THE STATE *of the* JUDICIARY 2008

A Court System for the 21st Century

JUDITH S. KAYE
CHIEF JUDGE OF THE STATE OF NEW YORK

NEW YORK STATE UNIFIED COURT SYSTEM

JUDITH S. KAYE
Chief Judge *of the* State *of* New York
Chief Judge *of the* Court of Appeals

ANN PFAU
Chief Administrative Judge *of the* Courts

Associate Judges *of the* Court of Appeals

CARMEN BEAUCHAMP CIPARICK

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THIRD DEPARTMENT

HENRY J. SCUDDER
FOURTH DEPARTMENT

* *The Chief Judge of the State and the Presiding Justices constitute the Administrative Board of the Courts.*

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INTRODUCTION

As I have contemplated this day, my final State of the Judiciary, the words "swan song" inevitably drift to mind—not at all in a morbid sense, but simply as a significant closing chapter. Indeed, the dictionary defines swan song as a poetic, musical or artistic work composed shortly before the end of an artistic period. And while I do not view my words as poetic or musical, I think we can all agree that there is a certain art, and artistry, in what we do in the courts. Hence this theater setting, and a swan song.

Right at the outset, you should know that there are two themes you will not hear. First, I intend to address you in my role as Chief Judge, not in the other role that saddens and sickens me: Chief Plaintiff. It is heartbreaking, frustrating and demoralizing beyond description that our Judiciary—alone among judges throughout the entire nation, alone among New York State's roughly 200,000 full-time employees—should have had its compensation frozen for more than a decade, despite our persistent efforts with three successive Governors and legislators who have acknowledged that the judges should have the increases they seek. Yet nothing happens. I will leave that subject for another day and another forum. This continuing misery is, of course, the reason I delayed delivering the State of the Judiciary in the beginning of the year as is traditional.

The second subject I will not address is the question I am most often asked these days: what next for you? As you can imagine, having had the Role of a Lifetime for more than 15—no, more than 25—years, that too is an unhappy subject for me. Nor is it my mindset. As I have watched the remaining days of my term dwindle, my thoughts have not been "what next" but rather what more should be accomplished in the courts these next 49 days. And that is the course I intend to follow in this final State of the Judiciary—not so much to talk about what's been

done, though some of that is inevitable, but rather to focus on our newest efforts, on important unfinished business, on the "state," or condition, of the Judiciary I leave to my successor.

How do I adequately report on one of the busiest court systems in the entire nation, each year handling millions of cases of every conceivable variety, impacting the lives of litigants and the law that governs our society? My plan is to start with a brief overview of our family, civil and criminal dockets, and then to highlight several initiatives that transcend these categories. At the conclusion of my remarks, those of you who are still awake can immediately sit for the New York State bar exam.

FAMILY JUSTICE

I BEGIN, AS IN PAST YEARS, WITH THE SUBJECT OF FAMILY JUSTICE, a subject dear to my heart—first Family Court, then matrimonial litigation.

FAMILY COURT

AS MANY OF YOU KNOW, I ARRIVED ON THE STATE'S HIGH COURT DIRECTLY FROM A COMMERCIAL LITIGATION PRACTICE, but I stand before you 25-plus years later convinced beyond all else that we must summon our resources and efforts to help the children in our Family Courts. And for each of us the exercise is not an unselfish one—it's their future, but it's our future, our nation's future, too.

For those of you unaccustomed to appearing in Family Court, you should know that new case filings topped 700,000 in 2007, and are projected to exceed 728,000 and heading skyward for 2008. These are demanding cases involving child abuse, foster care, custody, termination of parental rights, juvenile delinquency and the like. What's more, in the past year, abuse and neglect filings are way up—they have more than doubled in New York City alone—as are the court appearances mandated by recent State and Federal legislation.

We have a total of 149 full-time Family Court Judges—47 of them in New York City: 149 judges, 728,000-plus cases, more than two million court appearances a year. You do the math. I personally have never before seen such burdens placed on Family Court, emotional burdens and calendar burdens, typically necessitating long court

days and long court delays—delays that in child time are an eternity. No fair to the litigants, no fair to the courts. So first and foremost, even in these difficult days, we must renew our request for more Family Court judges, especially for New York City.

Additionally, to help address the critical situation in New York City Family Court, we have embarked on an unprecedented new collaboration—an intensive, fast-tracked effort to reorganize and improve the handling of child welfare proceedings there. We brought together our Administrative and Supervising Judges, as well as the New York City Administration for Children's Services, the Mayor's Office, the Council of Family and Child-Caring Agencies, representatives of foster care agencies, the directors of the Family Court assigned counsel panels in the Appellate Divisions, First and Second Departments, and providers of counsel for parents and children. What has emerged from these sessions is a brand new effort, being implemented as I speak, designed to achieve continuous trials—as close to day-to-day trials as possible given present circumstances—as well as more substantive court appearances, and fewer, shorter adjournments. Our joint objective, our fervent hope and belief, is that these measures will accelerate the time to disposition and early permanency for children.

This genuinely outstanding joint effort holds enormous promise, and I thank and congratulate each of the participants for their willing—no enthusiastic—cooperative spirit.

Vital as judicial independence is in our decisionmaking, plainly collaborations are essential to court operations, as this new initiative shows.

The subject of collaboration leads me naturally to our Permanent Judicial Commission on Justice for Children—judges, lawyers, advocates, physicians, state and local officials—a model, I am pleased to say, that has been replicated around the nation. At its inception, the Commission centered its efforts on the youngest children—zero to three—before the courts, promoting early intervention and the healthy development of children in foster care, focusing on the needs of infants involved in child welfare proceedings, and establishing a Statewide network of Children's Centers in the courts. We now have 34 Children's Centers in courts throughout the State, offering a safe place for them to linger while their caregivers tend to court business. Last year, we had more than 55,000 visits to our Children's

Centers, we made nearly 7,000 referrals to essential State and federal services such as Head Start and Early Intervention, and we promoted language and literacy development, topped off with the gift of a new book to each child visiting a Center.

The Commission's latest initiative is to encourage youth, especially older youth, to participate in their permanency hearings. This reflects a shift in thinking—from efforts to shield young people from court proceedings to a recognition that it is desirable for us to listen and speak to them directly about major changes in their lives.

The Commission has worked with the New York State Office of Children and Family Services, the Court Improvement Project and Youth in Progress to develop a DVD called *Hear Me! Hear Me! Hear Me!—Voices of Youth in Care Regarding their Court Proceedings* that underscores the value of their participation. The Commission has produced an excellent handbook to help judges maximize these opportunities, and it has completed the groundwork for *Teen Space*—a specially designed, supervised courthouse waiting room with age-appropriate resources for teenagers when they come to court. Our first *Teen Space* opens next Tuesday, November 18, in Queens County Family Court, with plans for similar space in Erie, Monroe and Dutchess counties.

