

# Law Day 2021

## Virtual Ceremony (Pre-Recorded) – May 3, 2020

### INTRODUCTION BY CHIEF JUDGE JANET DiFIORE

Welcome to Law Day 2021.

For more than three decades, we at the Court of Appeals have been honored to co-host our annual Law Day ceremony with the Attorney General of the State of New York. And while this is the second year in a row that the COVID-19 pandemic has prevented us from commemorating Law Day in person at Court of Appeals Hall, we are pleased to continue this important tradition albeit in a virtual format, with the enthusiastic support and participation of Attorney General Letitia James, and State Bar President Scott Karson. Together, we are proud and honored to celebrate Law Day 2021, and we thank you for your participation today.

As we do each year, we begin today's ceremony with the Pledge of Allegiance. And to lead us in reciting the Pledge this year is Craig Stratton, one of our outstanding court professionals, who serves as a Case Manager with the Albany County Recovery Court.

When in-person court operations were temporarily suspended last March, Craig and his colleagues worked non-stop to quickly set up a virtual

operating system to connect Presiding Judge Gerald Connolly, and the Recovery Court's professional staff, with dozens of treatment participants and service providers, allowing the participants to receive critically-needed treatment services without interruption. It is thanks to dedicated and resourceful professionals like Craig and his colleagues that our court system has been able to deliver safe and effective justice services to millions of New Yorkers throughout the pandemic. -- Craig.

**[PLEDGE]**

Thank you, Craig.

And now, to lead us in singing our National Anthem, we have invited New York State Court Officer Sergeant Peter Robinson, from the 8th Judicial District in Western New York. Sergeant Robinson and his uniformed colleagues across the state have done an extraordinary job of responding to the imperatives of the pandemic, from implementing new safety measures and protocols in our courthouses, to faithfully serving on our front lines so that the courts could remain open to carry out our constitutional mission. We are proud of our New York State Court Officers, and grateful to them for their demonstrated professionalism and dedication. – Sergeant.

**[NATIONAL ANTHEM]**

Thank you, Sergeant Robinson.

## **REMARKS BY CHIEF JUDGE DiFIORE**

Each year, the American Bar Association selects a theme for Law Day events around the country, and this year's theme is: "Advancing the Rule of Law Now." So today, on this Law Day 2021, we recognize and express our gratitude and appreciation for the many and varied ways in which our judges and professional staff, along with the support of the Bar and our many stakeholders, have continued to advance the rule of law, in the midst of an unprecedented public health crisis.

Our courts play a vital role in our cherished democratic system of government. This is so in ordinary times, and it is especially so in times of crisis,-- protecting fundamental rights and liberties; preserving public safety; and carrying out constitutionally mandated functions. Maintaining an accessible and functioning court system during the pandemic was essential in assuring the public that, even during a declared national public health emergency, our government was working, working to protect our rights; to preserve stability; and to uphold the rule of law, which is the foundation for a just and orderly society.

When it became urgently clear in March 2020 that we needed to re-order court operations and limit the physical presence of people in our courthouses in order to help slow the spread of the virus, we began the remarkable transformation of our massive, complex, in-person operating model into a functioning virtual model capable of providing court access in the broadest possible range of cases.

With the support and cooperation of the bar and our many justice partners, and thanks to the incredible commitment, dedication and ingenuity of our judges and professional staff, within a few short weeks we were able to stand up a virtual operating system that has enabled us to safely deliver a full range of justice services, and ensure that litigants and lawyers could have their matters heard in our courts. A remarkable achievement, illustrating our collective devotion to the rule of law and our commitment to fulfilling our constitutional responsibilities.

The pandemic has taken its toll on all of us, but even in the midst of all the disruption we have endured, we have identified opportunities for positive innovation and reform, and our judges and court professionals, in cooperation with, and supported by our partners in the Bar and the dedicated professionals serving on the Committee to Reimagine the Future of the New York State Courts, established a virtual court model, building the platform to safely provide services and deliver justice to tens of thousands of litigants and their lawyers over the last 14 months.

