

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COURT OF APPEALS

STATE OF NEW YORK

LAW DAY 2014 CELEBRATION VIDEO

20 Eagle Street
Albany, New York 12207
April 30, 2014

Penina Wolicki
Official Court Transcriber

1 THE COURT OFFICER: All rise. The
2 President of the New York State Bar Association,
3 David Schraver; the New York State Counsel Governor,
4 and Executive Deputy Attorney General for Social
5 Justice, Mylan Denerstein; Honorable Jenny Rivera,
6 Associate Judge of the Court of Appeals; Chief
7 Administrative Judge A. Gail Prudenti; Deputy Chief
8 Administrative Judge, Lawrence Marks; and the Chief
9 Judge of the State of New York, Jonathan Lippman.

10 (Applause)

11 THE COURT OFFICER: The Law Day Ceremony
12 will now begin.

13 CHIEF JUDGE LIPPMAN: Welcome. Stay, stay,
14 we're going to do the Pledge of Allegiance.

15 (Pledge of Allegiance recited)

16 CHIEF JUDGE LIPPMAN: Now you can sit.

17 What a great crowd. Great to see you all.
18 Welcome to Court of Appeals Hall and to Law Day 2014.
19 It is a delight and a privilege for me to preside
20 once again over this wonderful tradition, joined by
21 my six colleagues on the Court of Appeals, Victoria
22 A. Graffeo - - - they're sitting in order, the way
23 they should be; Susan Phillips Read; Robert S. Smith;
24 Eugene F. Pigott, Jr., Jenny Rivera over here - - -
25 she's not sitting in order; and Sheila Abdus-Salaam.

1 (Applause)

2 CHIEF JUDGE LIPPMAN: Eric Schneiderman,
3 our terrific Attorney General, and co-host of today's
4 event, is unable to be with us today. He asked me to
5 send you his warmest greetings and to assure all of
6 you of his unwavering commitment to the rule of law
7 that we honor today.

8 We are honored to have with us today New
9 York State Bar President David M. Schraver, and
10 counsel to the Governor, Mylan Denerstein, who both
11 will be speaking to you shortly, and so many other
12 leaders of New York State government, the judiciary,
13 and the great legal community in our state.

14 In addition to those you see up here
15 sitting at the front, we have two of our presiding
16 justices, Karen Peters, the Presiding Justice of the
17 Third Judicial Department, and Randall Eng, the
18 Presiding Justice of the Second Judicial Department.
19 And we're so delighted that they - - -

20 (Applause)

21 CHIEF JUDGE LIPPMAN: We have a former
22 Court of Appeals judge, always a member of our court
23 family here, Howard Levine, delighted to see him
24 here.

25 (Applause)

1 CHIEF JUDGE LIPPMAN: We have the Solicitor
2 General, Barbara Underwood, seated right in the
3 front.

4 (Applause)

5 CHIEF JUDGE LIPPMAN: We have the Mayor of
6 the City of Albany, continuing a tradition of all the
7 mayors of the City of Albany never miss an event at
8 the Court of Appeals, Kathy Sheehan. So delighted to
9 have you.

10 (Applause)

11 CHIEF JUDGE LIPPMAN: And we've got to keep
12 that tradition, Kathy. You know you can never miss a
13 Court of Appeals event. But don't feel any pressure.

14 Sitting next to Barbara Underwood is the
15 Chairperson of the Assembly Judiciary Committee, and
16 a great supporter of the judiciary, Helene Weinstein.

17 (Applause)

18 CHIEF JUDGE LIPPMAN: And the dean of our
19 hometown law school, sitting one seat apart from
20 Assemblywoman Weinstein, is Penny Andrews. And we're
21 so delighted - - -

22 (Applause)

23 CHIEF JUDGE LIPPMAN: I'd also note that
24 the President-elect of the State Bar, Glenn Lau-Kee,
25 is here. Glenn?

1 (Applause)

2 CHIEF JUDGE LIPPMAN: Okay, who did I miss?
3 Now I know everybody here. Jim Yates is here, the
4 counsel to the speaker, isn't he? I thought he was
5 here somewhere? Well, he's about to be - - - but you
6 know what? I have Jim McGuire here; he's the former
7 counsel to the governor. So - - -

8 (Applause)

9 CHIEF JUDGE LIPPMAN: I won't say those
10 counsel, they're all the same, right? We don't want
11 to say that. But it's good to see Jim here. And
12 it's good to see all of you. And I'm sure I've
13 forgotten nine million people who I should
14 acknowledge.

15 Do I see the President of the State Trial
16 Lawyers here?

17 (Applause)

18 CHIEF JUDGE LIPPMAN: Well, Mike Coccoma
19 the Deputy Chief Administrative Judge.

20 (Applause)

21 CHIEF JUDGE LIPPMAN: Ron Younkings, Barry
22 Kamins, but I'm going to stop - - - and all of our
23 wonderful judges. Okay, and all of the wonderful
24 students in the audience, but they're going to be
25 acknowledged shortly.

1 Okay. We come today to celebrate Law Day,
2 a day of great meaning to the judiciary and the legal
3 profession. Law Day was created in 1958 to celebrate
4 our democratic values, our commitment to individual
5 freedoms, and our dedication to the rule of law.

6 Each year, the American Bar Association
7 selects a theme for Law Day events across the country
8 that often looks back to our history but is always
9 relevant to our times. This year's theme is American
10 Democracy and the Rule of Law: Why Every Vote
11 Matters.

12 I will speak about this critically
13 important theme before I present my own Law Day
14 remarks, and then introduce Counsel Denerstein and
15 President Schraver, to make their remarks on topics
16 that we each choose to highlight today. Then we will
17 continue some very special Court of Appeals Law Day
18 traditions, the presentation of Merit Performance
19 Awards to recognize outstanding performance by
20 members of our nonjudicial ranks; the Judicial
21 Excellence Awards, which we inaugurated last year;
22 and the Garfinkel Essay Contest prizes.

23 But first, let us reflect on the importance
24 of a citizen's right to vote and remember that we
25 still face challenges today in ensuring that all

1 Americans have the opportunity to participate in our
2 democracy.

3 Looking back to 1965, black Americans had
4 held the right to vote for nearly 100 years, but that
5 right was largely theoretical in many parts of this
6 country. Beyond the misuse of the law, criminal acts
7 of violence during the Civil Rights era suppressed
8 voter registration through terror. Citizens who
9 should have had access to the ballot did not.

10 One of the most dramatic moments of the
11 Civil Rights movement, a moment that was filled with
12 drama - - - a movement that was filled with dramatic
13 moments, arrived on March 7th, 1965 in Alabama. A
14 group of about 600 men, women and children began
15 marching from Selma to Montgomery. They marched in
16 response to the death of a voting rights protestor at
17 the hands of an Alabama State Trooper, and they
18 sought protection for blacks registered to vote.
19 They were ordered to disperse and then attacked with
20 tear gas, clubs, and whips.

21 The horrific events of what came to be
22 known as Bloody Sunday, captured in photos and
23 newsreels, galvanized our nation. That day led
24 directly to the passage of the Voting Rights Act
25 signed into law by President Lyndon Johnson, on

1 August 6th, 1965. The Voting Act - - - the Voting
2 Rights Act reaffirmed our democracy and helped to
3 ensure that Americans had the right to participate
4 fully, regardless of race or income level.

5 It continues to be of paramount importance
6 today, nearly fifty years later. I would caution
7 that we cannot call ourselves a true democracy if our
8 citizens are unfairly prevented or discouraged from
9 voting.

10 As we look back a half a century to the - -
11 - to the birth of the Voting Rights Act, we in New
12 York and around the country must remain vigilant in
13 ensuring that every vote and every voter truly
14 matters.

