



— From the desk of —

## **Matthew Skinner**

Executive Director, Richard C. Failla LGBTQ Commission

*Since its establishment in December 2016, the Richard C. Failla LGBTQ Commission has acted as a forceful advocate for LGBTQ issues and LGBTQ members of the legal community, providing a bridge between the judiciary's leadership and LGBTQ individuals in the courts and profession. The Failla Commission works with court officials to promote equal participation in, and access to, the courts and legal profession by all persons regardless of sexual orientation, gender identity, or gender expression, from initiatives to enhance judicial and workforce diversity, including our mentoring program, to efforts to help ensure that issues facing LGBTQ litigants are fairly addressed by the courts. In addition, the Failla Commission also collaborates with LGBTQ advocacy organizations, bar associations, and community groups to raise awareness about LGBTQ issues and foster a more equitable, supportive environment for LGBTQ members within the justice system, legal profession, and wider community.*

*The Failla Commission brings together stakeholders, educators, and leaders to enlighten, raise awareness, and make a difference. By elevating our united voice, we are better able to establish a dialogue for change; first, by making recommendations that identify where change is needed, and then, working to implement that change. We both acknowledge our court system's complicated past relationship with the LGBTQ community and work intensively to move forward with confidence in the present into a better future. Our public portfolio includes extensive cultural competency training and other educational programs for judges, non-judicial personnel and court partners, alongside sharing the story of our community through the lens of legal history that has played out in the courts.*

*The Failla Commission uses our LGBTQ judges and court staff in New York State as both individual and collective engines for even greater change. We always strive to increase visibility and build an even bigger and stronger presence in our court system.*



**2017**



Suffolk County LGBTQ Pride Month, June 2017

## The Richard C. Failla LGBTQ Commission

*In June 2017, Hon. Paul G. Feinman became the first openly gay judge in the 170-year history of the Court of Appeals.*

Chief Judge DiFiore and Chief Administrative Judge Marks first announced a new commission to highlight and address issues of concern to the LGBTQ community in late 2016. Under the leadership of Justices Marcy Kahn of the Appellate Division, First Department, and Elizabeth Garry of the Appellate Division, Third Department, the new Richard C. Failla LGBTQ Commission was established. The Commission is dedicated to promoting equal participation and access throughout the court system by all persons regardless of sexual orientation, gender identity, or gender expression. In furtherance of that mission, the Commission in 2017:

- Organized educational LGBTQ Pride Month events in Manhattan, Central Islip, Ithaca, Utica, Rochester, Buffalo, and Batavia
- Presented plenary session on family law and transgender issues at 2017 New York State Judicial Institute



- Proposed amendments to the various court system non-discrimination rules to expressly prohibit discrimination based on gender identity and gender expression. Those amendments are under review by the Administrative Board of the Courts
- Began an initiative to ensure full access by transgender employees, attorneys and members of the public to court system facilities

In addition, Commission Member Paul G. Feinman was nominated by Governor Andrew M. Cuomo and confirmed as the first openly gay judge in the history of the New York Court of Appeals in June 2017.

**2018**



## The Richard C. Failla LGBTQ Commission

Chief Judge DiFiore and Chief Administrative Judge Marks first announced a new commission to highlight and address issues of concern to the LGBTQ community in late 2016. Bearing the name of a court system jurist who pioneered advocacy for LGBTQ rights throughout his career, the Commission is dedicated to promoting equal participation and access throughout the court system by all persons regardless of sexual orientation, gender identity, or gender expression. In furtherance of that mission, the Commission in 2018:

- Proposed amendments to the various court system antidiscrimination rules (specifically, the Attorney Rules of Professional Conduct, the Rules of Judicial Conduct, the Unified Court System Code of Ethics for Nonjudicial Employees, and the Rules of the Chief Judge for Career Service) to expressly prohibit discrimination based on gender identity and gender expression were accepted by the four Departments of the Appellate Division, the Administrative Board, and the Court of Appeals.
- Presented training on antidiscrimination rule amendments at four fall nonjudicial association conferences.
- Launched a website and Twitter account and sent its first newsletter to better communicate the activities of The Failla Commission.
- Organized educational LGBTQ Pride Month events in White Plains, Albany, Brooklyn, Manhattan, Central Islip, Delhi, Syracuse, Rochester, Buffalo, Kingston, the Bronx, and Queens.