Just a final word on two additional valued collaborations in the Family Court area. Five years ago we launched what we called Adoption Now to find ways, together with the City and State child welfare agencies, to eliminate needless systemic barriers and thereby expedite permanency. These continuing collaborative efforts have helped to reduce the number of freed children awaiting adoption by nearly 50 percent, from 6,068 to 3,407. Still not enough, I agree.

Adoption Now has also spawned what we call Sharing Success, co-sponsored with the State Office of Children and Family Services, which brings together judges, court staff, Social Services Commissioners, counsel and staff, and counsel for children and parents from every single county, an utterly extraordinary concept and reality, which next Thursday, November 20, will hold its sixth annual meeting in Albany, appropriately called "A Culture of Urgency: Achieving Permanency for New York State's Children." The gains, human and systemic, county by county, that this collaboration inspires have been huge.

MATRIMONIAL LITIGATION

I TURN NEXT TO THE SUBJECT OF MATRIMONIAL LITIGATION. Vexing as this subject may be for the courts, the impact falls far harder on the litigants: too much delay, too much expense, too much agony for families and children. And here I have a unique personal perspective because, before becoming Chief Judge back in 1993, I sat on a Commission to study matrimonial litigation that traveled the State to hear and see the problems firsthand, and ultimately evolved what became the Matrimonial Rules, unquestionably a step forward—but not enough. Indeed, in the years since, as society changes, it may well be that these cases have become an even more challenging mix of complicated personal and financial issues.

My report, however, is not simply dour and negative. I have chosen instead to center on the uplifting, positive, prevailing spirit of innovation, change, a search for new and better ways to use scarce resources to serve the litigants. And here I credit our Statewide Administrative Judge for Matrimonial Matters this past decade, Jacqueline Silbermann, as well as our dedicated judges and staff.

Let me count the ways—or just a few of them—pilot projects that first prove their worth, and then have been replicated: social workers to assist families in custody, visitation and relocation disputes; the Children Come First program, with trained mental health professionals to conduct early screening of family dynamics and identify levels of conflict; Parenting Plan forms that are structured to, and do in fact, encourage sensible agreement between parents; first-rate educational seminars for judges and lawyers handling matrimonial cases; successful efforts, together with the matrimonial bar, to seek necessary legislation; a marvelous pro bono initiative for divorce litigants who cannot afford counsel; and constantly updated, user-friendly forms that enable the self-represented to have access to affordable divorce; and on and on.

On the subject of matrimonials, I have saved for last—and a bit more particularity—the subject of alternative dispute resolution, mediation, which was a dirty word in family litigation a couple of decades ago, and understandably so, given fears regarding potential unfairness to the more vulnerable party, such as domestic violence victims and nonmonied spouses. Today, several divorce

mediation programs have been successfully launched, or very soon will be, in New York, Nassau, Erie, Suffolk, Orange and Queens Counties. Innovative ADR programs, such as Parenting Coordination for high-conflict custody disputes, have been developed in Nassau and Erie Counties. And we will soon open a New York City Collaborative Family Law Center designed to further limit the trauma associated with divorce.

By collaborating with the bench and bar, and by using effective screening mechanisms to prevent inappropriate referrals to mediation, the Supreme Court's family-related ADR programs have successfully balanced the need for safety and informed decisionmaking while offering a viable alternative to costly litigation. In Family Court as well, mediation has proved its effectiveness in custody and visitation matters, as well as parent-teen/PINS and child permanency cases, and perhaps soon may be extended to juvenile delinquency cases.

All told, promising prospects in what remains a uniquely distressing area of the law, for the courts and for the people we serve.

CIVIL JUSTICE

THE SAME SPIRIT OF COLLABORATION AND INNOVATION CARRIES OVER TO OUR CIVIL DOCKETS, currently accounting for approximately 1.8 million new filings a year. And here again, the range of issues we see in the New York State courts defies description, from a slip and fall on an icy sidewalk to a global business disaster. I've chosen today to illustrate this segment of our operations through a single "slice of life," from the Housing Court of the City of New York, to our Foreclosure Initiative, to our Commercial Division—all caseloads I feel certain will grow given the state of the economy. Obviously, we could spend days discussing the vast array of other civil matters in the New York State courts.

HOUSING COURT

SOME THINGS YOU NEVER FORGET: one of them is a visit early in my tenure to the Housing Part of the Civil Court of the City of New York at 141 Livingston Street in Brooklyn, when someone compared it to a Calcutta bazaar. I've never visited Calcutta, but I got the

message right away: aimless crowds of needy people, in shabby surroundings. So a decade or more ago, we launched our three-part "Housing Initiative": effective case management, specialized parts and improved access for litigants, and here I am especially grateful to our Administrative Judge for the Civil Court of the City of New York, Fern Fisher.

Thankfully, in 1997 the Legislature increased the number of Housing Judges from 40 to 50—case dockets at that time averaged about 329,000 a year, and rising (again, you do the math)—and we added Court Attorneys and Resource Assistants to help gather information and resolve issues. In an area of needy people faced with eviction from their homes, or disrepair that threatened life and limb, even the development of forms for the tenant's answer—facilitated by the Legislature's amendment of the Real Property Actions and Proceedings Law—was a genuine breakthrough; the Housing Court forms, now in wide use, have been nothing short of miraculous.

At the same time, we also "professionalized" the court, replacing the massive calendar calls with direct assignment to judges, scheduling appearances, and introducing measures to bring landlord-tenant negotiations out from the recesses of courthouse corridors into the sunlight of the courtrooms. I think our specialized parts have been helpful too, such as a Military Part keyed to individuals called to military, as have innumerable programs to increase access to justice, through our Resource Centers, videos and publications.

With so many unrepresented litigants in such consequential litigation, I especially applaud the volunteer efforts of the New York Bar, whether the City Bar Association Lawyer for a Day project, or the Senior Citizen Counsel Program co-sponsored with the City Department for the Aging, or the Housing Help Program co-sponsored with United Way of New York City and the City Department of Homeless Services, or programs designed with Columbia Law School and other area law schools. The response of the Bar has been especially heartening in this vital area, and I know (I say with fingers crossed) it will continue to be, because it doesn't take a genius to see the increasingly dismal picture ahead. Which brings me to our Foreclosure Initiative.