15 The very legitimacy of our democracy
16 depends on that, and we thank the ABA for
17 highlighting this issue as the theme for Law Day
18 2014. So I think it really is a very important
19 subject. And all around the country, this theme is
20 being discussed and talked about today.

21 Before we begin our formal program, I would
22 like to ask Michelle Perry-Belches, to come up to
23 sing the Star-Spangled Banner. Michelle?

24 (Star-Spangled Banner sung)

25 (Applause)

1 CHIEF JUDGE LIPPMAN: Just as our
2 democratic system of government is built on the
3 premise that every vote matters, the legitimacy of
4 our justice system rests on the principle that every
5 person has a meaningful right to be heard in court
6 before a judgment may be entered against them. Our
7 commitment to this principle has led to far-reaching
8 reforms in New York over the last years in
9 foreclosure cases, where we now require mandated
10 settlement conferences and appropriate supporting
11 documents and protocols that, along with increased
12 legal representation for homeowners, ensure the
13 integrity of the court's foreclosure process.

14 No one should be deprived of the roof over
15 their head without these kinds of basic due process
16 protections.

17 On this Law Day, in the wake of the
18 foreclosure crisis, there is another issue of great
19 importance to the lives of New Yorkers that must be
20 addressed by the justice system, that is, the
21 adjudication of well over 100,000 consumer credit
22 lawsuits filed in our state courts every year
23 totaling hundreds of millions of dollars.

24 Most of these actions are brought by third-
25 party debt buyers who routinely purchase large

1 portfolios of delinquent credit card debt, often for
2 pennies on the dollar, and then commence lawsuits
3 against individual debtors based on little more than
4 boilerplate language and a few fields of data from a
5 spreadsheet.

6 All too often, these credit card debts are
7 several years old, have been resold multiple times,
8 and critical documents like the original credit
9 agreement and account statements are missing. By the
10 time these so-called zombie debts show up in court,
11 it is extremely difficult for debtors, ninety-eight
12 percent of whom are unrepresented, to assess the
13 validity of the claims against them, whether they
14 actually owe the debt at issue, whether the amount
15 due is correct, and whether the plaintiff is the
16 actual owner of the debt. As a result, many debtors
17 who receive court papers fail to appear in court.

18 Compounding these deficiencies is the
19 nefarious practice of sewer service, a well
20 documented problem in consumer credit litigation, in
21 which court papers never get served on debtors. In
22 fact, many debtors first realize they've been sued
23 when they find their bank accounts frozen or their
24 wages garnished.

25 It is hardly surprising, then, that

1 significantly more than half of consumer credit cases
2 filed in New York courts result in default judgments.
3 In other words, a judgment is entered in favor of the
4 creditor, because the debtor fails to answer or
5 appear in court to contest the allegations.

6 The law requires that a creditor seeking a
7 default judgment must submit an affidavit of merit
8 containing some first-hand confirmation of the key
9 facts in the case, including that the debtor entered
10 into a credit agreement and defaulted in making
11 payments; the amount due at the time of default; and
12 the creditor's legal ownership of the debt at issue.

13 In practice, however, default judgments are
14 routinely obtained on the basis of robo-signed
15 affidavits containing hearsay allegations and few, if
16 any, facts related to the history of the debt at
17 issue.

18 Creditors frequently secure default
19 judgments for the wrong amount of money, for debt
20 that has already been paid or discharged in court,
21 and for debt on which the statute of limitations has
22 already expired. Default judgments have even been
23 obtained against the wrong person.

24 While the vast majority of consumer credit
25 cases filed in the New York City Civil Court, the

1 City Courts outside New York City, and the District
2 Courts on Long Island involve a few thousand dollars,
3 interest and penalties can build up until the final
4 debt far exceeds - - - the final judgment far exceeds
5 the original debt. And the consequences of an
6 unwarranted default judgment can be devastating for
7 the typical debtor, ordinary consumers, a lower
8 income or working person, who is almost always
9 unrepresented.

10 Such people can ill afford to have their
11 bank accounts seized, their wages garnished, their
12 credit ruined; not when they're trying to support a
13 family, find a job, and keep a roof over their heads.

14 The problems I have described have not gone
15 unanswered. Attorney General Schneiderman's Bureau
16 of Consumer Frauds and Protection has, in fact, been
17 highly proactive in investigating and combating
18 deceptive debt collection practices, as he - - - as
19 he has been in so many areas involving consumer
20 rights.

21 Likewise, Superintendent Benjamin Lawsky,
22 of the State Department of Financial Services, is in
23 the process of adopting rigorous regulations to
24 protect consumers from debt collection abuses at the
25 pre-litigation stage.

1 And Assembly Chair Helene Weinstein,
2 continues to be a leader in this area, sponsoring
3 important changes in law to protect consumer debtors
4 as far back as 2008, and now sponsoring the Consumer
5 Credit Fairness Act, a comprehensive legislative
6 reform package that we strongly support and endorse.

7 All of these efforts have helped to inspire
8 the reforms that the court system announces today.
9 We have already done much. Under the leadership of
10 Deputy Chief Administrative Judge Fern Fisher, the
11 New York City Civil Court has created special court
12 parts that focus solely on consumer credit cases with
13 dedicated judges and clerks. Special court forms,
14 including user-friendly form answers and mandatory
15 discovery orders have been developed to help
16 unrepresented debtors understand and safeguard their
17 rights in court. Rules and policies have also been
18 adopted to address the high default judgment rate,
19 and prevent time barred lawsuits.

20 Nonetheless, a continuing stream of
21 complaints from consumers, bar associations and
22 advocacy groups such as the New Economy Project and
23 many others, has made it clear that a more
24 comprehensive and rigorous approach is needed on a
25 statewide basis. No one disputes that consumers

1 should pay their debts or that businesses have every
2 right to resort to the courts to collect what is
3 legally owed to them. But at the same time, the
4 judiciary has an obligation to address inequitable
5 debt collection practices in the courts, prevent
6 unwarranted default judgments, and ensure a fair
7 legal process for all litigants.

8 Therefore, I am announcing a package of
9 reforms which in their totality represent the most
10 comprehensive effort by a court system nationally to
11 reform debt collection litigation practices. These
12 reforms are being issued today for a thirty-day
13 public comment period expiring on May 30th, with
14 implementation by June 15th. They are available on
15 the court system's Web site, www.nycourts.gov.

16 The first prong of our reform efforts
17 focuses on requiring creditors to submit stronger
18 affidavits containing detailed proof in support of
19 default judgment applications. Every affidavit
20 submitted in support of a default judgment must be
21 made by a person having personal knowledge of the
22 relevant facts and records. No more robo-signing and
23 no more affidavits riddled with hearsay allegations.

24 (Applause)

25 CHIEF JUDGE LIPPMAN: Plaintiff debt buyers

1 will be required to submit full and complete
2 documentation in order to make out a prima facie case
3 in support of a default judgment. No more affidavits
4 that rely on boilerplate language and cryptic data
5 taken from spreadsheets and bulk files that merely
6 list the debtor's account as one among dozens or even
7 hundreds of credit card accounts - - - hundreds of
8 credit card accounts. Instead, plaintiffs will be
9 required to submit affidavits from the original
10 creditor identifying the specific account at issue,
11 with a copy of the credit agreement; each - - - each
12 prior owner of the debt, stating when they purchased
13 and sold the debt; and the amount owed at the time of
14 sale.

15 And the plaintiff, stating the amount owed,
16 itemized by principal, interest, and other charges,
17 and the complete chain of ownership of the debt, with
18 copies of all written assignments of the debt. These
19 are very basic things.

