



# LAW DAY REPORT

ADVANCING THE RULE OF LAW NOW



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## *Foreword from Hon. Edwina G. Mendelson, Deputy Chief Administrative Judge for Justice Initiatives*

Welcome to the inaugural Law Day Report of the New York State Unified Court System’s Office for Justice Initiatives (OJI). Law Day, celebrated every year on the first of May, offers us the opportunity to celebrate the role of law in our society in protecting our liberties and pursuing justice. The Office for Justice Initiatives is issuing this Law Day Report in celebration of both Law Day and our mission to ensure meaningful access to justice for all those who pass through the doors of every New York State courthouse. This Report is principally comprised of two sections: “The Landscape of Office for Justice Initiatives Programs,” detailing the existing programs and projects of the OJI as they have operated over the past several years, and “Reimagining Justice,” describing those programs and initiatives that have been developed over the unprecedented events of the past year, or are scheduled for release in the near future.



This first Law Day Report comes after a year of significant difficulties and heightened anxiety for us all—in our homes, our communities, our state, and across our country. March 2020 saw the onset of the public health crisis brought on by the impact of COVID-19 in New York, a generational challenge that upended the lives of all New Yorkers. In the face of this unprecedented public health emergency, the New York State court system underwent a dramatic adjustment in operational policies, procedures, and technologies to ensure that the critical services provided by the criminal and civil justice systems remained safely available. Virtual court resources such as CourtHelp and Help Centers became vital sources of legal information for court users unable to physically access the courts. Other court resources, and many essential court proceedings, transitioned to virtual platforms to allow access to the courts from homes and computers.

These rapid transitions enabled the courts to continue operating without pause. They have also expanded access by creating new avenues and pathways for court users to safely engage in the court system while reducing the disruption of an in-person court proceeding on a person’s daily life.

Yet the COVID-19 pandemic has also cast a bright light on inequities in our society. While we are all in the same storm, we are not all in the same boat. Even in the best of times, court users often face challenges such as limited English proficiency, and unfamiliarity with legal jargon and court procedure. As you can imagine, the challenges that court users already experienced before the global pandemic were greatly amplified. Those lacking access to and familiarity with the necessary technology to enable full participation in our virtual communications, coupled with the daunting prospect of understanding and keeping up with numerous administrative orders and rapidly evolving court procedures—all while entrenched with the trauma caused by living through a public health crisis—has created further difficulties for many New Yorkers.

Shortly after the onset of the pandemic, our nation underwent its most recent reckoning on racial bias and discrimination sparked by the death of George Floyd. This tragedy has spotlighted the role of racism and bias within our justice system, and serves as a reminder that justice is not always equally assured for all those who engage with our institutions and legal systems.

In recognition of the need to continue striving for equal justice, Chief Judge Janet DiFiore engaged former Obama administration cabinet member Jeh Johnson to serve as Special Adviser to the Courts and conduct an Equal Justice Review of our court system’s policies and practices as they relate to issues of racial bias and fairness in our courts. After a rigorous assessment of the New York State Unified Court System, involving hundreds of interviews with those who interact with the courts at all levels, Secretary Johnson and his team produced the 100-page Special Adviser on Equal Justice report. This report concluded that many who serve in our courts work hard to “get it right and make it better.” Yet even with these good intentions, many in New York are still subject to a “second-class system of justice,” where court users are crowded through a dehumanizing and overburdened system that is still marked by racial intolerance. The Equal Justice Report sets forth 13 recommendations to combat racial bias and discrimination, and help assure equal justice within the court system. I am privileged and honored to have been assigned by Chief Judge DiFiore and Chief Administrative Judge Marks to lead the implementation of these recommendations. These efforts to fight racial bias certainly intersect with other reform efforts to combat bias and discrimination related to gender, sexual orientation, gender identity or gender expression, disability, and more. In addition to the implementation of the recommendations of the Equal Justice Report, our office is implementing the recommendations geared to address gender bias issued by the Judicial Women in the Courts Committee

The road forward will not be quick, or easy. But I draw inspiration from the theme of this year’s Law Day—“Advancing the Rule of Law, Now,” and the responsibility that we all have to promote the rule of law, defend liberty, and pursue justice. The many challenges of the past year have also opened the door for progress in access to justice across our entire court system. I am confident that the troubling experiences of recent months have yielded important advances and much needed difficult conversations that will collectively make our justice system better.

## *The Mission of the Office for Justice Initiatives*

*“To ensure meaningful access to justice for those passing through the doors of every New York State court - regardless of income, background or special need.”*

Since July 2017, the Office for Justice Initiatives (OJI) has operated in service of the above mission statement under the leadership of Hon. Edwina G. Mendelson, Deputy Chief Administrative Judge for Justice Initiatives. In accordance with Chief Judge Janet DiFiore’s Excellence Initiative, OJI provides leadership and oversight of the New York State Unified Court System’s justice-based initiatives, including the pre-existing Access to Justice Program.

OJI operates a range of pro bono programs, self-help services, technological tools and outreach projects to serve all 62 counties in New York State, including:

- Help Centers located in courts throughout the state or virtual platforms, where unrepresented court users can receive free legal information, resources and referrals,
- Court Navigators to assist court users as they maneuver through the court system,
- Do-It-Yourself Forms, programs and technology initiatives,
- The CourtHelp website, designed specifically to help court users access easy-to-understand legal and procedural information, as well as instructions for managing their court cases,
- Community outreach efforts, and
- Volunteer attorney and other volunteer programs to provide legal information, advice and representation for vulnerable populations.

As of 2021, OJI’s various programs were allocated across five divisions to reflect the expanding scope of our work. These divisions include: Access to Justice, Policy and Planning, Child Welfare and Family Justice, Judicial Civil Legal Services, and Youth and Emerging Adult Justice.

New and ongoing OJI initiatives include:

- Child welfare, juvenile, adolescent, and emerging adult justice initiatives, including the implementation of legislation Raising the Age of criminal responsibility in New York State,
- Developing and coordinating region-specific community outreach initiatives designed to broaden access to and improve public understanding of the legal system, and
- Gaining legislative and public support for the New York State Judiciary’s proposals relating to access to justice matters.

The OJI also aims to secure stable and adequate non-profit and government funding for civil, criminal, and family legal services programs. We will continue to partner with organizations, including the Advisory Committee on Access for People with Disabilities, the Center for Court Innovation, the Division of Technology and Court Research, the Grants Office, the Office of Language Access, the Permanent Commission on Access to Justice, the Permanent Judicial Commission on Justice for Children, and many others.

## Meaningful Impact

Laura Hankin, a Public Access Law Librarian in Columbia County, who also runs that county's Help Center, shared the following anecdote with our office. This story serves as a reminder of the ways in which the individual and collective work of our court system directly impacts the lives of the members of our communities.

"A woman came in the summer of 2018, she wanted information and help with a Certificate of Relief from Disabilities. We chatted a bit, she was enrolled at the local community college in a nursing program and was told she needed to get this Certificate in order to enter the field professionally. I asked when she'd been convicted, showed her the CourtHelp page detailing the requirements and procedures to apply to seal convictions after 10 years (CPL 160.59). She returned a year later with an armload of recommendations, copies of letters detailing awards and scholarships, and transcripts. I helped her complete the application and the Order was signed in January 2020. I have been in touch with her recently -- she graduated in May 2020, passed her certification test earlier this month, and is applying for jobs as a Registered Nurse.

For me she was one person in a long parade of divorces, DIY support modifications, referrals to a legal aid or domestic violence resource, the address for the County Clerk...all of these things unquestionably help in small ways, but many of the things ***we all*** do change the trajectory of lives. In this instance, the person we helped should be proud of every bit of the success she has earned, but there is something striking about the symmetry of her interactions with the Courts and I wanted to share this to remind you how proud I am to work here and among you."

# The Landscape of Office for Justice Initiatives Programs

## Section One: Court Access

Many court users, particularly those who are unrepresented, experience numerous challenges appearing in court. These challenges include, but are certainly not limited to:

- Difficulty navigating the courthouse, possibly due to a lack of adequate signage or insufficient staff available to answer questions,
- Lack of knowledge of legal terms, phrases and procedures,
- Low reading comprehension or English proficiency, with few language services or translations accessible, and/or
- Intimidation by the complexity of the court system.

The Office for Justice Initiatives oversees several programs and initiatives designed to ensure that all court users are able to enjoy greater access to the court system and its resources.

### *Part 1: Plain Language Initiative*

Plain language makes court documents easier to read by using simple, easy-to-understand language. Frequently, important forms and documents are saturated with complex legal terms and Latin phrases that can be difficult for court users to understand. The goal of the Plain Language Initiative is to write, or, in some cases, rewrite these documents using simple language without sacrificing accuracy or comprehensiveness. Making documents easier to read and understand makes them more accessible for everyone, court users and legal professionals alike.

More consistent use of plain language is also a significant component of procedural justice. The Justice Collaboratory at Yale Law School writes that procedural justice includes “how people’s perception of fairness is strongly impacted by the quality of their experiences and not only the end result of these experiences.” When court users are better able to understand the content of legal proceedings and documents, they are more likely to find that a just result was reached in their case – even if that result was not in their favor.

As an example of a plain language revision, an excerpt from the GF-17 Petition for Custody and/ or Visitation is provided below. The original language from the petition is on the left. A revised plain language version of the same excerpt is on the right.