FORECLOSURE INITIATIVE

ONE DEEPLY TROUBLING ASPECT OF THE DRAMATIC UPHEAVALS IN OUR ECONOMY has been a nationwide surge in residential mortgage foreclosure cases. In New York, our courts are experiencing record-level foreclosure filings, a trend that will continue and likely worsen in the coming months. In some counties, like Queens and Suffolk, filings have risen about 200 percent in the past few years. And you don't need me to tell you that foreclosures have far-reaching impact—families displaced, neighborhoods devastated, the State's economy weakened.

To address this crisis, last April we announced a new program, launched in Queens. The intent of the program is to assure that homeowners of one-to-four-family dwellings who are facing foreclosure are aware of available legal service providers and mortgage counselors who can help them avoid unnecessary foreclosures and reach out-of-court resolutions. On the filing of a foreclosure action in Queens, the court system has been notifying homeowners of an opportunity to attend an early court conference. As of September 1, when new legislation went into effect, that sort of notice became a Statewide mandate for foreclosure actions involving high-cost, subprime or nontraditional loans as defined by the Legislature.

So far, the court system has sent nearly 25,000 notices to homeowners and, quite frankly, we have reached a new juncture in learning how best to respond to the crisis. Surely the conferences are a good idea, and we are setting up dedicated foreclosure parts in courts throughout the State, presided over by specially trained personnel and staffed by case managers who schedule the conferences and provide other support. Even if settlement is not reached, clearly a conference can assist the parties in arriving at a plan to streamline subsequent proceedings, promote active case management and avoid unnecessary delays. This program can facilitate understanding and communication, expedite resolutions and promote positive outcomes for those impacted by the mortgage foreclosure crisis. And that would serve all New Yorkers by reducing hardship, cost and neighborhood blight in our hardest hit communities.

The difficulty, of course, is translating a good idea into a working reality—the foreclosure crisis is only one of the many places we encounter that challenge.

Obviously, receiving the notice of a court conference—an opportunity to work out a settlement with the lenders—is meaningful only for those borrowers who can take advantage of the opportunity. And in residential foreclosures—to date overwhelmingly ending in the borrower's default—there is a large gap to fill between the offer of a court conference and the reality of a workout, a gap that requires the borrower to respond, and the legal and financial communities to provide needed assistance, most likely on a pro bono basis. Without this sort of assistance for the borrower, the mandated conference cannot achieve its objective.

Having over the past several months participated in meetings regarding the mortgage foreclosure crisis—including efforts to assure that the mandated conferences will indeed meet their objective—I can predict with certainty that this problem will not be resolved by December 31, 2008, but will remain a very high priority for my successor, for the dedicated judges and staff focused on the effort, and for the great New York Bar, which has many times come to the aid of needy people by providing free legal services. This again is an urgent time to do so.

THE COMMERCIAL DIVISION

This third, and final, segment of the Civil portion of my State of the Judiciary I think of as a sort of "see, by contrast"—not a cry for help for needy children, or people in danger of being evicted from their apartments or losing their homes, but rather a moment's reflection on an initiative that has reached maturity in good shape, poised to assist New York State in another sort of litigation engendered by our flailing economy. Of course, I refer to the Commercial Division of the State Supreme Court.

The Commercial Division began back in 1993 with four specialized court parts in Manhattan tasked with improving State court efficiency in the area of commercial cases. The response was overwhelmingly positive—well, maybe that's a bit of an overstatement. Nothing is without critics. Within two years, with the help of its co-parent—the Commercial and Federal Litigation Section of the New York State Bar Association—the Commercial Division was born. Today, the Commercial Division has 22 parts operating successfully not only in Manhattan, but also in Albany, Kings, Nassau, Onondaga, Queens, Suffolk and Westchester Counties, as well as two

District-wide parts in Monroe and Erie. Hearing that parties often designate the Commercial Division of the New York State Supreme Court as their choice of forum in commercial contracts is, for me, the ultimate compliment.

Aside from its day-to-day contribution to the law and to business in this State, the Commercial Division has also produced benefits for the New York State court system generally. It has relieved our already overburdened civil dockets of these typically complex, paper-heavy, pretrial-oriented cases. It has served as a laboratory for the court system in the area of technology, where the Division has been in the forefront of piloting innovations like e-filing and online access to information for practitioners. And it has steadily enlarged the availability of ADR to litigants, with rosters of trained, experienced mediators shown on the Web.

The Commercial Division, I feel safe in saying, offers business litigants a justice system commensurate with both today's challenges and New York's status as a world financial capital.

Criminal Justice

The remaining 1.5 or more million new filings in our bustling court system fall into the area of criminal cases—again, cases of every imaginable variety, from multiple murders to carrying an open beer bottle on the streets of New York City. Here, I intend to focus on what we call our problem-solving initiatives, though truth be told everything that comes into our courts, every bit of the time and talent of our extraordinary judges and staff, involves problems needing to be solved.

COMMUNITY COURTS

Our first venture into problem-solving justice was in 1993, the Midtown Community Court, smack in the middle of Manhattan, aimed at partnering with the neighborhood to address the sort of repeat low-level criminal conduct, often driven by drug addiction, that corrodes the quality of life for everyone, and sends the offender on a downward spiral of worsening, more threatening crime. We asked ourselves whether, instead of brief jail time or more often simply a sentence of

"time served," our court interventions could be more meaningful, more finally dispositive: whether we could take the opportunity to stop the deadly drumbeat of drugs, crime, jail, drugs, crime, jail—offenders returning immediately to their lawless behavior until the next arrest. And in collaboration with law enforcement, prosecutors and defense, agencies and service organizations—and even with the neighborhood—the answer became a resounding yes.

Midtown was the first community court in the nation. Today, there are eight community courts in New York State (Harlem, Red Hook, Midtown, Bronx, Hempstead, Syracuse, Buffalo and Babylon), and dozens of community courts inspired by Midtown throughout the United States, some even in Australia, Canada, England and South Africa.

Together with our collaborators, we have built carefully on the Midtown experience. Now, in addition to Drug Courts, we have Mental Health Courts offering treatment as an alternative to prison, and we have Domestic Violence Courts and Sex Offender Courts, enhancing victim safety and defendant accountability. As these and other problem-solving courts have continued to show positive outcomes both for our communities and for our court system, under the skilled leadership of Statewide Deputy Chief Administrative Judge for Court Operations and Planning Judy Harris Kluger, their numbers have grown.

My focus today will be first on the Drug Courts, second on the Domestic Violence Courts and finally on two new youth initiatives.