20 By requiring these affidavits, we will
21 ensure that creditors meet the substantive and
22 evidentiary standards for default judgments required
23 under New York law.

24 In a different - - - in addition, to
25 prevent the practice of suing on debt when the

1 statute of limitations has expired, we will expand
2 statewide the requirement that the plaintiff or its
3 counsel submit an affidavit stating that the statute
4 of limitations has not expired.

5 In order to combat sewer service in
6 consumer debt cases, we will adopt on a statewide
7 basis, the additional notice rule that we have
8 successfully tested in New York City Civil Court. In
9 addition to filing an affidavit of service, swearing
10 that the court papers were served on the debtor, the
11 creditor must submit to the court an envelope bearing
12 the return address of the Clerk's Office, and
13 containing a further notification of the lawsuit,
14 addressed to the debtor. The notice is mailed by the
15 Clerk's Office to the debtor at the same address
16 listed in the affidavit of service.

17 The court will not grant the default
18 judgment in any case where the notice is returned to
19 the court because of an unknown or wrong address.
20 The rule - - - this rule will decidedly help to lower
21 the high default rate in our state.

22 Further, we will be reviewing the
23 procedures and forms already in use in specialized
24 consumer credit court parts and exporting the best
25 practices to the entire state. This will ensure that

1 unrepresented debtors who appear in court have access
2 to comprehensible information and resources so that
3 they can understand the claims against them and
4 formulate appropriate defenses.

5 One of these best practices includes a
6 consumer credit answer form specifically designed for
7 self-represented litigants which is written in plain
8 English and sets forth a list of standard defenses
9 that creditors (sic) can simply check off where
10 applicable.

11 Finally we will work - - - work with local
12 bar associations, law schools, and providers, to
13 increase pro bono representation of debtors in
14 consumer credit cases in the hardest hit areas,
15 similar to the great advances we have made in
16 increasing legal representation for homeowners in
17 foreclosure cases.

18 We have many excellent programs to draw
19 upon as resources for increased legal representation
20 and assistance, including the Consumer Debt Volunteer
21 Lawyer for the Day project, the Attorney Emeritus
22 program, and the CLARO Program, just to name a few.

23 Equal justice demands a level playing
24 field. With all of us in the legal profession, the
25 bar, and the provider community working together to

1 ensure legal representation in this critical area of
2 consumer rights affecting tens of thousands of New
3 Yorkers around the state, with the comprehensive
4 reforms announced today, and the ongoing efforts of
5 our partners in the executive and legislative
6 branches, I have every confidence that Law Day 2014
7 will mark the day that New York State set the
8 national standard by which consumer debtors receive
9 fair treatment in the courts. Thank you.

10 (Applause)

11 CHIEF JUDGE LIPPMAN: Thank you so much. I
12 am delighted to introduce our next speaker, Mylan
13 Denerstein. As counsel to the Governor, she is a
14 powerful force in state government, a brilliant
15 lawyer, and an independent thinker.

16 Mylan Denerstein is a true partner in
17 government to the judiciary, a delight to work with,
18 and a fabulous representative of Governor Cuomo. I
19 am so pleased and delighted that she has agreed to be
20 our guest speaker today - - - or one of our guest
21 speakers. Mylan?

22 (Applause)

23 MS. DENERSTEIN: I truly love being
24 introduced. I think it is one of the best things in
25 the world. And I'm always hopeful that my parents

1 could be present, because they would be so proud of
2 those kind words. So thank you, Chief Judge Lippman,
3 and thank you to all of you - - - all you
4 distinguished guests, for being here.

5 I'm going to focus on - - - with respect to
6 voting - - - I think, how much we take for granted
7 our democracy.

8 The basic civics text model of the
9 relationship between voting and the rule of law,
10 periodic elections occur during which citizens have
11 the opportunity to debate things and various policy
12 initiatives are rejected or accepted, and life goes
13 on.

14 Only a fraction of those eligible to cast a
15 vote actually do so. This is true of both federal
16 and state elections. In fact, voter turnout in New
17 York State during the 2010 election was the lowest of
18 any state that year. Fewer than forty percent of our
19 state citizens voted.

20 To me, lower voter turnout exemplifies how
21 much we, as a society take for granted. And we
22 absolutely need to do everything possible to
23 encourage people to vote. But people do get elected.
24 People become governors and attorney generals. And
25 how do we ensure the continued legitimacy of the rule

1 of law under these very real circumstances?

2 Even in the absence of robust citizen
3 participation in the process of governing, governing
4 must continue. The government's duty to develop, to
5 debate, to enact specific laws and policies, cannot
6 grind to a halt because of low voter turnout. Every
7 day critical issues must be addressed to ensure the
8 welfare of our citizens.

9 To me, no area illustrates this principle
10 more than the criminal justice arena. A criminal
11 conviction can lead to the loss of liberty, sometimes
12 completely and permanently, as well as to the loss of
13 property, and a variety of other restrictions, that
14 affect employment, residency and other core aspects
15 of everyday life.

16 And we also know that these issues have
17 significant fiscal and moral implications for our
18 society, regardless of whether you vote.

19 Consequently, I think as lawyers, we all
20 agree in this room, we must do everything possible to
21 get it right. The stakes are just too high.

22 Governor Cuomo's administration has strived
23 to confront these issues and the implications they
24 raise by working with the legislature to pass great
25 laws that make our criminal justice system stronger,

1 and by using executive power to do the same where
2 possible.

3 I don't know if many of you know this, but
4 forty percent of our prisoners reoffend within three
5 years of being incarcerated. That is not a fact that
6 we, as a government, should ignore. We should do
7 everything within our power to try to address it.

8 As Governor Cuomo has said, prisons cannot
9 and should not be viewed as a tool for economic
10 development. And although our rates of imprisonment
11 continue to fall - - - to fall and although Governor
12 Cuomo has taken the unprecedented step, with the
13 assistance of the legislature, of closing twenty-four
14 adult and juvenile detention facilities, eliminating
15 - - - eliminating over 5,000 beds, obviously, what
16 we're doing in prison isn't exactly working.

17 And even though these closures yield
18 significant budget savings, we need to do more. So
19 what can we do?

20 As the executive, one of the things we can
21 do is try to ensure that prisoners don't reoffend,
22 because that is good for everybody. It is good
23 fiscally, it is good morally, it is good for the
24 individual. And as part of that, we've participated
25 in many different grant programs that enable us to

1 provide job opportunities when - - - when an inmate
2 is released from incarceration.

3 The Work for Success program is one such
4 example; 152 businesses are participating, and over
5 2,400 formerly incarcerated individuals have been
6 hired during the first two quarters of 2013.

7 In addition, partnering with the federal
8 government, we've been able to obtain a grant, Pay
9 for Success. And that has enabled - - - will enable
10 another 1,000 or so former inmates to receive
11 appropriate training so that they can actually
12 perform a job that's needed.

13 Another thing the executive has done is
14 decided to look at how we are funding programs within
15 prisons that attempt to provide rehabilitation,
16 because the Governor very much believes in results.
17 Results First, is a comprehensive cost-benefit
18 analysis tool that forecasts the costs and benefits
19 of various criminal justice programs, such as
20 cognitive behavior therapy and job training. And
21 based on that analysis, we've been able to allocate
22 with, again, the assistance of the legislature, over
23 fifteen million dollars to fund various programs that
24 are, indeed, working.

25 In addition, one of the things the

1 executive can do is settle cases to bring about
2 reform with our partners in the Attorney General's
3 Office. And one area we've been able to do that with
4 respect to prisons is groundbreaking changes to
5 solitary confinement practice in New York. And we
6 recently entered into a settle agreement with the New
7 York Civil Liberties Union to reform New York's
8 treatment of inmates subject to disciplinary
9 sanctions, which was solitary confinement, which was
10 really out of line with the rest of the country.