#### Original:

2. a. Petitioner, \_\_\_\_\_, [check applicable box]:  resides  is located at [specify address or indicate if ordered to be kept confidential pursuant to Family Court Act §154-b(2) or Domestic Relations Law §254]:

#### Plain Language revision:

My (Petitioner’s) address is
Street:
City, State, Zip:
(Check one) <input type="checkbox"/> This is where I live <input type="checkbox"/> A court assigned this address to protect me

## Part 2: Self-Help Tools

### CourtHelp

Welcome! CourtHelp can help you when you don't have a lawyer

#### Going to Court

Getting Help  
Court Forms & Fees  
Court System Basics  
Court Case Basics

#### Problems With Money

When You Owe Money  
When Someone Owes You Money

#### Name Change

Name Change Basics  
Marriage & Divorce  
Forms  
More

#### When Someone Dies

Small Estate  
Probate  
Administration

#### Criminal

Case Basics  
Criminal Records & Sealing  
Crime Victims  
Sentencing  
Collateral Consequences  
Getting Rights Back  
Possession of Marijuana

#### Families & Children

Support  
Custody  
Divorce  
More

#### Safety & Violence

Domestic Violence  
Extreme Risk Protection Orders  
Child Sex Abuse Cases

#### Homes & Evictions

Evictions outside NYC  
Evictions in NYC  
Foreclosure  
More

#### Guardianship

Child  
Developmentally Disabled  
More

#### Small Claims

NYC, Nassau & Suffolk  
Outside NYC, Nassau & Suffolk

#### After the Case is Over

Appeals  
Trial de Novo  
Collecting a Judgment



SEARCH COURTHelp



**COURT LOCATOR**

Choose County

and/or

Choose Court Type

**Find the Court**

Quick Links:

- Legal Glossary
- DIY Forms

CourtHelp is a freely accessible website (<https://www.nycourts.gov/courthelp>) containing plain language information on a wide variety of legal subjects, terms, concepts and procedures. Unrepresented court users who want to learn how to begin a legal proceeding, research a development in a pending case, or are just looking for more information about a certain topic can use CourtHelp to help answer their basic legal questions. The site is written to read at a 6th—8th grade reading level, and has been designed for easy navigation. Areas of law covered by CourtHelp include:

- Starting a court case
- Debt concerns
- Name changes
- Wills, trusts and estates
- Criminal matters
- Families and children
- Safety and domestic violence
- Homes and evictions
- Guardianship
- Small claims
- Appeals

CourtHelp also serves as a hub of free legal resources, containing links to additional helpful resources including a legal glossary, a court locator, DIY Forms programs, Ask a Law Librarian, a Help Center directory, LawHelpNY, and lawyer referral services. In 2020, CourtHelp had over eighteen million page views.

## Do-It-Yourself (DIY) Forms

Do-It-Yourself (DIY) Forms are document assembly programs that enable anyone with access to the internet and a computer, tablet or smartphone to prepare legal forms by answering questions in a guided interview format. Users first select which form they would like to complete by accessing the DIY Form menu page and locating the available programs listed by case type or court. After selecting the appropriate form, users are asked a series of guided, sequential questions in plain language. During this process, the user is represented by an avatar that gets progressively closer to a courthouse as the user answers more questions. Additional definitions and safeguards are included throughout the question-asking process to help ensure that the user is filling out the correct form. The user's answers to these questions are added to the form in the appropriate places, and after answering all questions, the user will be presented with a completed form that they can print and file with the appropriate court. DIY Forms significantly reduce the likelihood that court paperwork will be prepared incorrectly.

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

New DIY Form programs are frequently developed. As of May 2021, programs are available for case types such as divorce, custody and visitation, child support, guardianship, foreclosure and other housing issues, name changes, and more. If you have an idea for a future DIY Form Program, send an email to [DCAJ-OJI@nycourts.gov](mailto:DCAJ-OJI@nycourts.gov).



## *Part 3: Assistance at the Courthouse*

### Help Centers

Help Centers are physical or virtual spaces located throughout the state where court users can enjoy free, neutral one-on-one consultations with court employees and volunteer attorneys.



The genesis of Help Centers is rooted in the establishment of the New York City Housing Part in 1972. New York City Civil Code Act, section 110 (o) says that “There shall be a sufficient number of pro se clerks of the housing part to assist persons without counsel. Such assistance shall include, but is not limited to providing information concerning court procedure, helping to file court papers, and where appropriate, advising persons to seek administrative relief.” This section of the Civil Code was later reinterpreted, and court attorneys were assigned to assist pro se court users with matters pending in the NYC Housing Parts. Over time, the system of using court attorneys to assist court users with legal information developed into the establishment of permanent Help Centers.

Help Center staff members can assist court users in a variety of ways, including:

- Providing legal and procedural information
- Distributing court forms, sample packets and written explanatory materials
- Work with available interpreter services and connect court users with the Americans with Disabilities Act liaison for their court
- Making referrals to appropriate legal service organizations

Each Help Center has a designated administrator who serves as the first point of contact for an unrepresented court user. The administrator performs the initial triage to assess whether the court user is in the right place (and, if not, directs them to the appropriate site), connects the court user with available court staff or volunteer attorneys, and provides information on further resources such as DIY Form programs and CourtHelp, as well as referrals, court forms, and other relevant handouts. Many Help Centers also provide access to additional services and resources that court users may not be able to get at home, such as internet access to conduct legal research or use DIY Form Program terminals. Help Center staff also frequently organize and participate in court-based pro bono programs.

There are currently over 30 Court Help Centers in New York State, operating in 12 counties representing 10 Judicial Districts. In 2014, Help Centers statewide assisted 135,000 court users. By 2019, that number grew to 211,000. A directory of currently available Help Centers is located at <https://www.nycourts.gov/CourtHelp/GoingToCourt/helpcenters.shtml>.

Through serving court users, Help Centers are a valuable tool in improving the productivity and expediency of the court system. Court users are able to use Help Centers to find the answers to many of their legal questions, enabling them to proceed with their own cases more efficiently. Additionally, an internal Help Center database allows court staff to collect data related to the assistance provided with court users who visit the Help Center. This data is useful in identifying potential programs and initiatives to enhance court users’ experience and further improve court efficiency.

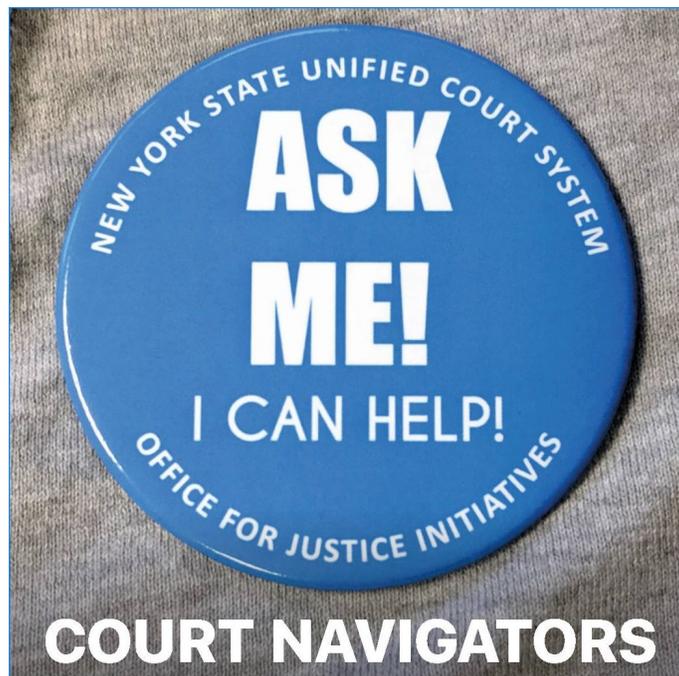
## Court Navigator Program

The goal of the Court Navigator Program is to empower unrepresented court users to fully express their objectives and concerns when appearing in court and negotiating stipulations of settlement, as well as aid court users with locating and obtaining information inside and outside of the court that may help them resolve their cases.

In service of this goal, the Court Navigator Program recruits and trains non-attorney volunteers to give non-legal support to unrepresented court users in the courthouse. Navigators wearing blue “Ask Me” buttons provide general information, written materials, one-on-one assistance, and crucial moral support to unrepresented court users. In addition to this guidance, Navigators can also help court users access and complete court forms, explain individual roles in the courtroom, and assist with accessing interpreters and other accommodating services.

While many Navigators are undergraduate students, the program is open to any qualified non-attorney volunteer. Navigators are traditionally embedded in Housing Courts throughout New York City. Some Navigators have also been assigned to particular courtrooms to serve a dual role as a judicial intern.

The Office for Justice Initiatives has previously entered into partnerships with local colleges and organizations, including APPLE Corps at John Jay College and the New York City College of Technology. Through participation in the Court Navigator Program, student volunteers from these partnerships and other schools have the opportunity to obtain firsthand experience in the court system, while assisting their communities and building their own knowledge and confidence through helping court users with their legal matters. These court users then benefit from a heightened awareness of available legal resources, allowing them to better understand the court process and more confidently advocate for themselves. A virtual Court Navigator program is currently being developed and is scheduled to launch in Summer 2021.



## Public Access Law Libraries

OJI works in close collaboration with the Office of Legal Information (OLI), which is tasked with “providing the public with essential information, assistance with legal research, and improved access to the courts.” This responsibility includes the operation of public access law libraries in each county, where the general public can consult with a law librarian, obtain legal research assistance, and review source materials including case law, statutes and secondary sources. Many of these public access law libraries are located within courthouses. A full list of public access law library locations, including additional details such as contact information and related library services, is available at <http://ww2.nycourts.gov/lawlibraries/publicaccess.shtml>.