DRUG COURTS

Since the opening of New York State's first Drug Court in 1995—and Statewide expansion after 2000 on the recommendation of our Commission on Drugs and the Courts headed by Robert Fiske—we have had more than 18,500 graduates, with more than 7,000 participants currently in the program. Six hundred twenty-three drug-free babies have been born to female drug court participants. Treatment is today available to nonviolent addicts in every jurisdiction in our State. New York's drug courts include adult treatment courts, family treatment courts, and town and village treatment courts.

Drug courts are designed to halt the revolving door of addiction and arrest by linking nonviolent, drug-addicted offenders to court-supervised drug treatment and rigorous judicial monitoring. Rules of participation are defined clearly in a contract agreed upon with the defendant, the defendant's attorney, the prosecutor and the court. Offenders who complete treatment through the drug court and comply with court orders earn dismissal of their charges or a reduced penalty.

Research tells us that drug court participants complete treatment at more than twice the rate of those who enter voluntarily. Furthermore, a Statewide evaluation of our drug treatment courts completed in October 2003 showed that recidivism was reduced an average of 29 percent over the first three years following the arrest that led the offender into drug court. Even more impressive, participants who actually completed the program re-offended 71 percent less than the comparison group. These findings demonstrate that the combination of judicial monitoring and drug treatment continue to have beneficial effects well after participants leave the criminal justice system.

Research further shows that benefits include savings to the State in tens of millions of dollars in incarceration costs—not an insignificant consideration today—in reuniting families, and in avoiding the use of court resources to re-try the same people over and over again. In fact, one California study concluded that drug courts save an average of $8,629 per participant compared to offenders whose cases are not in drug court. By increasing retention in treatment and reducing future recidivism and drug use, drug courts have proved to be an effective alternative for the thousands of nonviolent addicted offenders in the criminal justice system.

If the dollar savings don't persuade you of the value of this initiative, I suggest you pick up a copy of the book "Drug Courts: Personal Stories" to see firsthand how Drug Courts turned around the lives of people who were headed for oblivion. For the Chief Judge there are two added rewards—first are the words of our colleagues presiding over these specialized courts who say "this is what I became a judge to do," and second is the knowledge that, by putting repeat nonviolent offenders on the road to a constructive life instead of a long rap sheet, we are significantly reducing the size of our already overflowing criminal dockets.

Domestic Violence Courts are my next example of effective use of court resources to address societal problems that fall heavily on the Judicial Branch.

DOMESTIC VIOLENCE COURTS

Soon after I became Chief Judge I received a powerful education in domestic violence and the courts: two murder/suicides, one in Kings County, one in Westchester. In each case, the victim had obtained an order of protection, which proved insufficient protection against the intimate partner who murdered her. Today, the court system—indeed, all society—has learned a great deal more about the modern-day scourge of domestic violence.

The challenge for us was to find an approach to domestic violence cases that recognized that they are different from cases involving violence between strangers; an approach that stresses victim safety and offender accountability; an approach that fosters greater coordination between the justice system and community stakeholders; an approach that allows litigants to resolve their disputes in an environment where services are accessible; an approach that, to the extent humanly possible, avoids the next murder/suicide. Those became the guiding principles for New York's Domestic Violence Courts.

The hallmarks of our Domestic Violence Courts are dedicated, specially trained judges who use conventional punishments combined with intensive judicial monitoring of offenders to ensure compliance with court mandates and enhance community safety. These courts have the benefit of resource coordination and facilitate greater access to on-site services through strong linkages with a wide range of community stakeholders—law enforcement, prosecutors, defense attorneys, probation departments, victim advocates and social service providers.

While our Domestic Violence Courts have achieved significant results since the opening of the first court in Brooklyn in 1996, we recognized there was still work to be done for those troubled families whose cases, because of New York's fragmented and archaic court structure, were rarely confined to just one court, but required multiple separate appearances in Criminal Court, Family Court, Supreme Court and more. Building on the lessons learned from the Domestic Violence Courts, the Integrated Domestic Violence Court uses a "One Family/One Judge"

approach, allowing a single judge, instead of several, to hear related criminal, family and matrimonial cases for families affected by domestic violence.

By establishing these specialized courts throughout the State, we created a system that engenders trust in domestic violence victims and accountability in offenders, translating into better service and increased confidence in the justice system. The best measure of their necessity, and success, is that to date they have heard nearly 200,000 cases of domestic violence—a figure that astounds me—hopefully helping to avoid catastrophic consequences for thousands upon thousands of litigants.

YOUTH INITIATIVES

JUST A FINAL WORD IN THIS PROBLEM-SOLVING SEGMENT OF MY REPORT on two new youth initiatives.

The first began in Westchester in discussions among Judges, the District Attorney (former Judge Janet DiFiore) and the Probation Commissioner (Rocco Pozzi) concerning young people who are both defendants in criminal cases and respondents in Family Court Juvenile Delinquency or PINS (Person-in-Need-of-Supervision) cases, teenagers caught in two separate court systems with different approaches offering different services. Separate proceedings are not only inefficient but also risk inconsistent dispositions that threaten to dilute the effectiveness of either disposition.

Then came a call from Ninth Judicial District Administrative Judge Frank Nicolai with four fantastic words: "We have an idea." The idea: an Integrated Youth Court, one dedicated judge keenly aware of the issues confronting adolescents in the criminal justice system, with the full array of Family Court remedies and services to resolve the multiple cases. On September 22, 2008, in White Plains, we celebrated the opening of the Integrated Youth Court, which in the words of presiding Judge William Edwards "gives these kids a fighting chance."

The first teenage initiative I mentioned originated in Westchester, the second in Anchorage, where Chief Administrative Judge Ann Pfau and I attended the Conference of Chief Justices and Conference of State Court Administrators. While there, we stole away from the meeting to watch Anchorage's Youth Court in operation, and returned to New York City determined to build on the underlying idea, which is a refinement of the many Youth Courts already operating throughout

New York State. When we shared the idea with Staten Island District Attorney Dan Donovan—President of the District Attorneys Association—his first words were "Let's do it in Staten Island."

Oh it's so good—so very, very good—to be the Chief Judge.

And indeed, at this very moment in Staten Island we are building the first of three parts of this special Youth Court—an intensive education in the law and the courts for volunteer high-schoolers, who will have to take, and pass, a "bar exam" on the justice system before going on to part two. Part two is that graduates will actually hear selected criminal charges lodged against their peers, including misdemeanors, in courtrooms supervised, of course, by a member of the Bar. Among the multiple benefits will be not only the education of the adjudicators but also the fact that the teenage accused—while having an arrest record and facing potentially stiff punishment (including restitution, behavioral modification classes and community service)—will have this single chance to avoid a lifetime record of criminal conviction. Part three, still down the road, will be a mentoring program, helping to assure that the lessons learned are lasting ones.

