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## **City Bar Progress Report and Recommendations Related to Secretary Jeh Johnson’s Report on Equal Justice in New York’s Courts**

New York, August 4, 2023 – A New York City Bar Association Working Group has released a [report](#) assessing the court system’s implementation of recommendations made by Secretary Jeh Johnson in his [October 2020 report](#), *Equal Justice in the New York State Courts*, and making further recommendations for improving what Secretary Johnson characterized as “a second-class system of justice for people of color in New York State.”

The City Bar’s report acknowledges areas in which the court system has made progress and, in her foreword, City Bar President Susan J. Kohlmann thanks the many court leaders who responded to inquiries and engaged in conversations with her and City Bar members prior to the release of the report. The report noted progress in a few particular areas, such as the use of mandatory court-wide anti-bias training, a new juror video addressing implicit bias, plans to establish a litigant survey to obtain real-time feedback from clients of the court system, and the creation of a Judicial Observation Project in the Seventh Judicial District in Western New York.

However, according to the Working Group, there is still significant work to be done to expand on these initial steps, particularly respecting New York City’s high-volume courts: Family, Civil, Housing and Criminal Courts. “It is palpably clear that collective action combined with continued conversations to amplify both the progress and remaining work to be done are necessary in order to assure lasting, transparent and accountable change,” states the report.

Regarding the appointment of an Independent Monitor, as recommended by Secretary Johnson, the report notes that it is not clear to whom – if anyone – the Independent Monitor reports: “The Working Group notes that vesting the role of an Independent Monitor in a former member of the Court of Appeals arguably creates the appearance of a lack of independence and bias favoring the court system. We therefore suggest that the Independent Monitor be someone with no ties to the court system. Clear information regarding the Independent Monitor’s qualifications, function, and oversight should be publicly accessible.”

While anti-bias training is a positive development, the Working Group welcomes further details about “the current training’s content, how frequently and to whom it is administered, what future bias trainings will entail, how progress and impact will be measured and disclosed to the public, and how individuals who struggle with the trainings will be assisted and, if needed, held accountable.”

The City Bar offers to serve as a pipeline of information to the community at large, to collaborate on programming and to amplify benchmarks, challenges and progress. “Transparency, collaboration, and joint commitment to change are key to realizing the goals set out in Secretary Johnson’s report and to creating true equity in our courts.”

A common theme of the report is to urge court leaders to be more transparent and to embrace all stakeholders in the important process of implementing the recommendations made by Secretary Johnson and others who seek to improve the court experience for all litigants. To that end, the Working Group urges that a litigant survey be conducted on at least an annual basis, with feedback analyzed by a third party and anonymized results broken down by borough, court type and case type, and made public.

Other recommendations in the report include more and better multilingual signage about how complaints can be filed with the Inspector General’s Office for Bias Matters; full adoption in Civil, Criminal, Housing and Family Courts of the NYSCEF electronic filing system used throughout much of the New York State Court System – with appropriate support for unrepresented litigants; ensuring that sufficient qualified interpreters are on staff; and the creation of a user-friendly website to inform the public of court operations and provide guidance to unrepresented litigants.

Generally, the Working Group calls for the Office for Justice Initiatives to receive additional resources to support the Office’s widespread efforts to combat explicit and implicit bias in the courts, particularly those serving people living in poverty and working-class litigants. The City Bar urges that this be a consistently public effort, jointly undertaken by all who rely on the court system.

The report is available here: <https://bit.ly/3DIPGpi>

#### **About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has over 23,000 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. [www.nycbar.org](http://www.nycbar.org)*