The partnership between these two offices allows for the further development of public access law libraries, including:

- Launching a promotional campaign utilizing social media (including the OJI’s own redesigned Facebook and Twitter profiles), posters, and signage alerting court users what library services are available, where those services can be accessed, and how to access them.
- Training and working alongside public librarians to provide legal information and research assistance, in recognition of the overlap between court users and library patrons.
- Creating video tutorials to demonstrate the basic functionality of key legal research programs, such as Westlaw, Lexis Advance, eBooks, and more.



One significant new resource for court users is the Ask a Law Librarian service. Ask a Law Librarian is a freely accessible website that functions as a remote legal reference service, allowing members of the public to contact law library staff with legal reference questions via text, email, or contemporaneous live chat (staffed by trained law librarians or law library assistants). Through these modes of inquiry, court users can receive answers to their legal reference and research questions, and obtain relevant legal information from case law, statutory and regulatory materials, and other standard legal reference sources. Questions and answers are additionally stored in a searchable database that allows court users to easily look up answers to previously asked questions. Ask a Law Librarian is located at <https://askalawlibrarian.nycourts.gov/>.

## *Part 4: Court-Based Pro Bono Programs*

Lack of access to legal assistance and representation impairs the ability of court users to seek legal recourse, and hampers the effective functioning and operation of our court system. Pro bono lawyers can address this fundamental issue by providing critical legal advice and representation, and give a voice to those who have been historically underrepresented in the legal system.

OJI operates and supports several court-based pro bono programs through its Access to Justice Program. Pro bono attorneys working in these programs can provide limited scope advice or, in certain circumstances, limited scope representation to unrepresented court users.

### **Volunteer Attorneys**

OJI's volunteer attorney programs are created through partnerships and collaborative relationships with legal services providers, bar associations and the private bar. The OJI recruits volunteer attorneys through these organizations, as well as law schools, law firms and corporate law departments, and provides training and CLE credit for all volunteer pro bono attorneys. The OJI's law student and law graduate practice orders also allow for the participation of qualified law students and law school graduate volunteers who have not yet been admitted to the bar.

In addition to receiving training prior to their volunteer service, all pro bono attorneys in OJI programs are supervised by experienced court attorneys or staff attorneys from our partners. These volunteers are available in a courthouse to provide legal assistance, such as:

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

Volunteer attorney programs operated in the courts include:

- Volunteer Lawyer Program (VLP)

Volunteer lawyers provide free legal information and advice to unrepresented court users in local Help Centers, alongside experienced Help Center Court Attorneys. Eligible attorneys receive free CLE credits in exchange for their volunteer service. The Volunteer Lawyer Program is available in New York City's Civil Court and Housing Court.

- Volunteer Lawyer for the Day (VLFD) Program

Through the VLFD Program, volunteer attorneys in New York City assist unrepresented court users appearing in consumer debt cases in Civil Court and nonpayment cases in Housing Court. The VLFD is an unbundled legal services program where representation begins and ends on the same day, without further filing deadlines, motion practice or responsibilities. Participating attorneys receive free CLE credits.

The Volunteer Lawyer for the Day Program is conducted in partnership with CUNY School of Law's Community Legal Resource Network, New York County Lawyers' Association, New York Legal Assistance Group and the Brooklyn Bar Association Volunteer Lawyers Program. Additionally, a Foreclosure Volunteer Lawyer for the Day Program is available in the Westchester County Supreme Court Help Center to assist court users with foreclosure matters.

- New York City Family Court Volunteer Attorney Program

Volunteer lawyers and law students in the Family Court Volunteer Attorney Program provide legal advice to unrepresented court users on family law issues including support, paternity, custody, visitation, family offense and guardianship. VAP provides this assistance on a regular basis in the Family Court Help Centers of all five boroughs.

- Uncontested Divorce Program

Volunteer attorneys assist unrepresented court users to prepare uncontested divorce papers for filing in Supreme Court. Attorney and law student volunteers work under the supervision of Help Center Court Attorneys, as well as experienced attorneys from organizations that partner with OJI, and do not represent court users in court or file on their behalf. The Uncontested Divorce Program is available in New York City.

## Attorney Emeritus Program

Experienced attorneys in New York collectively possess a considerable wealth of legal knowledge and proficiency. In keeping with the proud history of New York's veteran lawyers helping those in need, the Administrative Board of the Courts established the Attorney Emeritus Program (AEP) to most effectively utilize this expertise to address the critical legal needs of New Yorkers.

Administered by OJI, the AEP is a collection of partnerships among the courts, legal services providers, bar associations and law schools that enables experienced attorneys at least 55 years or older to provide legal assistance to New Yorkers, especially unrepresented court users. Attorneys volunteering with the AEP generally meet with court users to advise them of their rights, provide information on the legal process, and discuss possible next steps. These attorneys may also provide limited help to court users in preparing petitions, complaints or other legal documents. Since the launch of the program in January 2010, over 4,200 experienced attorneys have registered to volunteer, in collaboration with over 65 legal services organizations and several court-based programs that serve as host organizations.

## Annual Pro Bono Awards

Many of the volunteer participants in these programs are formally recognized during Pro Bono Awards Week. During Pro Bono Week, a national event that takes place during the last week of every October to celebrate the individuals who donate their time and professional skills to making an impact in their communities, the Office for Justice Initiatives, New York State Bar Association, and New York County Lawyers Association co-hosts an annual Pro Bono Awards Night to recognize the dedicated service of New York's legal professionals in our access to justice programs. In 2020, 164 volunteers received certificates from OJI in recognition of their participation, with twenty-seven volunteers being particularly honored with plaque awards for outstanding service given out by all three co-hosts.

## *Part 5: Court Users with Diverse Needs*

There is an increasing number of court users who, due to age or physical or mental impairments, are unable to meaningfully avail themselves of helpful court-based programs or information. These court users often face the threat of eviction, making them especially vulnerable. The Access to Justice Division oversees the following programs, developed with these court users in mind.

### **Guardian Ad Litem (GAL) Program**

OJI oversees the Guardian Ad Litem (GAL) Program in New York City's Housing Courts. In Housing Court proceedings where there may be concerns that a tenant is unable to advocate for themselves due to age, or a physical or mental impairment, a GAL can be appointed by the Judge to speak on behalf of that tenant, and advocate for the protection of their rights or interests. These GALs are recruited and trained by the GAL Program. GALs include both attorneys and non-attorneys, and may be compensated or serve on a strictly volunteer basis. The GAL's appointment and associated powers cease once the Housing Court proceeding has ended.

Once appointed by a Housing Court Judge to assist a tenant, the GAL collaborates with many different New York City agencies to resolve the Housing Court proceeding. The GAL may advocate for the following:

- Securing needed entitlements or grants to pay for arrears
- Assisting with re-certification problems
- Arranging for heavy duty cleaning
- Negotiating for needed repairs as part of a settlement

Some GALs may also be designated as Guardian Ad Litem Elder Abuse Specialists in Housing Court cases where elder abuse is suspected. These specialized GALs receive additional training and certification in elder abuse prevention and intervention through a program developed in a partnership between OJI and the Harry and Jeanette Weinberg Center for Elder Justice at the Hebrew Home at Riverdale. Housing Court Judges have received education about the GAL Elder Abuse Specialist Program, and may choose to appoint a GAL Elder Abuse Specialist if appropriate. Any party can also request for an Elder Abuse Specialist as part of the GAL appointment process.

Information on the GAL program for prospective and participating GALs, landlords, and tenants can be found at: [www.nycourts.gov/courts/nyc/housing/GAL.shtml](http://www.nycourts.gov/courts/nyc/housing/GAL.shtml).

## Bridge the Gap

OJI's Bridge the Gap program provides an opportunity for recent law school graduates and newly admitted attorneys, as well as experienced attorneys, to help serve their local communities while simultaneously fulfilling CLE requirements. In exchange for CLE and pro bono credits, participants in Bridge the Gap are trained and complete a 60 hour pro bono practicum assisting court users in New York City Family, Civil, Housing and Supreme Court in the following subject areas:

- Consumer Debt
- Landlord and Tenant Law
- Ethics and Uncontested Divorce
- Family Law

## Poverty Simulations

2.8 million people live in poverty in New York State. OJI regularly facilitates poverty simulations designed to heighten court employees' and law students' sensitivity to the impact living in poverty has on court users. Over the course of one hour in real time, participants "live" a simulated month in the life of a person living in poverty, providing for their assigned "families" while contending with real life issues such as unemployment, child care, loan payments, medical issues, and many other concerns that those struggling with poverty face on a regular basis. At the conclusion of the simulation, a discussion is held among participants and facilitators to discuss the experience. Participants frequently report being surprised to learn how difficult it can be to get by while living in poverty.

## NEW YORK STATE UNIFIED COURT SYSTEM OFFICE FOR JUSTICE INITIATIVES

presents:



Recent law school graduates and newly admitted attorneys may fulfill their first or second year Mandatory CLE requirements through the [NYS Courts Office for Justice Initiatives](#)

# FREE Bridge-the-Gap CLE

## Section Two: Community Outreach and Prevention

### Community Listening Sessions

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

### Court Tours

While New York's courthouses will always be open and available to the public, the inner workings and functions of the court system remain esoteric to many people who do not have regular contact with the courts. To help aid civic education, OJI assists with facilitating court tours for students, civic organizations or any group interested in learning more about the administration of justice in New York City. Court tours may include a tour of the courthouse, a question and answer session with court personnel, and observing court proceedings in real time.