CENTER FOR COURT INNOVATION

IN CONCLUDING THIS SEGMENT ON PROBLEM-SOLVING COURTS, I would be remiss if I neglected to mention, and heartily applaud, the Center for Court Innovation, our public-private research and development arm that supports all of these terrific initiatives. Special, special thanks to the Center's Director, Greg Berman and his great associates—and while I'm at it to Greg's predecessor, New York City's Criminal Justice Coordinator John Feinblatt. While its mission is to help improve court performance, the Center is administered as a project of the Fund for the City of New York, a nonprofit operating foundation, thereby enjoying the best of both worlds: inside knowledge, combined with outside perspective.

JURY REFORM

HAND IN GLOVE WITH ANY REPORT ON OUR CIVIL AND CRIMINAL COURTS goes the subject of juries. Ah, juries! Citizens from all walks of life called from their

homes, their work, their families and friends to sit in judgment on fellow human beings, with often life-altering consequences. Imagine: more than one in three Americans is likely to be empaneled as a juror during his or her lifetime. In New York State, we call roughly 650,000 people for jury service, and conduct more than 10,000 jury trials, annually.

Small wonder, then, that the jury was of such importance to our founders, or that Thomas Jefferson referred to the jury system as "the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution." Some years ago, the analogy of jury service to an anchor, regrettably, became particularly apt in New York State—maybe, on second thought, albatross would have been a better word. A jury summons was likened to dreaded root canal surgery. Why?

It's hard to remember that, not all that long ago, because of so many statutory exemptions (doctors and lawyers, police and firefighters, people who made prosthetic devices and people who wore prosthetic devices—any group that could reach Albany) our list of potential jurors was sorely depleted, and our juries had to be drawn from what we called a Permanent Qualified List. Those poor souls were summoned to the courthouse like clockwork every two years, for a minimum of two weeks' service, and if they were on a criminal jury they were automatically sequestered during deliberations.

Thankfully today, even acknowledging the great advances in root canal surgery, I think most New Yorkers would prefer a jury summons.

Every year beginning in 1994 with the report of what we called The Jury Project—headed by now-United States District Judge Colleen McMahon—we have tackled new operational, administrative and legislative initiatives. All of our initiatives are aimed at achieving and maintaining three principal goals: a jury system that truly represents the entire community; one that treats jurors with courtesy and respect; and one that makes jury service as efficient as possible.

Our early improvements took several years to implement, requiring the help of the Legislature (to expand juror source lists, increase juror pay and reduce jurors' terms of service) and a variety of State agencies that provided us with lists of

potential jurors—Boards of Elections, the Department of Motor Vehicles, the Division of Taxation, the Department of Labor and Department of Human Resources. Thus, the project of jury improvement, from the beginning, has truly been a Statewide effort in every way.

Next came the Committee of Lawyers to Enhance the Jury Process, led by Greg Joseph, on the experience of attorneys serving as jurors in the wake of the elimination of attorney exemptions. On examination it turned out that attorneys were in fact being selected at the same rate as other jurors, thus allaying fears that requiring attorneys to appear for jury service was a time-wasting exercise. To the contrary, attorneys were getting the same opportunity as other jurors to see and be an integral part of how our justice system works from inside the jury room.

A critical reform was the elimination in 2001 of New York State's arcane—and unique—practice of requiring that deliberating juries in criminal cases be sequestered. This was one of the many outdated practices that has been eliminated—to the great satisfaction both of jurors and members of the bar whose skepticism turned to acceptance, even appreciation, once the practice ended.

In 2003, the Commission on the Jury was charged with examining ways to reduce the proportion of jurors who are called to appear in court but do not get seated as trial jurors. With Mark Zauderer at the helm, the Commission again provided us with a panoply of productive suggestions aimed at reducing what we called the 82 percent problem (meaning that 82 percent of those called for jury service are excused).

At about the same time, a totally different sort of initiative got under way—the Jury Trial Project. This working group of 50 judges experimented in real trials with a variety of 21st century practices, like allowing jurors to take notes and submit written questions about evidence during trial, providing deliberating juries with a copy of the judge's charge, and encouraging attorneys to make brief statements at the outset of voir dire to enhance the effectiveness of voir dire. Their efforts led to recommendations that these practices be widely adopted throughout our court system.

On a practical, operational level we are continuously improving the efficiency of our jury system while reducing the frequency of jury service. Today New Yorkers can use the Web to complete their juror qualification questionnaires. Summoned jurors can use the Web to request their first (automatically granted) postponement, and to check 24 hours a day to see if their service is needed the next day. Jurors who complete their service—by appearing in court or merely calling in—are excused from service for at least six years. Service in some counties leads to ineligibility for eight years or more.

We continue to address areas requiring improvement, and for this I am most grateful to Chester (Chip) Mount, our Director of Court Research and Technology, and to the wonderful people who work with him, and of course to our terrific Commissioners of Jurors, who are the "face of the jury system" for the public, implementing the reforms, explaining policies and procedures, and creating a welcoming and respectful environment for the New Yorkers who appear for service.

While I would like to end on this high note, I do not have that luxury, for the task of jury reform will never be complete. There is, of course, the human reality that things left untended have a way of slipping back. But my greater concerns are engendered by change in the world around us. New technology, for example, challenges us in so many new ways—from assuring juror privacy and the security of trial proceedings, to adjusting to how people learn today. Additionally, the subject of jury reform has caught on like wildfire across the nation, and there is a great deal we can learn from one another. Most recently, the American Bar Association updated its Jury Standards—which was the pivot for our original reform program—with "Principles for Juries & Jury Trials," reflecting new research and new experience about juries. Indeed, the group of 50 New York judges mentioned earlier, who tried several of these new ideas, based on their firsthand experience recommended that several of the ABA suggestions should be adopted here.

The fact is that, apart from anchoring us to our constitutional principles, the prized American jury system is a rare opportunity to show the public firsthand a justice system that is modern, up-to-date, effective and efficient, and we must continue to seize that opportunity.

SPECIAL INITIATIVES

AS IS EVIDENT FROM THE IMMEDIATELY PRECEDING SECTIONS on Drug Court and Jury Reform, as Chief Judge I have been positively shameless in calling on the volunteer time of judges, lawyers, academics and the public to chair and serve on various special committees, commissions and task forces. Always we pick the very best people, and invariably they accept the invitation because they know that the subject is serious and the intention is to implement their sound recommendations. From their work, the court system has consistently reaped huge benefits, at very little cost.

In this segment of my report, I'd like to highlight just a few of these efforts that represent unfinished business.