11 Doing these things every day are what we do
12 to try to improve our system, to make sure that it
13 works better.

14 Juvenile justice reform is another area
15 where I think we've had undeniable results. Under
16 Governor Cuomo's Close to Home initiative, New York
17 City youth requiring a non-secure placement, are now
18 being served in the City of New York instead of being
19 transferred to places far from home and facilities
20 that are often too far for their families or support
21 networks to support them.

22 This change has also contributed to a major
23 reduction in the number of juveniles in juvenile
24 detention facilities, down forty-four percent between
25 December 2010 and June 2013. The number of juveniles

1 placed in detention overall has declined by twenty-
2 three percent in the past two years.

3 That's an example of what we can do within
4 the system. What else we can do, even if we can't
5 necessarily pass a law - - - and I know this is
6 something that Judge Lippman and others have worked
7 tirelessly on - - - is videotaping interrogations,
8 again, to improve the outcome - - - the product of
9 the outcome, we want to ensure that people are
10 properly prosecuted and properly convicted.

11 And videotaping interrogations, all the
12 evidence shows, assists in that endeavor. The state
13 awarded nearly 700,000 in grants enabling 150
14 different local law enforcement agencies to purchase
15 the equipment for the first time or to upgrade their
16 existing systems that allow them to properly
17 videotape interrogations.

18 With this investment, the state has
19 provided more than three million dollars to allow law
20 enforcement agencies to implement the practice, which
21 is widely recognized as enhancing fairness.

22 Every county in New York now has agencies -
23 - - law enforcement agencies that videotape
24 interrogations. And that is a first for our state.

25 (Applause)

1 MS. DENERSTEIN: And with our partners in
2 the legislature, under Governor Cuomo's leadership, I
3 think we've accomplished some really terrific things.
4 I was lucky enough to be personally involved in the
5 passage of the Safe Act, which is, to me, just
6 commonsense gun control measures to keep guns out of
7 the hands of people who shouldn't have them and to
8 continue to permit people who should have them to do
9 the things they like to do with them, like hunting.

10 I can't stress to you how proud I am to
11 have been involved in that effort and to have worked
12 with partners in the legislature to make that a
13 reality in a time, in our country, where really
14 unfortunately, the federal government wasn't able to
15 act. And one area that I view as just common sense
16 is that New York State closed a loophole about the
17 sale of private guns, meaning that you should go
18 through a background check if you're buying a gun
19 from your friend or if it's from a stranger, and
20 you're selling to a stranger, that person should get
21 a background check, because nobody wants a gun to end
22 up in the hand a felon.

23 Those simple kind of commonsense measures,
24 I think, make our state safer, and are important.
25 And that was passed with really bipartisan support in

1 both houses. So it's a tremendous accomplishment.

2 And another thing that I had the pleasure
3 of working on legislatively was the expansion of the
4 DNA database. And that was a piece of legislation
5 that people have been working on for many years
6 preceding this administration. But fortunately we
7 would be able to close the door.

8 New York became the first state in the
9 nation to require DNA samples from anyone convicted
10 of any felony and any penal law misdemeanor; penal
11 law misdemeanor being the big expansion.

12 As a result of this expansion, there have
13 been 359 cold hits linking evidence from scenes of
14 unsolved crimes to offenders. And that wouldn't have
15 happened but for this law.

16 Under prior state law, DNA data could only
17 be collected in less than half of the actual crimes
18 people were convicted of, limiting its use in our
19 justice system. And you know, sometimes people view
20 DNA as a tool to - - - to prove someone's guilt. It
21 is that. It also proves people's innocence.

22 And it's important for both sides. And
23 again, it leads to a better criminal justice system.
24 And I think that's a great accomplishment, and I'm
25 proud to have worked on that.

1 Partially as a result of these efforts,
2 believe it or not, New York is the safest large state
3 in the country. Only the rural and less populous
4 states of Idaho and North Dakota are ranked as safer.
5 But there's still more work to do, and we all know
6 that in this room. And we'll continue to do it.

7 Governor Cuomo will continue to use all the
8 tools at his disposal, the sound exercise of
9 executive authority, the bully pulpit, the power to
10 strongly advocate legislative reforms, and to promote
11 additional criminal justice reforms, including
12 something we're working on right now, which is Raise
13 the Age.

14 New York, as many of you know, remains one
15 of only two states in the nation whose age of
16 criminal responsibility is treated as adults if you
17 are sixteen. Following Chief Judge Lippman's lead,
18 and building on recent juvenile justice achievements,
19 Governor Cuomo has established a commission to study
20 this issue to come - - - to try to come up with a
21 solution that works and that is practical. And I - -
22 - I look forward to that happening.

23 The ultimate goal of the commission will be
24 to create a roadmap to promote youth success and
25 ensure public safety so that New York's youth have

1 the same opportunity as other youths to become
2 productive, successful adults.

3 (Applause)

4 MS. DENERSTEIN: And we will continue to
5 partner with our friends in the judiciary to work on
6 making video interrogation the law of the state, as
7 well as identification. That's something we have
8 been working very closely with the judiciary and many
9 others on, and we'll continue to do so to try to make
10 that a reality.

11 While a worthy government can and must
12 struggle and strive to work on behalf of its
13 citizens, regardless of whether or not they vote,
14 it's not quite as good as if they did. And to
15 collectively realize the full potential of government
16 to transform our society for the better, we must
17 better engage citizens at the ballot box.

18 Small and large issues impact us every day.
19 And while our democracy is founded on the power to
20 vote, it really cannot flourish until that is fully
21 achieved. And so I look forward to working with all
22 of you to make that a reality.

23 (Applause)

24 CHIEF JUDGE LIPPMAN: Thank you Counsel
25 Denerstein, for those terrific remarks. And our next

1 speaker, David Schraver, the head of the State Bar
2 Association, represents, really in the State Bar, one
3 of the largest associations - - - bar associations in
4 the country, with more than 75,000 members and going
5 strong.

6 As the 116th President of the New York
7 State Bar Association, Dave Schraver has been
8 committed to issues of reforming legal education,
9 ensuring access to justice for all, supporting the
10 judiciary budget and the need for more family court
11 judges, and representing the men and women of our
12 noble profession around New York State, a role which
13 he has performed with great distinction and skill. I
14 am very proud to have him here with us today for Law
15 Day 2014.

16 MR. SCHRAVER: Thank you Chief Judge
17 Lippman. Members of the Court of Appeals, honorable
18 judges, public officials, attorneys and guests; may
19 it please the Court.

20 CHIEF JUDGE LIPPMAN: It does.

21 MR. SCHRAVER: I am pleased and honored to
22 be here to celebrate Law Day with you, and I thank
23 Chief Judge Lippman for inviting me to speak here
24 today.

25 First, on behalf of all of the attorneys of

1 the New York State Bar Association, I extend
2 congratulations to the two Law Day distinguished
3 jurists and four merit performance award recipients.
4 I join the Court of Appeals in recognizing your
5 tremendous service to the courts, and indeed, to all
6 of the citizens of our state.

7 (Applause)

8 MR. SCHRAVER: I grew up in the City of
9 Albany, on Third Street, just a couple of blocks west
10 of what's now Henry Johnson Boulevard. When I am in
11 Albany, I sometimes walk through my old neighborhood.
12 The neighborhood has changed a lot in the past fifty
13 or sixty years. Other things have changed in this
14 city during that time as well.

15 And in terms of our Law Day theme this
16 year, American Democracy and the Rule of Law: Why
17 Every Vote Matters, I think things have changed for
18 the better.

