairness by eliminating cash bail in most cases and sharply limiting its use to those cases where it is absolutely necessary to ensure a defendant's return to court.

History has taught us that any time responsible leaders undertake enormous change, there will always be – in any discipline – consequences that were not, or could not, have been anticipated, and certainly that were never intended. As the public discourse on bail unfolds and our leaders and stakeholders come together to examine the impact of our efforts, I am confident that any identified unintended consequences of this sea change in criminal justice can and will be addressed.

And I will continue to be a part of the process and the dialogue aimed at perfecting bail reform by advocating for the restoration of judicial discretion. At this moment, New York does not allow judges the discretion to consider the critically important factor of whether or not a defendant poses a credible risk of danger to an identified person or group of persons. I believe that without compromising the purity of its purpose, the new legislation can be amended, and strengthened, to recognize a narrow exception allowing judges, after a full and fair adversarial hearing, to detain a defendant in those few and extraordinary cases where such a credible threat exists.

Eliminating judicial discretion to fashion an effective securing order for a defendant in those limited circumstances is counterproductive to the cause of reform. And what has been overlooked in the debate over bail reform is the fact that New York's judges had already cut back dramatically on cash bail in recent years. According to the New York City Criminal Justice Agency, the percentage of cases in which bail was set dropped from 48% in 1990 to 23% in 2018. In 2018, 76% of defendants were released without money bail – well above the national average of 50%. As a result, the jail population in New York City has been shrinking steadily, and the number of defendants being held in pretrial detention is now at the lowest level in decades.

Clearly, we were in the middle of a major cultural change in which our judges were greatly reducing the use of cash bail. This was a very conscious cultural change that grew out of access to increased data; concern about the injustice caused by reflexive bail practices; the advocacy of the defense community; the growing availability of realistic alternatives to bail and implementation of supervised release pilots in our courts; as well as changing bail practices among prosecutors.

None of us can shy away from accepting responsibility for the historic over-reliance on bail which impacted so many lives and did so little to improve public safety in our state, but at the same time we must not lose sight of the ultimate goal here, which is to craft a more equitable and effective criminal justice system that balances the rights of defendants with the protection of victims of crime and the community at large. That goal cannot be accomplished if judges are rendered powerless to devise the best securing orders for those very few individuals who have been shown to pose a credible risk of danger to an identifiable person or group of persons.

We are committed to assisting the Legislature and the Governor going forward by doing our part to make sure that judges receive the training, tools and meaningful options they need to appropriately limit pretrial detention to the narrow category cases where it is absolutely necessary.

The leaders of our policymaking branches of government deserve our gratitude and respect for acting to correct the acknowledged inequities in our criminal justice system. But there is, indeed, more work to be done.

By resuming negotiations and adopting sensible guidelines to help our judges exercise their authority and discretion equitably and wisely, the public will be assured that they have rightly placed their faith and confidence in all of us to do the right thing. Speaking for my judicial colleagues presiding in criminal courts across the state, we very much want to be a part of the dialogue and contribute our knowledge and experience to help achieve a more equitable and effective criminal justice system for all New Yorkers.

On the operational side of the equation, the new criminal justice reforms are having an impact on case management. Our judges are re-tooling and refocusing on actively managing cases on the front end to meet early discovery deadlines and issuing new kinds of orders addressing preservation of evidence and compliance with discovery obligations.

We began preparing for these reforms long before they took effect. Our Administrative Judge of the New York City Criminal Court, Tamiko Amaker, and Suffolk County Administrative Judge, Randall Hinrichs, did an outstanding job of leading the team of judges, lawyers and staff who worked to ensure that our judges and professional staff were thoroughly trained and prepared for our new responsibilities. This included creation of an internal shared web site containing a wealth of resources, such as: training videos, court forms, bench books, model colloquies, recent decisions on the new laws and updated FAQs. Thank you, Judge Amaker and Judge Hinrichs for your leadership.

We have also responded by making important operational adjustments. In the New York City Criminal Court, for example, we have assigned one Judge in each Borough to handle the most complicated and demanding discovery cases in order to free up other judges to remain focused on managing their caseloads. We will continue to monitor the impact of the new reforms and make appropriate adjustments as needed.

Wherever the ongoing public debate on criminal justice reform may take us, every New Yorker can be assured that we are all working together in their best interests. And I want to thank Governor Cuomo, Senate Majority Leader Stewart-Cousins and Speaker Heastie for their vision and their leadership.

B. OPIOID TREATMENT COURTS

New York has long been a national leader in creating specialized courts that marshal our expertise and resources to address a range of societal problems, including drug abuse, mental health issues, human trafficking, veterans' problems and, most recently, the national epidemic of opioid dependency.

Indeed, New York was the first state in the nation to open an Opioid Treatment Intervention Court, in Buffalo, in May 2017. Since then, we have opened 18 Opioid Courts around the State, including at least one in every County of New York City by May, and one in every Judicial District outside the City, and there are 18 more opioid treatment courts in the planning stages for this year. Our opioid court experience has become a national model for how members of the criminal justice community can work together appropriately to go beyond the immediate legal issues in these cases and help save the lives of high-risk defendants through intervention and referral to evidence-based treatment, close judicial supervision and deferral of prosecution pending successful completion of treatment.