In June, the Failla Commission sponsored an event, "July 3, 1973: The Day the Court of Appeals Made Pride Possible in New York," and honored William Thom, the founder of Lambda Legal and the first openly gay judge in New York. Left to right: Matthew Skinner, Executive Director, The Richard C. Failla LGBTQ Commission; Hon. Rosalyn H. Richter, Associate Justice, Appellate Division, First Department; William J. Thom, founder of Lambda Legal; Hon. Marcy L. Kahn, Associate Justice, Appellate Division, First Department and Co-Chair, Failla Commission; Rachel B. Tiven, former CEO, Lambda Legal; Hon. Paul G. Feinman, Associate Judge, New York Court of Appeals; Hon. Deborah A. Kaplan, Administrative Judge, Civil Matters, New York County; Hon. Michael R. Sonberg, Acting Justice, Supreme Court (retired).



On Jan. 1, 2018, Justice Elizabeth A. Garry was appointed the 16th Presiding Justice of the Appellate Division, Third Department, and the first who is openly gay. Presiding Justice Garry was sworn in by former Presiding Justice Leonard A. Weiss.

In addition, the Commission's founding co-chair, the Hon. Elizabeth Garry, was appointed by Gov. Andrew M. Cuomo as Presiding Justice of the Appellate Division, Third Department, on Jan. 1. She is the first openly gay Presiding Justice of the Appellate Division in the state. Additionally, in 2018, the first openly gay judge of the Court of Claims, Hon. Chris Ann Kelley, was nominated and confirmed, and the first openly gay Surrogate, Hon. Matthew Titone, was elected in Richmond County.

**2019**



The Hon. Marcy Kahn, the founding chair of the LGBT Community Center's board and co-chair of the Richard C. Failla LGBTQ Commission of the New York Courts, was honored at a Manhattan retirement party. Justice Kahn served on the Appellate Division, First Department. Front row: Tom Burrows, Hon. Margaret Walsh, Hon. Rosalyn Richter, Hon. Elizabeth Garry, Hon. Paul Feinman and Meredith Miller. Back row: Hon. Joanne Winslow, Judge Kahn, and Matthew Skinner. Photo by Amy Mayes [www.amymayesphotography.com](http://www.amymayesphotography.com)

## Richard C. Failla LGBTQ Commission

Bearing the name of a jurist who pioneered advocacy for LGBTQ rights throughout his career, the Richard C. Failla LGBTQ Commission is dedicated to promoting equal participation and access throughout the court system by all persons regardless of sexual orientation, gender identity or gender expression. In furtherance of that mission, the Commission in 2019:

- Led the effort—in the wake of the Gender Expression Non-Discrimination Act (GENDA)—to install restroom access signs statewide confirming that people can use restrooms consistent with their gender identity without interference;
- Proposed amendments to court system attorney registration and juror forms that will give people the option to precisely indicate their sexual orientation and gender identity;
- Played key roles with programs and symposia exploring LGBTQ history and current topics at Fordham University School of Law, St. John's University School of Law and Albany Law School;
- Helped develop a comprehensive timeline of modern LGBTQ legal history for CLE presentations at Nixon Peabody LLP and the Federal Reserve Bank of New York;
- Organized events throughout the state for LGBTQ Pride Month in June, including the first Pride Month events ever in Nassau County, Staten Island, Jamestown and Cooperstown;
- Marked the 30th anniversary of the groundbreaking Braschi relationship recognition decision and collaborated on an event with the U.S. Court of Appeals for the Second Circuit to highlight the 25th anniversary of the nomination and confirmation of U.S. District Court Judge Deborah A. Batts; and
- Organized a Veterans and Families Resources Fair in conjunction with the New York State Division of Veterans' Affairs, SAGE and the Office of Policy and Planning.



