

OFFICE for JUSTICE INITIATIVES

LAW DAY REPORT

2022: TOWARD A MORE PERFECT UNION:
THE CONSTITUTION IN TIMES OF CHANGE



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Mission Statement of the New York State Unified Court System

The mission of the Unified Court System is to deliver equal justice under the law and to achieve the just, fair and timely resolution of all matters that come before our courts.

In the service of our mission, the UCS is committed to operating with integrity and transparency, and to ensuring that all who enter or serve in our courts are treated with respect, dignity and professionalism. We affirm our responsibility to promote a court system free from any and all forms of bias and discrimination and to promote a judiciary and workforce that reflect the rich diversity of New York State.



Foreword from Hon. Edwina G. Richardson-Mendelson,
Deputy Chief Administrative Judge for Justice Initiatives

Law Day, celebrated annually on the first day of May, offers us the opportunity to reflect on and discuss the rule of law and its role in our society. Each year, Law Day is centered around a different theme to help guide these discussions. The theme of this year's Law Day is "Toward a More Perfect Union: The Constitution in Times of Change." These words conjure up powerful images of the Constitution as the foundational document of our nation, guaranteeing fundamental rights and liberties – such as freedom of speech and religious expression, freedom from slavery, the right to speedy and public trials, due process of law and protection from cruel and unusual punishment – that have become embedded in our shared national ideals. Precedent originating from judicial interpretations of the Constitution have afforded us additional rights that have come to represent essential and inextricable components of our justice system, such as the right to a reasonable expectation of privacy and the right to legal representation for those charged with criminal offenses.

Still, many of these rights and freedoms that have become woven into our identities and expectations of a just legal system were not originally incorporated into the Constitution but instead were gradually introduced over a span of many years, some only gaining acceptance after protracted periods of advocacy and significant turmoil. As an example, American slavery existed as an acceptable practice for almost 250 years. It has been but 167 years that slavery was abolished through ratification of the 13th Amendment. Therefore, it is important to emphasize that this year's Law Day theme does not emphasize the notion that we have a perfect union – instead, it aspires to progress *toward* a more perfect union, and how our public institutions and justice systems, like the Constitution, can adapt and improve to become fairer and more equitable for all.

In particular, racism and bias within the legal system has been the focus of national attention over the past several years. Amidst the unprecedented hardships of an international pandemic that forever changed our way of life, we faced our most recent reckoning on issues of racism, bias and inequality as the world community watched the brutal and inhumane killing of George Floyd. Our work on Equal Justice in the Courts, stemming from Secretary Jeh Johnson's comprehensive 2020 report, is designed to confront the impact of racial bias and discrimination within the New York State court system, safeguard against the influence of explicit and implicit bias in our decision-making processes, promote increased diversity in our judiciary and workforce, and strengthen our efforts in providing equal and meaningful justice for all New Yorkers. Though this work begins with the implementation of the thirteen "specific, practical and workable" recommendations made in the Equal Justice Report to combat racial bias, our reforms will go beyond the scope of these recommendations.

Successful implementation of these recommendations is already underway, ranging from statewide initiatives to regional committees effecting change at the local level. I am particularly proud of the accomplishments made by the local Equal Justice Committees convening in their respective judicial districts. These committees are leading the way in ensuring that equal justice reform efforts are impactful in ways that make sense for their local courthouses and communities. Indeed, much of the success of the Equal Justice in the Courts Initiative hinges on inviting feedback and collaboration from those in our communities, both inside and outside of the court system. I have personally met with court leadership, judicial and bar associations, fraternal organizations, community leaders, and other affinity groups and stakeholders as part of the ongoing development of our strategic plan for implementing the recommendations outlined in the Special Adviser's report.

The progress we have made on promoting equal justice in our courts is outlined in the [2021 Year in Review Report](#) issued by Chief Judge Janet DiFiore. While we have made significant progress so far, our equal justice endeavors are a continuous, multiyear effort to transform our institutional culture and intersect with other reform efforts on all forms of bias, including bias against age, race, creed, color, sex, sexual orientation, gender identity, gender expression, religion, national origin, disability, marital status, socioeconomic status, and more. With your help, our endeavors will improve not only the courts, but our communities and those around us.

Along with Equal Justice in the Courts, the Office for Justice Initiatives has continued to adapt and expand to better serve court users and introduce necessary enhancements to access to justice across all courts. As of 2021, the work of the Office for Justice Initiatives has been streamlined and divided into five divisions:

- Access to Justice,
- Judiciary Civil Legal Services,
- Child Welfare and Family Justice,
- Youth and Emerging Adult Justice, and
- Policy and Planning.

The Unified Court System's recently adopted mission statement reaffirms our duty to "operat[e] with integrity and transparency, and to ensur[e] that all who enter or serve in our courts are treated with respect, dignity and professionalism." The information contained in this report emphasizes our shared responsibility to better serve those in our state in accordance with this mission. In "times of change," we must adapt and evolve to reflect those changes and help us work toward a court system that can provide more equitable justice for all New Yorkers.

As we come to the close of May 2022 and continue to navigate many challenges, including those presented by the COVID-19 pandemic, I wish you and your families well. I hope you enjoy this report and welcome your thoughts, ideas, and feedback on how to advance our goals.

The Office for Justice Initiatives

The mission of the Office for Justice Initiatives (OJI) is to ensure meaningful access to justice for those passing through the doors of all New York State courts - regardless of income, background, or disability, in accordance with New York State Chief Judge Janet DiFiore's Excellence Initiative. The Office for Justice Initiatives was re-established in July 2017 to provide leadership and oversight for New York State Unified Court System justice-based initiatives, including the courts' Access to Justice Program. We continue to use every resource developed by the Access to Justice Program, including pro bono programs, self-help services, and technological tools and outreach programs throughout New York State's 62 counties. Our existing programs include:

- Child welfare, juvenile, adolescent, and emerging adult justice initiatives, including implementation, training, and ongoing operational support for courts regarding legislation raising the age of criminal responsibility in New York State;
- Community outreach efforts, such as developing, coordinating, and attending public events and region-specific community outreach initiatives to broaden access to the courts and improve civic understanding of the legal system;
- The CourtHelp website designed specifically to help court users obtain easy-to-understand legal and procedural information as well as instructions for managing court cases;
- Court Navigators to support unrepresented court users by providing information, support and guidance;
- Do-It-Yourself document assembly programs to assist court users in filing out court forms;
- Help Centers located in court buildings and community sites throughout the state where unrepresented court users receive free legal information and assistance, and referrals to legal representation; and
- Volunteer Attorney and other volunteer programs to provide legal information, advice, and representation for those disadvantaged by income, age, disability, or other factors; and
- Promotion of legislative and public support for the New York State Judiciary's proposals relating to access-to-justice matters.

OJI also aims to secure stable and adequate non-profit and government funding for civil, criminal, and family legal services programs. We will continue to partner with the Advisory Committee on Access for People with Disabilities, the Center for Court Innovation (CCI), the Office of Court Administration (OCA) Division of Technology and Court Research, the OCA Division of Professional & Court Services, the Office of Language Access, the Permanent Commission on Access to Justice, the Permanent Judicial Commission on Justice for Children, the Franklin H. Williams Judicial Commission, the Richard C. Failla LGBTQ Commission, the Judicial Committee on Women in the Courts, OCA Legislative and Rules Committees, the Commission to Reimagine the Future of New York's Courts, the Statewide Advisory Committee on Alternative Dispute Resolution, the Advisory Committee on Access for People with Disabilities, the Commission on Parental Legal Representation, Domestic Violence Task Force, the NYS Justice Task Force, the

Historical Society of the New York Courts, bar associations, court-affiliated affinity organizations, law schools, and others.