The publications and guidelines developed by our Office of Policy and Planning and the Center for Court Innovation have become the starting point for states across the country seeking more effective court responses to opioid dependency. We are grateful to Judge Sherry Klein Heitler, our Chief of Policy and Planning, and her talented staff, for guiding the development and expansion of these specialized courts.

Speaking of the Center for Court Innovation, I want to take this opportunity to publicly thank Greg Berman – the Center's Director until next month – for his impactful work with problem-solving courts and in countless other areas to improve the quality of justice in our state. Over the last two decades, the Center has functioned as our indispensable research and development partner in reengineering how our courts respond to the needs of our litigants. Thank you, Greg, for keeping our courts at the cutting edge of justice reform nationally, and best wishes on the next chapter of your professional journey. And, of course, welcome to the Center's new Director, Courtney Bryan, to whom we pledge the same level of commitment and support, and who is ideally suited to build on our successful partnership of testing new ideas to promote better justice outcomes for our litigants and communities.

C. START PROGRAM

As someone who devoted most of my professional career to the criminal justice system, I know first-hand how unnecessary delays in case processing and prolonged pretrial detention beget dire consequences for defendants and their families – a reality that has driven the movement and passion for bail reform.

When I returned to the bench as Chief Judge I was deeply disturbed to learn that charged defendants were being held in pretrial detention, mainly on Rikers Island, awaiting trial in cases that were pending for three years, five years and sometimes even longer. All the players in the criminal justice system share a responsibility to move these cases forward with appropriate speed so as to minimize the time spent in pretrial detention by individuals presumed innocent under the law.

Last January we launched our New York City Special Term Additional Resources Team – our START Program. Four extraordinary and experienced trial judges volunteered for a special initiative, stepping out of their regular court assignments and working to resolve the oldest felony cases involving jailed defendants in New York City. Our four Judges -- Fernando Camacho, John Carter, James McCarty and Barry Warhit – and our court staff, together with District Attorneys Vance, Clark, Gonzalez, Brown and McMahon, and the defense bar in each of those counties, did an absolutely spectacular job.

In the Bronx, in less than three months, the Team disposed of 250 serious felony cases involving defendants awaiting trial on charges, most of which had been pending for more than two years. And Judge Warhit then went on to dispose of another 350 felony cases in New York and Kings Counties in less than six months.

Think about that. Literally hundreds and hundreds of defendants detained on Rikers Island and awaiting trial for years. And with a shift and reassignment of resources we were able to resolve those cases and move those defendants off Rikers Island in a few short months while giving victims and their families the finality that will, hopefully, bring some measure of comfort.

Just think of what can be done when we achieve reform and simplification of our courts through a permanent model of constitutional change. And, yes, the judges who volunteered for these assignments are super-competent and highly-motivated, but they have clearly shown us what our system could achieve in the normal course if it were simplified to permit the flexible deployment of our judges and human resources to meet our caseload challenges – wherever and whatever they might be.

D. ASSIGNED COUNSEL RATES

Notwithstanding the great improvements made recently in the quality of our public defense system, our state still relies on hundreds of private lawyers appointed by the courts to represent indigent criminal defendants, children and other family court litigants. The lawyers who serve on these 18-B and Attorney for the Child panels have not received an increase in compensation since 2004 – over 15 years ago – when rates were fixed at $75 an hour for felonies and representation of children and $60 an hour for misdemeanors.

Across the state we are experiencing a major exodus from our assigned counsel panels. As 18-B and Attorney for the Child compensation rates have stagnated, it has become increasingly difficult to recruit and retain experienced lawyers willing to provide these critical services. This is a crisis that cannot be ignored, not if we want to ensure that indigent criminal defendants are accorded their constitutional right to counsel and not if we want to ensure that the rights of children are protected when their safety and welfare are at stake.

Accordingly, along with our colleagues in the Bar and our partners in the criminal and family justice systems, we will work to support the Legislature and the Executive in achieving an appropriate adjustment in the rates of compensation for 18-B lawyers and Attorneys for Children.

IV. Civil Justice

A. PRESUMPTIVE ADR

On the civil side of our dockets, we have embraced the recommendation of our ADR Advisory Committee and adopted presumptive early ADR as a standard component of our civil case management system. Going forward, civil cases, with limited exceptions, will be automatically presumed eligible for early referral to court-sponsored ADR, including:

- mediation;
- neutral evaluation;
- arbitration;
- summary jury trials; and
- court-conducted settlement conferences.

Adopting presumptive early ADR in a court system as large and complex as ours is an ambitious but worthwhile undertaking. By resolving more cases on the front end, we will reduce court congestion even further than we have, conserve our limited judicial resources and provide litigants with cost-effective resolutions and better quality outcomes.

Our massive ADR initiative is a work in progress, and there are a lot of moving parts. But we are well on our way to accomplishing this transformational change in civil case management – and we are not looking back. In fact, 85,000 cases have already been referred to ADR across the state since last Fall – and we are just getting started!

All of our courts, from Supreme Court to Family Court to Housing Court, are in different stages of rolling out their ADR programs. Each program is based on an individualized assessment of local staffing, resources, needs and conditions.

In New York City, where presumptive ADR is now in place in every county, we have started with a major focus on resolving tort cases during our so-called "Blockbuster Days," when large clusters of cases involving a single insurance carrier are calendared on the same day before a single judge who works to negotiate settlements between the parties.