19 One of the core values of the legal
20 profession and of the New York State Bar Association,
21 is promoting respect for and understanding of the
22 rule of law. Our American understanding of the rule
23 of law is not shared by every country in the world.
24 In some countries, rule of law means protecting the
25 safety and security of the governing regime. In many

1 places, people are struggling to live in a place
2 where their government operates under a rule of law
3 that respects individual rights and freedoms.

4 In places like Syria, Afghanistan and
5 Ukraine, every day there are heartbreaking reminders
6 of the turbulence and bloodshed that can tear the
7 fabric of life in countries that are not, like ours,
8 governed by the rule of law, as we understand it.

9 For many outside this courtroom, the
10 concept of rule of law can sound abstract, like an
11 essay topic in a history class they took in high
12 school. Many may take the rule of law for granted or
13 never even think about it. But every person in this
14 room understands that it is our country's respect for
15 and adherence to the rule of law, our democratic form
16 of government, that preserves the social order and
17 protects our rights and freedoms, that is the
18 essential bedrock for our country's stability.

19 Because of our country's commitment to the
20 rule of law, our citizens can live their lives with
21 the knowledge that their government and its officials
22 are accountable under the law. We strive to have a
23 fair and efficient justice system to which all of our
24 citizens have meaningful access.

25 But the ability of the experiment that is

1 the United States of America to survive as we know
2 it, depends on our citizens being knowledgeable and
3 engaged. The theme of this Law Day could not be more
4 important.

5 In many parts of our nation, voting rights,
6 how and when people can register and vote, are under
7 attack. Since the Supreme Court in 2013 struck down
8 a central provision of the 1965 Voting Rights Act,
9 nine states have passed measures making it harder for
10 citizens to vote, many enacting a law requiring
11 government-issued photo identification cards in order
12 to register and vote.

13 Here in New York, in spite of our state's
14 role as a national leader in so many areas, when it
15 comes to voting, our state's voter participation has
16 been in serious decline for over a decade. Mylan
17 mentioned some of these statistics. But I want to
18 note that in the past three elections, New York has
19 ranked forty-seventh in average voter turnout
20 according to a recent report.

21 In the 2012 presidential election, when
22 turnout is usually highest, only fifty-three percent
23 of eligible voters cast a ballot.

24 Voting is one of the most fundamental
25 rights as Americans. And yet, it is one that fewer

1 and fewer New Yorkers are exercising. Every vote
2 matters and can affect the outcome of an election.
3 Importantly, voting engages the citizen in the
4 democratic process.

5 One of our country's Presidents once said,
6 "Nobody will ever deprive the American people of the
7 right to vote except the American people themselves.
8 And the only way they could do this is by not
9 voting." These are the words of President Franklin
10 Delano Roosevelt, speaking in October 1944 in one of
11 his radio addresses from the White House.

12 He said, "The continuing health and vigor
13 of our democratic system depends on the public spirit
14 and devotion of its citizens, which find expression
15 in the ballot box."

16 We, at the New York State Bar Association,
17 could not agree more. Part of the association's
18 program to promote the rule of law is to educate the
19 public of all ages about our democratic form of
20 government and their opportunity and responsibility
21 to participate in it.

22 In talking about this just last week, a
23 member of our staff recalled how one of his high
24 school teachers had a saying that he tried to impress
25 on his students: You don't vote, you don't count.

1 You don't vote, you don't count, is what teacher Dave
2 Murphy, at the New Hartford Central High School
3 outside Utica told his students repeatedly, because
4 the concept was so important.

5 At the state bar, we are working on many
6 fronts to try to get more of our state's residents to
7 count.

8 As part of our 2014 legislative priorities,
9 we are advocating the adoption of a number of
10 proposals to increase voter participation that were
11 recommended by the state bar's special committee on
12 voter participation, a committee created by my
13 predecessor, Seymour James. Our committee, whose
14 report was approved by the House of Delegates in
15 2013, was entirely bipartisan, with ten Republicans,
16 ten Democrats, and one Independent.

17 The special committee on voter
18 participation was chaired by two lawyers of
19 tremendous commitment and experience, John Dunne,
20 former state senator and former Assistant Attorney
21 General for Civil Rights, under President George H.W.
22 Bush, and Daniel Kolb, a litigator with over forty-
23 five years of experience in federal and state courts.

24 This year, our legislative staff will
25 continue working to bring about the committee's

1 concrete, pragmatic, bipartisan recommendations. To
2 increase voting, we urge the state to modernize its
3 system of voter registration. Between 1984 and 2000,
4 New York's voter participation declined
5 significantly. However, during this same time other
6 states that had modernized their voting systems,
7 experienced growth in participation.

8 One of our proposals is that citizens
9 should have the opportunity to register whenever they
10 engage with a state or federal agency. Another is
11 that they should be able to register online, as they
12 are able to do by mail.

13 We also propose a program for the voluntary
14 pre-registration of sixteen- and seventeen-year-olds,
15 so that when they turn eighteen, they will already be
16 registered to vote. Citizens aged eighteen to
17 twenty-four have the lowest rate of registration in
18 New York. Experience in other states and countries
19 indicates that pre-registration programs lead to
20 greater voter participation.

21 Finally, we propose to change the law to
22 allow people to register up to ten days before an
23 election, a change from the current constitutional
24 requirement of twenty-five days.

25 Once citizens are registered, exercising

1 the right to vote should not be difficult. To this
2 end, our committee recommends several concrete,
3 pragmatic suggestions to make it easier to vote. The
4 state should improve the design of our ballot to make
5 ballots more user friendly and easier to understand.
6 And we also recommend that New York adopt early in-
7 person voting including on the weekend before
8 Election Day.

9 If these recommendations are enacted,
10 analysis and experience in other states and major
11 democracies show that within a few years, New York
12 will substantially increase the percentage of its
13 population that registers and votes.

14 Support for increased voter participation
15 is also one of our federal legislative priorities.
16 In response to the 2013 Shelby County v. Holder,
17 Supreme Court decision, the Voting Rights Amendment
18 Act of 2014 was introduced in Congress.

19 In the Shelby County case, the Supreme
20 Court declared unconstitutional Section 4 of the
21 Voting Rights Act, that had required states and
22 municipalities with a history of discriminatory
23 voting practices to get pre-clearance by the Justice
24 Department for any voting change.

25 The 2014 bill would cure the Constitutional

1 defect by updating the pre-clearance coverage formula
2 by which states and political subdivisions would be
3 made subject to the pre-clearance requirements of
4 Section 5.

5 Last month, the state bar's House of
6 Delegates approved the Voting Rights Amendment Act of
7 2014 as a federal legislative priority, because the
8 bill is consistent with the association's overall
9 policy to increase voter participation. And just a
10 few weeks ago, for ABA day in Washington, I was
11 joined by President-elect Glenn Lau-Kee and
12 President-elect designee Dave Miranda, members of the
13 federal legislative priorities committee and members
14 of our staff in meeting with almost all of our
15 state's congressional delegation.

16 This year, 2014, marks the fortieth
17 anniversary of the state bar's award-winning
18 committee on law, youth, and citizenship, whose
19 mission is to bring free and low-cost resources and
20 training in civics and law to teachers and classrooms
21 in New York State.

22 Volunteer attorneys, judges, state bar
23 association members and staff visit classrooms,
24 sometimes well over a hundred a year, training
25 teachers, putting in hundreds of hours for the

1 committee's mock trial, Lawyer in the Classroom and
2 We the People programs.

3 Said one K through 12 teacher in Northport,
4 "The law, youth, and citizenship program of the New
5 York State Bar Association is our statewide leader in
6 defending and supporting the civic mission of our
7 schools to prepare our children for the awesome
8 responsibility of impactful citizenship in our
9 vibrant and diverse democracy."

