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The Honorable Jeanette Ruiz
Administrative Judge
The New York City Family Court
60 Lafayette Street, 11th Floor
New York, NY 10013

Dear Judge Ruiz:

I write on behalf of the NYC Bar Association's Council on Children¹ in follow up to your presentation to us on June 22, 2021, and to thank you for your dedication and leadership during your tenure as Administrative Judge of the New York City Family Courts. We look forward to

¹ The Council on Children is comprised of representatives of the City Bar committees dealing with children, education, family, family court, juvenile justice, and the needs of lesbian, gay, bisexual and transgender youth. In addition, the Council includes representatives of the child welfare, juvenile justice and foster care communities, and attorneys representing parents and children. This letter also has been reviewed and endorsed by the Family Court and Family Law Committee (Michelle Burrell, Chair). The City Bar has convened a Working Group on Racial Equity in New York State Courts (Vidya Pappachan, Chair), which recently sent a letter to the Williams Commission addressing some of the same issues discussed at our meeting and in this letter, including UCMS access and the need for procedural rules governing proceedings. See <https://s3.amazonaws.com/documents.nycbar.org/files/2020915-RacialEquityInCourtsWilliamsCommissionMtg.pdf>; see also REPORT BY THE NEW YORK CITY BAR ASSOCIATION DOMESTIC VIOLENCE COMMITTEE: RECOMMENDATIONS FOR NEW YORK CITY VIRTUAL FAMILY COURT PROCEEDINGS, WITH PARTICULAR FOCUS ON MATTERS INVOLVING LITIGANTS WHO ARE SURVIVORS OF ABUSE (April 2021), <https://s3.amazonaws.com/documents.nycbar.org/files/2020867-CommentsonVirtualTrialRules.pdf>.

working with you to assure a productive transition and we write this letter both to offer our assistance in that process and to share our suggestions for several actions that we believe can be implemented quickly, equitably and collaboratively.

Given the Council's focus on ensuring that litigants who depend on the Family Court have equal and fair access to the highest quality services from our court system, we ask respectfully that you address our concerns regarding several of the court operations we discussed, which directly impact issues of equity and access to justice. Time is of the essence as we consider increased use of blended proceedings, especially given the unprecedented backlog of cases, including matters in which parents await the return of their children while others wonder when their adoption will be finalized.

UCMS

We were pleased to hear that by mid-July, the NYC Family Court will offer access to UCMS to attorneys and other staff who routinely represent legal services-eligible clients in the NYC Family Court. We are eager to hear more specific details about what access to UCMS will be provided given how challenging it is to represent litigants adequately without access to court orders and pleadings. The lack of access causes direct harm to the families involved and results in racial inequity; for the Council, this is about access to justice. While we understand the need to maintain confidentiality and to protect unlawful disclosure of information, some of the limitations you described could be addressed through well-crafted user agreements. We believe that attorneys who are on the 18b panel or work for institutional providers must have more access and we would appreciate the opportunity to discuss how to operationalize this while ensuring the privacy and confidentiality of litigants.

INTERNS

We are grateful that you share the Council's commitment to legal education and support for the next generation of family law attorneys. We remain gravely concerned, however, that the summer legal internship experience is being unnecessarily hampered by the current guidelines that prohibit interns from observing remote legal proceedings. Despite these guidelines, some jurists permit interns to observe with the same caveats that have been used in the family courts for decades. If a party objects to an intern observing, then the intern will not participate; and if the intern is presenting a case pursuant to a student practice order, they will always be permitted to participate.

We urge you to inform all jurists immediately that unless there is a specific objection, legal interns should be permitted to observe remote court proceedings. Family Court proceedings are legally open to the public, and allowing interns to observe remote proceedings is the very least we can do to respect that law. We have encountered absolutely no problems or objections in the parts that have permitted intern observations, and there have been no technical impediments to the smooth operation of any remote proceeding that has been attributed to an intern observing the proceeding.

PLANS FOR IN-PERSON AND HYBRID PROCEEDINGS

Overall, the Council feels strongly that there needs to be a far more urgent, organized and centralized approach to how the NYC Family Court develops its policy concerning when and how in-person court proceedings will be handled. You indicated during your presentation that currently each jurist decides independently how to approach their cases. In light of the need for recording of proceedings, courthouse security, petition drafting and preparation, clerk assignments, court officer assignments and other myriad administrative requirements that you oversee, leaving decisions to individual jurists is of deep concern to the Council. We respectfully disagree that individual jurists should exercise discretion, as you suggested, to decide when in-person proceedings are appropriate or required. In fact, it is our position that as the Administrative Judge of the NYC Family Court, you are uniquely positioned to promulgate rules of court to identify when and in which proceedings litigants and attorneys must appear in person. You are also in the best position to decide which proceedings may continue to be held virtually going forward. Failure to do this only intensifies the pandemic-bred chaos that families are suffering now.

We believe that consistent collaboration with Council members and other leaders in the Family Court community is crucial to the successful return to in-person practice as well as to re-envisioning the post-pandemic court, access to justice, and equity. We acknowledge the complexity of this challenge as there are many moving pieces and limited resources, as Your Honor identified during our meeting. At this time, however, no such opportunity to communicate on a regular basis is in place. Meetings for this purpose held monthly with supervising judges were recently halted. The decision to roll these meetings into what was formerly the *NYC Child Protective Advisory Committee* and to recommence these meetings in the fall fails to acknowledge how urgent this matter is for those we represent. This urgency arises directly from the experiences we have had since March 2020 and from our desire to work with you to create a post-pandemic Family Court experience that is responsive to the needs of the families the court serves.

Council members are aware that the Covid-19 pandemic has presented remarkable challenges for all organizations serving New Yorkers and that the transition to remote work has caused unprecedented transformation. The new way forward offers the opportunity to improve our systems to reflect what we have learned. Particularly now that the governor has ended the state of emergency in New York State, the Council is eager to work closely with the NYC Family Court to ensure that we leverage this moment to reimagine how the court that serves mostly poor, disenfranchised New Yorkers can support their access to justice far more equitably.

Respectfully,



Dawne A. Mitchell
Chair, Council on Children

cc: Hon. Lawrence K. Marks