The Blockbuster Parts in Queens, Bronx and New York County Supreme Court have consistently achieved outstanding settlement rates above 50%. In the Bronx, for example, we calendared 165 cases involving a single insurance carrier. Of that number, 110 were settled – 67%. And for those cases that were heard before significant discovery took place, the settlement rate was even higher – 78%. In light of the great potential of the Blockbuster model, we are taking it to scale and replicating it around the state. Thank you, Judge George Silver for leading our New York City effort.

Outside the City, we are also off to a great start, with ADR implementation led by Deputy Chief Administrative Judge Vito Caruso. In Nassau and Suffolk Counties, presumptive ADR has been in force since October and ADR sessions are being held every day of the week. In Nassau County, customized ADR plans have been implemented for nearly every type of civil case and the Supreme Court alone has referred over 5,600 cases to presumptive ADR since October. In Suffolk County Supreme Court, a pilot Matrimonial Mediation program has shown great promise, settling 56% of the contested cases referred. Thank you, Judges St. George and Hinrichs for leading the way.

The Eighth Judicial District in Western New York, led by Administrative Judge Paula Feroleto, and long a leader in using ADR, settled 55% of their referrals last year, an excellent success rate.

Our Administrative Judges have taken great care to work with their judicial colleagues and local bar associations to develop individualized ADR plans for their courts and districts. In support of their efforts, we have created a statewide infrastructure to facilitate integration of ADR into local court operations.

- A new computer program to track presumptive ADR in all courts, a necessary and important management tool, went live and started collecting data last November.

- By the end of March, we will have trained well over a thousand judges, court staff and outside attorneys as ADR neutrals, and we will have conducted 14 multi-day mediation training sessions since January 1. And we continue to partner with bar associations to recruit more neutrals.
- We are collaborating with existing mediation programs around the state to provide ADR services and training.
- We have appointed staff to coordinate presumptive ADR in every Judicial District outside New York City and every Borough of the City.

Again, presumptive ADR is a work in progress. But here is the bottom line: we are changing the culture to make presumptive early ADR the accepted norm in our civil courts. We are excited by the way in which lawyers, judges and litigants are embracing our ADR plan and recognizing the value of promoting early settlements and having a full range of options available – options that promote efficiency and cost-cutting and avoid protracted litigation.

B. SURROGATE'S COURT

The Excellence Initiative has brought great change and progress to the Surrogate's Courts. These courts once operated without strong or consistent record-keeping systems to track and measure case progress. With the introduction of new case management dashboards our Surrogates have been able to close out thousands of inactive cases, and the implementation of standards and goals has helped them prioritize the oldest pending cases. Pending caseloads in many of our Surrogate's Courts have been reduced by more than 75% in just the last two years and disposition times are improving. Once again, our relentless focus on operational excellence is promoting timely and affordable justice and changing the culture in a court that provides important justice services to the families of deceased persons and individuals in need of guardianship and adoption.

C. COMMERCIAL DIVISION

The Commercial Division has earned the widespread support and confidence of the business community and the commercial bar. Our many improvements to the Commercial Division's rules and procedures have made it a laboratory for the pursuit of excellence in case management. But the value and importance of the Commercial Division goes well beyond its impact on our dockets. As a world commercial and financial center, New York demands an excellent court system that supports a strong economy and our historic status as the Empire State. This realization is shared by our elected officials, including the New York City Council, which has issued a Proclamation confirming the Commercial Division's status as a "world-class court …uniquely qualified to … strengthen New York City's ability to attract and retain businesses … add jobs, fuel demand for real property, and increase tax revenue."

V. Family Justice

A. OPERATIONAL EXCELLENCE IN FAMILY COURT

Families and children in need of critical services and finality can ill afford the uncertainty and hardship caused by systemic delays and inefficiencies. In Family Court, we are relentlessly focused on producing results. Last year, the number of cases pending over standards and goals in the New York City Family Court dropped by 17%. Administrative Judge Jeanette Ruiz and her judges and staff have worked diligently to fast-track cases involving removal of children, prioritize the oldest pending cases, put firm limits on adjournments and utilize scheduling practices that reduce litigant waiting time.

Training and retraining of our family court judges and court staff is a priority. Our most recent effort was conducted by experts from the National Center for State Courts who focused on the latest tools and strategies for efficient case and calendar management.

New trial parts have been established in Kings and New York Counties and, soon, in Bronx County, in an effort to eliminate the practice of conduction trials on non-consecutive days, which unacceptably delays finality and amplifies the stress and trauma associated with these difficult cases. The number of trials in the New York City Family Court continues to increase from year to year, and importantly, they are proceeding on consecutive days to expedite finality.

I would be remiss if I did not publicly acknowledge that outside the City the number of cases pending over standards and goals continues to hold steady at just 4%, and we expect to make additional progress as we continue to expand presumptive ADR into our Family Courts throughout the state.

B. CHILD FATALITY REVIEW TEAM

Cases involving children are among the most important, difficult and emotionally wrenching matters handled by our courts. Our justice system – just like the individuals who make it work – will never be perfect. But when children come to harm or tragically die from abuse, neglect or maltreatment, there can be no greater failure for all of us. And when the life of a child is lost under those circumstances, we have a solemn duty and responsibility to examine all of the circumstances and events that led to the death of that child and identify and learn from any mistakes or lapses that may have taken place, in order to respond to those revelations and adopt corrective measures to ensure that they do not happen again.

