

LAW DAY CEREMONY

MAY 1, 2012

NO COURTS, NO JUSTICE, NO FREEDOM

COURT OF APPEALS HALL

**CHIEF JUDGE JONATHAN LIPPMAN:** Welcome to the Court of Appeals Hall and to Law Day 2012. It is a delight and a privilege for me to once again preside over this wonderful tradition joined by my six terrific colleagues on the Court of Appeals, Carmen Beauchamp Ciparick, Victoria A Graffeo, Susan Phillips Read, Robert S. Smith, Eugene F. Piggot Jr., and Theodore T. Jones- all in seniority order. We are honored to have with us today New York's great Attorney General, Eric T. Schneiderman and our terrific New York State Bar Association President, Vincent Doyle III and so many other leaders of New York State Government, the Judiciary and the great legal community in this State. The presiding justices- Luis Gonzales from the first department, Bill Mastro from the second department and our newest presiding justice Karen Peters from the third department. Henry Scudder could not be with us today but certainly as always is here with us in spirit. I would also like to recognize the Mayor of the City of Albany Gerry Jennings and the Speaker of the Assembly, Sheldon Silver. The Chairs of the Judiciary Committee, Senator John Bonacic, Assembly Woman Helaine Weinstein, the Chair of the Assembly Codes Committee Joe Lentol and Senator Sampson. Mylan Denerstein the Counsel to the Governor, Jim Yates the Counsel to the Speaker and former Court of Appeals Judge Howard Levine. District Attorneys Richard Brown, Janet DiFiore and Kate Hogan. Eileen Barnett, the Head of the Court System's Task Force on expanding civil legal services in this State.

Law Day is enshrined in our Federal Statute as a special day of celebration by the people of the United States in appreciation of their liberties and the reaffirmation of their loyalty to the United States and of their rededication to the ideals of a quality and justice under law. In delivering the first Presidential Law Day Proclamation 54 years ago today, President Dwight Eisenhower told us that the principle of guaranteed fundamental rights of individuals under the law is the heart and sinew of our Nation. It distinguishes our governmental system from the type of government that rules by might alone. That statement rings out with special force today, as we reflect on the theme of this year's Law Day Observances No Courts, No Justice, No Freedom. What ensures our freedom and equality is the singular dedication to the rule of law that is protected and reinforced by the judicial branch and is the bedrock of our system of government.

The focus of Law Day, as President Eisenhower put it, is our constitutional system of government and our great heritage under the law. It asks our people to stand up and praise what they have created. I will shortly address in my Law Day remarks a change in our admission policies to foster a new culture of service among bar applicants. The Attorney General will then talk about the foreclosure crisis which he has been so committed to addressing here in New York and around the country. He will be followed by the State Bar President who will speak on the importance of adequate funding for the courts as critical to our society. Finally we will have two very special Court of Appeals Law Day traditions, the presentation of awards to recognize distinguished members of our non-judicial ranks, and the Garfinkel Essay Contest prizes, and new this year, the addition of the Judicial Excellence Award.

Today on Law Day, we pause from our busy routines to celebrate our nation's faith in the rule of law and the liberties we so dearly cherish. And we reaffirm the ideals of equality and justice that are the roots of our

national prosperity. While we enjoy the freedoms guaranteed to us by our Constitution, we cannot take for granted that the continued vitality of those freedoms -- the very life of those freedoms -- depends on the active engagement of each of us. Those who are privileged to call ourselves lawyers have a special duty as the gatekeepers of justice to participate in preserving what we hold so dear.

With that in mind, my remarks today will focus on a most pressing responsibility for all of us: instilling and fostering a culture of service in the men and women who enter our profession as lawyers each year. It is the legal profession's commitment to equal justice and to the practice of law as a higher calling that has made service to others an intrinsic part of our legal culture. The new protocols that I will announce today for admission to the bar in New York, will challenge every law student to answer very basic questions that are fundamental to the very fiber of the legal profession: How will you choose to benefit your fellow man and your community with your new skills? Will you use your legal acumen to foster equal justice in our state? Do you recognize that being a lawyer requires an understanding that access to justice must be available to all New Yorkers regardless of their station in life? From the start, these responsibilities of the profession must be a part of every lawyer's DNA - - to support the values of justice, equality and the rule of law that make this state and this country great.