### Speakers Bureau

Continuing OJI's facilitation of civic education on the court system, the Speakers Bureau consists of a pool of interested judicial and nonjudicial court personnel who volunteer to speak to organized groups, schools, government agencies and other organizations on a wide variety of legal topics, including civil court, housing law, small claims, family law and criminal justice. Speakers may also provide information on court procedures or distribute helpful legal resource materials. Speakers Bureau volunteers have visited senior citizen centers, planning boards, public libraries, school assemblies, town hall meetings, street fairs, housing fairs and conferences.

### Faith Leader Programs

Faith leaders play a significant role in the leadership of many communities, and represent a critical conduit between the courts and court users. Connecting, conversing and learning with local faith leaders allows OJI to learn and learn from the court users whom the courts serve. OJI hosts a series of Clergy Days, where faith leaders are invited to dialogue with court leaders on significant issues in the community such as landlord and tenancy, immigration, guardianship, elder abuse, Family Court matters and the Raise the Age law.

### Legal Information Fairs

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

## Mobile Legal Help Center

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

## Social Media

In 2018, the Office for Justice Initiatives launched modernized profile pages on Facebook and Twitter. Benefits of a robust social media presence include the increased potential for outreach to the community, opening an additional channel of communication with the OJI, raising awareness of our programs and initiatives, and announcing the launch of new projects. The OJI's social media profiles are available at <https://www.facebook.com/NYCourtsOJI> and <https://twitter.com/NYCourtsOJI>.



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## Section Three: Family & Juvenile Justice

### Child Welfare Court Improvement Project (CWCIP)

The Child Welfare Improvement Project (CWCIP) is a federally funded OJI initiative operating in Judicial Districts statewide that works with family justice system stakeholders to promote the safety, permanence and well-being of abused and neglected children. The CWCIP works in strong partnership with the executive branch's Office of Children and Family Services; local departments of social services; attorneys representing parents, children and the social service districts; service providers and other stakeholders. CWCIP coordinators are located throughout New York's judicial districts.

CWCIP maintains a number of publications related to child welfare systems and outcomes, including best practices, white papers, annual reports, data metrics, practice guides, and more. A comprehensive list of CWCIP publications available for download is maintained on the CWCIP website at <http://ww2.nycourts.gov/ip/cwcip/>. CWCIP's 2020 Annual Report can be accessed online at [https://www.nycourts.gov/LegacyPDFS/publications/RWG-RegulatoryInnovation\\_Final\\_12.2.20.pdf](https://www.nycourts.gov/LegacyPDFS/publications/RWG-RegulatoryInnovation_Final_12.2.20.pdf).

CWCIP coordinators regularly conduct trainings on a variety of child welfare topics, including but not limited to: permanency mediation, trauma-informed care, mental health in adolescents, court appointed advocates for youth and children, guardianship, and more. Recently, a key component of CWCIP training relates to the federal Family First Prevention Services Act (FFPSA), passed as part of the Bipartisan Budget Act of 2018. The intent of this law is to invest in prevention and family services, prioritize placement in foster family homes over residential placements, preferably with kin, and ensure quality residential treatment when necessary. Documents and recorded video trainings on these topics are also available at the CWCIP site.

Some highlights from the Child Welfare Court Improvement Project's work under the Office for Justice Initiatives include:

- **Permanency Hearing Project:** A multi-year research project on the quality of permanency hearings in 12 counties across New York State, culminating in the publication of statewide findings between the links of hearing quality and permanency outcomes. The Permanency Hearing Project also provided a practice guide supporting the implementation of quality permanency hearings, and a self-assessment toolkit for jurisdictions.
- **State System Improvement Program/Better for Families:** A joint, grant-funded effort involving CWCIP, the Office of Policy and Planning (now the OJI's Division of Policy and Planning), the Office of Children and Family Services and the Office of Alcoholism and Substance Abuse to increase the scale of New York State's Family Treatment Courts, and the number of families benefiting from Family Treatment Court practices.
- **Stakeholder Convenings:** CWCIP regularly hosts convenings of state and local collaboratives to raise awareness of the projects and cross-system strategies utilized to improve outcomes for child welfare-involved children and families, as well as local and national trends and new opportunities in court and child welfare practices.



# 10 Things CIP's Can Do to Support Family Courts During A Crisis

**Hon. Edwina G. Mendelson**  
Deputy Chief Administrative Judge for Justice Initiatives,  
New York State Unified Court System

**Trista Borra**  
New York State Unified Court System, Statewide Project  
Manager, Child Welfare Court Improvement Project

**C**ourt Improvement Programs (CIP) support the Family Court's mandate to promote the safety, permanency, and well-being of abused and neglected children. In recognition of the integral role courts play in charting the course for children who are the subject of abuse, neglect, foster care, termination of parental rights, and adoption proceedings, the project provides resources and technical assistance to promote continuous quality improvement at the intersection of the legal/judicial and child welfare systems.<sup>1</sup> Regardless of the staffing structure in your state, there are many things you can do to keep the court system's focus on the unique needs of families involved in the child welfare system and to increase access to justice during a prolonged crisis and beyond.

- 1 Ensure the Chief Judge is kept apprised of child welfare related issues**  
CIP directors can meet regularly with court leaders where they keep Federal and state child welfare matters present during court policy and operational discussions with the Chief Judge and other court system leaders.
- 2 Regularly Convene Family Court Leadership**  
CIP directors can convene family court supervising judges to ensure they have the most up to date information, to provide a forum to discuss issues amongst peers and leaders and to address operational matters of concern.
- 3 Provide Written Guidance**  
CIP directors can provide relevant guidance through Administrative Orders and Policy Memos.
- 4 Facilitate Collaboration at the State Level**  
During a crisis, CIP directors can maintain an open line of communication with the child welfare agency to ensure proactive troubleshooting as issues arise.
- 5 Facilitate Multi-disciplinary Collaboration at the Local Level**  
CIP staff can support and facilitate local multi-disciplinary collaboratives to address systems issues.
- 6 Provide Resources to Support Continued Court Access**  
CIP program funds can be used to invest in technology, training, and innovative strategies to address court access. For example, pivoting from an in-person permanency mediation model to a virtual model where mediators can be utilized from hundreds of miles away, allows us to offer mediation services more broadly.
- 7 Plan and Implement Training**  
CIP staff can work with the court and multi-disciplinary stakeholders to identify critical trainings needs and work to design educational opportunities to meet those needs.
- 8 Hear and Consider Concerns from Advocates and the Public to Inform Court Processes**  
CIP directors who serve as policy leaders for the courts and are not currently hearing family court cases, have the ability to hear and consider concerns from advocates and families that may influence policy decisions that impact those families.
- 9 Learn from Others and Share Information**  
CIP directors and staff are uniquely positioned to gather and share information from within their state, nationally through "CIP All Calls", from Constituency Groups and from Children's Bureau and state child welfare agency guidance documents.
- 10 Support Wellness**  
CIP's can provide guidance on self-care and mental health, particularly in relation to the pandemic, for judges, attorneys, and community members.

<sup>1</sup> NY's Unified Court System, (1996-2020), Child Welfare Court Improvement Project Mission Statement. <http://ww2.NYCourts.gov/cwscip/index.shtml>.

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES  
IN SESSION | SPRING 2021

*Pictured here is an article Judge Mendelson and Child Welfare Court Improvement Project Manager Trista Borra published in the Spring 2021 edition of IN SESSION, the e-magazine of the National Council of Juvenile and Family Court Judges. The article lists ten tips for Court Improvement Programs to support Family Courts during a crisis (such as the public health crisis incurred by COVID-19) and keep court systems focused on the families and children involved in the child welfare system even during a prolonged period of crisis and disorder.*

## Raise the Age (RTA)

On April 10, 2017, New York State passed legislation raising the age of criminal responsibility to 18 years of age. Under this new statutory scheme, as of October 2019, New York no longer automatically prosecutes 16- and 17-year-olds as adults. Instead, these defendants are classified as “Adolescent Offenders,” whose criminal matters can be removed to Family Court in most cases.



To ensure that young people in New York who commit non-violent crimes receive the intervention and evidence-based treatment they need, Raise the Age necessitates the creation of an entirely new system of justice for juvenile and adolescent offenders. Deputy Chief Administrative Judge for Justice Initiatives Hon. Edwina Mendelson, together with Deputy Chief Administrative Judge for Courts Outside New York City Hon. Vito Caruso and former Deputy Chief Administrative Judge for Courts Outside New York City Hon. Michael Coccoma, led the implementation of the legislation raising the age of criminal responsibility in New York through its full enactment in 2020. OJI is committed to developing a court model that produces sustained positive outcomes for New York’s justice system involved youth, and works in collaboration with state and local agencies, non-profit organizations, and other stakeholders to promote necessary reforms and develop new strategies to establish a more efficient, and fair juvenile justice system.