Outside of the court system, child fatality review teams have been established at the state and local levels to examine the deaths of children in our communities. The teams focus primarily on the role of child protective agencies and the way in which they investigate and monitor

the safety of children. Indeed, early in my first term as District Attorney, I led the creation of a multidisciplinary Child Fatality Review Team that examined the unusual or suspicious death of every child under the age of 18 who died in Westchester County. Our team helped us investigate and understand the causes of our child fatalities and led us to adopt systemic reforms to prevent future tragedies from taking place.

It is important for the Judiciary to establish our own child fatality review process. Whenever children involved in the justice system die, as happened most recently in the tragic cases of two little boys on Long Island and in the city of Troy, we have an obligation to examine everything we did in connection with each case to determine whether and how our processes and procedures associated with the child and his or her family or guardians may have contributed to an unspeakable outcome. And we will do this not as a finger-pointing exercise, but as a responsible call to action.

Today, I am announcing the creation of our Statewide Child Fatality Review Team, led by Deputy Chief Administrative Judge Edwina Mendelson, a former Administrative Judge of the New York City Family Court. The Team will consist of judges, lawyers and other professionals with expertise in child welfare and family justice issues who will develop statewide best practices and protocols to guide the conduct of future child fatality reviews. Reviews will be conducted by members of the Statewide Team working closely with local supervisory judges and the assistance of trained professionals.

Again, the goal is not to second-guess any person or institution but to examine what occurred and why a vulnerable child lost his or her life so that we can recommend best practices and improvements in how our courts across the state handle these extraordinarily important cases.

Every time a child dies from maltreatment, the public's faith in our courts is deeply shaken. It is up to us to lead the way in ensuring that children are protected from preventable harm.

C. PARENTAL LEGAL REPRESENTATION

Directly connected to our efforts to improve outcomes for children across the state is the provision of quality parental legal representation in our Family Courts.

One of the clearest lessons I learned years ago as a new judge assigned to sit in Family Court is that a judge's ability to issue prompt, well-informed decisions that lead to better and safer outcomes for children and families rises exponentially when all parties are represented by competent counsel. That is why I established our Commission on Parental Legal Representation. The Commission, led by former Presiding Justice of the Third Department, Karen Peters, issued its interim report last year documenting the deficiencies of our overwhelmed and underfunded system for legally mandated parental representation.

In order to jump-start reform, our State Office of Indigent Legal Services (ILS), led so ably by Bill Leahy, is taking three important steps:

- awarding a three-year $2.6 million dollar grant to Legal Services of the Hudson Valley to operate a Model Family Representation Office with the mission of holistic, interdisciplinary representation focused on the legal and social service issues confronting parents in child welfare cases;
- creating a Parental Representation Unit within ILS dedicated to continuous oversight and attention to family representation issues in New York; and
- working to secure funding in the state budget to aid counties seeking to reduce excessive caseloads and improve the quality of representation in child welfare cases.

We look forward to working with the Commission and ILS to build a high-quality parental legal representation system that protects the constitutional rights of indigent parents and the safety of children in these highly sensitive, complex child welfare cases.

We are grateful to Judge Peters and the Commission for leading our efforts.

D. RAISE THE AGE

The second and final phase of New York's landmark legislation raising the age of criminal responsibility to 18 years of age took effect last October 1st. This welcome reform required major operational changes and accommodations to our criminal and family court systems. We are pleased to report that implementation was smooth and that everyone has been working together to advance the laudable policy goal of diverting young people out of the adult criminal justice system and into the family courts, where children can receive the intervention and services they need to stay on track for productive lives.

We could not be more pleased with the outcome of this enormous effort or more grateful to Deputy Chief Administrative Judge Edwina Mendelson, and our former Deputy Chief Administrative Judge for Courts Outside New York City, Michael Coccoma. Judges Mendelson and Coccoma worked tirelessly to provide the platform for change and did an absolutely fantastic job of preparing and training our judges and staff and coordinating our implementation efforts with dozens of partner agencies and stakeholders across the state. Thank you, Judges Mendelson and Coccoma.

VI. Other Important Changes in Law

A. CHILD VICTIMS ACT

The Child Victims Act (CVA) was enacted last year, creating a one-time, one-year window extending the statute of limitations for survivors of child sexual abuse to file claims against alleged abusers and the institutions that allegedly protected them.

Following passage of the law, we moved quickly to conduct judicial training and develop a consistent statewide process for hearing these cases. Deputy Chief Administrative Judges George Silver, for the New York City Courts, and Vito Caruso for the Courts outside New York City, created a statewide process that has worked most effectively and efficiently. We have designated 45 specially trained judges to hear these cases in dedicated parts around the state, including 12 in New York City. Initially, to ensure consistency and efficiency, we are assigning these cases to five regionally designated judges, including Judge Silver himself, to handle all pretrial proceedings. The cases will then be assigned to dedicated judges around the state when ready for trial.

Over 1,500 cases have been filed under the CVA to date. We are grateful to our judges and staff for what has been a smart, proactive response to this new influx of sensitive and important cases.

B. "RED FLAG" LAW

Also taking effect last year was New York's Extreme Risk Protection Order Law, known as the "Red Flag Law," intended to prevent individuals who show signs of being a threat to themselves or others from purchasing or possessing firearms. The law authorizes certain individuals to make an application, at any time, for a protective order to prevent an individual who is determined to be a danger to self or others from purchasing or possessing firearms. Procedural safeguards exist to ensure that no firearm is removed without due process of law.