We are facing a crisis in New York and around the country. At a time when we are still adjusting to the realities of shrinking state coffers and reduced budgets, more and more people find themselves turning to the courts. The courts are the emergency rooms of our society -- the most intractable social problems find their way to our doors in great and increasing numbers. And more and more of the people who come into our courts each day are forced to do so without a lawyer.

The critical need for legal services for the poor, the working poor, and what has recently been described as the near poor could not be more evident. Our Task Force to Expand Access to Civil Legal Services estimates that we are at best meeting only 20 percent of the civil legal services needs of New York State's low-income residents -- and this is at a time when 15% of the people in our state live at or below the poverty level. That means that literally millions of litigants each year are left to navigate our court system without the help of a lawyer.

Given the magnitude of this problem, and thanks to our partners in government in the legislative and executive branches, the judiciary's budget has included substantial funding for civil legal services over the last two years. I am proud of the fact that we have established a template in New York to publicly fund civil legal services for the poor in a systemic and reliable way. This year, the judiciary's budget includes \$25 million to support civil legal service providers directly and another \$15 million in rescue funding to IOLA -- the total of \$40 million being the highest level of state funding for civil legal services in the country. These funds could not be more important given the economic crisis that has impacted most heavily on those who can least help themselves in our state and created greater demands for legal services than ever before in our history.

But we must do more to bridge the gap between this rising need and the services we provide. While greatly increased state funding will go a long way to addressing the desperate straits many litigants with limited means find themselves in, by itself, money is not enough. We need the continued individual efforts of lawyers doing their part. We are indeed fortunate that, in New York, so many lawyers are already embracing a culture of service. So many lawyers understand that it is their special responsibility to use their skills and their position to help ensure that we are providing for the justice needs of all New Yorkers.

Pro bono service has been part of the professional lives of lawyers for centuries. It is deeply rooted in our traditions. Our own fabulous New York State Bar Association, as well as countless other bar associations around the state and the country reminds us of this. For so many years, they have recognized our ethical and social responsibility to volunteer our time and resources to provide legal services for those in need.

These same considerations have become very much a part of the culture at law schools as well. The conviction that serving the public is an essential component of our professional identity as lawyers has caught hold at law schools around the country. In fact, New York's practice rules -- like those of many other states -- allow law students to perform legal work under the supervision of law school faculty or legal service organizations, thereby enabling students to appear in court and put their name on court filings.

But, now it is time to connect these dots between the experiences of law students on the one hand and the ongoing professional responsibility of lawyers to perform pro bono service on the other. If pro bono is a core value of our profession and it is -- and if we aspire for all practicing attorneys to devote a meaningful portion of their time to public service, and they should -- these ideals ought to be instilled from the start, when one first aspires to be a member of the profession. The hands-on experience of helping others by using our skills as lawyers could not be more of a pre-requisite to meaningful membership in the bar of our state. So today, on Law Day, 2012, we turn over a new page in the bar admission process in New York -- by requiring each and every applicant for admission to contribute 50 hours of participation in law-related and uncompensated pro bono service before they can practice in New York State.

With this step, as it should be, New York will become the first state in the nation to require pro bono service for admission to the bar. What better way to send the strongest message to those about to enter our profession -- assisting in meeting the urgent need for legal services is a necessary and essential qualification to becoming a lawyer. With this new initiative, New York will lead the way in stating loudly and clearly that service to others is an indispensable part of our legal training and that before you can call yourself a lawyer in New York, you must demonstrate in a very tangible way your commitment to the ideals of our great profession.

Every year, about 10,000 prospective lawyers pass the New York Bar Exam. While 50 hours of law related pro bono work would amount to little more than a few days of service for each year of law school, the aggregate would be a half million hours each year that benefits New York and those in need of legal help. If every state in the country were to join us in taking up this mantle, that would mean at least two and a half million hours of additional pro bono work - - what a positive impact on persons of limited means, communities and organizations that would gain from this infusion of pro bono work. And by doing so, we will not only benefit the clients who are in dire need of legal assistance but, so importantly, we will also be helping prospective lawyers to build the valuable skills and acquire the hands-on experience so crucial to becoming a good lawyer.

There can be no argument that newly-minted lawyers are simply better at their jobs when they receive direct experience in the practice of law. By assisting a family facing eviction or foreclosure, by working with an attorney to draft a contract for a fledgling not-for-profit, by helping a victim of domestic violence obtain a divorce, or by using their legal talents to help state and local government entities in a time of economic stress, law students can access the real-world lessons that are so important to succeeding in legal practice and hopefully also experience the intrinsic reward that comes from helping others through pro bono service.