The Richard C. Failla LGBTQ Commission commemorated the 30th anniversary of the New York Court of Appeals decision in *Braschi v. Stahl Associates Company*, marking the first time an American appellate court gave a same-sex couple legal recognition. Left to right: Deputy Chief Administrative Judge for New York City Courts George Silver; Richard C. Failla LGBTQ Commission Executive Director Matthew Skinner; New York State Bar Association President Hank Greenberg; Staten Island Surrogate Matthew Titone; Miguel Braschi's sister Giannina Braschi; former State Senator Tom Duane; and Harvard Law Professor Bill Rubenstein, who argued the case.

**2020**



## Richard C. Failla LGBTQ Commission

Bearing the name of a jurist who pioneered advocacy for LGBTQ rights throughout his career, the Richard C. Failla LGBTQ Commission is dedicated to promoting equal participation and access throughout the court system by all persons regardless of sexual orientation, gender identity or gender expression. In furtherance of that mission, the Commission in 2020:

- Led efforts to educate the judiciary and the public about the provisions of the Child-Parent Security Act before the statute took effect in 2021.
- Produced a virtual LGBTQ Pride Month program in conjunction with the Office of Diversity and Inclusion, the Office of the Inspector General and the Pride Alliance of the New York Courts. The program came only days after the U.S. Supreme Court issued *Bostock v. Clayton County, Georgia*, holding that Title VII of the Civil Rights Act of 1964 covers discrimination based on sexual orientation and gender identity.
- Drafted and published a joint statement with the Franklin H. Williams Judicial Commission expressing commitment to a common set of principles toward the “fight for a more equitable court system worthy of our highest ideals.”
- Organized and unveiled a virtual conference focusing on LGBTQ family law in New York and marking the 25th anniversary of the *Matter of Jacob* decision.
- Played key roles in virtual programs for Touro Law Center and Albany Law School exploring, respectively, the *Bostock* decision and the needs of the HIV-positive community.
- Worked with transgender advocates throughout the year to restore access to and streamline procedures for obtaining name changes.



The Failla Commission organized a virtual conference to mark the 25th anniversary of *Matter of Jacob*, where the Court of Appeals held that the same-sex partner of a legal parent may adopt that parent’s child.

**2021**

## Richard C. Failla LGBTQ Commission

Bearing the name of a jurist who pioneered advocacy for LGBTQ rights throughout his career, the Richard C. Failla LGBTQ Commission is dedicated to promoting equal participation and access throughout the court system by all persons regardless of sexual orientation, gender identity or gender expression. In furtherance of that mission, the Commission in 2021:

- Created a Continuing Legal Education program for the New York State Bar Association covering the legal history of obstacles to open LGBTQ service in the U.S. Armed Forces and cultural competency for representing LGBTQ veterans.
- Coordinated a seminar for the NYS Judicial Institute on the questions presented and potential outcomes in *Fulton v. City of Philadelphia*, the same-sex foster parent case decided by the U.S. Supreme Court.
- Organized a Pride Month tribute to the late Judge Paul Feinman, the first openly gay judge on the New York Court of Appeals and a founding member of the Failla Commission, after he passed away in March 2021.

*“Being gay in the Unified Court System, for me, has been a very liberating experience... It’s been a very wonderful experience working for a court system that had sexual orientation protected well before SONDA (The Sexual Orientation Non-Discrimination Act) had come about.”*

Ronald Pawelczak, Seventh Judicial District Executive



Ronald Pawelczak , District Executive, Seventh Judicial District



Members of the Richard C. Failla LGBTQ Commission visit the historical marker for Bob Uplinger, a gay man arrested in Buffalo and charged with propositioning another man. Left to right: Matthew Skinner, Executive Director; Hon. Joanne Winslow and Hon. Anthony Cannataro, Co-Chairs; Andrea Conjerti, an attorney and member of the Failla Commission and Hon. Grace Hanlon.

