

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a serif font, centered between two horizontal blue bars.

NEW YORK
CITY BAR

February 18, 2022

Hon. Eric Adams
Mayor of the City of New York
City Hall
New York, NY 10007

Re: Mayor's Advisory Committee on the Judiciary

Dear Mayor Adams,

Congratulations on your election as New York City Mayor! The New York City Bar Association looks forward to maintaining our productive working relationship with your office. Among other things, our 150 committees produce programming and policy recommendations that historically have been of interest to the Mayor's Office and we are eager to continue this work and to offer resources where they may be helpful.

The purpose of this letter is to raise the issue of judicial appointments. The Mayor has the important responsibility of appointing judges to the City's Family and Criminal Courts, and interim appointments to the City's Civil Courts. As you know, these courts are extremely busy, and the pandemic has only made matters worse, although we all hope to see a light at the end of the tunnel soon. And, to be sure, the bench, bar and court officials have made strides in learning how to use technology to handle cases in a remote environment.

Ultimately, whether hearing cases in-person or remotely, the judges appointed to serve in these courts, and the decisions they render daily, affect the lives of hundreds of thousands of New Yorkers each year.

The importance of having a diverse and highly qualified bench in New York City's Family, Criminal and Civil Courts cannot be overstated. As Secretary Jeh Johnson noted in his October 2020 report, *Equal Justice in the New York State Courts*,¹ notwithstanding the hard work of

¹ *Report from the Special Advisor on Equal Justice in the New York State Courts*, Oct. 2020, <https://nycourts.gov/whatsnew/pdf/SpecialAdviserEqualJusticeReport.pdf>. (All websites last visited on Feb. 17, 2022.)

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has approximately 24,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

Judiciary personnel, there is ample evidence that high-volume courts in New York City remain “under-resourced” and “over-burdened” and that this has a disparate impact on poor, often unrepresented people, as well as litigants of color. More to the point, these courts were singled out by Secretary Johnson as suffering from their status as “second class” courts.²

We have supported prior Mayoral Executive Orders which served to establish an Advisory Committee on the Judiciary to assist the Mayor in recruiting, evaluating and nominating highly qualified and diverse judicial candidates for appointment to these courts. We were grateful to see your Executive Order #1 (January 1, 2022), which continued all prior Executive Orders, including Executive Order #4 (May 29, 2014) on this topic.³

Most recently, when Mayor Bloomberg’s term was drawing to an end, we urged the then-Mayoral candidates to continue Mayor Bloomberg’s practice with respect to the Advisory Committee on the Judiciary and its supporting role in nominating individuals for consideration of the Mayor’s judicial appointments. We wrote then:

“Mayor Bloomberg has continued the procedure of his predecessors in establishing the Mayor’s Advisory Committee on the Judiciary to evaluate and recommend candidates for appointment, and in selecting only candidates recommended by the Committee. ... This process has worked well, and has resulted in strong, diverse appointments to the City’s courts. We urge that the mayoral candidates pledge to continue this procedure. We also respect that Mayor Bloomberg has not used his appointing authority to attempt to exercise undue influence on his judicial appointees. That is essential to maintain public confidence in the judiciary as a fair and impartial arbiter of disputes. It is vital that the next Mayor do the same.”

In this same vein, we urge you to issue an Executive Order which lays out the framework for judicial appointments and continues to employ the same protocol involving an important role for the Mayor’s Advisory Committee on the Judiciary. It has worked well for many years, and has produced New York City’s high-quality bench. And, if structured in a way that gives the Mayor a large number of appointments to the Advisory Committee (currently nine), we believe that gives you a significant role to play in creating a diverse and expert body that, in turn, can assist in the selection of a diverse and expert roster of judicial candidates for you to consider for appointments.

Finally, as has been our practice, the City Bar’s Judiciary Committee, in conjunction with the county bar associations in each of the City’s five boroughs, will continue to perform its own independent evaluation of candidates recommended by the Mayor’s Committee. We hope that you will strongly consider those evaluations when deliberating on potential judicial appointees.

² *Id.* at 54.

³ Available at https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2014/eo_4.pdf.

Thank you for your consideration. We look forward to continuing our work together and we stand ready to assist.

Respectfully,



Sheila S. Boston, President
New York City Bar Association

Sidney Cherubin, Chair
Civil Court Committee

Anna Cominsky, Member
Criminal Courts Committee

Michelle Burrell, Chair
Family Court & Family Law Committee

Michael P. Regan, Chair
Council on Judicial Administration

Christopher Wilds, Chair
Minorities in the Courts Committee

Jeremy Feigelson, Chair
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Cc: Brendan McGuire, Chief Counsel to the Mayor and City Hall
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