TOWN AND VILLAGE JUSTICE COURTS

I BEGIN WITH THE REPORT OF THE SPECIAL COMMISSION ON THE FUTURE OF NEW YORK STATE COURTS, chaired by Carey Dunne. On September 17, 2008, the Commission handed us its report, entitled "Justice Most Local: The Future of Town and Village Courts in New York State" (www.nycourtreform.org/Justice_Most-Local-Part1.pdf). I congratulate, and thank, the group not only for a remarkable document but also for seeking my permission—happily granted—to conduct this study as an outgrowth of its original mission, which was the vital yet elusive subject of court restructuring. The fact is, we two years ago announced our Action Plan for the Justice Courts, but the report of this Special Commission marks out pathways for future reform.

New York State's 1,277 Town and Village Justice Courts, after all, play a key role in New York State's system of justice. These courts hear more than two million cases a year, and collect more than $200 million in fees and fines shared by the localities and the State. For many New Yorkers, Justice Courts are the face of the justice system. They are, however, the only New York trial courts funded and administered by local governments, rather than by the State, and therein lies the problem. As we have come to recognize, the quality of these courts varies widely—some are exemplary, others woefully short of acceptable standards.

Two years ago, we announced an aggressive Action Plan to provide immediate assistance and resources to the Justice Courts, and we have been actively implementing that Plan ever since, beginning with an education program for the judges, particularly the non-attorney judges (more than 60 percent of the Town and Village judiciary); a requirement that Justice Court proceedings be recorded, and the provision of modern digital recording devices and other technology. To facilitate full payment of fees and enhance security, the Plan has promoted acceptance of credit card payments. For the first time ever, we have designated our own Supervising Judges to oversee the Justice Courts in each judicial district. Under the Justice Court Assistance Program, more than $10 million in State monies have been used in Justice Courts over the past two years to fund, for example, acquiring courtroom furniture, improving access for persons with disabilities, enhancing security and obtaining qualified interpreter services.

These steps, and many more, unquestionably have made a vast improvement, but the Action Plan is only the first installment in our long-term commitment to upgrade the Justice Courts. So we especially welcomed the offer of Carey Dunne's Special Commission on the Future of the New York State Courts to point the way for the future.

I think the report's cover alone—showing the locations of these courts—speaks volumes about one of the Commission's central recommendations: that there is an entirely unnecessary proliferation of costly facilities, a subject that surely deserves, no demands, immediate attention in today's economy. The Commission sensibly proposes legislative appointment of a group to recommend appropriate consolidation, and the consequent vast reduction of expense. It makes sense to me that the subject of consolidation might first be explored on a voluntary basis, as apparently there is some willingness to do. The Commission's many recommendations could promote efficiency and bring about significant savings. Clearly this is an important bit of unfinished business.

PROBATION

In my last State of the Judiciary, I reported on the recommendations of the Task Force on the Future of Probation in New York State to improve one of the most vital

components of our criminal justice system—adult probation. Here again the outstanding Chair, John R. Dunne, sought my permission—happily granted—to continue the Task Force's work, but focusing on probation's role in Family Court—in particular Persons in Need of Supervision (PINS) proceedings and juvenile delinquency proceedings. The Task Force recommendations are set forth in a report being released today (www.nycourts.gov/whatsnew), again a roadmap for the future.

Probation is truly the gatekeeper of the juvenile justice system through its diversion of young people who would otherwise be subject to formal Family Court proceedings. This is accomplished by providing community-based services that build on the youth's strengths and needs, while ensuring the community's need for public safety. The Task Force found that, unfortunately, too many young people are placed in temporary detention and residential treatment facilities based on nonviolent misdemeanor offenses and minor probation violations. Stays in these facilities, however brief, can lead to deeper involvement in crime, with some studies showing recidivism rates as high as 80 percent as compared with greatly reduced recidivism rates for young people receiving community-based treatment options.

The Report offers numerous other recommendations to improve outcomes for young people, as well as proposals to improve Probation's role with regard to victims and restorative justice. I'm hopeful that the court system as well as Governor Paterson's Task Force on Transforming Juvenile Justice will build on the recommendations of this Task Force, and I thank them for their comprehensive study.

COMMISSION ON THE FUTURE OF INDIGENT DEFENSE SERVICES

Just a word on the Commission on the Future of Indigent Defense Services, co-chaired by Will Hellerstein and Burton Roberts, which examined all aspects of the State's indigent defense system. The Commission's final report in June 2006 recommended a broad variety of changes, including the major legislative change of a State-funded public defender office, to be responsible for indigent defense services. That report made clear that our county-based system is underfunded and overloaded, lacking standards and access to adequate investigatory and other quality representation. I continue to embrace the Commission's recommendation, and hope that the Governor and Legislature might begin the process of creating an

Independent Public Defense Commission. Properly funding and administering public defense, even in these difficult times, is an investment that would return savings in both social and fiscal costs, as a properly resourced defense protects against unnecessary incarcerations and wrongful convictions.

Before turning to my next subject, I pause here to thank all of our exceptional commissions that have throughout my tenure facilitated so many worthwhile court-system reforms, whether matrimonial rules, or measures relating to the legal profession or fiduciary appointments, or initiatives relating to judicial elections or juries, or procedures for placing court records on the Internet, or our very newest initiative, a Commission on Interbranch Relations, which I am confident also will point us in excellent directions for the future.

And that brings me to my next subject—facilities and operations.

FACILITIES AND OPERATIONS

TRAINING AND EDUCATION: THE "JI"

GIVEN THE IMMENSE CHALLENGES TODAY'S SOCIETY regularly deposits at the courthouse doors, we are extremely fortunate to have the New York State Judicial Institute (known to us as the "JI"), a year-round center dedicated to judicial education and research. The JI opened in May 2003 in a new facility on the campus of Pace Law School in White Plains, and under the superb direction of Dean Robert Keating it has amply fulfilled our hopes and ambitions.

Imagine, over the past five years the JI has hosted hundreds of programs, with a combined attendance of 33,823, covering a wide range of subjects for our courts—from updates on the criminal and civil law, to cutting-edge legal issues; from new judges' basic orientation to sophisticated stand-alone conferences on collateral consequences of criminal convictions and global business issues—indeed, on December 1 the JI will host a colloquium on commercial courts; from programs for our court attorneys, clerks, interpreters, managers and Judicial Hearing Officers, to Town and Village Justice Court training; and of course an array of distance learning and online training developed in partnership with Columbia Law School.