Handling these highly sensitive matters – often required to be heard outside normal court hours on an emergency basis – presents one more critical demand on our courts. But once again, our Administrative Judges moved quickly to assign judges to hear these cases and we have provided the training and support necessary to meet our obligations under the new law. To date, our judges have handled nearly 300 of these proceedings, all in an effective and timely manner.

The simplicity with which all of this new legislation can be described is belied by the complex implementation issues and extensive inter-agency coordination that is necessary to carry out the legislative intent. But if there is one theme that connects all of these reforms for us, it is our total commitment to work seamlessly and cooperatively with the other branches of government and

all our partner agencies and stakeholders. We respect these reforms, which are intended to foster a higher standard of justice for our citizenry, and we fully embrace our responsibility to be a helpful and responsive partner in effectuating the legislative purposes and goals.

VII. Access to Justice

Few things are as important to maintaining public confidence in our legal system as ensuring access to justice for all people. Yet we know that across the state millions of individuals are unable to afford the legal services that can make all the difference in resolving legal problems involving the essentials of life, such as having a roof over one's head or being homeless; going hungry or receiving food stamps; or languishing in foster care or being safely reunited with parents.

Over the last decade, New York State has become the national leader in addressing the civil legal needs of low-income individuals – thanks to the pioneering leadership of my predecessor, Jonathan Lippman; the guidance of Helaine Barnett and the Permanent Commission on Access to Justice; the robust work of Judge Mendelson and our Office for Justice Initiatives to better serve unrepresented litigants in our courts; and the support of our partners in government in approving $100 million in annual judiciary funding for direct grants to legal service providers.

Our collaborative and multifaceted efforts – from Legal Hand community storefronts to Court Navigators to senior lawyer pro bono in our Attorney Emeritus Program – are having a definite impact on the justice gap. The number of unrepresented litigants in our courts is down from 2.3 million to under 1.7 million. In the New York City Housing Court, 33% of low-income tenants facing eviction are now being represented by counsel thanks to the City's historic Universal Access to Counsel Law – and the eventual goal is to achieve 100% representation for eligible litigants.

We are also in the midst of developing a statewide strategic plan to ensure that every taxpayer dollar we spend on civil legal services is leveraged to the maximum extent so that every person fighting to secure the essentials of life has access to effective legal assistance. A daunting task, to be sure, but strong leadership is making all the difference. Our Administrative Judges across the state have risen to the challenge, working with the Commission and community stakeholders to eliminate service gaps, prioritize needs, identify redundancies and develop local solutions.

In Suffolk County, a collaboration between legal service providers and the local library system is providing on-site legal assistance on a walk-in basis. And in Monroe County, a Community Justice Council was convened to help develop the new Specialized Housing Expedited Part in the Rochester City Court, a major service improvement for the tenants in that community. Thank you, Judges Hinrichs and Doran.

The plight of individuals who cannot afford a lawyer to secure the essentials of life is not something we push off on others. Ensuring access to justice goes to the heart of our constitutional mission.

And I cannot resist the urge to underscore how much more we could do to foster access to justice for New Yorkers of limited means by simplifying our complicated, confusing and difficult-to-navigate court structure. We have moved mountains to achieve historic levels of funding and to develop creative and innovative pro bono programs, but what good are those efforts if the people we aim to help cannot get their cases through our courts in a timely, affordable manner? Court simplification is about access to justice.

VIII. Appellate Justice

The Appellate Division of the New York State Supreme Court hears close to 10,000 appeals and decides over 25,000 motions each year in a wide range of cases reflecting the complex, ever-changing nature of our society. The challenge for these courts, whose decisions often serve as the final word on the law of our state, is to balance timely justice with a clear, predictable body of law by which all New Yorkers can organize their personal and professional lives.

Our four Presiding Justices – Rolando Acosta, Alan Scheinkman, Elizabeth Garry and Gerald Whalen – fully understand this challenge and they are constantly focused on improving operations and elevating the quality of the work done in their courts. The First Department entered the court year with the lowest number of pending appeals in its history; the Second Department, the busiest appellate court in the country, is making steady progress to reduce its backlog of appeals; the Third Department is proactively addressing the shortage of assigned counsel in Family Court upstate; and the Fourth Department has expanded mandatory e-filing to cover most of its matters. All of this progress has taken place while achieving decisional excellence across the board.

No discussion of the Appellate Division can be complete, however, without acknowledging the overarching importance of adding a Fifth Judicial Department. Our current structure, marked by four Judicial Departments, dates back to the Constitution of 1894, when all four Departments had populations and caseloads of similar size. Today, however, the Second Department encompasses half of the state's population and accounts for about half of our state's appellate caseload. This has greatly distorted the constitutional framers' original vision of a system of intermediate appellate courts that would equally share the burden of reviewing the work of our trial courts across the state. As noted earlier, the court simplification plan now under consideration would allow the Legislature to adjust this structure in the near future – one more compelling reason why our Legislature should waste no time in giving first passage to this plan.

IX. New York City Housing Court

The New York City Housing Court is a very important but overburdened court that averages over 200,000 new proceedings every year. Most of those cases involve people of limited means fighting to keep their homes or address living conditions that threaten their health and well-being.