OJI strives to expand and enhance our programs statewide. Our continuing goals and objectives include:

- Education and training of judicial and non-judicial personnel on racial bias, race equity, gender bias, cultural awareness and humility, and procedural justice
- Disparate impact analysis of Unified Court System internal policies, protocols, and legislative recommendations. Disparate impact, often referred to as unintentional discrimination, occurs when policies, practices, rules or other systems — that may appear to be neutral on their face — result in a disproportionate impact on a particular group
- Implementing recommendations made by the Special Adviser on Equal Justice in the Courts
- Development and oversight of the Unified Court System Advisory Council on Child Fatalities
- Virtual Court Access Network (VCAN) hubs – safe locations where the public, particularly those in low income and rural areas, can engage with the court system without the need to physically travel to a courthouse
- Virtual models for Court Help Centers and virtual court-based volunteer attorney programs
- Programmatic oversight of all New York State Judiciary Civil Legal Services (JCLS) program grantees
- Limited Scope Representation training for judges and attorneys. Also known as unbundled legal services, limited scope representation allows low-to-moderate income litigants to obtain an attorney for a specific (discrete) task within a case
- Expansion and multi-language translation of the CourtHelp website
- Creation of plain language and simplified court forms and publications
- Expansion and development of virtual and community-based models for the Court Navigator Program (CNP)
- Support of the Family Court’s mandate to promote safety, well-being, and permanent homes for abused and neglected children, through the federally funded Court Improvement Program (NY Child Welfare Court Improvement Project)
- Ongoing judicial and court staff training on the “Raise the Age” legislation and amendments
- Development and support of existing emerging adult justice courts
- Creating elder abuse detection tools
- Expanding statewide availability of guardians ad litem to assist elderly and impaired court users
- Expanding subject matter for Do-It-Yourself (DIY) form document assembly programs
- With the Division of Technology, creating capacity for E-Filing of completed DIY Forms
- Facilitating navigation of courthouses through user-friendly, plain language signage

Access to Justice

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Chief Judge Janet DiFiore’s remarked at her 2020 Civil Legal Services Hearing, that “over the last decade, New York State has become the undisputed leader in the nation when it comes to meeting the civil legal needs of low-income people, and we will continue to work to maintain our prominence and excellence in the field.”

The Office for Justice Initiatives’ Access to Justice Division administers programs designed to enhance court access and engages with local communities to promote statewide awareness of these programs. While “access to justice” may take many forms at the local, state, and national level, it is commonly described as furnishing legal resources, information, and assistance to provide all court users with an avenue for having their legal proceedings fairly and respectfully adjudicated – regardless of income, disability, or other factors.

Access to Justice: Court Access

Help Centers

Help Centers are physical or virtual spaces located throughout the state where the public can enjoy free, neutral, one-on-one consultations with court employees and volunteer attorneys. Help Center staff members can assist court users in a variety of ways, including:

- providing legal and procedural information,
- distributing court forms, sample packets and written explanatory materials,
- working with available interpreter services and connecting court users with the Americans with Disabilities Act liaison for their court, and
- making referrals to appropriate legal service organizations.

Help Center staff also frequently organize and participate in court-based pro bono programs.

There are currently 43 Court Help Centers in New York State, operating in 19 counties across 12 judicial districts. The number of court users who have received assistance from Help Centers has grown significantly, from 135,000 in 2014, to 211,000 in 2019. While the number of visitors to Help Centers decreased in 2020 and 2021 amidst the international pandemic and a reduced ability to provide full services, the public is once

again returning to gain vital assistance. In the first three months of 2022, an estimated 48,500 people visited Help Centers across the state.¹

Help Center access continues to expand throughout the state. Last year, new Help Centers were launched in the 6th Judicial District, serving Broome, Chemung, and Tompkins counties. An updated Help Center brochure accompanied the launch of these Centers, with enhanced language (based on plain language principles) instructing users where to find these Help Centers and describing the resources offered by the Centers.

Additionally, a group of volunteer law librarians have recently been trained to operate Help Centers in the 4th Judicial District slated to open later this year – specifically, in St. Lawrence, Saratoga, and Schenectady counties.

Over the past two years, OJI has taken significant steps to unify the court system’s Help Centers, by hosting

- Regular virtual statewide Help Center staff meetings to address common issues and concerns,
- An internal SharePoint Help Center to share helpful resources, and
- A uniform database for Help Center, developed in collaboration with the Division of Technology.

For a list of Help Center locations, contact information, and to check which Help Centers offer remote services and resources, please visit the Help Center directory at <https://nycourts.gov/CourtHelp/GoingToCourt/helpcenters.shtml>

Do-It-Yourself Forms (DIY)

Do-It-Yourself (DIY) Forms are document assembly programs that enable anyone with internet access and a computer, tablet, or smartphone to prepare legal forms by answering questions in a guided interview format. After selecting the form they would like to complete, users are asked a series of guided, sequential questions in plain language. Additional definitions and safeguards are included throughout the interview process to help ensure that the user is filling out the correct form. The user’s answers are added to the form in the appropriate places, and after answering all questions, the user will be presented with a completed form that can be printed and filed with the appropriate court. DIY Forms significantly reduce the likelihood that paperwork will be prepared incorrectly.

DIY Forms are created through OJI’s partnership with Pro Bono Net, a non-profit organization that helps deliver legal services programs, and A2J Author, a document assembly interface designed for unrepresented litigants.

¹ This number does not include Help Centers located within New York City Family Courts. All NYC Family Court Help Centers are located petition rooms, where all petitions originate.

Updated language was added to the DIY Forms page to inform the public of their rights related to financial hardship due to the eviction moratorium in place during the COVID-19 pandemic. Many court users were able to utilize DIY Forms to make their legal filings simpler and more approachable, as evidenced by the following message submitted to the Chief Judge’s Excellent Initiative inbox from a DIY forms user:

“Please pass on my gratitude to whoever designed the do-it-yourself program for small estates. Each screen was so clear and didn’t make me feel overwhelmed. It was just so easy to understand and the instructions were very helpful. I’ve been avoiding doing this for weeks but this program helped me so much during this most difficult time of my life. Whoever made this program is an angel!”

DIY Forms are currently available for specified proceedings in Family Court, Supreme Court, Surrogate’s Court, New York City Civil and Housing Court, and District, City, Town & Village Courts.

CourtHelp

CourtHelp is a free, easily accessible website containing plain language information on a wide variety of legal subjects, terms, concepts, and procedures. Unrepresented court users – or any other interested person – who seek information regarding legal proceedings, research an issue in a pending case, or are just looking for more information about a certain topic can use CourtHelp to look up answers to their basic legal questions. The site is written at a 6th–8th grade reading level in accordance with plain language principles and has been designed for easy navigation. CourtHelp also contains links to helpful resources including a legal glossary, court locator, DIY Forms programs, Ask a Law Librarian, the Help Center directory, LawHelpNY, and lawyer referral services.

CourtHelp is available at <https://www.nycourts.gov/courthelp>.

As a cost-free website, written at 6th to 8th grade reading level, CourtHelp has provided the public with an invaluable resource during a time where many New Yorkers have been unable to utilize other forms of in-person resources. Throughout the pandemic, CourtHelp was viewed over 29 million times.

Information offered on CourtHelp is continuously updated to keep pace with legislative updates, as well as in response to frequently asked questions and observed legal trends. CourtHelp pages scheduled for updates include:

- Going to Court
- Name Change and/or Sex Designation Change
- Small Claims
- Guardianship
- Criminal
- Sealing
- Getting Rights Back
- Collateral Consequences
- Sex Offender Registry
- New Marijuana Law
- Problems with Money

Additionally, from December 2020 to June 2021, CourtHelp served as one of the host sites for the Court User Survey designed by the Permanent Commission on Access to Justice. This survey was designed to collect feedback from court users on their experience with virtual court proceedings and electronic filings. The survey results confirm the existence of the “digital divide” – namely, that while people with reliable access to technology may benefit from virtual, technology-based proceedings, others without access to technology, or without knowledge of how to use technology, may experience significant difficulties engaging with virtual court proceedings. In recognition of the digital divide and its impact on our communities, we are committed to using our Access to Justice programs to assist all New Yorkers, including those who may not be able to meaningfully engage with virtual or remote initiatives.

Volunteer Lawyer Programs

The Office for Justice Initiatives operates and supports several court-based pro bono programs. Pro bono attorneys working in these programs can provide limited scope advice or, in certain circumstances, limited scope representation to unrepresented court users.

In New York City, with the help of justice partners including bar associations, law firms, law schools and legal services providers. Volunteer attorneys recruited through these organizations receive training and CLE credit. Volunteer attorneys provide legal assistance such as:

- Answering questions and inquiries
- Completing petitions and other court forms
- Preparing for court users for hearings and proceedings
- Interpreting court orders
- Settling cases

Volunteer Lawyer Programs are currently available in a variety of courts and jurisdictions. Our New York City court-based volunteer lawyer programs currently offer advice and limited scope representation to court users in Family Court, Civil Court and Consumer Debt matters.

