

State of the Judiciary
Chief Judge Rowan D. Wilson, New York Court of Appeals
Message to Judges and State Leaders
February 27, 2024, at Court of Appeals Hall, Albany, NY

Welcome

On behalf of the Unified Court System, I welcome you to the 2024 State of the Judiciary. Seated on the bench are my colleagues on the New York Court of Appeals: Senior Associate Judge Jenny Rivera and Associate Judges Michael Garcia, Madeline Singas, Anthony Cannataro, Shirley Troutman, and Caitlin Halligan. Alongside me are the Chief Administrative Judge of the Unified Court System, the Honorable Joseph Zayas, and the Presiding Justices of the four Appellate Division departments: the Honorable Dianne Renwick, the Honorable Hector LaSalle, the Honorable Elizabeth Garry and the Honorable Gerald Whelan.

From here forward, everything about this year's State of the Judiciary will be unorthodox. To begin with, everyone in the room deserves to be personally recognized. But there's no time, so we won't. Those of us who work within the court system know each other or have plenty of chances to become acquainted. We do have a few special visitors, though, whose presence I must acknowledge: our Governor, the Honorable Kathy Hochul; Secretary to the Governor, Karen Persichilli Keogh; Counsel to the Governor, Elizabeth Fine; our Attorney General, the Honorable Letitia James; our Solicitor General, the Honorable Barbara Underwood; and Senate Judiciary Chair Brad Hoylman-Sigal. I also want to specially thank Ann Byer, who cares for everything and everyone in the Court of Appeals; Jay Kemprowski, who has been instrumental in coordinating all of the technological aspects of this event; and my Chief of Staff, Kelsey Ruescher-Enkeboll, who worked exhaustively to identify and assist our many speakers and who, as always, puts words in my mouth.

In another bit of unorthodoxy, I have asked Governor Hochul if she would interrupt her impossibly jam-packed schedule to make brief remarks today. Governor Hochul has been an unparalleled supporter of the judiciary. As I noted at my investiture, it is my objective to work jointly with the Executive and Legislative branches for the betterment of all New Yorkers. We are all part of the same government with the same overriding objective, and we can work together toward that goal without the slightest compromise of our judicial independence or intrusion into each other's spheres of authority. Today, Governor Hochul's presence, the presence of others from the Executive branch, and the presence of some of our legislative leaders, help emphasize the collaborative approach to which I believe we are all committed. I am delighted to present to you our Governor, the Honorable Kathy Hochul.

(remarks by Governor Kathy Hochul delivered)

Twenty-six years ago, Chief Judge Judith Kaye delivered the first annual State of the Judiciary address. Before that, the Chief Judge's annual State of the Judiciary message was a written report. When Chief Judge Kaye changed that, she wondered aloud to that first audience: "Does anyone actually read it?" Since then, the Chief Judge has given a speech highlighting the Unified

Court System's accomplishments, usually by presenting data showing how well the courts are doing and how much improvement there has been in the past year. Not today; if you want that data, get a copy of the report that no one reads.

In another bit of unorthodoxy, instead of telling you about our court modernization efforts, we've posted on the court website a 5-minute video, narrated by a computer-generated voice, to show you what our brand-new Division of Court Modernization, led by Sheng Guo, accomplished in 2023 and is planning for 2024.

More important than the mere change in form, though, is the unorthodox vision I'm going to present to you today. That vision is: we should cease thinking about courts as places where a judge merely decides which party is right and which is wrong. Instead, we should think of the courts as similar to our other branches of government: institutions that attempt to make decisions that will improve the lives of those we serve. Leaving aside the Court of Appeals, which much like the other branches of government makes decisions that consider and affect public policy broadly, the overwhelming number of decisions by our courts center on a specific problem that the parties before the court have brought to it. Instead of merely asking "which party is right," our courts should consider "what result is best" for the parties involved. Let's think of courts as problem solvers, not solely as adjudicators of which party is right.

If that sounds unorthodox, it isn't exactly. In the great majority of commercial and tort cases, sophisticated counsel, often aided by mediators or other neutral facilitators, arrive at settlements in which right and wrong are not adjudicated, and the parties walk away with something to which they both have agreed. The courts, and society generally, devote a lot of resources to achieving those results when the monetary stakes are high. But in areas that do not involve big companies, large tort claims, or large sums of money—that is, the vast body of interpersonal problems that wind up in our Family Courts, Criminal Courts, Housing Courts, and Civil Courts, we are still stuck in the traditional framework of deciding who's right and who's wrong.