But there is good news to report. About a third of low-income tenants facing eviction in the New York City Housing Court are now represented by counsel – up from 1% less than a decade ago. I commend the New York City Council and Mayor Bill de Blasio for passing the Universal Access to Counsel Law (UACL), which in addition to our own efforts to expand legal assistance, has brought about this meaningful progress.

Under the leadership of Administrative Judge Anthony Cannataro, we have upgraded our services, removed barriers to access and created a more equitable litigation culture in response to the recommendations of our Special Commission on the Future of the New York City Housing Court, including:

- adopting new plain language notices of petition with a hotline number to connect tenants with Universal Access attorneys;
- instituting staggered calendaring, now citywide, to reduce crowding and waiting times;
- establishing preliminary conference orders and pretrial conferences;
- deploying trained Court Navigator volunteers in every courthouse wearing "Ask me, I can help" buttons to make sure unrepresented litigants get the services and information they need; and
- introducing e-filing in New York County later this year.

But despite our notable progress, the Housing Court's status as a non-constitutional court feeds into the negative perception that housing issues and economically marginalized tenants receive second-class treatment. Our court simplification proposal will grant constitutional status to Housing Court and merge it into a new Municipal Court. It will also give Housing Court Judges expanded jurisdiction. Presently, Housing Court Judges cannot grant full relief to litigants who make ancillary claims for fees or property damage, which must be addressed in a separate plenary proceeding before a Civil Court Judge. This means more lawsuits at extra expense, more court appearances, more time away from work and more uncertainty and family stress.

This is just one more example of how our current court structure disserves the public and places intolerable burdens on ordinary people, including the people who can least afford it. Time and again, in Family Court and Housing Court, vulnerable litigant populations are blocked and frustrated by irrational barriers that prevent them from obtaining the kind of justice services that every individual has a right to expect.

Granting full constitutional status to Housing Court Judges makes total sense given their responsibilities of deciding critical cases weighing the human right to shelter and the legitimate financial interests of landlords. Our plan will also increase the number of judges available to respond to the court's caseload needs and help ensure efficient and dignified justice services to a class of litigants for whom quality justice has often been elusive.

X. Pursuing Excellence

A. COURTROOM TECHNOLOGY

Making sure that our courtrooms are equipped with the latest technology is a visible demonstration of our commitment to excellence in the delivery of justice. Last year, we began modernizing our 1,540 courtrooms and hearing rooms around the state to ensure that judges, lawyers, litigants, jurors and witnesses can make optimal use of the latest technology during trials and court proceedings. This is our Courtroom Modernization Initiative (CMI), and it is a cost-effective, two-part approach to ensuring that all of our courtrooms are capable of conducting high-tech trials.

Part one involves upgrading the basic technology infrastructure in all of our courtrooms to ensure:

- high-speed Wi-Fi;
- high-quality audio systems; and
- electrical outlets and charging stations at counsel tables.

Part two is the introduction of mobile integrated technology units with large touchscreen monitors which can be wheeled into individual courtrooms whenever needed. These units support a wide array of functions, including:

- complex digital evidence presentation;
- video- and audio-conferencing; and
- real-time court reporting.

Our five-year initiative is proceeding ahead of schedule. Nearly half of our courtrooms will receive infrastructure upgrades by the end of this year. Wi-Fi has been installed in half of our courtrooms and we are on track for 100% Wi-Fi by the end of next year. We have received rave reviews from judges and lawyers, especially as to the vast improvements in sound quality, which is critical to the quality of court proceedings and the accuracy of court transcripts. As one judge wrote to me: "Imagine, no more transcripts sprinkled with the word 'inaudible!'"

This initiative has been an absolutely extraordinary undertaking and we are grateful to our Director of Technology, Christine Sisario, and especially Sheng Guo, our Chief Technology Officer and CMI Program Manager, for their dedication and resourcefulness.

B. NEW YORK STATE JUDICIAL INSTITUTE

Professional training and education are at the heart of the Excellence Initiative and our expanded three-part vision for the future of our court system. Judge Juanita Bing Newton, Dean of the New York State Judicial Institute, and her dedicated staff, do an outstanding job of keeping our judges and court personnel current on the law while integrating the philosophy and goals of the Excellence Initiative into the more than 300 programs they present each year. The J.I. also provides important training and logistical support to our presumptive ADR initiative and is planning a future convocation dedicated to examining the latest trends affecting adult learning theory and judicial education, including technology and Artificial Intelligence. Thank you, Judge Newton, for keeping us trained on achieving excellence.

C. NEW YORK GUIDE TO EVIDENCE

And our commitment to advancing the knowledge and skills of judges and lawyers is not confined to the four walls of the Judicial Institute. Our New York Evidence Committee, co-chaired by former Court of Appeals Judge Susan Read and retired Judge William Donnino, has performed an enormous service to the Bench and Bar by creating a definitive, one-stop guide to New York's prevailing law of evidence.

With the expert assistance of Professor Michael Hutter of Albany Law School, the Committee completed the task I asked them to undertake three and a half years ago well ahead of anyone's expectations. This extraordinary group has collected and organized New York's widely dispersed law of evidence into a single, comprehensive, easy-to-access Guide that parallels the structure of the Federal Rules of Evidence. The Guide is now available as a free resource for all judges and lawyers online on the court system's website. I encourage you to access the Guide, use it to your professional advantage and tell your colleagues all about it.