How will this new admission requirement work in New York? First, it will not be solely the responsibility of law schools to provide pro bono opportunities, although there are law schools that already require some pro bono service to graduate, and most law schools today have an impressive array of clinical programs to offer their students. These students also may want to look outside the campus walls to legal service providers in their area and explore internships, or work with local bar associations to find pro bono possibilities. And while most applicants to the bar will want to complete their pro bono service during the law school years or over the summers, they will also have the option to do so after graduation, or even after taking the bar exam or after beginning a paid legal position in a law firm or elsewhere.

When applying to the Appellate Divisions for admission to the New York bar, applicants will be required to include an affidavit describing the nature of their pro bono work, the organization and the individual lawyer who supervised them, and the dates and hours of service. In order to provide sufficient notice to current law students, this requirement will not affect the applicants seeking to join the bar this year. In New York, it is the Appellate Divisions of the Supreme Court through their Committees on Character and Fitness that oversee and approve all admissions to the bar, and they will ensure that applicants have completed their pro bono service before they are admitted to practice law.

The Presiding Justices of each of the four Appellate Divisions have fully embraced this new pro bono requirement for bar admission in our state, and I am so grateful to them not only for their support but also for their advice and wisdom. It is my hope that New York will serve as the trendsetter nationally in requiring pro bono service for admission to the bar and in recognizing that it is an essential part of what it means to be a lawyer. Across the country, it is critical that we formally recognize pro bono service as an indispensable part of our legal culture. This will not

only affect the way we as lawyers perceive ourselves -- it will also shape the way we are perceived in the wider community and the society in which we play such an important role. The legal profession should not be seen as argumentative, narrow or avaricious, but rather one that is defined by the pursuit of justice and the desire to assist our fellow man.

With today's announcement, we celebrate the thousands and thousands of lawyers who perform pro bono work in our state every year, and who have risen to the occasion time and time again to provide legal services and ensure access to justice for all. We honor their commitment to take on legal work for those most in need and pass that commitment on to a new generation seeking to practice law in our state, starting on day one - - helping to shape that generation with the values we all share as members of our noble profession, and I do believe it is noble. As far back as judges and lawyers have existed, the pursuit of equal justice for all, rich and poor alike, has been the hallmark of our profession. In New York, now more than ever before, we will make this moral imperative a reality before anyone is given the privilege and honor of practicing law in our great state. Thank you.

It is now my honor and pleasure to introduce to you a great partner in the pursuit of justice, the Attorney General. I can't think of anyone more appropriate to be here with us today on Law Day than the Chief Law Enforcement Officer of the State of New York, Eric T. Schneiderman. He is truly a spectacular Attorney General who all New Yorkers can be so very proud of for his unswerving dedication and commitment to the rule of law and equal justice in our State. Mr. Attorney General.

**NEW YORK STATE ATTORNEY GENERAL ERIC T. SCHNEIDERMAN:**  
Thank you Chief Judge Lippman for yet another brilliant innovative proposal. I want to speak more about some of the innovations of our judiciary. It's great

to be here with the great president of our bar association, our Chief Administrative Judge Prudenti and the Honorable Fern Fisher who does such great work in the City. All of the distinguished jurists here, my colleagues from the legislature, the executive branch, lawyers who have worked with me, lawyers who have worked against me, people who have ruled for me, people who have ruled against me, it's great to all be here together as a part of a wonderful tradition. And it's great to have the Speaker here and Senator Sampson and all of my colleagues.

The theme today is No Courts, No Justice, No Freedom and I'm going to talk a little bit about some dire terrain that I've gotten to know very well in the area of housing and foreclosures. But at the end of the day I'm going to come back to some remarkable accomplishments by New York's judiciary that is going to enable us to do better than many states in dealing with these problems. Obviously people need access to the courts and people need the right to counsel, both themes that have been raised already and I'm going to come back to them. But I want to focus on something very specific because it's an example of us getting things done in New York and it's a positive example that I hope that we can emulate in other areas.