However, the Unified Court System has been experimenting with unorthodox approaches, in what we sometimes call specialty courts, treatment courts, alternative to incarceration courts, community courts and community justice centers, among other things. Today you'll hear about some of the results from those courts firsthand. The results of those unorthodox approaches have been spectacularly impressive. It is time to expand that approach—in which courts, parties and other participants work to achieve results superior to those that can be obtained by merely deciding who is right or applying a stock response to problems that superficially seem identical. When one takes enough time and care to understand the human beings enmeshed in those problems, we see that each case is different and calls for a highly tailored, careful and compassionate response. If that seems heretical, so be it: as Helen Keller observed, "The heresy of one age becomes the orthodoxy of the next."

The best way to elaborate on that unorthodox approach is for me to step aside and let seven special people speak. They come from all walks of life and hail from across New York State. They have one important thing in common: each person has a story to tell about the Unified Court System. Their stories have happy endings, about how their interactions with the Unified Court System altered their lives for the better, and put them on the paths they're on today. In

addition, each story highlights a topic that dovetails with issues my leadership team and I have identified as some of the Unified Court System's highest priorities.

But the court system has unhappy stories too. People often are in court to litigate the worst, most challenging moments of their lives. Many parties in our courts are scared and under enormous mental, physical and financial strain. Many will have their lives altered by what our courts decide: whether they keep their liberty, home, job, or custody of their children. Many won't even have lawyers. Our objective is to move as many of the unhappy stories as possible over to the happy side. The stories you will hear today illuminate not what is typical, but what is possible, what we should strive for, what we must accomplish. Every minute we delay is a lost chance to avert a sad ending.

As we look to the future, I hope the new format of today's event reflects a substantive point that has been the central tenet for me and my leadership team since we started our work ten months ago: the focus of the judiciary must be on the people we serve.

So, let's get started.

Program

I'll begin with an area that is not about unorthodox approaches in court, but rather an unorthodox view of the importance of the judiciary outside of court proceedings: civics education and civic involvement. Many judges, clerks, court officers and others in our courts have been engaged for decades in a variety of efforts to involve and educate the public— especially young people— about civics. The precipitous drop off in civics education over the past few decades is well documented, and the rancor that has infected political discourse has been linked to that drop off, as has distrust in government, including in the courts. We are determined to combat that, and the courts, because we are apolitical, are perhaps the branch of government best suited to do so. It would take too long to list all the civics education and events we have conducted in the past year, so you will find a link to a document on the landing page for the State of the Judiciary featuring some of our recent efforts. But allow me to highlight two examples.

Last summer, for the first time ever, the Unified Court System funded 100 paid internships for recent high school graduates. Our interns worked in courts throughout the State, and they developed hands-on understandings of the role of the courts and the numerous jobs through which they could have a career with the courts. I thank Judge Tamiko Amaker for spearheading that initiative, which we will continue and improve in summers to come.

Second, one of our longest-running civics programs is the Scales of Justice Academy, a pre-college legal education program, which is marking its fifteenth year. Here to tell you a little bit about it, and to introduce one of the program's graduates, is its founder and leader: the Honorable La Tia Martin.

(remarks by Tia Martin delivered)

(remarks of Ashley Qamar delivered)

Like all of our civics efforts, the Scales of Justice Academy depends on the commitment and selfless contributions of our judges and court personnel. To amplify and coordinate our civics efforts, we have created a new position: Statewide Civics Coordinator, to develop and support civics programming. We aim to multiply our civics efforts in the coming years, and are forging alliances with the New York State Bar Association and numerous local bar associations to join in that mission.

Thank you, Justice Martin and Ms. Qamar.

The rest of today's program will focus on the work happening within the walls of our courthouses.

Let's turn now to "problem-solving courts"—the focus of our next few segments.

Historically, we use the phrase "problem-solving" to describe courts that look to the underlying issues that bring people into the court system and employ innovative approaches to address those issues.

The Unified Court System has a long tradition of piloting and sustaining innovative problem-solving courts. From the launch of the first community courts and drug courts over twenty years ago to the mental health courts, veterans courts, and numerous other models that have come since, New York has set a national standard for creativity and effectiveness. Today, we have more than 300 problem-solving courts across the State.