- The New York City Family Court Volunteer Attorney Program assists court users over the phone and online, providing free legal consultations to those with limited resources, and helping them access legal help without having to travel, lose time off work or find childcare.
- OJI administers a volunteer attorney program in New York City Civil Court in partnership with the City Bar Justice Center. Attorneys in this program provide free legal advice and guidance via online and phone consultations to unrepresented court users on a variety of subject matters, including small claims, name changes, security deposit issues, warranties of habitability, consumer debt, judgment

collections/payments, service of papers, and other civil court matters.

- Recently, the in-person Consumer Debt Volunteer Lawyer for the Day has relaunched to help court users with consumer debt-related legal issues in all five New York City Counties.

Court Navigator Program

Launched in February 2014, the court navigator program provides an innovative approach to supporting unrepresented court users. Court navigators are specially trained and supervised community members who provide general information, written materials and court forms, and one-on-one assistance to court users without an attorney. Court navigators also provide crucial moral support to such court users, helping them access language services, assisting with keeping paperwork in order, and explaining the roles of each person in the courtroom. The program is open to any qualified volunteer, and many Navigators are undergraduate students, thanks to OJI's partnerships with local colleges and organizations, including APPLE Corps at John Jay College, the New York City College of Technology, Monroe College and Mercy College. Navigators are traditionally embedded in Housing Courts throughout New York City. Some Navigators have also been assigned to courtrooms to serve a dual role as a judicial intern.

The Report from the Special Adviser on Equal Justice recommended that the Unified Court System designate an "individual within each courthouse to welcome litigants and answer basic questions about how to navigate the building and adhere to general procedures and practices." Additionally, the Working Group on Regulatory Innovation of the Commission to Reimagine the Future of New York's Courts issued a December 2020 report recommending that the Court Navigator program be expanded statewide in scope and substance.

In furtherance of these recommendations, the Office for Justice Initiatives launched a Virtual Court Navigator Pilot Program staffed by students from CUNY John Jay's APPLE Corps program and LaGuardia Community College on June 7, 2021. The virtual program was built upon the foundation of the in-person program and incorporated technology-based support to improve the court user's typical virtual court experience. Students attended a weeklong specialized training that included topics such as Microsoft Teams, Virtual Appearances on Microsoft Teams, Online Resources, DIY (Do-It-Yourself) Form Programs, New York State Courts Electronic Filing (NYSCEF) & Electronic Document Delivery System (EDDS), and being trauma informed. Having received this specialized training, Navigators provided supervised assistance such as helping court users prepare for virtual appearances, filing court forms, organizing court papers, getting answers to general questions, finding community programs and services, referring people to legal

service providers, navigating the court's website, and more. (Virtual Court Navigators were not attorneys and did not provide legal advice.)

Court users sought assistance in areas including custody, child support, visitation, divorce, housing, estates, paternity, name change, and technical assistance attending virtual appearances.

The pilot program ended on July 29, 2021, receiving positive feedback from court users and navigators alike. Phase 2 of the Virtual Court Navigator Pilot Program is scheduled to launch in June 2022. Confirmed pilot locations include the Erie County Surrogate's Court, 3rd Judicial District, and 6th Judicial District. Additionally, in-person navigators will serve in the 9th Judicial District.

Ask a Law Librarian

Ask a Law Librarian is a remote legal reference service that allows members of the public to contact law library staff with legal reference questions through text, email, or live chat (staffed by trained law librarians or law library assistants). Through these modes of inquiry, court users can receive answers to their legal reference and research questions, and obtain relevant legal information including case law, statutory and regulatory materials, and other standard legal reference sources. Additionally, questions and answers are stored in a searchable database that allows court users to easily look up answers to previous questions. Ask a Law Librarian is located at <https://askalawlibrarian.nycourts.gov/>.

The Office for Justice Initiatives partners with the Office of Legal Information (OLI) in recognition of both office's shared mission to provide public access to legal information and resources. In addition to Ask a Law Librarian, OLI also administers the 1800-COURT-NY phone line, and Document Delivery.

In 2021, Ask a Law Librarian received 5,592 question submissions for an average of 22.6 open questions per day. The service also hosts an extensive FAQ section on popular legal topics, which received almost 15,000 views in 2021.

The 1800-COURT-NY phone line is the general-purpose question line for the court system. The line is staffed by law librarians and OCA employees across the state. The line received 70,089 calls in 2021, with 35,000 of those being handled by 25 operators.

Document Delivery allows individuals to request copies of journal articles, articles of law, and other legal documents, which they receive in digital format.

Virtual Court Access Network (VCAN)

A recent initiative, virtual court access network (VCAN) hubs, are currently being piloted by OJI, working with the Center for Court Innovation, Division of Technology, Office of Alternative Dispute Resolution, New York State Permanent Commission on Access to Justice, and other stakeholders. These sites, placed in low income and rural areas where courthouses may be difficult to reach, will allow users to file documents, receive court orders, and participate in virtual proceedings without the need to physically travel to a courthouse. This benefit is critical for families who lack access to the necessary technology to meaningfully participate in virtual court proceedings. VCAN will be available for Housing Part (HP) repair actions, consumer debt matters, and evictions, as well as orders of protection and emergency matters in Family Court.

VCAN sites in the Brownsville and Red Hook Community Justice Centers in Kings County, overseen by Center for Court Innovation staff, will provide a convenient, private, and sanitary location for the public to access court services within their local communities. Future VCAN sites are planned for New York County.

OJI also oversees the Rural Justice Working Group, originally convened to discuss opportunities to positively impact identified rural justice challenges using alternative dispute resolution. The group quickly pivoted during the pandemic to discuss remote access to courts via VCAN. Currently each district is exploring options for VCAN sites using their own resources and community partners. VCAN sites are currently available in the 3rd, 5th, and 9th Judicial Districts.

Access for Vulnerable Populations and Litigants with Disabilities and Other Populations with Diverse Needs

Some court users may be grappling with underlying problems that impact or exacerbate their case. Sometimes those problems are readily visible, such as mobility problems, or difficulty telling a coherent story. Other times, their issue may not be as readily apparent, such as potential financial exploitation, or an unseen medical or psychiatric concern. Some of these court users may need an accommodation to help them meaningfully participate in their court case. Such accommodations could include extra breaks to eat or take medication, providing an assistive listening device, a quiet room for sensory overload, or scheduling court appearances with consideration for the court user's medical needs.

In New York City Housing Court, the Guardian Ad Litem (GAL) Program was created to help older adults and physically or mentally impaired litigants facing eviction in landlord-tenant court. A GAL is a trained fiduciary that can advocate for a physically or mentally impaired litigant, link them with needed financial or supportive resources to prevent eviction. Some GALs are specially trained to assist when the impaired court users also present with red flags for elder abuse.

In September 2021, the U.S. Department of Health and Human Services Administration for Community Living announced that 14 organizations had been selected as the recipients of a two-year Elder Justice Innovation grant totaling nearly \$5.9 million.

The New York State Unified Court System is one of these 14 recipients. The grant money received will be dedicated to the implementation of a modern data system that will enable judges and court staff to track and monitor services provided to those alleged incapacitated persons who may need the assistance of a GAL. With this increased data collection and transparency capabilities, we will be able to better understand which areas and processes could use additional resources and allow for the appointment of more friends and family members to serve as guardians.

The OCA Division of Technology and Court Research has also developed an Elder Abuse Self-Assessment Tool in partnership with OJI, The Weinberg Center and The Center for Elder Law and Justice. This tool is designed to allow older adults to answer questions that will allow them to self-identify whether they are vulnerable to or are already the victims of elder abuse. Based upon the responses submitted, the tool provides local resources that may help the older adult.

Pro Bono Awards

Pro Bono Week is a nationally recognized annual event that takes place during the last week of October to celebrate the individuals who donate their time and professional skills to making a positive impact in their communities. During Pro Bono Awards Week, co-hosted by the Office for Justice Initiatives, New York State Bar Association, and New York County Lawyers Association, many participants in OJI's access to justice programs are formally recognized and honored.

The most recent Pro Bono Awards Week was held virtually on Tuesday, October 26, 2021. 120 volunteers were recognized for their outstanding service. Guardians Ad Litem received special recognition for their outstanding service on behalf of vulnerable litigants in New York City Housing Court during the COVID-19 public health crisis.