I feel especially proud of the New York Legal Education Opportunity Program—our "LEO" program—being conducted at the JI that helps ensure diversity in the legal profession by assisting minority, low-income, educationally disadvantaged college graduates in attaining the fundamental skills necessary to succeed in law school. The JI launched the LEO program in the Summer of 2007—an intensive six-week law school preparation program. On successful completion of the program, each Fellow is matched with a judicial mentor, who provides guidance and advice about law school and the legal profession. The 2007 class consisted of 22 students, six of whom had been wait-listed at a New York law school at the time of their admission to the program. All six LEO Fellows were ultimately admitted to law school and, two years later, are still in law school. Of the 18 Fellows in the 2008 class, 17 are currently first-year law students.

The challenge, of course, is always to assure that the Judicial Institute is helping us to fulfill our responsibilities, keeping us up-to-date on the law and emerging issues, and advancing the objectives of the justice system.

COURTHOUSES

In the early 1990s, many of our courthouses were in deteriorated condition. Responsibility for providing courthouse facilities resided with local governments, and some were simply failing in meeting their obligation. Fortunately, the situation changed as we began working with the localities, the State Dormitory Authority and the Legislature.

Within the past 15 years, more than 40 new courthouses have opened and dozens of others—including the Court of Appeals in Albany and Appellate Divisions around the State—have been renovated, expanded or modernized. Other projects are now underway, from a new City Courthouse in Niagara Falls, to the first new courthouse to be built in Staten Island in more than 60 years.

Progress is visible all across the State—from Suffolk County, where we have celebrated the opening of three new or renovated courthouses in the past few years, to Chautauqua County, with its great new Family Court, and from New York City, where in the past three years we opened two of the largest courthouses in the nation, to Jefferson County, where the courts are now in a beautifully renovated

and expanded former post office building. I am particularly pleased to see improved Family Court facilities—life is already hard enough for the people we serve in Family Court.

Clean, decent, dignified court facilities tell the people who come to court that we respect them and we respect the matters they bring to us. This is true not only for litigants and their lawyers, but also for jurors, judges and court staff.

Facilities of course represent a constant challenge: older buildings naturally deteriorate over time and eventually need renovation or replacement, and all structures need ongoing maintenance and repair. I know that the court system will continue to work closely with our partners in government to ensure that all New Yorkers have the facilities they deserve for the conduct of their important business.

THE GREEN JUSTICE ACTION PLAN

My first State of the Judiciary in January 1994 included a section called "Paperless Courts." It was about computers and document imaging and our hope that these would figure in increasing efficiency for the courts and for court users. At that point, the term "paperless society" was in common use—some even believed it could be achieved. We all know that is not how things have evolved in this digital age—not in society and not in the courts.

Indeed, the more than four million new case filings we have in the State courts produce paper totaling hundreds of millions of pages a year. Just think of the cost: each sheet of paper must be manufactured, bought and sold, shipped, printed, duplicated, served on opposing parties, filed with the court, stored and then retrieved as needed—with considerable expense of energy, effort and money at each step. And speaking of steps, our use of paper is only one fact that contributes to the enormous environmental footprint of the court system. Tens of thousands of people—including litigants, jurors, and lawyers—travel to and from New York's courthouses each day, sometimes for routine appearances that take far less time than the trip to the courthouse.

I am pleased to announce that we are today releasing on our Website the first-ever comprehensive environmental action plan for any justice system in the United

States, called "Green Justice: An Environmental Action Plan for the New York State Judiciary" (www.nycourts.gov/whatsnew).

Green Justice examines our justice system's environmental impact from many related perspectives—from court procedure to regulation of the legal profession, from procurement to court facilities, from direct impacts on court operations to indirect effects on other branches and levels of government. The goal is to minimize these environmental impacts, consistent with the administration of justice and the preservation of rights and liberties that always must be our first priority. Green Justice seeks to achieve more cost-effective, environmentally sustainable court operations. Equally important, many of the Green Justice initiatives will save dollars not only for the courts but also for the litigants.

Green Justice includes a broad range of initiatives—like expansion of electronic filing (which will need the support of the Bar and our partners in government); encouraging video or teleconferences when appearances can be adequately handled without the parties' or counsels' physical presence; expanding videoconferencing for routine appearances in criminal cases (which will reduce energy consumption, enhance security and save corrections departments the substantial costs of transporting inmates); setting energy and water conservation standards by court rule for court facilities; working with local governments to retrofit court facilities over time; establishing a Statewide Website for credit card payment of court fines and fees, which reduces travel to the courthouse while enhancing collection of State revenues; developing a system to facilitate electronic—rather than paper—receipt of internal court forms, as well as submission of external ones, like the biennial attorney registration; encouraging environmentally responsible office practices for courthouses, such as digitizing internal documents and distributing internal court communications solely by email; and examining the environmental impact of every purchase as a part of our standard procurement practices.

TECHNOLOGY

E-filing and videoconferencing are a perfect introduction to my next topic, technology. I am pleased to report that the New York State court system has solidly

arrived in the 21st century, with computer-related technology in our every corner, and increasing use of the Internet to improve service to litigants, lawyers and the public.

This report can only be a barebones summary of the many, many things that have been done, and are being done, in the area of technology. Naturally, we have a high-speed network and email system Statewide. Courtnet TV, making use of the network, transmits cable TV news channels to juror assembly rooms and public waiting areas in courthouses; broadcasts training programs; streams live oral arguments in appellate courts; and airs events like today's speech. Special software applications improve the delivery of justice—like the Universal Treatment Application used in court drug treatment courts to assure the very latest information on each participant—such as drug testing results, treatment progress and past compliance. Other software applications help with administration, like the Universal Case Management System, soon to be in place Statewide to streamline case management.

Without automating jury management, as we have been doing continuously, implementing jury reform would have been much more difficult—whether it's processing the five source lists of juror names, producing questionnaires and summonses, tracking jurors while they are serving, preparing the juror payroll, or producing key reports for court administrators. And speaking of jurors, we are gradually increasing the availability of Wireless Internet Access ("Wi-Fi") at our courthouses, and jurors are delighted with it. Of course, Wi-Fi is beneficial to attorneys and litigants as well, who can use courthouse waiting time more productively on their laptops. In a recent trial in Queens County Supreme Court, the prosecutors and defense attorneys requested—and we installed—a Wi-Fi access point in the courtroom.

The Court System Website (www.nycourts.gov), consistently named one of the top ten court Websites, contains a vast and ever-expanding array of information on the courts, sections geared to litigants, attorneys or jurors; one for and about judges; and even an area on court-career opportunities. An online resource called "eCourts" is a free case information service for attorneys, litigants, indeed for anyone, and has an eTrack service for those who want email updates about case developments. Visitors to the site can also access hundreds of thousands of judicial decisions, briefs and other court documents.