- Partnered with the Franklin H. Williams Judicial Commission on a virtual Pride Month conversation with America's first Black, Afro-Latino and openly gay members of Congress, Rep. Mondaire Jones and Rep. Ritchie Torres.
- Analyzed the evolution of LGBTQ public policy over the past decade for a virtual program with the LGBT Bar Association of New York.
- Joined a coalition of advocates from around the state to prepare the court system and the bar for implementation of the Gender Recognition Act, a bill that made it easier and safer for transgender and nonbinary New Yorkers to update their identity documents.

For more information, visit: <http://ww2.nycourts.gov/ip/LGBTQ/index.shtml>

**2022**



The portrait of Court of Appeals Judge Paul Feinman, the first openly gay judge of the high court, was unveiled during a ceremony at Court of Appeals Hall in Albany. Pictured are the late judge's husband, Robert Ostergaard, and then Chief Judge DiFiore.



Administrative Judge Matthew D'Emic, Kings County Supreme Court, Criminal Term, reviewed the LGBTQ Benchmark.

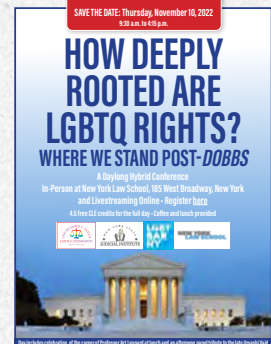
## Richard C. Failla LGBTQ Commission

Bearing the name of a jurist who pioneered advocacy for LGBTQ rights throughout his career, the Richard C. Failla LGBTQ Commission is dedicated to promoting equal participation and access throughout the Unified Court System by all persons regardless of sexual orientation, gender identity or gender expression. In furtherance of that mission, the Commission in 2022:



- ✔ Marched for the first time in the Capital Pride Parade in Albany.
- ✔ Collaborated with the Judicial Institute on two CLE programs, the first covering adoption basics and the second analyzing anti-LGBTQ policies in the United States.
- ✔ Traveled to University at Buffalo Law School, Albany Law School, and Cornell Law School for meetings with LGBTQ students.
- ✔ Gave the first "Judge Paul G. Feinman Award" to Justice Adam Silvera, Administrative Judge, Supreme Court, Civil Term, New York County and later in the year, dedicated the Ceremonial Courtroom at the 60 Centre Street Courthouse to the late Judge Feinman.

- ✔ Provided feedback on a new LGBTQ best practices benchmark, drafted by the Ninth Judicial District Access to Justice Committee LGBTQ Subcommittee and distributed statewide by the Office for Justice Initiatives.
- ✔ Held an in-person conference, "How Deeply Rooted are LGBTQ Rights: Where We Stand Post-*Dobbs*," at New York Law School and helped launch The Arthur Leonard Scholarship for Excellence in Support of the LGBTQ Community.
- ✔ Broadcast the first-ever court system virtual program for Transgender Day of Remembrance, in collaboration with the Pride Alliance and the Appellate Division, First Department Anti-Bias Committee.
- ✔ Expanded Failla Commission staff.