10 Law Day 2014, American Democracy and the
11 Rule of Law. Every vote does matter. Thank you.

12 (Applause)

13 CHIEF JUDGE LIPPMAN: Thank you President
14 Schraever. So pleased that you're with us and gave
15 those terrific remarks.

16 And now we proceed to what has always been
17 another terrific part of our program, the
18 presentation of awards.

19 It is my pleasure to introduce Chief
20 Administrative Judge, A. Gail Prudenti, who keeps our
21 court system up and running and accessible to all,
22 even in the most difficult of times.

23 I'm enormously grateful to her for
24 performing the Herculean job - - - she looks
25 Herculean, doesn't she - - - the Herculean job of

1 chief administrative judge, with a full heart, great
2 skill and grace, and a total dedication to the
3 wellbeing of our institution and the public we serve.
4 Thank you Judge Prudenti for all you do, and come on
5 up.

6 CHIEF JUDGE PRUDENTI: Thank you Chief
7 Judge Lippman for that very overly kind introduction.
8 And I'd just like - - - would like to make a comment.
9 If anyone in this room has an opportunity to have the
10 Chief introduce them, they should do it. I mean, he
11 gives you the deluxe. It's great. It makes you feel
12 good, if nothing else.

13 But good afternoon everyone, and happy Law
14 Day.

15 (Applause)

16 CHIEF JUDGE PRUDENTI: As in the past, we
17 do gather here at the Court of Appeals, and it is
18 just such - - - always just such a pleasure to be in
19 these surroundings to celebrate today. And we
20 always, at this annual celebration, we really
21 celebrate the prized rule of law that has been the
22 basis of our jurisprudence in this country.

23 But my job today is in keeping with another
24 wonderful Law Day custom. So I am delighted to
25 present the 2014 Judicial Excellence Awards to two

1 jurists for their absolutely outstanding
2 contributions. Then the First Deputy Chief
3 Administrative Judge Lawrence Marks will distribute
4 the very prestigious Merit Performance Awards to four
5 exemplary - - - absolutely exemplary nonjudicial
6 employees.

7 But I'd also like to take this opportunity
8 to thank each and every judge of the Unified Court
9 System and all of our coworkers and employees, that
10 it is an absolute pleasure to work with.

11 In the last few years, I have found that
12 their dedication and tireless hard work has made, I
13 think, all of our jobs bearable, never forgetting our
14 core mission, which is to serve the community in a
15 timely fashion and adjudicating the cases that come
16 before us.

17 I'd like to extend gratitude, of course, to
18 the Chief Judge Jonathan Lippman, who has been a
19 mentor for me for more years than I would like to
20 admit; to all of the Associate Judges of the Court of
21 Appeals, not just for your support today, but for
22 your support each and every day, whether it's in the
23 budget cycle, or whether it's asking your advice. I
24 truly appreciate it.

25 And to my dear friends, the presiding

1 justices, I have a special place for you in my heart,
2 and I know you know that. And to the Governor's
3 Counsel Mylan Denerstein, in my estimation the
4 Governor could not have made a better choice for a
5 counsel and a confidante.

6 And of course the New York State Bar
7 Association President David Schraver, who I am sure,
8 for many reasons, is counting down the days till the
9 end of his tenure.

10 But I thank you all, and I thank you for
11 your support of this year's program.

12 The first 2014 Distinguished Jurist Award
13 is going to a Syracuse native, a former Onondaga
14 County legislator and a senior Legal Aid Society
15 attorney. Judge Martha Walsh Hood, is a lifelong
16 public servant. She has championed the rights of
17 children. She is respected for her fairness, for her
18 integrity, and for her exceptional work ethic.

19 She was appointed to the Onondaga Family
20 Court in 2000 - - - the year 2000 and then elected to
21 the family court. And I think all of us are happy to
22 say that it was the Chief Judge and the Chief
23 Administrative Judges' at that time's pleasure to
24 appoint her an acting Supreme Court Justice.

25 Today, she serves as a supervising judge of

1 the Family Courts in New York's Fifth Judicial
2 District. And I see that the Fifth Judicial District
3 Administrative Judge is here, Judge James Tormey.
4 Judge Tormey, thank you for the nomination and thank
5 you for being here.

6 But the judge has presided over several
7 problem-solving courts. She helped launch and
8 preside over Onondaga County's integrated domestic
9 violence court. And she helps the district each and
10 every year prepare for an annual adoption day. And
11 if any one of you get the opportunity, it's
12 absolutely heartwarming. The judges and the staff
13 volunteer their time to finalize dozens and dozens of
14 adoptions in just one day.

15 She was kind enough to send me a bell that
16 she uses. And she rings that bell each time an
17 adoption takes place and a child is adopted. And it
18 really is heartwarming. And it was very heartwarming
19 until I took it home and my husband asked me, could
20 you please take that back to the courthouse.

21 But last but not least, she also brought
22 her talent - - - her talent for organization and her
23 talent for caring for children and their families,
24 and her talents about just how important adoption is
25 to the national stage this year, when she was

1 featured on The Today Show. So we have our very own
2 star of The Today Show.

3 She generously devotes her time, talents,
4 anything we would ask her to do. If it has to do
5 with the best interests of children and families,
6 she's there.

7 She exemplifies the high standards of
8 judicial excellence, and it is a great privilege to
9 honor her. I would ask, Judge Tormey, if you would
10 please come up to present to her the 2014
11 Distinguished Jurist Award?

12 (Applause)

13 CHIEF JUDGE PRUDENTI: Our next
14 distinguished jurist hails from Suffolk County. And
15 he is the Honorable Fernando Camacho. He joined the
16 Unified Court System in 1997 when he was appointed to
17 the New York City Criminal Court Kings County.
18 Later, he served on the Queens County Criminal Court
19 bench and took over the role of Deputy Supervising
20 Judges, but at the same time, presiding over a
21 domestic violence court, a jury trial part and a
22 specialized court, targeting teens charged with
23 prostitution-related offenses. His work helped spur
24 New York's Human Trafficking Intervention Initiative.

25 He then was elevated to the New York State

1 Court of Claims and designated an Acting Supreme
2 Court Judge, and then appointed the Administrative
3 Judge for Criminal Matters in Queens County, where he
4 served with distinction.

5 He wanted to come back to Suffolk County,
6 he wanted to come home, and we both know there is no
7 place like home. And he moved to the Suffolk County
8 Supreme Court in January of 2013. His reputation
9 having preceded him, he was warmly welcomed.

10 The judge really is one of those
11 trailblazers who sets the standard for all judges.
12 You know, in Queens County, he presided over a youth
13 diversion part before, you know, it was fashionable.
14 And at this time, he is working with the
15 administrative judge in Suffolk County to develop a
16 similar court.

17 As a judge, he is widely praised by both
18 the bench and the bar and very much admired for
19 tireless efforts and leading by example. It is my
20 true delight to have my colleague from Suffolk County
21 here today and I would ask if his Administrative
22 Judge Randall Hinrichs is here?

23 I would ask Judge Hinrichs if he would
24 please come up to present Judge Camacho with the 2014
25 Distinguished Jurist Award.

1 (Applause)

2 CHIEF JUDGE PRUDENTI: Thank you. And a
3 special - - -

4 (Applause)

5 CHIEF JUDGE PRUDENTI: And a special
6 congratulations to Judge Camacho and Judge Hood.

7 And now it's my pleasure to turn over the
8 program to First Deputy Chief Administrative Judge,
9 without whom I couldn't do my job, Lawrence Marks, to
10 present the 2014 Merit Performance Awards. Judge
11 Marks.