Some of the measures developed under the leadership of OJI in the implementation of Raise the Age in New York State include:

- Establishing a RTA Questions email hotline, where judicial and nonjudicial court staff statewide can direct substantive and procedural Raise the Age-related questions to the RTA workgroup.
- Maintaining a collaborative Raise the Age SharePoint site for court system personnel to serve as the central hub and distribution center for Raise the Age information and resources, including training materials, data and statistics, media, and a Decision Bank containing Raise the Age-centric judicial opinions issued by state Judges.
- Hosting regular meetings and trainings for court personnel involved in RTA-work, including 2020 Raise the Age Summits for Youth Part Judges and court staff in New York City, Buffalo and Syracuse.
- Creating judicial bench cards and checklists to serve as guidelines for judges navigating the newly created RTA processes.

## *Reimagining Justice: Developing Programs for 2021 and Beyond*

In March 2020, the impact of the COVID-19 pandemic uprooted the daily lives and ushered in waves of insecurity, loss, and uncertainty. New York was hit particularly hard by the pandemic. The state was the epicenter of the first stages of the outbreak, and by April, had more confirmed cases than any other U.S. state or any other country in the world.

However, even with these challenges, New York courts continued to operate daily. It is not easy to navigate a statewide court system through the pandemic while striking a balance between ensuring that court users are still afforded access to justice while also protecting the health of both court users and staff. Even where in-person court operations were limited or postponed, the transition to virtual platforms like Skype, Microsoft Teams, Zoom, etc., allowed us to continue to hear cases from home. These technological advancements, quickly embraced and implemented in a very short period of time, allowed our court system to continue functioning. This was a laudable achievement, especially for those cases and proceedings where critical rights are at stake and vulnerable populations risk the loss of their homes and livelihoods. I am deeply proud of the tremendous effort put in by staff across our entire court system to make sure that the courts did not close for a single day, even as the virus continued to impact the lives of every member of our court system.

The challenges of the past year have been, rightfully, well documented and thoroughly discussed, often with words like “difficult” and “unprecedented.” These are certainly appropriate labels for this historic period that has brought strife and anxiety to so many. Yet there is another word that has been frequently invoked by many judges, court staff and legal professionals: “Reimagine.” Even with all the aforementioned challenges, this past year has given the court system a significant opportunity to reimagine how we can safely and efficiently serve more people, resolve legal disputes more fairly, and deliver meaningful access to justice.

The following section of our Law Day Report will detail the future of Access to Justice in New York State, and those OJI programs and initiatives that have been recently launched or are scheduled to be launched soon.

- Hon. Edwina G. Mendelson

## Five Divisions of the Office for Justice Initiatives

In January 2021, Judge Mendelson assumed oversight over the Unified Court System's Office of Policy & Planning, the branch of the court system managing the state's problem-solving and accountability courts. This expansion represents the most recent significant increase in the scope of the work of the Office for Justice Initiatives. In addition to the pre-existing Access to Justice Program, other significant responsibilities assumed by Judge Mendelson and the Office for Justice Initiatives in recent years include directing the federally-funded Child Welfare Court Improvement Project, programmatic oversight of the Judiciary Civil Legal Services Program, and the implementation of the Raise the Age Legislation. In response to the growing scope and nature of OJI's responsibilities, the work of the office was distributed across five newly created Divisions. While each of these divisions reflects a diverse component of OJI's work, all are united by the common theme of providing meaningful access to justice.

These five divisions are:

- Access to Justice, led by Lisa Zayas, Esq.

The Access to Justice Division includes much of the work that comprised the original core of the Office for Justice Initiatives, including pro bono programs for attorneys and volunteer Court Navigators, programs to assist court users with disabilities, community outreach, and the plain language initiative designed to make legal information easier to understand. This work also includes technological resources such as DIY Form Programs and the CourtHelp website.

- Judiciary Civil Legal Services, led by Diana Colon, Esq.

The Judiciary Civil Legal Services (JCLS) Division is responsible for programmatic leadership and oversight of the JCLS program, which distributes approximately eighty-five million dollars to 78 JCLS grantees for the provision of direct civil legal services and access to justice services to address the vital legal needs of low-income New Yorkers. JCLS funding, which is authorized by our Chief Judge and approved by the Governor and Legislature, provides low-income New Yorkers with meaningful access to the courts and the legal assistance they need to secure the essentials of life, such as housing, family matters, access to healthcare and education, and subsistence income. This critical initiative benefits millions of New Yorkers each year. JCLS funding priorities are enhanced by public hearings on the civil legal needs of New Yorkers held by the Chief Judge each year. The findings of those hearings are then reported to the Governor and New York State Legislature.

- Child Welfare and Family Justice, led by Trista Borra, JD, MSW

This Division primarily includes the Child Welfare Court Improvement Project, a federally funded program operating in all states and American territories to promote the safety, lasting family stability, and well-being for child welfare-involved children and families. The work of this Division includes leading regional interdisciplinary stakeholder workgroups, conducting CLE trainings, and supporting a robust and expanding child welfare mediation program. The CWCIIP works in strong partnership with the executive branch's Office of Children and Family Services, local departments of social services, attorneys representing parents, children and the social service districts, service providers, and other stakeholders.

- Youth and Emerging Adult Justice, led by Thomas V. O’Neill, Esq.

This Division continues the spirit of Judge Mendelson’s service presiding over the cases of young people charged as adults in the Youth Part of New York County Supreme Court Criminal Term. The work of this Division centers on the ongoing implementation, guidance, and training on the Raise the Age law, which raised the age of criminal responsibility in New York State to 18 years of age, and promoting innovation in the expanding emerging adult justice field focused on the population of young people aged 18 to 25 years old involved in the criminal justice system.

- Policy and Planning, led by Steven Helfont, Esq.

As of January 1, 2021, Judge Mendelson assumed leadership of the court system’s Office of Policy and Planning (now the Division of Policy and Planning), overseeing over 300 problem solving and accountability courts, designed to address areas such as opioid and other drug abuse, juvenile and family treatment, mental health, veterans’ treatment, human trafficking intervention, domestic violence, young adult diversion, impaired driving, and community courts. All these courts have specially trained judges and staff with coordinated enhanced services for participants. The Division of Policy & Planning is also responsible for elder justice issues, the statewide foreclosure inventory, oversight of special projects for the Chief Judge and Chief Administrative Judge, assisting in the implementation of new legislation, representing the court system at local and national conferences, and participating in numerous committees and commissions addressing court system and criminal justice issues.

## Recent and Upcoming Programs

### Expanding Limited Scope Representation

Limited scope representation, also known as unbundled legal services, allows lawyers to perform specific tasks as part of a legal proceeding. All remaining tasks (or, the rest of the “bundle” of work that would be performed by the lawyer in traditional full-service representation) are performed by the litigant. Limited scope representation can be an ideal legal services delivery method for court users of limited financial means. OJI, in collaboration with the New York State Judicial Institute, will provide training to judges and non-judicial court personnel to facilitate limited scope representation, in accordance with recent Administrative Board approved court policy (see AO/285/16). OJI is also continuing to work with the New York State Bar Association (NYSBA) to develop a mandatory training module for legal service providers and for private law firms and attorneys.

### Implicit Bias, Race Equity and Cultural Awareness training

Scientific evidence suggests that all of us – no matter how hard we try to be fair and objective – have implicit bias, beliefs and associations that will, in certain circumstances, influence our behavior. Judges and court employees are no exception. In 2020, the aftermath of the tragic death of George Floyd brought international attention on implicit bias in law enforcement and the court system. Following a Unified Court System employee’s posting on Facebook of a racist photo depicting and advocating for the lynching of a Black man and a woman, the Chief Judge announced an independent review of the New York State court system’s response to issues of institutional racism and the role of implicit bias as it affects justice outcomes in our state court system. As part of this response, OJI is developing protocols and plans for the implementation of training on implicit bias, race equity, and cultural awareness for all court system employees to best ensure that the legal system guarantees outcomes free of bias or prejudice.

### Elder Abuse Detection Tool

In addition to certain individuals in the Guardian Ad Litem program undergoing additional specialized training to receive designation as Elder Abuse Specialists, the OJI is developing an Elder Abuse Self-Assessment Screening Tool application (app) to assist older adults in assessing whether they may be victims of elder abuse and provide them with resources in their local community that may assist them. The app is being developed in partnership with the Unified Court System Department of Technology, the Center for Elder Law and Justice (CELJ), and The Harry and Jeanette Weinberg Center for Elder Justice.

## Online Dispute Resolution

Launched in January 2021, the Online Dispute Resolution (“ODR”) program is available in New York County Civil Court for small claims cases (involving disputes of less than \$10,000 in damages) related to the purchase or sale of goods or services. The pilot provides digital, structured support for unrepresented court users to resolve their small claims cases online. Eligible participants must be unrepresented by attorneys and within the jurisdiction of New York City Small Claims Court. Additionally, there cannot be any history of violence between the parties. The pilot is based on an opt-out model, meaning that court users with challenges related to technology access are free to opt out of participation in favor of other court-annexed dispute resolution options.

The New York Small Claims ODR pilot system consists of two primary phases: an educational component, and a negotiation space. In the first phase, the educational component, has e-filing, intake and screening. This component of the ODR system centralizes existing resources, and includes newly developed multimedia content that simplifies court and legal information for small claims cases. The educational phase of the platform serves to educate the public about this relatively new form of dispute resolution, as well as offers links to external legal services providers and Community Dispute Resolution Centers (local non-profit organizations that provide ADR in partnership with the court system). The second phase is a multi-process, online negotiation space for the parties. Within this space, there are three processes available: a fully automated, double-blind bidding process, a direct party-to-party negotiation, and text-based mediation with an ODR mediator. With these processes, court users participating in the ODR pilot will enjoy a simple and informal asynchronous dispute resolution forum that offers more flexibility than in-person court appearances, and provides simplified, comprehensive legal resources. Court users who may otherwise have to travel to small claims court will not have to incur travel costs, take days off from work, or make childcare arrangements to resolve their cases – instead, they can access the platform at any time that is convenient for them, from the comfort of their own homes (an additional benefit for those who experience anxiety or intimidation by the prospect of entering a courthouse). ODR also utilizes digital communication tools similar to social media platforms, which many court users are more familiar with than esoteric court processes. The ODR platform combines multiple processes and forums into one online portal, supporting the self-determination of court users in selecting the best process for them to quickly and efficiently resolve their small claim disputes.