Building Public Trust and Confidence

While in a sense each of the foregoing sections has as its objective improving the operation of the courts and thereby building public trust and confidence, I have reserved for this final portion of my report two subjects that are vitally connected to us in a different way. My first subject is Access to Justice Initiatives, my second The Legal Profession.

ACCESS TO JUSTICE INITIATIVES

Many of our nation's courthouses are inscribed with the words "Equal Justice for All." That is, after all, the American ideal: a government of laws, not men, applied equally no matter what the person's background or station. But for many, those words ring hollow because they can't afford a lawyer to help them understand and enforce their rights. And it's hard for them to trust and respect a system that they believe rations justice according to income. However well defined our constitutional ideals, however refined our legal processes, they are of little real significance unless our nation's commitment to equal justice is fulfilled.

With drastically diminished federal and state funding available to provide free civil legal services to the public, increasing numbers of people have to forego their claims or proceed without counsel. Access to Justice was such an important issue that, several years ago, we created the position of Deputy Chief Administrative Judge for Justice Initiatives, outstandingly filled by Judge Juanita Newton, to bring high-level leadership to our efforts. This remains a tremendous challenge.

In 1997 the Administrative Board promulgated a resolution to encourage 20 hours of pro bono service to the poor annually, and shortly thereafter the Continuing Legal Education Board amended the CLE rules to award credits for pro bono work. Then, following the remarkable surge, understandably, of volunteer lawyers in the aftermath of September 11, 2001, we focused on trying to sustain that volunteer spirit, and to learn from many innovations that emerged. What followed were pro bono convocations around the State, facilitating brainstorming by attorneys, academics and practitioners. One of the outcomes was ProBonoNY, an ongoing collaboration of local action committees, organized by Judicial District,

responsible for identifying and addressing local legal needs and priorities. Another was piloting discrete task representation as a way to increase pro bono service, and to help foster this approach, the Appellate Divisions recently amended the disciplinary rules to ease mandatory conflict checks for those programs.

Obviously, given the limited availability of free legal services, large numbers of civil litigants must navigate the courts without counsel, so another component of our Access to Justice Initiative is easing the way for them. Today, we have Offices for the Self-Represented in many locations to provide information, legal forms and referrals; we have Resource Centers to help self-represented litigants in Housing Court; and we have training for judges and court staff centered on addressing the needs of self-represented litigants. And, here too, technology is helping—like a project that ultimately will assist even those with limited technical facility to assemble court documents; and CourtHelp, an online resource—in English and Spanish—with courthouse addresses, basic court data and access to lawyer referrals.

Educating the public about the courts and the law is another component of improving access to justice. We call this judicial outreach—activities through which judges and court employees demonstrate their commitment to communities, educate diverse audiences about the work of the courts and seek to improve the administration of justice. A better informed public means improved access to justice.

For example, when community religious leaders asked for more information about the courts so they could better serve their congregations, Clergy Day programs began, and they led to a collaboration with the Interfaith Center of New York—a secular organization that sponsors educational programs for religious leaders. A host of other programs—Statewide or locally initiated—have been presented for senior citizens, for students from elementary school through high school, college and law school, and for entire communities. Indeed, our Center for Courts and the Community—created in 2006 to develop outreach and civic education—at year-end will be publishing a booklet, "Opening Courthouse Doors: Judicial Outreach in New York State," a comprehensive catalog of public programs and informational materials about the courts.

THE LEGAL PROFESSION

I HAVE SAVED FOR LAST JUST A FEW WORDS ON OUR EXTRAORDINARY BAR, which are overwhelmingly words of praise and gratitude. The courts and the great lawyers and bar associations of the State of New York are joined at the head and heart—indeed, in every vital organ. The Bar is utterly essential to everything we do in the courts. Obviously the Bar is our biggest user, but the Bar also has been our biggest supporter. And, yes, perhaps there has been a word or two of criticism every now and then—criticism we take to heart and work to address. The lawyers of this State have been unstinting in their contributions to all of our special projects and advisory committees, as well as our educational and outreach programs. And these are but a few examples of our highly valued partnership.

I would mention but one significant project that is on the agenda of the Administrative Board just now, and that is the effort initiated by the New York State Bar Association to transition from the Model Code of Professional Responsibility to a New York form of the Model Rules of Professional Conduct promulgated by the American Bar Association. As of this date, I am hopeful that, before December 31, 2008, this indeed can be accomplished.

CONCLUSION

NOW I REACH TWO OF THE MOST BEAUTIFUL WORDS IN THE ENGLISH LANGUAGE: "In conclusion." And I think that two conclusions have been established beyond all doubt.

First, having now listened to my swan song—my final State of the Judiciary—you know that most definitely I am not the mute swan.

Second, I have read—and agree—that the sense of ending captured by the phrase "swan song" is invariably poignant, heart-rending, and I surely do feel that to the depths of my soul. Again, there can be no doubt that I have had the Role of a Lifetime, a privilege beyond description to labor in the cause of justice alongside the greatest people on Earth—beginning with the colleagues and court staff in my second full-time job as Chief Judge of Court of Appeals, the Presiding Justices, the

Judges, Administrative and Supervising Judges, and exemplary staff of the Unified Court System (in particular my counsel, Mary Mone, and Chambers staff), the great Bar of the State of New York, and our innumerable partners in and outside of government. And here I single out for special words of praise and gratitude my dear friend, ally, partner for more than a dozen years in every single one of the ventures I've outlined today, Jonathan Lippman, a great Chief Administrative Judge, as well as his predecessor (Leo Milonas) and his successor in the role (Ann Pfau). How fortunate I have been to have their wise counsel, tireless dedication and unfailing friendship through unimaginable personal and professional joy, tragedy and everything in between.

As I prepare to assume my next title as New York's first woman former Chief Judge, it seems to me that the Judiciary I leave behind, while in one key regard deeply pained personally and individually, has heroically risen to its obligation to serve the public wisely and diligently, soundly and innovatively, preserving and carrying forward the best of the past to meet the demands of a rapidly changing society. And every day the news reminds us that—as dockets rise and pressures intensify—the courts must continue to be good, reponsible citizens, attentive always to budgeting leanly and transparently, and making careful use of our resources in every aspect of our operations.

I know that the process in place to choose my successor, culminating in appointment by Governor David Paterson and confirmation by the Senate will yield precisely the right person to lead the New York State court system into the future, and I pledge my full support in any way I can be helpful.

Thank you. Thank you. Thank you.

Judith S. Kaye

Chief Judge of the State of New York

November 12, 2008