12 (Applause)

13 JUDGE MARKS: Thank you, Judge Prudenti.
14 As we all know, the Unified Court System is a very
15 large court system. We have so many outstanding
16 employees throughout the state, really in every
17 courthouse throughout the state. So it's not an easy
18 thing to identify four employees to be honored on Law
19 Day. But I think this year we found four people
20 who've - - - who've particularly distinguished
21 themselves in their jobs and in their lives. So I'd
22 just like to say a few words about each of them.

23 First, is Tony Galvao. Erudite yet
24 unassuming, Antonio Galvao began his legal career in
25 1992 as a central staff attorney in the New York

1 Court of Appeals. Tony went on to serve as a
2 principal law clerk to Court of Appeals Associate
3 Judge Carmen Ciparick before joining the Office of
4 Court Administration in 1996 as an assistant deputy
5 counsel to the chief administrative judge. He was
6 later promoted to chief of staff, subsequently
7 serving as special counsel to the chief
8 administrative judge, and counsel to the chief judge.

9 Among his current duties, Tony represents
10 the judiciary in litigation, drafts court rules and
11 legislation, participates in statewide policy, and
12 provides legal support to the administrative board of
13 the courts.

14 Over the course of his distinguished
15 tenure, Tony has played a key role in the development
16 and implementation of policies that have led to
17 important reforms to help bridge the justice gap,
18 enhance professional ethics, advance court
19 technology, promote alternative dispute resolution
20 programs, improve the processing of residential
21 foreclosure and matrimonial cases, and the list goes
22 on and on and on.

23 Tony is admired as much for his
24 resourcefulness, talent as a writer, and exacting
25 standards, as he is for his self-effacing collegial

1 manner. His wonderful demeanor, combined with his
2 considerable intellect, vast knowledge of the court
3 system, and outstanding work ethic, have been
4 tremendous assets to the judiciary.

5 Indeed, he is treasured by many throughout
6 the court system for his significant behind-the-
7 scenes contributions over the years. So we are
8 delighted to acknowledge Tony Galvao for his many
9 fine attributes and outstanding body of work with the
10 2014 Merit Performance Award for Superior Work
11 Performance.

12 (Applause)

13 JUDGE MARKS: And I'd just like to add,
14 I've had the good fortune to work with Tony really,
15 very closely, for many, many years, and everything I
16 said, believe me, it's true. In fact, it's an
17 understatement, and I know the Chief Judge would
18 agree with that.

19 CHIEF JUDGE LIPPMAN: Absolutely.

20 (Applause)

21 JUDGE MARKS: A licensed clinical social
22 worker and credentialed alcohol and substance abuse
23 counselor, Joseph Madonia, dons many hats as project
24 director of the Brooklyn Treatment Court, which links
25 nonviolent drug offenders to drug treatment and

1 supportive services as an alternative to
2 incarceration.

3 Along with supervising the court's case
4 managers and overseeing its clinical operations, Joe
5 is responsible for implementing court policies and
6 managing the court's federal grants program, helping
7 secure over three million dollars in grants in the
8 past five years.

9 Collaborating with a range of agencies and
10 organizations, Joe works tirelessly to improve the
11 life chances of Treatment Court participants.

12 Along with his myriad day-to-day duties, he
13 chairs the court's clinical advisory board and hosts
14 the many local, national, and international
15 dignitaries who visit the court throughout the year.

16 Joe's sphere of influence goes well beyond
17 the Brooklyn Treatment Court. He played a key role
18 in the launch of other problem-solving courts in the
19 borough, including a court that aims to address the
20 unique challenges faced by military veterans
21 returning to civilian life. Working with the New
22 York City Mayor's Office for Veterans' Affairs and
23 other entities, Joe helped build a full network of
24 services tailored to military veterans and their
25 families.

1 Always the innovator, Joe was among the
2 first drug court practitioners to recognize the need
3 to identify and address trauma in substance-abusing
4 defendants. Over the past decade, he has lent his
5 expertise to numerous advisory panels and conducted
6 drug court training workshops around the state and
7 country.

8 Joe's contributions to the Brooklyn
9 Treatment Court and problem-solving court community
10 have been invaluable, and we're pleased to present
11 him with the 2014 Performance Award for Superior Work
12 Performance.

13 (Applause)

14 JUDGE MARKS: Judge Ferdinand is - - -
15 where's Judge Ferdinand? Oh, if you could come up?

16 Judge Ferdinand sits in the Brooklyn
17 Treatment Court, so if she could come up and help
18 present the award?

19 (Applause)

20 JUDGE MARKS: Gloria Smyth-Godinger began
21 her court career thirty-five years ago in Brooklyn
22 Civil Court, distinguishing herself as a quick study
23 with an eye for detail. For the past twenty-nine
24 years, she has worked in New York County Supreme
25 Court Civil Term, starting as a courtroom clerk.

1 Always up to the challenge, Gloria was typically
2 assigned to the court parts with the most voluminous,
3 complex case loads.

4 In 1997, Gloria was tapped to head the
5 state's first office for the self-represented,
6 established to help unrepresented litigants by
7 offering free legal and procedural information. She
8 assembled a terrific team to lead this effort,
9 working day and night, and making the office a model
10 for other help centers that have since opened across
11 the state.

12 A few years later, Gloria was again tapped,
13 this time to take on the role of clerk in charge of
14 the court's trial support office which oversees case-
15 management-related functions. She delved into her
16 new assignment working diligently to promote best
17 case management practices and ensure adherence to
18 timetables for resolving cases.

19 In addition, she helped organize a neutral
20 evaluation program to promote out-of-court
21 settlements in personal injury and other matters,
22 among other innovations.

23 Today, Gloria is recognized not just for
24 her amazing work stamina and can-do attitude, but for
25 her institutional knowledge and mastery of the many

1 automated systems introduced by the court system in
2 recent years. She's also widely regarded for her
3 efforts as a mentor, both to court employees and the
4 countless high school, college, and law students who
5 have interned at the New York County Supreme Court
6 over the years.

7 It's a privilege to honor Gloria Smyth-
8 Godinger with a 2014 Merit Performance Award for
9 Superior Work Performance.

10 (Applause)

11 JUDGE MARKS: Actually, it's the court
12 where I sit, and the Supreme Court Civil Term in
13 Manhattan is a court with an enormous case load and
14 very challenging cases, and Gloria is, without a
15 doubt, one of the invaluable people in that court
16 that really makes the court function as it does.

17 (Applause)

18 JUDGE MARKS: What makes Chemung County's
19 Timothy Sweeney so remarkable is his ability to
20 juggle the multiple responsibilities of court
21 officer, family man, and community volunteer, and
22 make it look so effortless.

23 Since high school, Tim has been a member of
24 the Town of Southport's Volunteer Fire Department,
25 with career, marriage, and fatherhood, doing little

1 to slow down his community service activities. In
2 fact, he was promoted to assistant fire chief fifteen
3 years ago, and moved up to fire chief seven years
4 ago, giving selflessly of his time in the event of a
5 fire, car accident or other emergency, late nights,
6 weekends and holidays included.

7 The Town of Southport's Volunteer Fire
8 Department also provides assistance to neighboring
9 volunteer departments, which means Tim's volunteer
10 efforts can take him to Elmira and other
11 municipalities in the area.

12 While most people would be overwhelmed by
13 the emergency-related challenges faced by a fire
14 chief, Tim's dedication doesn't end there. He also
15 devotes considerable time to educating the community
16 about fire prevention. Additionally, he works with
17 local high schools to coordinate Mothers Against
18 Drunk Driving seminars, and he still manages to find
19 the time and energy to participate in pep rallies and
20 other community events.

