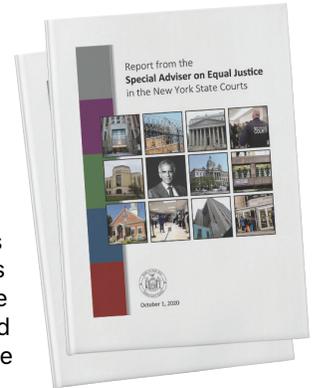




The mission of the Unified Court System is to deliver equal justice under the law and to achieve the just, fair and timely resolution of all matters that come before our courts. In the service of our mission, the UCS is committed to operating with integrity and transparency, and to ensuring that all who enter or serve in our courts are treated with respect, dignity and professionalism. We affirm our responsibility to promote a court system free from any and all forms of bias and discrimination and to promote a judiciary and work force that reflect the rich diversity of New York State.

EQUAL JUSTICE *in the* COURTS



In June 2020, amidst the hardships of an international pandemic that changed our way of life, our nation faced its most recent reckoning on issues of racism, bias, and inequality. The courts are no exception to this troubling reality. Our Chief Judge Janet DiFiore responded by commissioning former Obama Administration Cabinet member Jeh Johnson to conduct a thorough review on issues of racial bias within the New York State court system. The ensuing Equal Justice Report from Secretary Johnson and his law firm team identified that racism and bias remain very present throughout and within the court system, and set forth 13 recommendations in service of combating racism within the courts and promoting a more fair and equitable justice system for all. 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. Those recommendations are as follows:

- 1. Commitment from the Top** – affirming the New York State Unified Court System’s zero tolerance for any and all forms of racial bias, discrimination or harassment, whether implicit or explicit and is committed to upholding and reinforcing that policy. The Chief Judge, judicial leaders and court managers will take every opportunity to underscore our collective commitment to equal justice and to eradicating bias in our court system.
- 2. Promote Existing Institutions** – supporting long-standing entities such as the F. H. Williams Judicial Commission, the UCS Office of Diversity and Inclusion, and the UCS Office of the Inspector General and incorporating their work into OCA initiatives.
- 3. Expand Bias Training** – creating a mandatory and comprehensive (not “one and done”) plan of action, under the guidance of subject matter experts, that will include a variety of training modalities and resource sharing.
- 4. Address Juror Bias** – updating materials, including developing a jury orientation video, to combat juror bias, and amplifying existing pattern jury charges on bias in both civil and criminal cases. Uniform rules to address juror bias during voir dire will also be adopted.
- 5. Adopt a Social Media Policy** – publishing a new anti-discrimination and anti-harassment policy that applies to all judicial and non-judicial staff and that addresses all forms of communications, including transmissions via social media platforms. A memo reinforcing this policy was distributed to all UCS employees on February 3, 2021.
- 6. Strengthen the Inspector General Process for Bias Complaints** – engaging 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.
- 7. Review of Rules Changes for Bias** – reviewing key legislative and rules proposals pertaining to the New York State Judiciary for potential bias or disparate impact on people of color.
- 8. Continue Progress on Translation and Interpretation Services** – continuing robust implementation of the 2017 NYS Advisory Committee on Language Access strategic plan, so that court translation and interpretation services are able to continue to respond to growing requests for language access services.
- 9. Improve Data Collection** – enhancing 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.
- 10. Improve Diversity in HR Practices** – focusing on increasing transparency in selection, interview, reclassification, and performance evaluation practices, and developing best practices and diversity initiatives to recruit, maintain and promote diverse applicants.
- 11. Enhance Trust between Court Officers and the Community** – spearheading a multitude of efforts to enhance trust between court officers and communities, including establishing a community affairs officer in each court facility, mandating name tags for uniformed personnel, and enhancing cultural awareness training.
- 12. Facilitate Navigation of Courthouses** – expanding the Court Navigator Program, which provides specially trained volunteers who can give information, written materials, and general assistance to court users and assist them in navigating court buildings. Plain language directional signage will also be developed for critical areas of the courthouse.
- 13. Ensure Implementation of Change** – Independent Monitors will help review and guide our implementation endeavors. Hon. Carmen Ciparick and Alphonso David served as the first Independent Monitors, while other individuals, such as the Franklin H. Williams Judicial Commission, will continue to monitor the progress of the Equal Justice in the Courts initiative. Additional internal and external monitors, including court users and the public at large, will provide further accountability.

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.

“Particularly given the challenges over the last seven months associated with COVID-19, you should take great comfort that many in the court system you lead work hard to get it right and make it better...

Over and over, we heard about the “dehumanizing” and “demeaning cattle-call culture” in these high-volume courts. At the same time, the overwhelming majority of the civil or criminal litigants in the Housing, Family, Civil and Criminal courts in New York City are people of color. The sad picture that emerges is, in effect, a second-class system of justice for people of color in New York State.”

- **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.



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