Attorney Emeritus Program

The Attorney Emeritus Program ("AEP") is a collection of partnerships among the courts, legal services providers, bar associations and law schools that enables experienced attorneys at least 55 years or older to provide legal assistance to New Yorkers, especially those with legal issues of concern who do not have attorneys. AEP volunteers generally meet with these court users to advise them of their rights, provide information on the legal process, prepare legal documents, and discuss possible next steps. Since the launch of the program in January 2010, over 4,200 experienced attorneys have registered to volunteer, in partnership with over 65 legal services organizations and several court-based programs that serve as host organizations.

Access to Justice: Community Outreach

While many of our community outreach initiatives were temporarily postponed or shifted to virtual formats as a result of the COVID-19 pandemic, OJI will reintroduce in person community outreach programs as health and safety protocols permit. Some programs that were transitioned to virtual platforms will continue to be offered virtually to ensure that we are able to reach the broadest possible range of court users.

Community Listening Sessions

To ensure access to justice for all New Yorkers, it is necessary to listen to the needs of New Yorkers. Accordingly, OJI established a series of Community Outreach Listening Sessions, where key legal and community stakeholders could share their perspectives on the justice gap and related challenges faced by the members of their communities. The feedback gathered from these sessions enables OJI to prioritize the most pressing legal needs of the community and ensure that court users have a voice in shaping our collective mission in ensuring meaningful access to justice.

Court Tours

While New York's courthouses will always be open and available to the public, the inner workings and functions of the court system remain esoteric to many people who do not have regular contact with the courts. To help aid civic education, OJI assists with facilitating court tours for students, civic organizations, or any group interested in learning more about the administration of justice in New York. Court tours may include a tour of the courthouse, a question-and-answer session with court personnel, and an opportunity to observe court proceedings in real time. The Access to Justice Division is hosting a student intern through John Jay College's microinternship program to develop additional materials for the Court Tours program.

Speakers Bureau

Continuing OJI's facilitation of civic education on the court system, the Speakers Bureau consists of a pool of interested judicial and nonjudicial court personnel who volunteer to speak to organized groups, schools, government agencies, and other community-based organizations on a wide variety of legal topics, including civil court, housing law, small claims, family law and criminal justice. Speakers may provide information on court procedures or distribute helpful legal resource materials.

Faith Leader Programs

Faith leaders have a significant leadership role not only in their congregations, but in their communities as well. Faith leaders represent a critical partnership between the courts and court users. Connecting and conversing with local faith leaders allows OJI to learn from community members. OJI has hosted a series of Clergy Days, where faith leaders are invited to dialogue with court leaders on significant issues in the community such as landlord and tenancy, immigration, guardianship, elder abuse, Family Court matters and the Raise the Age law.

Legal Information Fairs

Legal Information Fairs offer the chance for the public to meet with representatives from various organizations in one centralized place. Court users can get answers to legal questions, obtain referrals to legal services, and learn more about available resources. Court users can also meet with an attorney at fairs featuring the Mobile Legal Help Center.

Mobile Legal Help Center

The Mobile Legal Help Center (“MLHC”), the first of its kind in New York State, is a 35-foot custom-built command center vehicle operated in partnership with attorneys from New York Legal Assistance Group (NYLAG). Staffed by attorneys from NYLAG, Volunteer Lawyer Programs, and recent law school graduates, the MLHC brings critical legal services directly to those with legal needs and reach communities that have traditionally experienced difficulty reaching or obtaining legal assistance. The services provided by the MLHC are similar to the informational assistance, educational materials and referrals offered in court-based Help Centers. The MLHC operates throughout New York City, Long Island and Westchester County, focusing on areas with limited public transportation options where court users may have difficulty traveling to a courthouse.

Social Media

The Office for Justice Initiatives maintains profile pages on Facebook and Twitter. This social media presence allows for increased outreach to the community, opens an additional channel of communication with the OJI, and raises awareness of programs and initiatives. The Office for Justice Initiatives’ social media profiles are available at <https://www.facebook.com/NYCourtsOJI> and <https://twitter.com/NYCourtsOJI>.

Internship Programs

The Office for Justice Initiatives hosts student interns during the fall, summer, and spring semesters, including students at the high school, undergraduate, graduate, and law school levels. Student intern responsibilities include assisting Deputy Chief Administrative Judge Mendelson with preparation for pending trials, observing ongoing legal proceedings, researching and writing legal memoranda, and supporting the management of OJI programs and initiatives. Partner organizations for internship placements include the Sonia & Celina Sotomayor Judicial Internship Program, the John Jay College Pre-Law Institute, and the Cornell University Prelaw Program. One recent law student intern, Maria Prida of Cardozo School of Law, wrote the following of her internship experience:

“I interned for Judge Mendelson and the Office for Justice Initiatives through the Sonia & Celina Sotomayor Judicial Internship Program. I not only learned about the amazing work the office does to ensure meaningful access to justice in the courts, but I also had the opportunity to refine my research and writing skills and help draft a judicial opinion. The skills I developed and the mentoring I received during my internship at the OJI were invaluable to my future career as a lawyer.”

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The Judiciary's Civil Legal Services (JCLS) Program provides critical grant funding to legal service providers across the state as part of the court system's effort to increase access to representation for court users in civil cases. Over a five-year period beginning January 1, 2022, \$85 million in grant funding will be distributed across 82 contracts to 81 civil legal service providers located across New York State. An additional \$15 million has been allocated to the New York State Interest on Lawyer Account (IOLA) Fund, which consists of pooled interest from lawyer trust accounts dedicated to funding legal aid and access to justice initiatives in civil cases for those experiencing poverty.

OJI's Judiciary Civil Legal Services Division provides programmatic oversight over JCLS grants, including reviewing periodic written progress reports submitted by providers, contributing technical assistance to provider staff, collecting data to monitor workload, and conducting formal site visits. This funding helps provide a stable funding source for the delivery of civil legal services and access to justice services for low-income New Yorkers to have meaningful access to the courts and the legal assistance they need to secure the essentials of life. Civil legal needs considered "essentials of life" may include:

- Housing (eviction, foreclosure, and homelessness)
- Family (domestic violence and children and family stability)
- Healthcare
- Education
- Income (wages, disability, consumer debt, and other benefits)

For the 2021-2022 fiscal year, OJI drafted new Request for Proposals for JCLS funding over the following five years. These new RFPs factor in legal service gaps in New York State judicial districts and reflect legal landscapes altered by the COVID-19 pandemic.

In early 2022, Chief Administrative Judge Marks approved an increase in the judicial budget for the JCLS Program. For the 2022-23 fiscal year, JCLS funding has increased to 95.7 million, while the IOLA budget has increased to 16.9 million. A list of organizations awarded JCLS grants for the period beginning January 1, 2022 is available [here](#).

IOLA has recently implemented the SmartSimple data collection, which will expand the number of legal categories for data collection from 5 to 11 and allow for reporting on legal outcomes and the level of legal service delivery for each entered case.² The JCLS Division has also begun reporting on systemic advocacy efforts by legal services providers, including the purpose of such efforts, target populations, and the impact made.

² These data categories include: Income Maintenance, Employment, Consumer/Finance, Family, Health, Juvenile (minors), Education, Housing, Individual Rights, Immigration and Miscellaneous Benefits.

Child Welfare and Family Justice

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Every state is obligated to protect the welfare of children affected by legal proceedings and ensure a safe and stable home for all children in the foster care system. The Child Welfare and Family Justice Division leads OJI's initiatives supporting this mandate, including oversight of the New York State Child Welfare Court Improvement Project (CWCIP). Known nationally as "CIP" (Court Improvement Program), this federally funded initiative operates statewide with family justice system stakeholders to provide resources and technical assistance to ensure continuous quality improvement at the intersection of the legal and child welfare systems and promote the safety, permanency, and well-being of abused and neglected children.³

The CWCIP works in strong partnership with the executive branch's Office of Children and Family Services; local departments of social services; attorneys representing parents, children and the social service districts; service providers and other stakeholders. CWCIP coordinators are located in each of New York's judicial districts. CWCIP maintains a number of publications related to child welfare systems and outcomes, including best practices, white papers, annual reports, data metrics, practice guides, and more. A comprehensive list of CWCIP publications available for download is maintained on the CWCIP website at <http://ww2.nycourts.gov/ip/cwcip/>.