So, on this Law Day 2021, on behalf of my colleagues on the Court of Appeals and the entire Unified Court System, I express our gratitude and our appreciation for the privilege to serve, particularly during this nothing-short-of-extraordinary and challenging episode in our history.

And we commend all of you for your service, and for all that you do, each and every day, to advance the rule of law.

## **INTRODUCTION OF NEW YORK STATE ATTORNEY GENERAL**

### **LETITIA JAMES**

And now, it is my honor to introduce to you the Attorney General for the State of New York, Letitia James. As the Chief Legal Officer of our state, Attorney General James has been hard at work during this pandemic: advising government officials on difficult public health issues; enforcing consumer protection and labor laws; and serving as the guardian of the legal and constitutional rights of all New Yorkers. It is with great pleasure that I welcome Attorney General James to our virtual Law Day ceremony.

## **REMARKS BY ATTORNEY GENERAL JAMES**

Good Morning.

I'd like to acknowledge Chief Judge Janet DiFiore and the entire Office of Court Administration for bringing us all together virtually.

Scott Karson, President of the New York State Bar Association.

And I know that none of this would be possible without the extraordinary efforts of Chief Administrative Judge Larry Marks.

I also want to take a moment to honor the life and legacy of my friend and former colleague Justice Paul Feinman.

He dedicated his life and his work to ensuring the rule of law was used fairly and to uplift and protect all of our communities.

Though his work will live on, he will be dearly missed. May he rest in peace.

Every year, the theme of this important day embodies the most pressing and relevant issues in the legal community.

The topics that have been addressed have focused on many areas .... human rights.... immigration.... constitutional rights.... and how the rule of law acts as a fulcrum, carefully balancing the scales of justice.

This year the limelight shines on how we “Advance the Rule of Law...Now.”

I’ve heard this past year described as a tipping point towards a different kind of society.

The court system was forced to step into the twenty-first century and go virtual.

As with many new processes, the legal challenges associated with migrating traditionally in-person interactions online were vast.

The legal system relies on the consistency of procedure and equal treatment of everyone who brings forth a case to be evaluated by a court of law.

As we approached a global pandemic at the beginning of last year, the world completely stopped for a short time.

Many attorneys had the luxury of staying home. You can draft a motion from your kitchen.

You can look up caselaw from home. You can take depositions over video.

But many of you took on more burdens.

Some of you with spouses or family members in the healthcare industry had to draft those motions with a pit in your stomach.

Simultaneously working and wondering if your loved one would be safe at the end of the day.

Many of you had to scramble through WestLaw or Lexis on your phone or on a laptop while sitting with your children through their virtual classes.

This past year was not easy.

Every single one of you understands that whether you are a legal expert, a practitioner, a teacher, or a student of the law, you share the responsibility of promoting the rule of law to defend liberty and pursue justice.

I have dedicated my life to this cause, and I have never been sorry. The law has given me and many others the opportunity to claim my humanity.

Because that is what the law does.

It sets a dignified standard from which to draw conclusions about how we treat each other, how we treat ourselves, and how we treat the space that surrounds us.

This pandemic has brought to light the significant and rampant inequalities that still permeate our space.

The fact that we have an entire movement of people simply claiming that their lives matter is a sign of how far we have yet to go to claim humanity for all and not just some so that the voices that have remained unheard can be allowed to breathe fresh air into our system of laws.

One of those areas involves our election system. Last year we saw record turn-out numbers in state after state on election night and for many nights that followed.

Voting by mail allowed so many to have their voices heard at a time when leaving home was, and still is for the time being, considered risky.

So when states like Georgia, most recently, pass laws not to protect people, but to suppress people and suffocate the right to vote instead of letting it breathe freely, we must not stay silent.

The law is not static. The law does not sit still. It evolves to address the needs of the people it is supposed to protect.