## Brownsville PATCH (Public Access Court Terminal Hubs)

The shift of court system operations to virtual formats has made it easier and safer for many to participate in court cases and legal proceedings from their own home computers and phones. However, for those without reliable access to technology, the increased frequency of virtual programs can result in a “digital divide” that leaves these court users without access to justice. In collaboration with the Center for Court Innovation, OJI is piloting the Public Access Terminal Court Hubs (PATCH) program in the Brownsville Community Justice Center. PATCH provides a convenient, private and sanitary location for the local community to access the technology needed to fully engage with the court system, without traveling or increasing courthouse foot traffic.

PATCH is currently available for Civil Court and Family Court litigants with proceedings relating to HP actions, consumer debt, evictions, orders of protection, and emergency matters.

## Emerging Adult Justice

While most states set the age of criminal responsibility at 18 years old, research shows the brain does not finish fully maturing until the mid-20s. The 18 to 25-year-old population—“emerging adults”—lack the risk avoidance and impulse control that help to curb criminal behavior in older adults, and emerging adults are incarcerated at double their representation in the adult populace. In response, several jurisdictions in New York have launched programs in criminal courts specifically designed to address the emerging adult population of their local communities. While each of these programs operate differently to best meet the needs of the young people, each is focused on bringing together young people with opportunities to engage with social services and rehabilitative services, in lieu of traditional court responses such as monetary fines and incarceration.

Examples of developing emerging adult projects in New York State include:

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

This developing new field highlights the critical importance of expanding access to justice efforts in the criminal justice realm. The Office for Justice Initiatives is committed to supporting efforts to expand Emerging Adult Justice in New York.

## Unrepresented Court Users Report

Unrepresented court users are often at a disadvantage in even the best of times, and the public health crisis has exacerbated many of these hardships, including the digital divide between those with access to technology and those lacking such access. In response, Chief Judge Janet DiFiore and Chief Administrative Judge Lawrence K. Marks appointed Judge Mendelson to lead a working group to consider and develop strategies for promoting access to our virtual courts for unrepresented court users. DCAJ Mendelson immediately convened the following working group to develop a plan: representatives of the Office for Justice Initiatives (OJI), the New York City Self Represented Committee previously created by Deputy Chief Administrative Judge for New York City Courts George Silver, Deputy Chief Administrative Judge for Courts Outside New York City Vito Caruso, and all Administrative Judges and District Executives outside New York City. After consulting with various bar associations and other justice partners, the committee produced the Unrepresented Court Users Report identifying the efforts undertaken by the Unified Court System to maintain access to justice, discussing the barriers encountered by the unrepresented and offering a preliminary blueprint for best serving all court users for the duration of the pandemic and beyond. The report took into consideration access to justice measures provided through virtual appearance, as well as those that can be made safely available in person.

The Unrepresented Court Users Report can be viewed and downloaded online at:  
<https://www.nycourts.gov/LegacyPDFS/ip/nya2j/pdfs/Unrepresented-Court-Users-Report-July1-2020.pdf>.

## Permanency Mediation

In response to the COVID-19 public health emergency, the New York State Unified Court System developed a process for litigants and attorneys to participate in court appearances virtually. New York's judicial districts are continuing to expand this capacity to include various case types, including permanency mediation.

Child Permanency Mediation is a statewide court-based program that utilizes Consultant Mediators to promote collaborative planning in selected child welfare matters. Permanency mediation is conducted between any parties or interested persons in a child welfare matter which may include: respondent parents or caregivers, their advocates and families, the attorney for the child(ren), foster parents or service providers and local departments of social services. The Family Court Act specifically authorizes the Court to make referrals to mediation at any stage in a child protective proceeding to advance permanency planning for subject children. The mediation program provides a forum where participants, including extended family and any other important people in the child's life, can work together in a nonadversarial setting to create a plan that will provide the best outcome for the subject child or children. Participation in permanency mediation is voluntary.

In mediation, the participants discuss and define issues, explore options and find mutually acceptable solutions. The process provides participants an opportunity to:

- develop a plan for ensuring safety for the child;
- explore and plan for services to meet the child's physical, mental, educational and emotional needs;
- discuss steps that can be taken to preserve and strengthen the family;
- discuss permanency plans;
- and resolve conflicts among themselves.

The virtual Child Permanency Mediation program promotes both efficiency and fairness by reducing the workload of judges, and by providing access to the courts for children and families that otherwise have experienced difficulty resolving their court proceedings in a timely fashion.

Because virtual permanency mediation is broadly available statewide, virtual mediation also presents an opportunity to expand the use of permanency mediation to counties that do not currently have a panel of trained mediators available to them.

## Organizational Wellness and Emotional Wellbeing

The need to maintain emotional wellbeing is not new, but the events of the past year have highlighted how critical this need is to functioning properly. Wellness is not limited to the individual, but expands to organizational structures and practices as well. The Child Welfare Court Improvement Project, part of the OJI's Child Welfare and Family Justice Division, employs a curriculum that focuses on bringing organizational wellness to different systems, in collaboration with various stakeholders. While this model is typically utilized through the child welfare lens, this model can be adapted to other courts throughout the state.

## Problem-Solving Courts

There are over 300 Problem-Solving Courts (PSCs) throughout New York State, including: opioid courts, adult and juvenile drug treatment courts, family treatment courts, veterans' treatment courts, mental health courts, human trafficking intervention courts, domestic violence courts, integrated domestic violence courts, and impaired driving parts. Each model has the advantage of having specially trained judges and staff, dedicated dockets, intensive judicial monitoring, and coordination with outside services and agencies. Each also requires ongoing operational and programmatic assistance, and many PSC are supported by federal grants. The Office for Justice Initiatives' Division of Policy & Planning oversees and supports all PSCs statewide to ensure adherence to best practices, promote evidence-based standards, and to provide continuing training and education. The Policy & Planning Division also manages over \$40 million in grant-funding.

- Drug Treatment Courts/Family Treatment Courts

There are 115 Drug Treatment Courts in New York State: 96 Criminal Treatment Courts, 17 Family Treatment Courts (FTCs), and 9 Juvenile Treatment Courts. Addicted nonviolent offenders who complete court-supervised treatment and comply with the court's other requirements can earn dismissal of their charges or a reduced penalty. Since 1995, when New York's first drug treatment court opened in Rochester, over 59,427 substance-abusing offenders have graduated.

Policy & Planning is responsible for implementing New York's Strategic Plan for Adult Drug Treatment Courts to ensure the use of national operational standards and to improve technology by implementing a statistical dashboard for analysis of treatment court data in the UCMS interactive reporting system. In recognition of the report and findings of the Special Counsel on Equal Justice, treatment courts are implementing a Racial and Ethnic Disparities self-assessment tool to identify and address structural barriers and inequities in access to services and recovery supports in treatment courts.

FTCs improve outcomes for children and parents involved in the child welfare system where Substance Use Disorder (SUD) is an issue. In the FTC model, a multidisciplinary team assembled by the court meets to review each case and to coordinate service plans, monitor progress and take corrective actions when necessary. FTCs draw information and support from all system partners to address the specific needs of a family. The team, in addition to the legal professionals, may include SUD treatment providers, child welfare caseworkers, mental health professionals, social services agency staff, child/youth service providers, and domestic violence prevention program staff. The team works with the family to identify strengths and to devise a case plan that addresses the needs of both parents and children. The Unified Court System recently received grant funding (\$1,750,000) from the Office of Juvenile Justice and Delinquency Prevention to bring FTC best practices to a wider audience, especially rural counties, for three years beginning in October 2020.

- Opioid Courts

The Unified Court System is the national leader in the development of opioid courts to combat the epidemic of overdose deaths and has established a national model for opioid court structure and operation. The Buffalo Opioid Intervention Court (BOIC), the first of its kind in the country, opened in 2017. Participants are strictly monitored by the judge with frequent check-ins required for 30, 60 or 90

days. The criminal proceedings are held in abeyance during the participant's treatment program. These courts are resource-intensive, requiring significant judicial and court staff oversight. Since early 2020, the Unified Court System has employed a Statewide Opioid Court Project Coordinator to lead the development of these innovative models across the state. Currently there are currently 25 operational opioid courts with at least one in every judicial district. In New York City, opioid courts have opened in the Bronx, Kings, New York, and Richmond counties. An opioid court in Queens County and an additional 10 opioid courts are planned to open outside of NYC in 2021.

Even before the COVID-19 pandemic, the UCS has sought to enhance the State's Opioid Courts by remotely linking participants to medical professionals for evaluation and treatment. As a result of this program courts have established secure video connections within treatment facilities so individuals in residential programs can appear remotely for court hearings. This project's focus on technology allowed courts to quickly shift operations to a virtual model when the pandemic began in March 2020.