CWCIP engages in several hallmark projects, including:

Indian Child Welfare Act

A federal act with the stated purpose of protecting the best interest of Native children, the Indian Child Welfare Act ("ICWA") provides guidance and minimum standards for states in the handling of child abuse, neglect, and adoption cases involving Native children.

CWCIP tracks the latest developments in ICWA and ensures that Family Court practices are in keeping with the minimum standards set forth in the Act. These efforts include:

- Regional ICWA roundtables, co-hosted by CWCIP and the Office of Children and Family Services to develop and sustain state court and tribal national partnerships. These roundtables have been held in Western New York and Central/Northern New York, with a third Downstate New York roundtable scheduled for Fall 2022.
- Tracking ICWA data: Coordinated by the Statewide Tribal Nations/Court Forum, ICWA Subcommittee: UCMS builds to improve data entry, collection and tracking for ICWA compliance

³ "Permanency" for children in foster care encompasses family-based living situations that are permanent: reunification with parents, permanent placement with relatives, or adoption (P.L.105-89, the Adoption and Safe Families Act of 1997).

- Training: The Annual Statewide ICWA Conference is now in its fourth year. A CWCIP virtual ICWA training series is also available at https://ww2.nycourts.gov/ip/cwcip/cip_training.shtml.

Permanency Mediation and Conferencing

CWCIP's Child Permanency Mediation Program uses mediation to assist court-involved families with resolving issues presented in child abuse and neglect cases. The program has expanded its areas of operation to now include virtually every judicial district in New York.

New York State Child Permanency Mediation Program
Tips on Mediation, how to refer, who should attend, and case examples

Mediation is a consensual dispute resolution process in which a specially-trained, impartial mediator helps parties to identify issues, clarify perceptions and explore options for mutually acceptable outcomes. Mediators do not offer opinions on court outcomes or the merits of a case. Instead, mediators facilitate constructive communication which provides the opportunity to develop creative solutions.

Referring to Child Permanency Mediation

Anyone can suggest mediation, but the decision whether to refer the matter rests with the Court. Once a determination is made to refer a case to mediation, the Court will:

1. Select a date and time for the mediation session. The court should provide a minimum of two weeks' notice to permit case development.
2. Allow two hours for each session.
3. Inform participants that all sessions will be held virtually.
4. Specify on the referral sheet the issues or areas to be addressed in mediation.
5. Email the referral to permanencymediation@nycourts.gov

Once the referral is received, the Program Manager will assign the case to a mediator.

Who Should Attend Mediation?

All individuals such as Respondents, Respondent's Attorney, Attorney for the Child(ren), Local Department of Social Services and caseworker who are a party(ies) to a child welfare case MUST be present at the mediation session. The court may also want to include other individuals such as foster parents, service providers or family support individuals if they are a crucial party to the referred case.

Case Examples

* Conditional Surrender * KinGAP * Visitation * Permanency Planning * Interpersonal Disputes
 * Contested Hearings * Services for Family * Placement Alternatives * Reunification Planning
 * Trial Discharge Conditions * Transition/ Movement Planning * Relationship Issues

For more information please contact:
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 Program Manager
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 For NYC inquires contact:
 Mizrain K. Cortés, CWCIP Coordinator

NEW YORK STATE UNIFIED COURT SYSTEM
OFFICE for JUSTICE INITIATIVES
CHILD WELFARE COURT IMPROVEMENT PROJECT
 HON. EDWINA G. MENDELSON
 Deputy Chief Administrative Judge for Justice Initiatives

The Child Permanency Mediation Program flyer provides information to the public on the details of the program, and how cases may be referred for mediation.

Integrating Trauma-Informed Practices into Family Court

The Trauma Informed Care Project integrates trauma-informed care and solution focused strategies into Family Court practices. Judges and court staff can use evidence-based framework, language, and practice-based skills to mitigate the trauma that many children and families have experienced.

These practices result in improved relationships between clients and practitioners, professional peer-to-peer relationships, and expedited, effective problem-solving. On a larger scale, trauma-informed care creates equitable changes in organizational culture.

Currently available programs as part of the Trauma Informed Care Project include:

- Organizational Wellness
- Self-Care
- Trauma-Informed Care
- Solution-Focused Strategies

Better for Families (Response to Families Impacted by Substance Use Disorder)

Better for Families (BFF) is a federally funded cross-system collaboration established to improved statewide child welfare, family court, substance use disorder (SUD) and mental health treatment practices. BFF integrates effective family treatment court (FTC) principles into the broader legal/judicial child welfare system using early identification, quality assessment and trauma informed responses to families.

BFF is guided by six principles, grounded in FTC research:

1. Early Universal Screening for SUD,
2. Enhanced Judicial Practice,
3. Timely Access to Treatment,
4. Improved Communication,
5. Data Collection and Sharing,
6. Multi-System Cross Training.

In 2020, the New York State Unified Court System was awarded a statewide Office of Juvenile Justice and Delinquency Prevention (OJJDP) Program Grant to expand the Better for Families work begun in 2014 through an associated OJJDP grant. The project is managed through the Division of Child Welfare and Family Justice and is a collaboration between the courts and state agency partners at the Office of Children and Family Services, the Office of Addiction Services and Supports, the Department of Health, and the Office of Mental Health.

CWCIP continues to operate stakeholder convenings, CLE training programs, and additional projects including the New York City Family Court Adoption Workgroup, a multiagency initiative tasked with identifying and improving systemic issues in the foster care and adoption process.

In May 2021, the Child Welfare Court Improvement Project convened a workgroup to develop recommendations for the court's recognition of National Reunification Month. The workgroup is made up of parents and youth with lived experience, attorneys, and court staff engaged in a strategic planning process that culminated in the following recommendations:

- 1) A high-ranking judge to make a public statement highlighting the importance of family preservation, and
- 2) Produce a recorded panel discussion facilitated by Deputy Chief Administrative Judge Mendelson, titled "Family Preservation is the Law," to be used as a training tool for judges and family court staff.

On July 26th 2021, in fulfillment of the first recommendation, Chief Judge Janet DiFiore spoke on her weekly broadcast about Reunification Month and the trauma that occurs whenever parents and children are separated. As to the second recommendation, in June 2022, each Judicial District will convene family court judges and staff to view "Family Preservation is the Law" and participate in a facilitated discussion to reflect on the experiences they hear.



Legal Information for Families Today (LIFT) panel on Addressing Race and Poverty in the NYS Court System, April 5, 2022. Pictured left to right: Karol V. Mason, President, John Jay College of Criminal Justice; Hon. Edwina G Mendelson, NYS Deputy Chief Administrative Judge for Justice Initiatives; Jeh Johnson, Former US Secretary of Homeland Security; William C. Silverman, Pro Bono Partner, Proskauer Rose LLP; Cathy Cramer, CEO, LIFT.

Youth and Emerging Adult Justice

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DCAJ Mendelson and OJI continue to oversee the implementation of the Raise the Age law through the Youth and Emerging Adult Justice Division.

The Raise the Age law increased the age of criminal responsibility from age 16 to 18 throughout New York State. The provisions of the law were phased in over two years with the age of criminal responsibility becoming 17 on October 1, 2018, and 18 on October 1, 2019. Under the now fully enacted law, youth aged 16 and 17 who are charged with felonies have their cases initiated in adult criminal court, but have the opportunity to have their cases removed to Family Court, where the youth will have access to additional resources and services, while avoiding the collateral consequences of a permanent criminal conviction.

OJI continues to work with the Office of Children and Family Services, the Administration for Children's Services, the Department of Probation, institutional providers and the private bar, District Attorney's offices, State Attorneys, Attorneys for Children, and other interested stakeholders addressing Raise the Age issues as they arise.

Two Raise the Age-related projects are currently in development:

- A statewide summit for Youth Part Judges and court staff, to discuss developments in the law, touch on the latest issues in juvenile justice, and allow Youth Part and Family Court Delinquency Judges the opportunity to participate in a forum to discuss their shared experiences.
- Redeveloping the training and certification process through which Judges are certified to serve as primary and backup Youth Part Judges, as well as accessible magistrates for initial proceedings that may take place during nights, holidays, and weekends.