Those of us who act as protectors of the law have a responsibility to speak up and challenge these provisions, shoulder to shoulder, in a court of law.

And as we enter this new era, we will examine those areas and determine what needs reform? Where can we do better?

In times of conflict and uncertainty it is too easy to view adversity as an obstacle to justice. But the law always finds a way.

It's like the great Ruth Bader Ginsburg used to say: "So often in life, things that you regard as an impediment turn out to be great, good fortune."

Adversity highlights the holes in the patchwork of our legal system.

And the way we advance the rule of law, now, is by admiring the patchwork displayed before us and using what's there as a stabilizing force to make progress on the areas that require attention.

This is a never-ending process and I look forward to witnessing how we as a legal community forge stronger and more versatile laws to address the novel issues of our time now and forever.

Thank you.

Thank you, Attorney General James.

**INTRODUCTION OF NEW YORK STATE BAR ASSOCIATION**  
**PRESIDENT SCOTT KARSON**

Our next speaker has done an extraordinary job of leading the New York State Bar Association through one of the most unique and challenging years in its history. He has earned our thanks and praise for leading the State Bar's efforts during the pandemic, including: overseeing the Bar's amazing pro bono response that has assisted thousands of New Yorkers struggling with pandemic-related legal problems; appointing the "Task Force on Racial Injustice and Police Reform"; and speaking out firmly in defense of the rule of law, and against attacks on our democracy. It is my privilege to introduce State Bar President, Scott Karson.

**REMARKS OF PRESIDENT KARSON**

Thank you, Chief Judge Janet DiFiore, for affording me the opportunity to take part in this 2021 Law Day celebration.

On behalf of the 70,000 members of the New York State Bar Association, I am very grateful to play a role in this important event.

As we reflect on this year's Law Day theme, — "Advancing the Rule of Law, Now" – our profession should be proud of its perseverance and adherence to the rule of law, particularly in the face of contemporary adversity.

When I speak of the rule of law, I speak of that revered bedrock principle that affords us protection from the arbitrary, unjust and unequal exercise of power.

While our court system is not perfect, it has endured as the last bastion of the rule of law. The courts provide a "check and balance" on the fountain of misinformation and hostility polluting our political environment. The courts also provide a haven where truth and civility still matter.

I was hopeful that after the November 2020 election, our duly elected members of the executive and legislative branches of government would finally come together and work in a cooperative, bipartisan manner for the good of the country, especially in our fight against a common enemy: the COVID-19 pandemic.

But, instead of unifying over what should be a joint effort to continue fighting our deadly foe, it seems that our elected leaders cannot even agree on what is fact and what is false. Even more alarming, we learned from the

horrific January 6<sup>th</sup> Capitol riot just how fragile and precarious our rule of law – respected and admired worldwide – has become.

Falsehoods under the guise of truth impede rational discourse and informed decision-making, which are critical and necessary components of effective governance in a democratic society.

Perhaps no lie has had greater consequences on our nation than our former President's unfounded claim that victory had been wrongfully stolen from him by means of widespread election fraud in the 2020 presidential election.

The former President's lawyers, including Rudy Giuliani, continually perpetuated the big lie of election fraud publicly. On the day of the insurrection at the Capitol, Giuliani infamously exclaimed to a crowd of Trump supporters, "Let's have trial by combat."

But in the weeks leading up to January 6<sup>th</sup>, inside courtrooms across the land, Giuliani offered no evidence of election fraud, and conceded, "This is not a fraud case."

Like so often is the case today, our co-equal judicial branch of government – a bedrock of our democracy – was able to discern the truth. In 61 cases nationwide, judges – many of them Trump appointees – examined the evidentiary record presented to them and failed to discern any evidence of election fraud whatsoever. These cases were then dismissed one after the other.

This serves as a reminder of why an independent and diverse judiciary is critical to maintaining the rule of law – a judiciary that issues rulings based upon the proven facts and the law, not political pressure.