We're gathered in very majestic chambers but I want to start by talking about someone who is far removed from this illustrious gathering but for me is really part of the reason we are here. I will call her Ms. Brown since I want to respect her privacy but she's a 60-year-old disabled home owner in Brooklyn, lives there with children and has lived in her home for about 30 years. She got divorced and had to remove her former husband from the mortgage and was unknowingly shifted into an adjustable rate loan that reset after one month to over 8% and the rate kept rising. She was caught in, which she later realized, was a negative amortization loan where she would pay each month but would owe more on her home. It looked like she was not going to be able to keep her house. She got a foreclosure notice but fortunately for

her New York State mandates settlement conferences and Judge Lippman has taken steps to make that process more fair and efficient. Ms. Brown at her settlement process had the benefit of having a legal services agency come to her assistance and after submitting and resubmitting documents on her behalf they convinced the mortgage servicer to let her permanently modify her loan, keeping the payments at less than a third of her household income and she was able to stay in her house. I've done a lot of work in the area of foreclosures over the last year and again there is an example here of what we can do if we ensure that we provide legal services and if our judiciary is allowed to be as innovative and creative and forward thinking as it has been in this area and many others. We can deal with problems; we can deal more -even with fewer resources.

So first of all I want to call your attention to the enormity of the problem since the crash of the housing bubble American families have lost \$7.4 trillion in home equity, the wealth of the American middle class was wiped out in many areas. There are millions of families like Ms. Browns stuck in homes that are worth less than their mortgages and the cost of foreclosures goes beyond the family that's affected, it's not just the homeowner. One study found that for every foreclosed property the loss of the surrounding neighborhood is about \$340,000 on average, costs local governments here about \$20,000 per foreclosure and most tragically, here and in other parts of the country, there has been a reported rise in homeless students, students who lose their homes are more likely to drop out of school. So each foreclosure doesn't just take a house, it hurts families, it hurts children, it hurts our state. But as we are reminded by the theme of Law Day this year, if you can't get to a court it's very hard to get justice, and getting to a court does require counsel. So I want to say that the course of my investigation into the mortgage crisis revealed all sorts of shotty lending practices and opaque financial instruments. The housing bubble, contrary to what some would have it, is not something that was a natural catastrophe created by nature or by God. It is a man made

catastrophe that we are now contending with. When the bubble burst, mortgage servicing got worse and worse. The fraudulent loan modifications, false filings in bankruptcy court were evident all over New York and all over the country. The abusers of the system were as aggressive as they were because they thought most of their victims would not have access to counsel, but after investigating these violations and after some innovative work by our judiciary, we were able to join 48 other Attorneys General in reaching a settlement just on the issue of abusive foreclosure practices. The major servicers agreed to a code of conduct going far beyond anything in contract or in law going forward. And they agreed to commit more than \$25 billion to help homeowners, through principal reduction and rate reduction, that is getting underway this summer.

But I had an advantage ladies and gentlemen over every other Attorney General involved in the settlement negotiations because I'm pleased to say that I could focus my attention on getting money for legal services and housing counseling with the confidence that the laws and the judiciary of New York State ensure that if you can get a lawyer and you can get yourself into court you probably are never going to be wrongfully foreclosed on and I want to talk about the success of these efforts as I'm sure the effort announced today by Judge Lippman will be successful. We were able through this settlement this year to commit \$15 million in this state's budget working with our colleagues in the legislature and the executive branch for foreclosure programs that would have otherwise shut their doors. Funding from the federal government has been going down for legal services generally, it fell until 2010 but even that reprieve only got us back up to the same dollar level as the mid 1990's and since that year it has fallen off again another 17% at the national level, so whatever we try to do in New York we were contending with very, very tough fiscal times.

I'm proud that the settlement provided us the funds for housing and foreclosure services, it is not just going to be a one year deal, we are committed to funding these services and in fact expanding the funding for the next three years. But the key to our success of this, our ability to focus on legal services rather than some states were focused more on some types of rate adjustment or relief for people who were put on the street, I had confidence that because of the innovative creative work of our judiciary if we can get people lawyers they can get help. It began when our courts required 90 day notices to borrowers at risk of foreclosure. I've already noted the need for settlement conferences where borrowers and servicers must try to negotiate loan modifications.