OJI also oversees the court system's work with the Partnership for Youth Justice, an inter-agency working group focused on improving outcomes for youth in the justice system formed to implement the Juvenile Detention Alternatives Initiative funded by the Annie E. Casey Foundation.

The Office for Justice Initiatives regularly engages with SUNY Albany's Youth Justice Institute, a group of academic youth justice experts utilizing evidence-based policy and practice to strengthen the capacity of New York State agencies, organizations, and localities to adopt best practices in youth justice. Deputy Chief Administrative Judge Mendelson was a panel speaker in the Youth Justice Institute's "Are the Kids Alright?" series of web-based panel discussions exploring the pandemic's current and foreseeable impacts on children, teens, and young adults, as well as innovative approaches to the present crisis.

Each panel focused on a key environment affected by the pandemic and relevant to justice-involved youth: their homes, schools, communities, justice systems, as well as detention and placement settings.

This Division is also primarily responsible for helping to guide the development of and providing ongoing support to emerging adult courts in New York State.

“Emerging adult justice” refers to the 18 – 25-year-old population involved in the criminal justice system. Research shows that the emerging adult period is a time of transition from adolescence to fully mature adulthood, during which the brain is still developing cognitive skills and social behaviors. Emerging adults are more motivated by risk-taking behavior and susceptible to peer pressure, which can lead to more involvement in criminal activity. Subsequently, emerging adults are frequently overrepresented in the criminal justice system: they make up 10% of the US population, but 29% of arrests. In New York State, emerging adults are also 10% of the population, and make up 24% of adult arrests. Research also shows that as the brain continues to mature and develop, and emerging adults develop cognitive skills and hit milestones like marriage, employment, parenting, etc., involvement in criminal behavior declines and does not necessarily carry over into adulthood. Several judges and courts in New York have begun to develop models and practices to effectively address emerging adults without jeopardizing their futures, recognizing the transitional phase of these young people’s development, while also prioritizing community safety and the public interest. Unlike the implementation of Raise the Age, where the process and procedures are based on statute, emerging adult courts are largely founded on policies that uniquely work best with the communities and local populations that those courts serve. This means that each emerging adult court shares a common goal, but there are certainly differences in operation as well.

Examples of emerging adult justice in New York State include:

- Emerging Adult Track of the New York Supreme Court Criminal Term Alternatives to Incarceration Part
- Midtown Community Court
- Brooklyn Young Adult Court
- Queens Diversion Part
- New Rochelle Opportunity Youth Part
- Mount Vernon Emerging Adult Justice Part

The Office for Justice Initiatives is committed to support these critical access to justice efforts in criminal justice.

Policy and Planning

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Problem-Solving Courts

The Division of Policy & Planning (DPP) oversees more than 300 problem-solving courts, designed to reduce recidivism and restore communities by addressing the criminogenic needs of justice-involved individuals, and connecting them to evidence-based, trauma-informed services and treatment. Types of problem-solving courts currently operating in New York State include:

- Adult Drug Treatment Courts
- Juvenile Drug Treatment Courts
- Driving While Intoxicated (DWI) Treatment Courts
- Impaired Driving Courts
- Domestic Violence Courts
- Integrated Domestic Violence Courts
- Family Treatment Courts
- Human Trafficking Intervention Courts
- Opioid Intervention Courts; and
- Veterans' Treatment Courts

These courts may be divided into separate categories, including:

- Treatment courts: protecting the community by providing services to address the underlying behavior that brought the individual defendant or respondent into the court system,
- Accountability courts: protecting past and future victims by holding defendants or respondents responsible for the harms they have caused or might cause in the future, as opposed to the defendant or respondent's needs,
- Intervention courts: short-term engagements to rapidly link defendant with services to enable the defendant to begin changing the circumstances that brought them into contact with the court system, and
- Hybrid courts: reflect some mix of the characteristics of the previous three categories.

The Problem-Solving Court Guide is a comprehensive resource describing the many different problem-solving courts operating in New York State. The Guide provides an unprecedented comparison of the similarities and differences in these courts, such as

their procedures, target populations, goals, available treatment options, and more. The Guide also facilitates the planning process for judges and court staff who are looking to implement a new problem-solving court in their own district by identifying common training topics and resource-sharing opportunities.

The Guide is divided into three sections:

- **Types of Problem-Solving Courts:** provides the key characteristics of problem-solving courts as divided into four major categories: treatment courts, accountability courts, intervention courts, and hybrid courts.
- **Court Components and Attributes:** describes distinct features of each type of problem-solving court such as target populations, referrals and admissions, goals, participation terms, and court responses, and highlights the differences in these attributes between courts.
- **Understanding Problem-Solving Court Populations: Issues of Common and Unique Concern:** details knowledge areas common to many problem-solving courts to facilitate identifying useful training topics.

Two additional appendices provide further information on problem-solving court resources and best practice standards in adult drug courts.



A photo of the Veteran Treatment and Drug Court in Newburgh, Orange County. Photo credit: David Handschuh, Unified Court System.

Foreclosure Project

The Division of Policy and Planning works on system improvement endeavors – particularly, the statewide inventory of foreclosure matters. DPP works to improve the foreclosure process by increasing safeguards for unrepresented homeowners and standardizing court operations, including developing uniform settlement conference forms and motion templates, instituting new case tracking procedures, and creating informational materials for unrepresented homeowners. As a result of these efforts, the statewide docket of foreclosure matters has been reduced by almost 60,000 cases over the past five years.

Grants and Other Projects

DPP is also significantly engaged in securing and managing grant funding. DPP currently manages millions of dollars' worth of statewide grants and assists treatment and domestic violence/integrated domestic violence courts with their individual grants, totaling almost \$44 million in funding.

Recently, DPP secured a four-year, \$1,650,000 grant from the Bureau of Justice Assistance to reduce disparities and expand the capacity of adult drug treatment courts to serve participants equitably, thus bringing diversion access to scale across New York – a project titled the *Equal Justice in Treatment Courts Initiative*. As a collaboration between OJI, Policy Research Associates (PRA), and NPC Research, this project involves:

- developing inclusive processes, resources, and policy recommendations to ensure fair and equitable opportunities to divert individuals from incarceration,
- utilizing data to determine the level of disproportionate participation in and completion of adult drug treatment courts by race and ethnicity,
- building systems to promote equal access to treatment programming; and
- eliminating service gaps to facilitate engagement in treatment services and recovery supports.

These efforts will advance OJI's efforts to reduce disparate impact in problem solving courts, by ensuring that these courts operate free from bias and discrimination, thus expanding available treatments and benefits to a greater number of participants.

OJI was also awarded a grant of over \$5,700,000 in Bureau of Justice Assistance Comprehensive Opioid, Stimulant, and Substance Abuse Site-based Program (COSSAP) funding to expand efforts to treat and support offenders at high risk of overdose. With this funding, and in collaboration with PRA and NPC Research, the Unified Court System will establish the New York Rural Opioid Court Initiative to implement Opioid Courts in eight rural counties. The Unified Court System will also establish the Opioid Court Center of Excellence, which will serve as a clearinghouse for promising practices and research on

the Opioid Intervention Court model, including coordinating justice and treatment efforts through Sequential Intercept Model planning and the implementation of research-based treatment practices. The Opioid Court Center of Excellence will create the first national Opioid Court Learning Community, which will serve to guide state and national practice in opioid court development and operations. The New York Rural Opioid Court Initiative will improve court supervision and access to treatment and peers through teleservices and enhance drug testing for complex synthetic drugs.

DPP also participates in ongoing special projects, such as the continued rollout of UCMS, particularly the Treatment Service Module into our Supreme and County courts. DPP also recently launched the UCS's elder justice website which provides judges and court personnel with information about the prevention and recognition of elder abuse and neglect, available legal interventions, relevant criminal and civil laws, guidance relating to the special needs of older adults, and a comprehensive database of elder justice resources.



Flags standing in the courtroom at the Veteran's Treatment Court in White Plains, Westchester County. Photo Credit: David Handschuh, Unified Court System.