Over the past twenty years, we have built a strong foundation of problem-solving practice. And we have learned many lessons; in particular, we have developed a more nuanced understanding of mental health, substance abuse, trauma, and the other challenges that are often root causes of court involvement. I am committed to ensuring that the court system builds on that foundation and applies those lessons, supporting further innovation and expanding access to therapeutic justice. In doing so, we can simultaneously continue to decrease our reliance on incarceration, save taxpayer dollars and enhance public safety.

As you're listening to the people who have graciously agreed to travel here to speak to you, I ask you to consider the question I posed earlier: what could we gain from thinking about all of our courts as problem-solving courts? Rather than determining what law was broken, who broke it, and what the punishment should be, could we foster greater trust in the court system, greater accountability in the community, greater public safety, and a better outcome for both the troubled individual and the broader community if, in appropriate cases, we asked who has been affected, what are the needs and responsibilities of all affected persons, and how the harm could best be repaired and future harm avoided?

It's my pleasure to introduce Kimberly VanCamp, the Treatment Courts Project Director for the 7th Judicial District, which encompasses Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and Yates Counties.

(remarks by Kimberly VanCamp delivered)

(remarks of Keisha Nankoosingh delivered)

It is of course extremely gratifying that our treatment court addressed Ms. Nankoosingh's problems without a punitive response, and that as a result she has a new life filled with three wonderful children. It is also especially important to note that the dividends paid for the court's thoughtful response include Ms. Nankoosingh's own commitment to help others find their way to recovery, sometimes even without any court involvement.

Thank you, Ms. VanCamp and Ms. Nankoosingh.

Those who serve in our country's armed forces often pay a heavy price. Sometimes that price is obvious, sometimes less so. Either way, we owe them a great debt. I turn next to another "problem-solving" court: the Ontario County Veterans Court. I am proud to introduce my colleague, Judge Jaqueline Sisson, who presides over that court.

(remarks by Jacqueline Sisson delivered)

(remarks by Christopher McFiggins delivered)

I hope you can begin to see the parallels in the experiences you are hearing today. Like Ms. Nankoosingh, Corporal McFiggins was charged with a crime, but treated as a human being with an addiction, not a criminal. Our courts supported him in what must have been an immeasurably difficult journey to become whole. And like Ms. Nankoosingh, he has not only recovered to build a healthy life, but he has committed himself to helping others overcome those same challenges.

Thank you, Judge Sisson and Corporal McFiggins.

Through our experiences with drug treatment courts and mental health courts, we have started to think more broadly about alternative to incarceration courts that would not be constrained to people with diagnosed addictions or illnesses. We can adapt the principles that undergird our successes in those areas to persons in trouble for whom a noncarceral alternative might provide a superior solution. One such court is the Manhattan Felony Alternative to Incarceration Court (or "ATI Court") in New York County Supreme Court. Developed in collaboration with court stakeholders, the court provides individualized programming and rigorous supervision to felony participants who do not fit neatly into other problem-solving courts. By focusing on the whole person and addressing mental health, substance use, employment, housing, social supports, and more, the ATI Court seeks to reduce recidivism and build safer and healthier communities. At the same time, it seeks to reduce case backlogs by facilitating the early resolution of felony cases. Here to introduce that court and another story with a happy ending is Mr. Joseph Barrett, the Project Director of Manhattan Justice Opportunities, a program of the Center for Justice Innovation.

(remarks by Joseph Barrett delivered)

(remarks by Ronette Cordett delivered)

Problem-solving courts, like the ones you heard about today, need resources to meet the growing demand for their important work. And to be effective, we will also need partners, including treatment and supportive housing providers who offer truly viable alternatives to incarceration. As the courts devote more resources to this work, the State—and all of us stakeholders—must do more to ensure that we have a robust continuum of communitybased care and treatment options.

Thank you, Mr. Barrett and Ms. Cordett.

Most of our criminal courts do not have a felony ATI part. Some of our judges, undeterred, have taken it upon themselves to develop their own unorthodox approaches that promote happy endings. One such innovative and truly amazing judge works less than a block away from here, in Albany County Court. She created a program called “U-CAN.” Here, you get two miraculous stories with happy endings, and I could not be prouder of my colleague, Judge Andra Ackerman, who is here to tell you about U-CAN and introduce you to the first graduate of the Albany County Court felony U-CAN program.