Chief Judge Lippman instituted a rule that drastically reduced the number of filings requiring that lawyers in foreclosure actions file an affirmation certifying that they have taken reasonable measures to verify the accuracy of the documents they submit. And also, again the direction of our great Chief Judge, a pilot program is starting this summer requiring that bank representatives at settlement conferences are fully empowered to modify loans. This should stop the practices that clog our courts and doesn't do homeowners any good of lenders sending representatives who lack authority to actually help homeowners and negotiate a deal. With these improvements in the process alongside the servicing rules we've obtained in the settlement, alongside the commitment of my colleagues in government to using this settlement money to ensure that no New Yorker is ever foreclosed on wrongfully because of lack of counsel or lack of access to the courts. We have been able to save these programs and we will be working to expand them.

More families like Ms. Brown and her son will be able to stay in their homes thanks to the commitment of our great judiciary and our other colleagues in government fulfilling the aspirations of equal justice under law. So these are

hard economic times in the quintessential American ideal of equal justice is still beyond our reach in some areas, but I would urge you that the kind of innovation that I've discussed in this one area of the law, that I've come to know very well, the proposal that is made today by our great Chief Judge, my commitment to ensuring access to legal justice, equal justice under law for all New Yorkers and the parallel commitments, I have to say, from my years working in the legislature and with the Governor I know that this is shared throughout the government of the State of New York. We are committed to it, we can achieve it, the innovative creative approaches of our judiciary are an example, that when I talk to other state Attorneys General they actually have asked for copies of the order about the affirmations so that they can try and get that enacted in their states.

You have a superb judiciary, you have people here that are willing to do more with less and come up with every creative way possible to ensure justice for New Yorkers. I am gratified to be here among you, I'm very grateful to be a lawyer in the great state of New York and I look forward to working with you as your Attorney General and in any other capacity I have, private practice or just when I retire and I'm haranguing all of you with letters from my home. This is the greatest tradition of the law. I'm proud to have practiced law here, I was proud when I got admitted in the first department, I didn't have to do pro bono work but I certainly would have been willing if I had known of this rule. This is a great tradition. I'm proud to be in it and I think you should all be very proud of the work of the judiciary as we celebrate Law Day here today. Thank you.

**CHIEF JUDGE LIPPMAN:** Thank you Mr. Attorney General for your kind words. And our next speaker representing one of the largest bar associations in the country with 77,000 members and going strong is Vincent E. Doyle III, who has had such a stellar tenure as the 114th President of the New York State Bar Association. Vince represents all that is best in the legal

profession in our state and I cannot thank him enough for being such a tower of strength and staunch advocate for the judiciary. President Doyle.

**NEW YORK STATE BAR PRESIDENT VINCENT DOYLE III:** Chief Judge Lippman, Attorney General Schneiderman and the Judges of our Court of Appeals and Judge Prudenti and Judge Fisher and all the distinguished public servants, attorneys and guests who have joined us today. In particular on behalf of the attorneys of the New York State Bar Association, I'd like to acknowledge and extend congratulations to the Law Day awardees Justice Fried, Justice Rosa and the brave court officers from Middletown that we'll hear more about later. I join the Court of Appeals in recognizing their bravery, thanking them for their service; you and your colleagues around the state preserve the security and accessibility of our court facilities and the attorneys of this state thank you all.

Law Day was created to acknowledge the importance of the rule of law in American society. The rule of law is a phrase that expresses the preeminence of law rather than individuals or institutions in our system of governance. No one is above the law and all are subject to it equally rather than subject to the whims of those in power. As expressed by Cicero, "We are all servants of the law in order that we may be free". On this 55th Law Day we focus our attention on the essential role that our courts play in supporting that rule of law. And I can think of no better setting than this beautiful courtroom to discuss the theme of this year's Law Day, No Courts, No Justice, No Freedom. That theme is a stark reminder that just as our government is grounded in the rule of law that basic principle is brought to life only by properly functioning court systems. Here in New York State our courts and judges work hard every day to support these basic principles. In matters large and small the judiciary is the foundation of our freedom. The courts defend our fundamental rights, protect public safety and facilitate the peaceful resolution of disputes.

You can look to any constitutional law case book for examples of the many times where a courthouse or a courtroom has been the setting for major fundamental shift in American history. From *Browder v. Gayle* to *Brown v. Board of Education* where courts decided that state enforced segregation violated the equal protection clause. To *Gideon v. Wainwright* and *Miranda v. Arizona* where courts decided that fifth and sixth amendment protections demanded fundamental changes in our criminal justice system. Again and again courts have shaped the course of our history. But in addition to reaching these momentous decisions, with such a profound impact on our national identity, courts at every level allow our society to function properly and peacefully on a daily basis.