Court-Based Child Fatality Review

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Deputy Chief Administrative Judge Mendelson and the Office for Justice Initiatives spearheads the first-of-its-kind court-based child fatality review, a process designed to strengthen our courts and prevent harm to vulnerable children without finger-pointing or casting blame. Chief Judge DiFiore first announced her vision for this critically important endeavor during the 2020 State of Our Judiciary Address. This effort is supported by the Statewide Advisory Council on Child Fatalities, comprised of judges, lawyers, medical, and child welfare professionals. The Advisory Council has developed standards and protocols to ensure that court-based child fatality reviews are conducted pursuant to law, Reviews will foster open communication, be undertaken in a culturally and racially sensitive manner, mindful of the potential for stereotyping or implicit bias, and will include input from the presiding jurists and court employees involved in the case.

The goal of court-based child fatality reviews is not to cast blame or second guess, but to understand what happened during a particular case for the purpose of identifying learning opportunities and making recommendations for systemic improvement to better protect vulnerable children.

Equal Justice in the Courts Initiative: A Year in Review

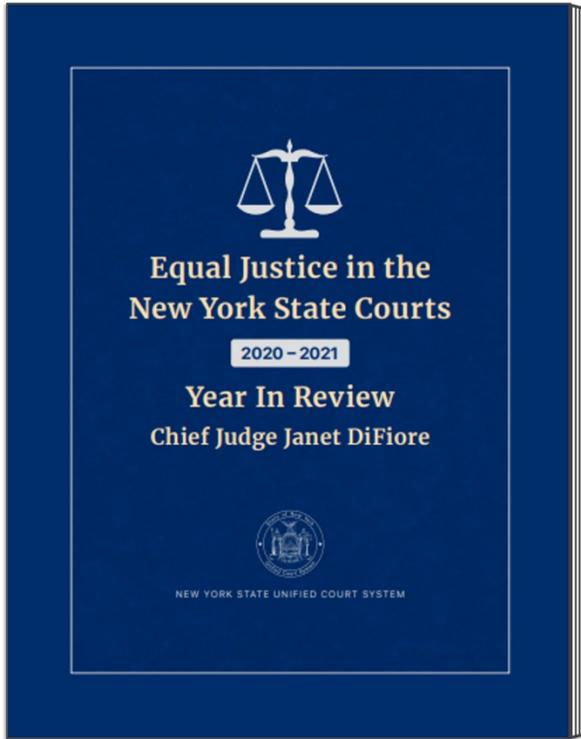
“The access to justice crisis is, in so many vital respects, a racial and equal justice crisis affecting the legitimacy of our system.”

- Chief Judge Janet DiFiore, 2021 Civil Legal Services Hearing

In the summer of 2020, the killing of George Floyd sparked a national reckoning on the prevalence of racism and discrimination in our systems of justice and public institutions. This tragedy was compounded by the reported sharing of disturbing racist images and messages through social media by our own New York State court employees. Chief Judge Janet DiFiore responded swiftly and decisively to these troubling reports, commissioning former U.S. Secretary of Homeland Security Jeh Johnson as Special Adviser on Equal Justice in the Courts. Secretary Johnson was tasked with conducting a sweeping review of the Unified Court System’s policies, practices, and programs as they relate to issues of racial and other bias.

The result was a 100-page report released in October 2020 – a report that, while recognizing the efforts of many within our court system to “get it right and make it better,” also described a dehumanizing experience for people who appear in overburdened, high-volume courts, who are disproportionately people of color and who are experiencing poverty, and the presence of racial intolerance, even from within the court system. The report set forth 13 practical recommendations aimed at strengthening and supporting our courts’ commitment to operating with integrity and transparency, treating all those in our system with respect, dignity and professionalism, promoting diversity and meaningful inclusion in our judicial and non-judicial personnel ranks, enhancing and clarifying our discrimination policies, and improving their enforcement.

Chief Judge DiFiore and Chief Administrative Judge Lawrence Marks appointed Deputy Chief Administrative Judge Mendelson to lead the court system’s implementation of these 13 recommendations. The Unified Court System’s executive implementation team includes leaders from Counsel’s Office, the Department of Public Safety, the Division of Professional and Court Services, the Division of Technology and Court Research, the Division of Human Resources (including Workforce Analysis), the Franklin H. Williams Judicial Commission, the Inspector General’s Office (including the Office of the Managing Inspector General for Bias Matters), the Jury Support Office, the New York State Judicial Institute, the Office for Justice Initiatives, the Office of Diversity and Inclusion, as well as other key OCA executive leaders. The successful implementation of these recommendations is a top priority of the Chief Judge.



Since the release of the Equal Justice Report, the implementation team has been working diligently to create practical and workable solutions in line with the recommendations proposed by Secretary Johnson. In addition to the implementation team, Judge Mendelson has met with court system leadership, bar associations, institutional and legal service providers, fraternal organizations, and other affinity groups and stakeholders to incorporate their feedback and develop strategies for the ongoing implementation of the Equal Justice recommendations. The Year in Review Report of the Equal Justice in the Courts Initiative was released in November 2021 – just over a year after the release of the original Equal Justice Report – to mark the progress made in implementation endeavors and detail the action plans for our continued

equal justice efforts moving forward.

Equal justice reforms described in the Year in Review report include, but are certainly not limited to:

- A commitment by the Chief Judge to a zero-tolerance policy for racial bias and discrimination,
- Mandatory and comprehensive racial bias education for all judicial and non-judicial court employees,
- An updated social media policy with clear guidelines on what constitutes bias and prohibited conduct,
- Targeted changes in our Human Resources job and promotional interview practices to effectuate a commitment to diversity and inclusion, and
- Creating a new juror orientation video educating jurors on the dangers of implicit bias and helping to ensure fair and neutral decision-making.

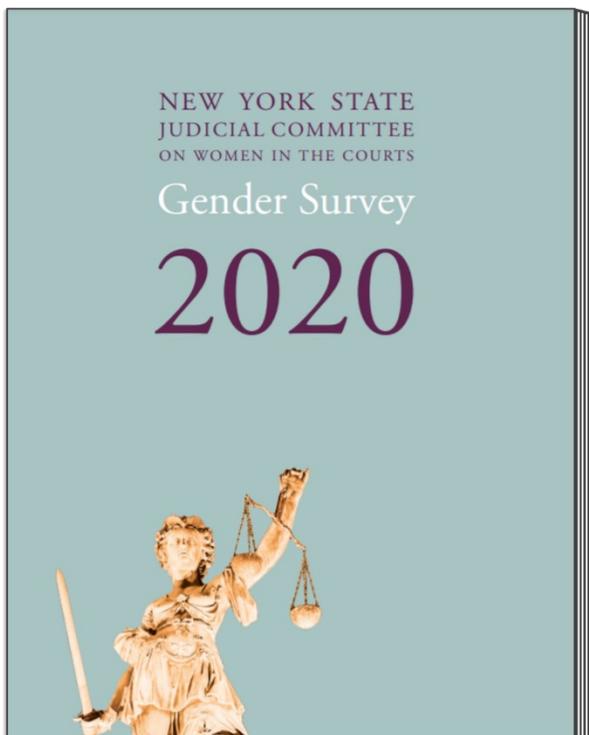
The Year in Review Report reflects our collective responsibility to ensure a fair and equitable system of justice – echoing the words of Jeh Johnson in the Equal Justice Report that many strive to “make it better.” While we should be proud of the progress made so far, it is crucial to remember that these efforts are part of a longstanding process which will require vigilance, commitment, and accountability. However, with your help, our endeavors will not only improve our courts, but will strengthen our communities.

Equal Justice in the Courts Initiative: Women in the Courts

Everyone has implicit biases against, or in favor of, people based on a variety of characteristics, backgrounds, and identifiers. Discrimination and stereotyping are, regrettably, not recent phenomena. In 1986, the New York Task Force on Women in the Courts, after a twenty-two-month investigation, issued a report on the status and treatment of women appearing, practicing, or employed in the Unified Court System. This report found that “gender bias against women litigants, attorneys and court employees is a pervasive problem with grave consequences. Women are often denied equal justice, equal treatment and equal opportunity.” In response, the New York State Judicial Committee on Women in the Courts was appointed that year to combat gender bias within the New York State court system.

In 2019, under the leadership of Hon. Betty Weinberg Ellerin, Chair of the Judicial Committee on Women in the Courts, the Judicial Committee conducted a survey to assess progress in the 33 years following the release of the original report. The survey received over 5,000 responses from attorneys registered in New York State. The results, compiled and released in 2020, revealed that while the treatment of women in the court system had improved since 1986, there are still significant reports of gender-based bias, discrimination, and harassment.