Since 1876, the New York State Bar Association has been committed to upholding these fundamental principles of justice.

We must also rededicate ourselves to the rule of law on this Law Day by fighting back against attacks on our learned profession. In the United States, everybody is entitled to legal representation. Every time that a lawyer is threatened, harassed, or intimidated because of who he or she represents, that right to counsel is imperiled.

Unfortunately, attacks on our profession are even more common abroad. We've seen recent examples in Myanmar and Mexico. With members worldwide, the New York State Bar Association has long championed for the rule of law across the globe.

When it comes to finding truth and preserving the rule of law in our divided nation, lawyers must continue to lead by example. Lawyers are trained to negotiate, compromise and seek out the truth, all while exercising candor and civility. In fact, our profession must continue to hold truth to power.

Unsurprisingly then, we've seen a flood of litigation in the wake of the Capitol riot. Of course, much of this litigation is and will continue to involve criminal prosecutions of the perpetrators of the riot. In addition, whether it's lawmakers and their staffs, injured law enforcement officers or even

election technology companies, victims are seeking civil justice in the courts in accordance with the rule of law.

An antidote to the misinformation causing Americans to lose faith in the very institutions that uphold our rule of law is robust public civics education that instills the knowledge and values of our democratic republic to guard against the disrespect and wanton violence such as we witnessed on January 6th.

Students, as well as educators, and even lawyers and judges, must all become educated to apply critical thinking to what they hear and see, especially on social media. They must be taught media literacy, to learn to discern fact from fiction. They must learn to debate with civility, not violence.

Now that the COVID-19 pandemic is showing signs of loosening its grip on our lives, we at the New York State Bar Association pledge to redouble our efforts to work with Chief Judge DiFiore and New York's Unified Court System to promote these education ideals in our state, and we urge our lawmakers to provide the resources necessary to help our young people become citizens who actively participate in government and who see the value in discerning the truth and respecting the rule of law.

Once again, thank you for this opportunity to pay homage to the rule of law. It is my fervent wish that we use Law Day 2021 to redouble our commitment to honor and strengthen our adherence to this fundamental and critically-important principal.

Thank you.

Thank you, President Karson.

## **CONCLUSION**

The COVID-19 pandemic may have left us battered and bruised in many ways, but we can and we should take pride and satisfaction in knowing that our resilience and our collective determination to keep our courts open and functioning in the face of so many difficult challenges has been nothing short of an extraordinary accomplishment. And so, as we come to the conclusion of our Law Day ceremony, when we traditionally conduct our merit performance awards presentations, I want to take this opportunity to acknowledge and praise the extraordinary work of:

the dedicated court professionals who have done their part to keep our courts open and accessible and ensure the continuity of our vital services over the last 14 months;

the Administrative, Supervising and trial judges who have done such excellent work to create a viable and well-functioning virtual court model, led, of course, by our incomparable Chief Administrative Judge Lawrence Marks, and our three terrific Deputy Chief Administrative Judges – Edwina Mendelson; George Silver; and Vito Caruso;

our Presiding Justices,-- Rolando Acosta; William Mastro; Elizabeth Garry; Gerald Whalen; and their colleagues serving alongside them on the Appellate Division;... and

my colleagues at the Court of Appeals: Jenny Rivera; Leslie Stein; Eugene Fahey; Michael Garcia; Rowan Wilson; and the late Paul Feinman;

and last but certainly not least, our supportive partners in government, including our co-host, the Attorney General, Letitia James, and our partners in the Bar, particularly our special guest speaker today, Scott Karson.

Thank you for tuning in to this year's virtual Law Day celebration, and thank you for all that you do on a daily basis to keep our justice system strong and resilient. Until we convene again, hopefully in person at Court of Appeals Hall for Law Day 2022, please take care and remain disciplined in doing all that you can and should do to keep yourself and those around you safe.

Thank you.