I want to again thank the co-chairs and all of the Committee members for their service in producing this valuable resource.

D. UNCONTESTED DIVORCE PILOT

Consistent with the Excellence Initiative's goal of improving the quality of our justice services, Judge Jeffrey Sunshine, our Statewide Coordinating Judge for Matrimonial Cases, has been working to make New York's divorce process more efficient, affordable and humane. Judge Sunshine saw an opportunity to greatly simplify the legal process for couples jointly filing for an uncontested divorce on no-fault grounds – a large percentage of the 40,000-plus uncontested divorces filed in our Supreme Court across the state. Judge Sunshine consolidated a multitude of uncontested divorce forms and pleadings into two basic documents: a Joint Affidavit of Facts and Agreement, and a Combined Findings of Fact, Conclusions of Law and Judgment. The streamlined joint uncontested divorce forms will reduce confusion and paperwork and save litigants and lawyers countless hours of time. We are piloting the joint uncontested divorce forms in four locations – Kings, Westchester, Broome and Ontario Counties – beginning this Spring, with the goal of expanding them statewide by early next year. Thank you, Judge Sunshine, for easing frustration and expense for thousands of our litigants.

XI. The Legal Profession

A. LAWYER SKILLS AND VALUES

Each year, more than 8,000 new lawyers are admitted to the practice of law in our state, a staggering number for a profession that enjoys the privilege of self-regulation, and one that compels us to pay careful attention to whether our new lawyers are acquiring the skills and values necessary to provide effective, ethical and responsible legal services.

In New York, the Court of Appeals is empowered under the Judiciary Law to prescribe the qualifications for the admission of attorneys to the Bar. The judges of our court take this responsibility very seriously. In 2016, the Court adopted a rule requiring bar applicants to demonstrate, through one of several different pathways, that they possess the skills and values necessary to practice law competently and ethically.

To help us implement this new requirement, our New York State Judicial Institute on Professionalism in the Law, consisting of lawyers, judges and educators, led by retired practitioner Paul Saunders, has developed a superb Handbook on Legal Skills and Professional Values.

Last December, the Administrative Board of the Courts approved the Handbook for use in our law schools, distribution to every new attorney at bar admission ceremonies and inclusion in Bridge the Gap CLE programs developed for newly admitted attorneys.

One of the reasons the Handbook is so valuable is its broad vision of what it means to be a lawyer. While it addresses specific skills and competencies needed to practice law and represent clients, the Handbook makes clear that being a good lawyer requires much more than technical skill. Being a good lawyer requires an understanding that we are members of a privileged profession, officers of the court, professionals who take an oath to uphold the constitution and defend the rule of law and public citizens with special responsibilities to promote justice and serve others.

I want to thank Paul Saunders and the dedicated members of the Institute for creating the Handbook to help us in our efforts to foster skilled, competent and ethical lawyers in this state.

B. ATTORNEY MENTAL HEALTH

Our colleagues in the Appellate Division are charged by statute with carefully ensuring the character and fitness of every candidate seeking admission to the Bar. Last Fall, the State Bar raised an important issue regarding the application for admission to the New York Bar, which inquires, among many issues, whether a candidate has a mental health condition or has sought or received mental health treatment. After study, the question has been found to have an adverse impact on law students in need of mental health services. Students have avoided treatment for fear of the negative effect it may have on their bar admission. A number of studies have confirmed this deterrent effect and a growing number of states have responded by modifying their bar admission applications.

Our Presiding Justices and their courts have responded quickly to the concerns raised, and I am pleased to announce that after careful study and debate, the Application for Admission to Practice as an Attorney in New York State is being revised. The amended application will no longer ask intrusive questions about a candidate's mental health conditions or treatment history. Instead, the application will focus on disclosure of behavior and conduct that is relevant to a candidate's fitness to practice law, and new language will make clear that past or present treatment for a condition or impairment will be viewed favorably by the Appellate Division. The mental health and well-being of New York's lawyers is of paramount importance to us.

I am grateful to the Presiding Justices and their colleagues in the Appellate Division for addressing this issue in a speedy and responsive manner.

C. CONVOCATION ON CIVIC EDUCATION

Finally, last year on Law Day I commented on both the disturbing decline in civic knowledge across our society and the danger we face from increasingly noxious attacks on judges that seek to politicize and undermine public confidence in our courts. The two are connected.

Our State Bar President, Hank Greenberg, has expressed similar concerns and publicly urged the legal profession to assume a leadership role in promoting public understanding about the courts and the rule of law. Our concerns are shared by no less an authority than the Chief Justice of the United States, John Roberts. Chief Justice Roberts recently wrote in his Year-End Report on the Federal Judiciary: "[W]e have come to take democracy for granted, and civic education has fallen by the wayside. In our age, when social media can instantly spread rumor and false information on a grand scale, the public's need to understand our government, and the protections it provides, is ever more vital."

On May 20th, here in Court of Appeals Hall, in partnership with the State Bar, we will hold a Convocation of leading lawyers, judges, educators, policymakers, students and members of the media to develop concrete strategies and programs to strengthen civic education and knowledge in our schools. At a time when the rule of law is under pressure on so many fronts, members of the Bar who are specially trained in the law and have sworn an oath to uphold the constitution are called upon to lead the way in keeping our democracy on a steady course. This unique Convocation is an important part of that effort. And I want to thank State Bar President Hank Greenberg, President-Elect Scott Karson, and Judge Michael Garcia, on behalf of our Judiciary, for taking on this important task.