- Veterans Treatment Courts

Veterans Treatment Courts (VTCs) offer justice involved service men and women and veterans of the US Armed Forces a therapeutic court structure to meet their unique needs. There are 37 VTCs statewide, which have served over 6,580 veterans. VTCs are a hybrid of drug and mental health courts, presided over by judges who are trained to address the special needs facing veterans and their families. VTC utilize a team-centered, collaborative approach including traditional stakeholders (local defense bar, prosecutor, treatment agency, probation, etc.) but also the US Department of Veterans Affairs, other veteran service agencies and veteran mentors. Veteran mentors are US Armed Forces Veterans who volunteer and provide military comradery with the court participants. They provide encouragement and support to help participants maintain focus on their treatment, court obligations and re-integration into civilian life.

- Mental Health Courts

New York currently has 31 operational Mental Health Courts (MHC), which have served over 11,600 justice-involved individuals with mental illness since the first MHC opened in Brooklyn in 2002. In 2019, three MHCs were opened in Ithaca, Newburgh, and Syracuse. In January 2021, a MHC was opened in Albany City Court. Five additional MHCs are in the planning stage. MHCs follow a drug treatment court model but add clinical support necessary for the successful participation of people with serious mental illness. The Unified Court System partners with the New York State Office of Mental Health, the New York City Department of Health and Mental Hygiene, the Center for Court Innovation, and the Practising Law Institute to share best practices, develop training programs, work through interagency issues, and improve courtroom procedures to best serve the individuals involved in Mental Health Courts.

- Human Trafficking Intervention Courts

The first Human Trafficking Intervention Court (HTIC) opened in September 2013. There are now 12 such courts operating statewide, which have calendared more than 15,900 dockets. In 2019, an HTIC opened in Utica City Court. Plans to open an HTIC in the Capital Region, which were put on hold due to the COVID-19 pandemic, are expected to resume in 2021. HTICs recognize that individuals who engage in prostitution-related offenses are at high risk of being trafficked, and many potential trafficking victims

In prostitution-related offenses are at high risk of being trafficked, and many potential trafficking victims are charged with other types of offenses. Accordingly, eligibility to participate in an HTIC is no longer limited to those charged with prostitution-related offenses. Cases referred to an HTIC are presided over by specially trained criminal court judges and screened by service providers to identify and assist victims of trafficking. HTICs are authorized to accept transfers of cases from local criminal courts both within the same county as well as from adjacent counties. As a result of their broad reach, HTICs can provide services to more than 95% of individuals charged with prostitution-related offenses in New York. With the decline in the number of people arrested for and charged with prostitution-related offenses across the state, OJI is focused on ensuring that other justice-involved individuals who are at high risk of being trafficked are identified, screened, and referred to appropriate services.

- Domestic Violence/Integrated Domestic Violence Courts

There are 40 Domestic Violence (DV) courts in New York that handle strictly criminal cases (felony or misdemeanor) in which the defendant is charged with a domestic violence-related offense. Counted among these courts are three Youthful Offender Domestic Violence (YODV) courts, which handle domestic violence cases among teenagers 16-19 years old.

There are 43 Integrated Domestic Violence (IDV) courts in New York in which a single judge hears all related criminal, family, and matrimonial matters when domestic violence is an underlying issue. This integration of cases results in a more informed judicial decision-making process, greater consistency in court orders, fewer court appearances for litigants, and enhanced services to victims, while ensuring offender accountability and compliance with orders.

Orders of Protection play a crucial role in advancing the safety of parties in domestic violence cases. In 2020, our courts issued approximately 140,000 Temporary Orders of Protection and 26,000 Final Orders of Protection. All 62 counties have an advocate who can access e-filing of Family Court offense petitions and arrange remote hearings for the elderly, disabled, or those otherwise unable to come to court. In Family Court, orders are available in Spanish, Chinese, Russian, and Arabic, and work is underway to add many more languages. During the pandemic the Unified Court System continued to expand the Remote Family Offense Petition Program in Family Courts, allowing petitioners to file electronically and appear before judges remotely.

The Domestic Violence Justice Survivors Act (CPL 440.47), which became effective on August 12, 2019, allows incarcerated defendants to apply for resentencing on qualified crimes for which they have been sentenced to more than 8 years in prison. The UCS is working closely to monitor and track these cases. The UCS is also moving quickly to implement amendments to CPL 530.14 and Family Court Act 842, new legislation which allows for the issuance of a search and seizure order when a defendant or respondent willfully refuses to surrender a firearm. UCS working groups have already developed a guidebook for judges and court staff on this subject which includes practical tips for dealing with Temporary Orders of Protection and firearm surrender issues.

- Impaired Driving Parts

Driving while intoxicated and driving while ability impaired offenses both represent a danger to drivers, their passengers, and members of the public. Impaired driving courts are designed to provide constant supervision of offenders by closely monitoring compliance with court-ordered sanctions and

allows both groups to receive consistent and continuing training. This further ensures that all courts take a consistent approach to applying all available assessment and treatment options regardless of the court location. In addition, a new quarterly Impaired Driving Newsletter brings new caselaw, statute amendments, advances in medical and psychosocial research, and updates from other relevant entities to all judges in a concise, timely format.

- Foreclosures

Policy & Planning also manages the statewide inventory of foreclosure matters. In the aftermath of the 2008 financial crisis, the number of foreclosure cases in New York skyrocketed. Since then, Policy & Planning has worked to improve the foreclosure process by increasing safeguards for unrepresented homeowners and standardizing court operations. For example, Policy & Planning developed uniform settlement conference forms and motion templates, instituted new case tracking procedures, and created informational materials for unrepresented homeowners. As a result, there has been a reduction in the statewide docket by almost 60,000 cases over the past five years. Notwithstanding COVID-19, and in large part due to federal and state legislation enacted to protect homeowners suffering from a COVID-19 related hardship, the number of foreclosures cases continues to decline. Policy & Planning staff are working to implement these mandates statewide.

## Equal Justice in the Courts Initiative

*The following is an abridged version of a message on the Equal Justice in the Courts initiative that was written by Hon. Edwina Mendelson in April 2021 and distributed to local affinity groups and judicial and bar associations, as well as internally within the New York State court system.*

In early June 2020, we collectively witnessed on our devices and screens the horrors of a life taken in a way that challenges our notions of racial justice, and the role played by our systems of justice, including the court systems in which we all serve. This tragedy was compounded by reported instances of deeply disturbing racist images and messages displayed and shared on social media not long after the death of George Floyd – by our very own court employees, on our home turf in New York.

On the day of George Floyd’s funeral, Chief Judge DiFiore demonstrated her courage and unique leadership during these troubling times. She engaged former Obama administration cabinet member Jeh Johnson, a respected attorney and public servant, to serve as Special Adviser to the Courts and conduct an Equal Justice Review of our court system’s policies and practices as they relate to issues of racial bias and fairness in our courts. Speaking on this subject, Chief Judge DiFiore said,

“The death of George Floyd, and the issues it has brought into harsh focus, are a painful reminder of the repeated injustices and institutional racism that have long undermined the value and unity of our nation. The court system’s commitment to these values is especially vital. Their preservation is a cornerstone of the rule of law, the subject of sacred oaths taken by all judges and lawyers, and the daily endeavors of the thousands of court employees around the State who work tirelessly to advance the cause of justice.”

Secretary Johnson and his assembled team performed a rigorous and independent assessment of our court system. They conducted close to 100 interviews with nearly 300 individuals, including current and former judges and court staff, public and private law practitioners, bar, judicial and civic associations, and other community stakeholders. Secretary Johnson and his team’s expansive review also covered numerous submissions from the public, assessed past reports and ongoing work addressing racial bias in the courts, and examined Unified Court System policies and practices on hiring, promotion, workplace conduct and bias training.

This work culminated in the issuance of the Special Adviser on Equal Justice 100-page report, which opens with the welcome news that many who serve in our courts work hard to “get it right and make it better.” However, this encouraging finding is immediately followed by a more grim message: our court system still presents a dehumanizing experience for people who appear in overburdened, high-volume courts, who are disproportionately people of color and who are experiencing poverty, and the presence of racial intolerance, even from within the court system. These words, and much of the realities made clear in the report, are deeply painful to read, but reinforce the report’s call to action. We must strengthen and support our courts’ commitment to diversity and meaningful inclusion in our judicial and non-judicial personnel ranks, enhance and clarify our discrimination policies, and improve their enforcement.

The Equal Justice Report sets forth 13 recommendations in service of these goals, and I am privileged and honored to have been assigned by Chief Judge DiFiore and Chief Administrative Judge Marks to lead their implementation within the court system. The UCS executive implementation team

includes leaders from Counsel’s Office, the Department of Public Safety, the Division of Professional and Court Services, the Division of Technology and Court Research, the Division of Human Resources (including Workforce Analysis), the Franklin H. Williams Judicial Commission, the Inspector General’s Office (including the Office of the Managing Inspector General for Bias Matters), the Jury Support Office, the New York State Judicial Institute, the Office for Justice Initiatives, the Office of Diversity and Inclusion, as well as other key OCA executive leaders.

I have been actively engaged with judicial and executive court system leaders, court managers, judges, and staff across the state to develop and implement our strategic plan on Equal Justice in the Courts. I am also meeting with fraternal organizations, affinity groups, and other stakeholders to ensure broad-based input as implementation plans are developed and acted upon. I recently met with hundreds of supervisory judges and court managers throughout the state, and we discussed their charge in leading local implementation of this work. I’m happy to report that I’ve heard from a number of court leaders who have begun plans for local working groups on equal justice.