The courts enforce criminal laws to maintain an ordered society, they resolve disputes involving major international corporations, they provide a forum for injured people to seek compensation and handle sensitive family matters and countless cases of a more personal nature. Every day courts deal with matters that dramatically change the lives of the parties involved and although those cases may never reach the pages of a law school textbook or even the local newspaper they could not be more significant to the individuals and families whose lives hang in the balance. At the State Bar this year our theme has been Justice for All and we have concentrated on seeking access to counsel and access to justice for particularly vulnerable populations including indigent criminal defendants, immigrants and our veterans. None of that work, none of that access to counsel or access to justice would be possible, however, without a properly functioning court system. Indeed it is impossible to overstate the importance of the courts to our communities, to our society and to our way of life, which is why it is absolutely imperative that our courts receive adequate funding. And in light of all that our courts do to support society, it is surprising that the funding for our judiciary represents just a tiny fraction of the overall state budget.

To put things in perspective state funding to the judiciary averages less than 1.5% of the overall state budget. That's 1.5% to fund one of the largest, busiest and most prestigious court systems in the world, which day in and day out changes the course of people's lives. 1.5% to keep courts running and try innovative projects and solutions some of which we heard about today. 1.5% for a separate independent and coequal branch of government. And yet even at that 1.5% our court system frankly is chronically underfunded given the breath and importance of its mission. And in the wake of recent economic crisis and ongoing budget constraints that habitual underfunding threatened the court system like never before.

When Chief Judge Lippman described last year's dramatic \$170 million budget reduction, he characterized the cuts as painful and he predicted a host of unfortunate consequences, many of which came to pass. Chief Judge Lippman and those who administer the courts did a tremendous job navigating last year's budget cuts but the cuts still hurt and when the courts hurt the pain radiates down our streets, into our homes and into our businesses. As a result of those budget reductions courts had to cut staff, services and hours of operation. Inherently sensitive family court cases became even more difficult as they were drawn out over time. Small businesses suffered as their resources were tied up in unresolved disputes. Protracted foreclosure proceedings lead to long periods of residential vacancies, neglect and reduction of property values. Now the New York State Bar Association undertook a comprehensive study how court funding cutbacks affected the judges court staff, parties to civil and criminal matters, attorneys and the public in our State. The results of our study provided a wealth of compelling information about different experiences across the state and that information was an important part of our advocacy efforts this year as we advocated for full funding for the state court system.

While we were glad the judiciary was spared further cuts, we will continue to act as a watchdog for adequate funding for our court system. The mission of the New York State Bar Association requires us to help raise awareness of the critical role that our courts play, their far reaching impact on our society and the need to give these courts enough funding so they can operate properly. And so though our idealism shapes our hopes and dreams this Law Day, we cannot forget that the ideals of justice become reality only in a court system that works. We know that government resources are not unlimited. We understand that priorities must be set, but we humbly suggest to our elected officials that in studying these priorities they consult the document that is the very foundation of our Nation, our Constitution.

In the Preamble our founding fathers ordered the priorities that should be set in order to form a more perfect union. Listed first before providing for a common defense, before promoting the general welfare, before ensuring domestic tranquility, listed first is "Establish Justice". Our courts are where we establish justice day in and day out. Our courts must be a top priority and our courts must be given the resources needed to preserve the rule of law. So once again I thank you Chief Judge Lippman, the Judges of the Court of Appeals and all the other jurors and public servants who have worked so hard during these difficult time to try to keep our courts open and accessible. You protect our justice and freedom through the work you do every day. Thank you.

**CHIEF JUDGE LIPPMAN:** We now proceed to what has always been a terrific part of our program, the presentation of awards. It is my pleasure to introduce Chief Administrative Judge A. Gail Prudenti who keeps our court system up and running and accessible to all even in the most difficult of times. I am enormously grateful to her for taking on the herculean job, I know its herculean personally, being the Chief Administrative Judge of the State Court system with a full heart and total dedication to the well being of our institution.

Thank you Judge Prudenti and I now turn the program over to you and our terrific New York City Deputy Chief Administrator Judge Fern Fisher. Just for them.