XII. Conclusion

It is a privilege and an honor to be a member of the New York State Judiciary. And it is the greatest honor to serve as Chief Judge of the Court of Appeals and the State of New York.

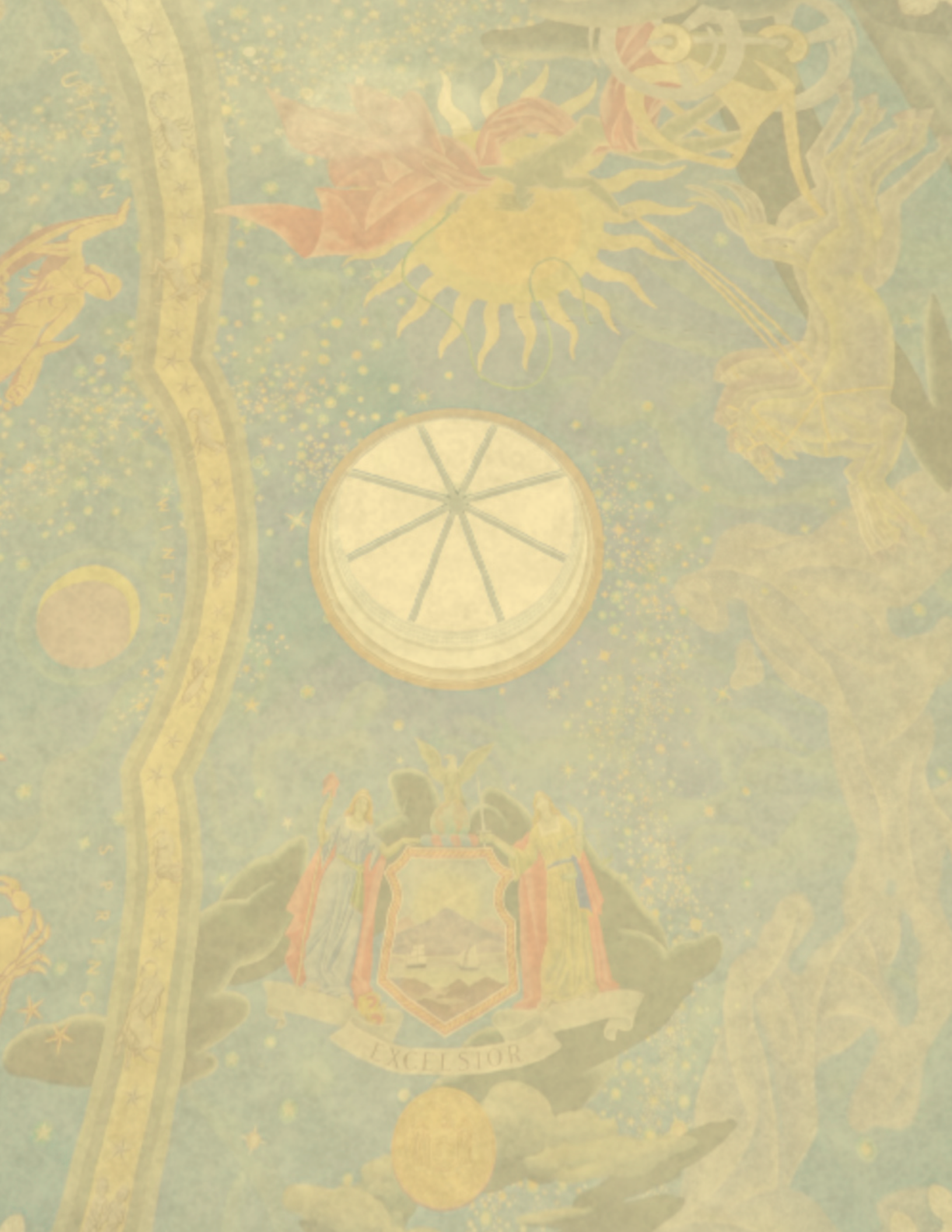
Last October, I proudly accepted the Columbia Business School's highest award, its prestigious Deming Cup for Operational Excellence, on behalf of all 16,000 judges and non-judicial employees. The University's selection committee recognized the progress we have made to ensure accountability and eliminate waste and inefficiency systemwide. This was the first time in the Cup's history that it was bestowed on a public sector leader.

This distinction was made possible by the hard work and commitment to excellence displayed by the entire judiciary – our dedicated trial judges, our Administrative and Supervising Judges, our Presiding Justices and Associate Justices and, of course, our outstanding professional staff – all of our court officers and court personnel.

I thank each and every one of them for their extraordinary efforts every day, all year long.

I add a very special thank you to my Court of Appeals colleagues – Jenny Rivera, Leslie Stein, Eugene Fahey, Michael Garcia, Rowan Wilson and Paul Feinman – for their prompt and prudent work to interpret, develop and articulate the law of this state performed here in this beautiful building.

And I especially want to express my gratitude to our fantastic Chief Administrative Judge, Lawrence K. Marks, a true and dedicated partner in support of our mission of delivering the highest quality of justice services to every litigant who comes through our courthouse doors. Thank you, Judge Marks.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