(remarks by Andra Ackerman delivered)

(remarks by Anthony Garcia delivered)

It is easy, through institutional indifference, to allow a life to waste. It is much harder to nurture a life in trouble. We want to work harder and do better. Judge Ackerman and Lance Corporal Garcia are the inspirational proof of concept.

Thank you both for sharing your stories with us.

Our next segment will take us into family court. Those who enter our family courts are there to resolve difficulties relating to the most precious people and relationships in their lives. With so much at stake, those who come to family court are often at their most vulnerable.

Last December, I saw an email about a veteran court officer at Kings County Family Court who handled one such moment of vulnerability with exceptional compassion and grace. That email was written by Mr. Brian Zimmerman, an accomplished and longtime practitioner in family court. Here to introduce you to that court officer is Mr. Zimmerman.

(remarks by Brian Zimmerman delivered)

(remarks by Steven Byrd delivered)

The challenges faced by our family courts are numerous and well-documented. As Mr. Zimmerman noted, our family courts are drastically under-resourced. We are grateful to the Legislature and Governor, who last year added 13 new family court judgeships. Looking ahead, we are also seeking funding for 28 more family court judgeships and necessary staff, as well as funding to increase overall nonjudicial staffing levels, including in-part positions such as

interpreters, senior court clerks, and court officers. However, those resources will not make a difference unless legal service providers are funded at levels that allow them to attract and retain lawyers to handle matters in family court. Family court facilities are, in some places, a further problem, because the buildings are owned by the cities or counties where they are located, not the courts or the State, and vital repairs and enhancements are often ignored or incompletely addressed. One bright spot is Nassau County, where a brand new state-of-the-art facility opening this fall will house family court, matrimonial and youth parts, an integrated domestic violence court, and a family court drug treatment part, and will have spaces for present and future support services. Thank you, Mr. Zimmerman and Officer Byrd, for being here today and for all you both do in family court. I wanted to complete today's program with another vignette from family court, to emphasize that finding ways to better serve New York's families in distress—including through collaboration with our colleagues in the Legislature and the Governor's office—remains at the forefront of our priorities. Retired Family Court Judge Susan Danoff is an octogenarian who still works four days a week in family court because she knows the good that can be done by someone who cares and understands the difficulties faced by family members in distress. She presides in what we call the Youth Transition Part, a court that is geared to the needs of teens in foster care who wish to be discharged to themselves as independent adults, rather than remaining in foster care, being adopted or being returned to a parent or guardian. No one smooths out the hard-knock life better than the Honorable Susan Danoff.

(remarks by Susan Danoff delivered)

(remarks by Yenifer Santana delivered)

Ms. Santana's story exemplifies everything one could wish for an individual going through family court. She took what she learned in court and has not only devoted her personal life to creating a safe and stable home for her own family, but she has devoted her professional life to helping other families do the same.

Thank you, Judge Danoff and Ms. Santana.

Closing Remarks

Transforming a judicial system from one in which the dominant paradigm is the determination of right and wrong, into one in which the dominant paradigm is arriving at the best solution for each individual situation, may appear to be an extraordinarily difficult task. But when I think about the difficulties surmounted by the people you've heard from today, I am confident that we can do so. I am not foolish enough to believe that even the best courts and best services can solve every mental health or substance abuse problem, or prevent all crime, or find homes for everyone. But I believe we can do better—much better—if those who work for and with the State of New York work collaboratively toward that objective.

Because of the commitment of thousands of dedicated civil servants, because of the commitment of the nearly 1,300 State jurists who are among the finest in the nation—the Unified Court System is a national leader at innovating the concept of justice. But the court system is understaffed and under-resourced. Even if our increased budget request for next year is fully granted,

our operating budget will be 10% lower than what it was in 2012 on an inflation-adjusted basis. Due to past fiscal crises and accompanying budget cuts, the courts have been forced to make do with less. With greater resources—not just for the courts themselves, but for the attorneys and ancillary providers vital to treating troubled New Yorkers with professionalism, care and compassion—I am confident that we can find ourselves overflowing in happy endings.

And happily, the ending is where we are now! Thank you, all, for your time and trust.