**CHIEF ADMINISTRATIVE JUDGE A. GAIL PRUDENTI:** Thank you Chief Judge Lippman for that very, very kind and gracious introduction, but I really have to thank you for allowing me to refer to myself as your junior partner and supporting your vision of creating a culture of service in our court system. Being a person who started as an entry level clerk in this system, I was the miscellaneous clerk at the Suffolk County Surrogates Court where, I saw the need for service to people who had some of the most difficult times in their lives. This Chief Judge's vision of creating once again and instilling that culture of service in new lawyers to me is probably the most important innovation that I have seen come along in a very, very long time and I am very proud.

Now it's time to continue to celebrate the vital role that our judicial system plays in safeguarding our basic liberties on this Law Day. And it is fitting that we take this time and think very important that we do to acknowledge some very exemplary judges and non-judicial employees for their outstanding contributions to the New York judiciary. Their hard work, their innovative spirit and their perseverance helped to ensure that our courts remain open and accessible to deliver fair and meaningful justice to the people of the State of New York. Today it is our great honor and privilege to present four members of our court officer ranks with the prestigious Medal of Valor for their exceptional courage in averting what could have been a large scale tragedy in Orange County's Middletown City Court. We are also delighted to honor two esteemed members of the New York State judiciary with our first annual Judicial Excellence Awards.

I would like to begin with our courageous court officers. On the morning of February 8, 2012, when a man armed with a shotgun opened fire in the lobby of the Middletown City Court, four of our highly trained officers displayed extraordinary heroism. Vigilance and a presence of mind they potentially saved hundreds of lives. One can only imagine the decree of chaos and tragedy that might have ensued, but for their swift, skillful and coordinated actions. The word hero is often times very commonly used, but for these four officers it is truly very well deserved. I would like to at this time invite our four heroes to come forward- Sergeant Robert Kowal, Officer Michele Lynch, Officer Michael Mathisen and Officer Scott Truex. It is now my distinct privilege to ask the Chief Judge of the Courts of the State of New York Jonathan Lippman who will be assisted by Jewel Williams, Chief of the Unified Court System, Department of Public Safety to present these four outstanding individuals with the very highest honor awarded by the Court system, the Medal of Valor. This is of course for their exceptional courage and selfless service to the court system and the people we serve. At this time I would like to invite to the podium the Chair of the Senate Judiciary Committee, Senator John Bonacic to say a few words about these brave individuals who reside in his district.

**NEW YORK STATE SENATOR JOHN BONACIC:** Distinguished Judges, distinguished elected officials ladies and gentlemen, aren't they a good looking group? When I first practiced law in 1969, the first court that I went into was the Middletown City Court and I never imagined that 40 years later I would be here honoring four of our court officers who stopped a deadly rampage that day. I have images of Law Day. I think the average person watches Judge Judy when they put two people debating who should win. We talk of, we use words eloquent words, we refer to court decisions, sometimes refer to laws that we make over there in the capitol, but you know our laws have to be backed up by a physical presence to give them teeth. We have an army, that's a physical presence, we have a police swat team, that's a

physical presence, but on February 8th of this year a physical presence in the Middletown City Court that protected our public, that protected our city officials. I'm grateful for the training that they have received, for the courage in valor that they showed and the critical role that they've played in keeping the City of Middletown and the courts safe, a place that I work out of every day. Thank you very much.

**JUDGE PRUDENTI:** I am now delighted to welcome to the podium the Mayor of the City of Middletown, Joseph DeStefano, who would like to make a very special presentation.

**MIDDLETOWN CITY MAYOR JOSEPH DESTEFANO:** Thank you Judge Prudenti and Chief Judge Lippman. I along with Senator Bonacic never imagined that we would be here today to say thank you to the four court officers. What happened that day in Middletown, I wasn't in City Hall at the time, but the person that came to City Hall was actually looking for me and when he didn't find me he decided to go to his second source of anger which was the city court judge or the city court system. If it wasn't for the bravery, the heroism and the training and the professionalism of the four court officers that are here today, we would have had a real tragedy in the City of Middletown.

And this could happen in any court, this is - - locally at least, a look at all the court systems in a local area for the training and the requirement for being a court officer and looking at the security provided within the court system and I'm here today to say thank you specifically to them and also a message to our judiciary and to the state system about funding for the court systems and it's very important. And thankful to them for their efforts, for their heroism and their bravery, and although I can't present them with a Medal of Valor, on behalf of the citizens of the City of Middletown I would like to present them with a key to the City, on behalf of Judge Brockett, Judge Moson and the

members of the court system that are here, Middletown, our Common Council President Miguel Rodrigues present them with the key to the City of Middletown and also with a key to our hearts and say thank you to them for this true heroism, so thank you.