For more information, visit: <http://ww2.nycourts.gov/ip/LGBTQ/index.shtml>

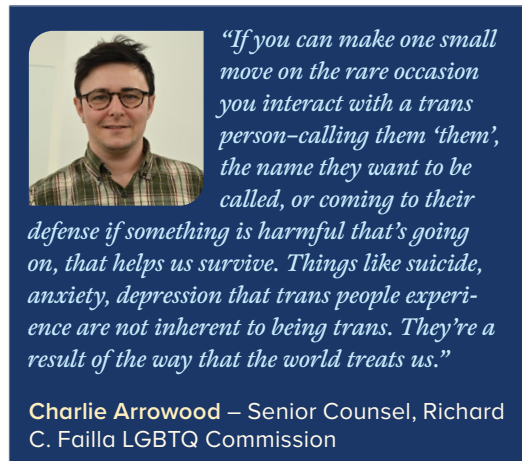
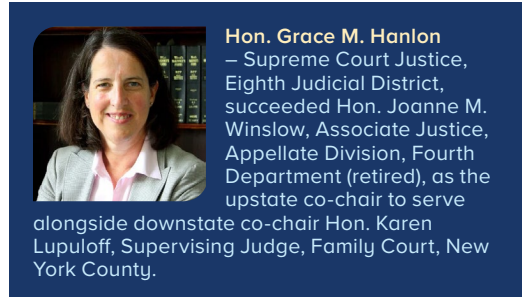
**2023**



## Richard C. Failla LGBTQ Commission

The Richard C. Failla LGBTQ Commission of the New York State Courts is dedicated to promoting equal participation and access throughout the court system by all persons regardless of sexual orientation, gender identity, or gender expression. To fulfill this mission, the Commission will protect and enhance diversity and promote the presence of the LGBTQ judicial and non-judicial personnel within the Unified Court System. In furtherance of its mission, there were several highlights in 2023:

- Acting Chief Judge and Co-Chair Emeritus Anthony Cannataro and then Chief Judge Rowan Wilson appointed a new downstate co-chair, Hon. Karen Lupuloff (Supervising Judge, New York County Family Court), a new upstate co-chair, Hon. Grace M. Hanlon (Supreme Court Justice, Eighth Judicial District), and new members Hon. James L. Hyer (Supreme Court Justice, Ninth Judicial District), Hon. Seth M. Marnin (Court of Claims Judge), and Hon. Javier E. Vargas (Court of Claims Judge). Justice Joanne M. Winslow (retired Associate Justice, Appellate Division, Fourth Department) stepped down as upstate co-chair after serving in that role for nearly six years, a record for the Failla Commission; she will remain involved as a member going forward.
- Launched a formal judicial mentoring program and then saw the first successful alumnus of the program ascend to the bench with Judge Marnin, the first transgender judge in New York State and the first transgender male judge in the United States.
- Partnered with the Franklin H. Williams Judicial Commission and other court system and bar groups to bring Associate Justices Martin J. Jenkins and Kelli M. Evans from the California Supreme Court, respectively the first and second openly gay members of that bench, to New York for “State High Courts in 2023: A Bicoastal LGBTQ Pride Month Conversation” with Associate Judge Cannataro from the New York Court of Appeals.
- Received the 2023 Pride in Government Award from the NAACP Mid-Manhattan Branch.
- Brought the second annual Judge Paul G. Feinman Award ceremony to Buffalo, where we honored William “Bill” Gardner, a retired partner at Hodgson Russ LLP. He played an instrumental role in the successful litigation efforts that resulted in striking down New York’s sodomy (*People v. Onofre* (1980)) and sodomy solicitation (*People v. Uplinger* (1983)) statutes in the early 1980s. Bill also successfully defended his Uplinger win from the New York Court of Appeals at the U.S. Supreme Court in 1984.
- Attended and spoke at the National LGBTQ+ Bar Association’s 2023 Lavender Law Conference in Chicago and the Federal Bar Council’s 2023 Fall Bench and Bar Retreat in Connecticut.
- Created LGBTQ History Month program for the Corporation Counsel and New York City Law Department where we explored the key legal victories achieved in collaboration through, and the more recent tension between, the principles of the First Amendment and the movement for LGBTQ equality.



For more information, visit: <http://ww2.nycourts.gov/ip/LGBTQ/index.shtml>



Presiding Justice Elizabeth A. Garry of the Appellate Division, Third Department, celebrates Pride Month in Cooperstown