With their support, I am confident that our implementation of the recommendations offered by the Equal Justice Report will result in a better, more fair system of justice. Those recommendations are as follows:

1. Commitment from the Top

The first recommendation – considered the most important to Chief Judge DiFiore – is a commitment from the top, including judicial and executive court system leaders, to embrace a policy of zero tolerance for racial discrimination and bias in the courts. Judge DiFiore has fully embraced that principle and responsibility and expects that every member of the court system closely adheres to it.

2. Promote Existing Institutions

The F.H. Williams Judicial Commission and the UCS Office of Diversity and Inclusion are long-standing entities tasked with addressing issues of racial justice in the courts. These organizations must have a strong platform. They must be supported and incorporated into OCA initiatives to enable all members of the court system to understand and have access to the processes available to combat racial injustice.

3. Expand Bias Training

The Unified Court System has engaged subject matter experts to assist in the development of mandatory comprehensive racial bias, cultural awareness, and procedural justice educational opportunities for all judges (including the Town and Village courts) and non-judicial staff. This enhanced training must include trauma informed practices and customer service skill building – a particularly crucial element for personnel who regularly interact with court users.

4. Address Juror Bias

We are consulting with subject matter experts to update the jury orientation video used in our state to address juror bias, develop new voir dire materials pertaining to bias, and plan to amplify civil and criminal pattern jury charges related to bias. All new voir dire question development materials, as well as potential enhancements to pattern jury instructions on implicit bias, will be made available for public comment prior to enactment.

5. Adopt a Social Media Policy

As evidenced by the reprehensible Facebook post referenced earlier in this message, social media unfortunately has the potential to foster offensive or abusive language. The Unified Court System has reinforced and reaffirmed the firm zero tolerance stance on bias, discrimination, and harassment contained in its existing policies and rules, and has clarified that they apply to social media.

6. Strengthen the Inspector General Process for Bias Complaints

We are engaged in a robust campaign and communications strategy to educate court system staff and court users about the existence and purpose of the Inspector General's office, including the Bias Matters Unit, and procedures to lodge bias complaints. The Bias Matters Unit will track and regularly report on racial bias complaints that have been received, investigated, and substantiated.

7. Review of UCS Proposed Rules and Legislation for Disparate Impact

Included in the Special Adviser's report, we are exploring the development of a process to review key legislative and rules proposals pertaining to the New York State Judiciary for potential bias or disparate impact on people of color. This review will include the Legislative team from Counsel's Office, assisted by standing advisory committees to the Chief Administrative Judge and, where appropriate, the Williams Commission, ODI and OJI. Forming partnerships with bar and judicial association leaders is a particularly important factor to successfully executing this type of work, so that we may fully keep up to date with potential disparate impact of the thousands of new laws proposed yearly, including legislation, proposed constitutional amendments, and new rules and regulations.

8. Continue Progress on Translation and Interpretation Services

Over 30% of New Yorkers speak a language other than English at home. It is critical that court translation and interpretation services are able to continue to respond to growing requests for language access services. As recommended by the Special Adviser's report, the Unified Court System will continue robust implementation of the 2017 NYS Advisory Committee on Language Access strategic plan and will provide quarterly progress updates. Additionally, uniformed court officers and staff will receive regular training to learn best practices in working with those with limited English proficiency and deaf court users.

9. Improve Data Collection

Data collection and analysis on the impact of racial bias in case outcomes is a critical tool in combatting and remedying that bias. The Special Adviser's Report notes that current practices result in an opaque landscape that make it difficult to determine where data comes from, how it is collected, and where it is shared. UCS will enhance data transparency by making user-friendly publicly available reports and explore collection and distribution of data points regarding race, ethnicity, sex and age in various court and case types. In addition to transparency, statewide implementation of the Unified Case Management System (UCMS) and regular trainings for clerks on data entry will help to ensure the accuracy of reported data.

UCS will also provide demographic data on judges in accordance with newly passed legislation amending Judiciary Law section 212, as well as other voluntarily collected data related to both judges and non-judicial staff.

#### 10. Improve Diversity and Inclusion in HR Practices

Improving diversity and inclusion within Human Resources practices will result in more representation of diverse talent across the entire court system workforce. New initiatives and practices will focus on increasing transparency in selection, interview, reclassification, and performance evaluation practices, developing best practices and diversity initiatives to recruit, maintain and promote diverse applicants for all court system positions, and engaging court managers throughout the state to monitor system improvement and evaluate success. Existing initiatives and practices will also be analyzed and enhanced to advance diversity and promote career opportunities.

#### 11. Enhance Trust between Court Officers and the Community

We will spearhead a multitude of efforts to enhance trust between court officers and communities.

#### 12. Facilitate Navigation of Courthouses

The Office for Justice Initiatives' Court Navigator Program provides specially trained volunteers and students who can give information, written materials, and general assistance to court users to welcome and assist them in navigating court buildings. This program will be expanded statewide so that all court users have a better opportunity to receive support and guidance upon their entry into the courthouse.

We will also improve directional courthouse signage in critical areas of courthouses, including but not limited to courtrooms, Help Centers, and locations for assistance from interpreters.

#### 13. Ensure Implementation of Change

An independent third party to oversee our reform efforts, issue public reports, and provide ongoing recommendations to us will help keep our court system accountable and ensure implementation of transformative change. Alphonso David, well-respected public servant, former Counsel to the Governor, and current President of the Human Rights Campaign, has been appointed to serve as Independent Monitor. He will review and guide our implementation endeavors.

While Mr. David has agreed to monitor the courts' work and progress as we engage in this significant system improvement endeavor, he will not be the only or final source of accountability. The Franklin H. Williams Judicial Commission will eventually serve as the permanent monitor of the Equal Justice in the Courts initiative. Additional internal and external monitors abound, as well as other official and informal monitors, including court users and the public at large.

Implementing these equal justice recommendations is two-fold work: Many of these recommendations are inward-facing, and require the courts to develop plans and policies and track their results; other recommendations are outward-facing, and must be done in collaboration with the community – particularly, members of judicial and bar associations. We fully expect all who are interested in the community at large to hold us accountable. To that extent, here are some ways that you can help our endeavors as we begin these challenging but necessary implementation efforts:

Read the Special Adviser on Equal Justice Report: Although it is often distressing, please take the time to read all 100 pages of this remarkable report. The original Minorities Commission (now the

Williams Commission) report on racial justice in the courts, issued over 30 years ago, is also useful to read to note its striking similarity to the Equal Justice Report. Share this work with your colleagues and make it required reading for those you supervise. A thorough comprehension of the issues we are facing is critical – to address issues of systemic racism, we must go beyond a superficial understanding of the issues presented.

The most discussed aspect of the Equal Justice report is not something courts can fix on our own: the under resourced, overburdened housing, family, and criminal courts. Secretary Johnson noted the dehumanizing and disparate impact that appearing in those courts has on court users of color and those living in poverty, that often results in what appears to be a “second-class system of justice.” Improvements for our high-volume courts require investments, resources, and action by state and local executive and legislative branches of government in cooperation with the courts. That requires advocacy by all who are invested in true system improvement.

Encourage all within your sphere of influence to engage in the difficult, thorny, and necessary racial reckoning work in their own homes, with their own families, their own friends, and in their workplaces. Education and engagement on issues of race and other bias should not be limited to lawyers and judges, but is a shared responsibility for us all. With our implementation of the Equal Justice in Courts Initiative we join the nation in seeking to combat systemic and institutional racism. All institutions and entities that interact with our courts are encouraged to engage fully in this work. Do not dismay if you encounter differing perspectives. While some may surprise you, this work, and your participation, is critical in this process of racial reckoning.

Look for local working groups that you can join. Court leaders are already devising and establishing working groups on equal justice for their local courts and districts. There may be other equal justice groups among your own networks or associations – or you may wish to start your own. These working groups are an excellent way to meaningfully participate in equal justice work.

The Equal Justice in the Courts Initiative is still in its early stages, but it is deeply impactful at all levels of the court system. True and lasting impact requires much hard work and perseverance. This is a multi-faceted, multi-layered, and multi-year endeavor for which we are building a foundation and a living strategic planning document to guide court leaders throughout the state. We will attempt new interventions, some of which may not work. We will return to try other new things.

These efforts will not come swiftly or easily. Racial bias and discrimination take many forms and have many layers. Much of this work intersects with other reform efforts to combat bias and discrimination related to gender, sexual orientation, gender identity or gender expression, disability, and more – all of which we are fully responsible to address. Our efforts to realize equal justice can only be successful with the partnership of all those who engage with our court system. With your help, our endeavors will improve not only the courts, but our communities and those around us. I have deep faith and a strong belief that together we will make great strides.

## Conclusion

Thank you for reading the Office for Justice Initiatives' inaugural Law Day Report. Our hope is that this report is reflective of our office's ever-evolving work to ensure meaningful access to justice for all those who engage with the New York State court system, in accordance with this year's Law Day theme of Advancing the Rule of Law Now. We look forward to issuing annual Law Day Reports as our programs and initiatives continue to expand and adapt to meet the essential legal needs of New Yorkers.

We invite you to contact the Office for Justice Initiatives with any questions, suggestions or feedback at (646) 386-3200 or [DCAJ-OJI@nycourts.gov](mailto:DCAJ-OJI@nycourts.gov).