Subject areas examined by the 2020 survey include:



- Courthouse Environment/Sexual Harassment
- Credibility and Court Interaction
- Domestic Violence
- Domestic Violence and Custody, Support, and Visitation
- Child Support
- Equitable Distribution and Maintenance Guidelines
- Gender-Based Violence
- Appointments and Fee-Generating Positions
- Negligence and Personal Injury
- Court Facilities

Like the Equal Justice Report, the 2020 Gender Survey also contains several recommendations to address instances of, and strengthen responses to, harassment and discrimination as identified by the survey. These recommendations are addressed not just to court administration, but to a variety of groups within the legal community, including bar associations, judicial leaders, law schools, state legislators, and others.

DCAJ Mendelson leads the implementation of the 2020 Gender Survey's court-based recommendations as a key element of the Equal Justice in the Courts efforts. Bias and discrimination take many forms, and our strategies to combat issues tied directly to racism are interwoven with simultaneous efforts to address bias related to gender, sexual orientation, gender identity or gender expression, disability, and more. Our efforts to realize equal justice within our court system will only be truly successful when all those, regardless of who they are and where they are from, will be able to meaningfully participate in our legal system without fear of retribution or harassment. The implementation of the Women in the Courts recommendations in our court system will help realize this equal justice goal.

Equal Justice in the Courts Initiative: Local Equal Justice Committees

The Equal Justice in the Courts Initiative relies on the active participation and dedication of all court system employees. Recognizing that reform efforts will be most impactful when they include programs specifically tailored to best suit the needs of local courthouses and communities, DCAJ Mendelson has directed court leaders in each Judicial District to establish local Equal Justice Committees. These committees have been empowered to convene to review existing procedures within their local courts, solicit input and provide feedback from judges, court staff and stakeholders, and generate creative local programs to advance the courts' equal justice initiative within their jurisdictions. Some committees are staffed exclusively by court employees, while others welcome membership from outside organizations and partner agencies.

These local EJIC Committees, along with other committees, groups, and task forces – including, but not limited to, local Access to Justice Committees, the Judicial Committee on Women in the Courts, The Richard C. Failla LGBTQ Commission, and the Franklin H. Williams Judicial Commission – are spread across the state, each dedicated to a particular focus of equal justice work. However, all these committees are united in the common goal promoting justice and fairness in our court system for all.

Equal Justice Committees are now active in every judicial district.⁴ These Committees are already out there doing equal justice work, including but not limited to:

- Hosting critical discussions with court staff
- Creating subcommittees and working group to address particular issues of concern
- Piloting court officer customer service projects
- Visiting communities to share career opportunities in the courts
- Developing panel discussions on diversity, equity, and inclusion
- Providing implicit bias education to court staff
- Undertaking districtwide listening tours
- Engaging in focused outreach to local businesses, schools and religious institutions
- Presenting CLE programs

The Office for Justice Initiatives has developed a guide to assist these committees to convene, collect pertinent information, and accomplish their equal justice goals. This guide is available as Appendix A in this report.

⁴ In New York City, some committees operate within specific courts, while others are citywide.

Conclusion

Thank you for reading the Office for Justice Initiatives' 2022 Law Day Report. It is our hope that this report is indicative of not just the programs and initiatives overseen by OJI, but also demonstrates the critical ways in which these programs consistently adapt and evolve to fully meet our mission of ensuring meaningful access to justice for all those who engage with the New York State court system.

We invite you to contact the Office for Justice Initiatives with any questions, suggestions or feedback at (646) 386-3200 or DCAJ-OJI@nycourts.gov, and to visit the OJI website at <https://ww2.nycourts.gov/office-justice-initiatives-home-27171>.



Deputy Chief Administrative Judge for Courts Outside New York City Hon. Norman St. George gives artist and Empowerment Coordinator for the Kingston, NY YMCA Farm Project, Aleshanee Emanuel, his judiciary pin at the Sojourner Truth event in Ulster County. Photo credit: David Handschuh, Unified Court System.

APPENDIX A: Recommended Tips for Establishing a Local Equal Justice Committee

This document will help guide you in establishing an Equal Justice Committee in your judicial district or local court. Please bear in mind that this document may be updated periodically with additional tips and guidance as Committees continue to form and meet throughout the state.

Step 1: Getting Started

- 1. Name the Committee** This will allow everyone to know the Committee exists and help individuals understand the Committee's purpose at a glance.
- 2. Identify Committee Chair/Co-Chairs** The primary duty of the Committee chair is to guide the group's discussion. They should encourage every member to participate and keep the conversations focused on the matter at hand.
- 3. Membership Development** You may choose to have a Committee limited to court staff only or one which includes local justice partners. Membership may be open, or through invitation only.
- 4. Membership Diversity** Committees should be as representative as possible. Examples of membership diversity to consider include age, race, creed, color, sex, sexual orientation, gender identity, gender expression, religion, national origin, disability, marital status, socioeconomic status, and more.
- 5. Develop a Preliminary Vision/Mission** Ask yourselves:
 - Who do we serve?
 - What are we here to do?
 - What do we want to accomplish?
 - How do we envision doing it?Clearly defining your mission/vision helps to keep the committee focused.

Step 2: Time for Some Homework

Review materials relevant to the work to which you have made a commitment. As with any profession, it is important to stay informed of what's happening in the field.

Listed below are the reports that every committee member should read:

1. [Report from the Special Adviser on Equal Justice in the New York State Courts \(2020\)](#)
2. [DCAJ Mendelson's Message on Equal Justice \(2021\)](#)
3. [Equal Justice Two-Pager \(2021\)](#)
4. [Equal Justice Year in Review Report \(2021\)](#)

Additional ideas to prepare for your next Committee meeting:

- Share the agenda in advance of the meeting.
- Prior to Committee meetings, members should prepare by reading any relevant materials related to the agenda. For example, if the Committee plans to discuss issues in Family Court, they should read the [Impact of COVID-19 on the Family Courts Report \(2022\)](#).
- Research the historical role of the courts in your local jurisdiction. For example, the Ulster County Sojourner Truth Exhibit or the traveling Lemmon Case Exhibit.
- Share relevant materials such as books, articles, podcasts, movies, documentaries with each other as well as the community.

Step 3: Making Connections

Outreach is a must. Although there is work that will be done internally, equal justice work can't be done alone. Involve justice partners that can provide additional feedback, resources, and recommendations based on their experiences with the court system. It can also be beneficial to connect with other court offices to help support and promote local initiatives and programs.

1. Interdisciplinary Groups

- | | |
|----------------------------------|-----------------------------|
| a. Legal Services Organizations | j. Elected Officials |
| b. State Attorney Offices | k. NYS Education Department |
| c. Private Law Firms | l. Bar Associations |
| d. Presentment Agencies | |
| e. Hospitals | |
| f. Affinity Groups | |
| g. Colleges and Universities | |
| h. Community-Based Organizations | |
| i. Religious Leaders | |

2. Court-Based Offices and Committees

- a. Office of Diversity & Inclusion
- b. Franklin H. Williams Commission
- c. Office of the Inspector General
- d. Local Access to Justice Committees
- e. Richard C. Failla LGBTQ Commission
- f. Judicial Committee on Women in the Courts
- g. Gender Bias and Fairness Committees

Step 4: Data Collection

Data collection is a key element of measuring the progress of programs and initiatives, and achieving the goals set forth in the vision/mission statement. Start thinking about how you plan to track the success of your programs.

- What data will be collected? How will it be collected? How will it be analyzed? Will you conduct surveys?
- Connect with local colleges and law schools to provide research opportunities that can help with data collection and assessment.
- Community outreach and networking: Attend various networking events to build relationships with community connectors.

Step 5: Useful Tips

This section provides brief and valuable insights from Hon. Edwina Mendelson, Deputy Chief Administrative Judge for Justice Initiatives. The Office for Justice Initiatives (OJI) is here to be supportive, not prescriptive or directive.

1. Don't take on too much too fast. Pace yourselves; change will not happen overnight. Equal justice work takes time and patience.
2. Plan programs and events for court staff as well as the community. For example, consider town halls or speakers bureaus on relevant court-specific topics of interest.
3. Keep track of strategies that worked and those that did not work.
4. Ask for referrals and testimonials to build credibility. Find a way to build in lived experiences. It will benefit court staff to hear directly from the people whose lives they have impacted.