21 No matter how full his plate is, Tim never
22 hesitates to do more and is always ready to pitch in
23 to benefit others, with his giving nature and sense
24 of civic duty, a great source of pride and
25 inspiration among folks in and around Chemung County.

1 For his exceptional longstanding volunteer
2 efforts on behalf of the residents of Chemung County
3 and its neighboring communities, we are delighted to
4 present Timothy Sweeney with this year's Merit
5 Performance Award for Community Service in
6 Humanitarian Pursuits.

7 (Applause)

8 JUDGE MARKS: Thank you, and now I'll turn
9 it over to Judge Rivera.

10 JUDGE RIVERA: Thank you and good afternoon
11 and happy Law Day.

12 So I have the great pleasure to briefly
13 describe the Garfinkel Essay Contest Award and to
14 call up the awardees, introduce them to you, and to
15 do the most important thing for them, which is to
16 give them their check.

17 So the David A. Garfinkel Essay Contest is
18 offered by the Historical Society of the New York
19 Courts. The Historical Society was founded in 2002
20 by our own former Chief Judge Judith Kaye, as an
21 organization dedicated to promoting New York's legal
22 history and educating our students and the public in
23 general on the role of the courts.

24 This contest is offered each year since
25 2008 to New York State community college students in

1 our wonderful CUNY and SUNY systems. There are three
2 prizes and the three prize winners are selected,
3 again, by Judge Kaye.

4 Every year, there's a topic that's timely,
5 interesting, intellectually challenging, whether
6 you're a college student, younger, older, it doesn't
7 matter. And this year was no different. This year's
8 topic was "Who Watches the Watchers: Free Speech and
9 Free Press in the Electronic Age".

10 This year's winners are Rhonda Parker, Lida
11 Ramos Arce, and Zachary Field. We also have several
12 students who earned honorable mention. Let me just
13 quickly go through their names. Claire Albrecht, Wei
14 Bin Bai, Maisey Loucks, Eileen McDonagh, Ryan Polito,
15 Amanda Seepersaud, Erwin Soria, Daniela Teshima
16 Valenzuela, Rebecca Woodruff, Mirkala Zuna.

17 Let's give them all a round of applause.

18 (Applause)

19 JUDGE RIVERA: The student winners
20 represent the following schools: Adirondack
21 Community College, Genesee Community College, Nassau
22 Community College, Onondaga Community College, and
23 Queensborough Community College.

24 And they were mentored by the following
25 faculty members: Dr. John Arpey, Professor Leslie

1 Francis, Professor Stephen Hammel, Professor Ann
2 Harrison, Professor Rich Jarrett, Professor Christine
3 Mooney, and Professor Charles Scruggs. So we'll
4 honor them with applause.

5 (Applause)

6 JUDGE RIVERA: And as you can imagine, it's
7 quite an accomplishment given the demands of school
8 and for many of the students, their personal, family,
9 and work demands, to actually compete. And so I'm
10 really, really pleased to be able to recognize
11 winners today and those who have been honorably
12 mentioned.

13 As I introduce them, I had gone through
14 their essays and I do encourage you to read their
15 essays. They're beautifully written. And I just - -
16 - if you'll indulge me, I've just taken out a few
17 sentences of each, just to give you a sense of the
18 level of writing.

19 So I'll start with the SUNY Community
20 College prize of 1,000 dollars, that is being awarded
21 to Rhonda Parker of Genesee Community College. Come
22 up.

23 (Applause)

24 JUDGE RIVERA: And her essay is entitled
25 "Safe and Without Sound". Congratulations to you,

1 Rhonda, to Karen Wicka, Assistant Professor of
2 Criminal Justice, who is here with us today
3 representing the faculty of Genesee Community
4 College. Where are you? Where are you? There you
5 go. Congratulations to you also.

6 So let me just take a moment before I hand
7 the check, which I, again, know is the most important
8 thing we've got to get through.

9 "The landscape of the nation is changing" -
10 - - I hope you remember your words. Yes. Okay.

11 "With the advent of the Internet, information can
12 travel farther and faster than ever before. The fear
13 is that information-sharing could get dangerously out
14 of control. There's no absolute way to protect our
15 country from the terrorist threats. This uncertainty
16 is part of the price we must pay for freedom. Our
17 founding fathers may not have been able to fathom the
18 challenges of modern technological age, but they
19 understood the core principles on which our great
20 nation was built. 'Those who surrender freedom for
21 security will not have nor do they deserve either
22 one,' from Ben Franklin."

23 Well done.

24 (Applause)

25 JUDGE RIVERA: Next I call up the community

1 college - - - CUNY Community College prize of 1,000
2 dollars awarded to Lida Ramos Arce of Queensborough
3 Community College for her essay, "Who Watches the
4 Watchers", and congratulations to Lida and her
5 mentor, Dr. Leslie Francis, Assistant Professor of
6 Business, and to Dr. Jonas Falik, Chair of the
7 Business Department of Queensborough Community
8 College, and again, both of whom are here today.
9 Could you raise your hands? One here today.

10 (Applause)

11 JUDGE RIVERA: So just, again, indulge me,
12 because they're such beautifully written words. "The
13 U.S. Constitution's First Amendment protection of
14 freedom of the press is just as important as our
15 freedom of religion, speech, and assembly. When
16 government action violates this right and citizens
17 are not aware that it is being infringed upon, this
18 is when society must evaluate and weigh the interest
19 of national security versus their freedom of press.
20 All citizens must be able to exercise their freedoms
21 without any restrictions. These privileges are the
22 base of our democratic society. If they are deprived
23 or restricted, there is nothing left to protect the
24 citizens. In this free society, citizens should not
25 be penalized for uncovering daunting truths."

1 Congratulations.

2 (Applause)

3 JUDGE RIVERA: And the grand prize of 1,500
4 dollars, I have the envelope right here, is awarded
5 to Zachary Field of Onondaga Community College, for
6 his essay, "Balancing National Security and Freedom
7 of the Press". Congratulations to Zachary and to Dr.
8 David Deacon, who teaches American History at
9 Onondaga Community College. And I understand he's
10 here today? There you go. Congratulations.

11 (Applause)

12 JUDGE RIVERA: "The government has the
13 legal and moral authority to prosecute unauthorized
14 disclosures that fail to answer to the justifications
15 of transparency and liberty. Unless steps are taken
16 to ensure that intrusions on the press are taken only
17 as an absolute last resort, the government's
18 enforcement of the law may ultimately serve to
19 subvert justice more than aid it. The function of
20 the press is more vital now than it has ever been, as
21 private and public aggregations of power burgeon in
22 size. It is necessary to acknowledge that some
23 disclosures have real potential to cause harm by
24 revealing sources and methods, but other informers
25 have oft proven their necessity to our civil society.

1 As James Madison said" - - - and thank you for
2 letting me close with James Madison - - - "'A popular
3 government without popular information or the means
4 of acquiring it, is but a prologue to a farce or a
5 tragedy, or perhaps both. Knowledge will forever
6 govern ignorance, and a people who mean to be their
7 own governors, must arm themselves with the power
8 which knowledge gives.'"

9 Congratulations.

10 (Applause)

11 CHIEF JUDGE LIPPMAN: Michelle, would you
12 come up. Because as much as we'd like to, we can't
13 celebrate Law Day all afternoon. So come and sing
14 America the Beautiful, and that will be the end of
15 the program. Michelle?

16 (America the Beautiful sung)

17 (Applause)

18 (End of video)

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

I, Penina Wolicki, certify that the foregoing transcript of proceedings in the Court of Appeals of Law Day 2014 Celebration Video was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Penina Wolicki

Signature: _____

Agency Name: eScribers

Address of Agency: 700 West 192nd Street
Suite # 607
New York, NY 10040

Date: May 5, 2014