**JUDGE PRUDENTI:** We have just honored some of our extraordinary non-judicial personnel and it is now my great pleasure to honor two of our extraordinary judges for their unparalleled dedication and leadership and advancing the quality of justice. The first award is our Distinguished Jurist Award. Nationally renowned for her expertise in family and matrimonial law, as well as in issues relating to domestic violence, the Honorable Janice Rosa is tireless in her pursuits to improve outcomes for families in crisis. From her time as a court attorney in the Erie County Family Court to her tenure as a Judge of the Family Court and later the Supreme Court, Justice Rosa has proven an innovative leader and a dedicated jurist. She not only manages a busy court calendar herself, but she also travels to courts around the 8th District to preside over divorces, custody matters or anywhere else she is truly needed. She works on many initiatives to implement and expand best practices in our courts and to foster judicial leadership leading by example. An inspirational force in the 8th Judicial District and beyond, Justice Rosa embodies the highest ideals of judicial service. We are delighted this Law Day to honor Justice Janice Rosa with our Judicial Excellence Distinguished Jurist Award for her invaluable contributions to the Unified Court System and those it serves. Justice Rosa.

Our next award recipient, Justice Bernard Fried, is a pillar of New York's legal community. He has been widely regarded for his keen intellect, sterling character and unparalleled dedication to the legal profession and public service. A former federal prosecutor and law clerk to then associate Judge Charles Breitel of the New York State Court of Appeals. Justice Fried has admirably served our state bench for almost 32 years. Most recently in New

York County Supreme Court where he currently sits in the highly esteemed commercial division. Unfortunately for us, Justice Fried will be retiring in July. His presence on the bench will be sorely missed and we wish him and his family health, happiness and all the best as he moves on to what I know will be many new pursuits. In gratitude of Justice Fried's long standing service to the New York courts and the legal community, we proudly present him with our 2012 Judicial Excellence Lifetime Achievement Award. Justice Fried. And now I will turn over the program to a dear friend of mine the Deputy Chief Administrative Judge for the New York City courts and also in charge of statewide access to justice, the very Honorable Fern Fisher.

**DEPUTY CHIEF ADMINISTRATIVE JUDGE FERN FISHER:** Friends, distinguished guests, President Doyle, Attorney General of the people and Chief Administrative Judge Prudenti good afternoon. And to the Chief of all the Chiefs, my personal hero, it may be raining in Albany but the sun is shining in the civil legal services world, congrats. I am asked today to present the 2012 David A. Garfinkel Essay Contest prizes. It is an essay contest that is conducted by the Historical Society of the Courts of the State of New York. This is the fifth year. And so far this contest has reached 17 community colleges throughout the State.

We're going to start off today with the Honorable Mentions. From Onondaga Community College Jeremy Michael Fletcher taught by Professor Michele Ley. Rachelle Lear also from Onondaga Community College taught by Professor David Hines. Jordan Valerino, Onondaga Community College taught by Professor David Hines. Congratulations Onondaga College. Cassandra Grice, Genesee Community College taught by Professor Charles Scruggs. Megan Henry, Queensborough Community College, taught by Professor Christine Mooney. And Rebekah Kimble, Schenectady County Community College, taught by Professor Evelyn Rybaltowski. So congratulations to our Honorable Mentions.

Will the 1st place, 2nd place and 3rd place winners approach the podium please? Amongst our winners are an aspiring paralegal, an aspiring writer and an aspiring teacher, all future stars. Our third place winner is Amanda Griffin, Genesee Community College taught by Professor Charles L. Scruggs. Congratulations. Our second place winner Mary Erckert, Erie Community College taught by Dr. Robert Caputi. And our first place winner from Fulton Montgomery Community College taught by Professor Theodore Marotta, Rodney Schuyler. And thanks to the Historical Society of the Courts of the State of New York, these students are receiving monetary prizes which I'm sure they can use. Congratulations to our winners and to their families and congratulations again to the Historical Society of the Courts of the State of New York for doing this wonderful essay contest. Thank you very much. And it's my pleasure to introduce again Michelle Perry Belches, the woman with the wonderful voice to sing America the Beautiful.

**CHIEF JUDGE LIPPMAN:** That concludes our program, thank you for joining us. Have a wonderful Law Day.