

FUND FOR MODERN COURTS — CYRUS R. VANCE TRIBUTE
REMARKS BY CHIEF ADMINISTRATIVE JUDGE JOSEPH ZAYAS

Thank you, Victor and Chief, for that kind introduction. I am so blessed to have two legal giants introduce me today. Denise, Abbe, and the board members of the Fund for Modern Courts, thank you for inviting me to be here this morning, and for giving me the opportunity to speak to all of you at the annual Cyrus R. Vance tribute. So many colleagues that I deeply respect have been honored at this event. It's truly humbling to become a part of that esteemed group.

Two years ago, when my friend, Chief Judge Rowan Wilson, received this award, he laid out his vision of what a truly modern court system should look like. As Chief Administrative Judge, moving the court system in a modern and vital direction, so that it more effectively serves New Yorkers, is something I think about every day.

What does that movement look like? Resolving disputes in accordance with contemporary, more enlightened notions of justice, fairness, and accountability. Partnering effectively with the other branches of government on issues of mutual concern. Making New Yorkers' lives better — and society better — by embracing a problem-solving paradigm wherever it makes sense to do so. Ensuring our courts have the resources they need to resolve cases — whatever their nature, and no matter their complexity — promptly, effectively, knowledgeably, and compassionately. Making sure that our judges, as well as our thousands of nonjudicial personnel, reflect one of New York's greatest strengths — its amazing diversity. And harnessing technology to be more transparent and accessible.

And last, but certainly not least, holding ourselves to the highest standards, in ways both big and small. Because if we aren't doing the basic things right — like resolving cases in a timely manner — then the impact of achieving even our most ambitious goals will be significantly diminished.

Three years into our administration, it's an appropriate time to take stock of how far we've come in our efforts to transform and modernize New York's court system and consider where we go from here. I'm going to focus on four key characteristics of a modern court system this morning: collaboration, adequate resources, broad-based diversity, and transparency.

First, a modern court system must embrace collaboration. This is because one of the hallmarks of a modern judiciary is a significant change in mission, which can only be fully realized in partnership with the other branches of government. Courts today are not just called upon to resolve commercial disputes, adjudicate liability in tort cases, conduct criminal trials, interpret statutes and constitutional provisions, and so on. More and more, courts are playing a critical role in helping address society's most pressing problems — from the mental health and affordability crises, to the involvement of adolescents in the criminal justice system, to providing a meaningful forum for individuals who were the victims of sexual assault in the distant past to seek justice, and, here in New York City, closing the violence-plagued jails on Rikers Island.

In many cases, the court system has acted on its own initiative to develop innovative programs to address these issues and others like them, as we've done with the ongoing expansion of our problem-solving court portfolio. In other cases, the Governor and the Legislature identify problems that they think the courts can play a role in solving — sometimes, by expanding existing court programs that have proven successful; and other times, by creating something totally new. But in either case, the solutions being contemplated may involve new legislation. I am pleased to report that, as our relationships with the other branches of government have strengthened, we have more frequently been invited to participate in the formulation of these court-based solutions, which allows us to connect our subject-matter experts with our partners in the Legislature and the

Executive, to help ensure that any legislation that ultimately passes is most likely to achieve its intended effects.

These productive relationships have led to other positive outcomes, including an increased attentiveness to the court system's legislative program. Last year, we had one of our most productive legislative sessions in recent memory. Ten of our program bills were signed into law, several of which sought to update antiquated court practices. To cite a few examples: We raised the juror per diem rate for the first time in nearly three decades; established a pilot program to provide alternative dispute resolution services in child support matters; further expanded the use of affirmations instead of affidavits; and overhauled the statutes that govern the use of virtual appearances in criminal cases.

Further on the issue of collaboration, I want to acknowledge what I hope is the start of a productive relationship with the new Mayoral administration. As many of you likely saw, last month, Mayor Mamdani toured Housing Court, in Brooklyn. I was heartened by his desire to see firsthand how Housing Court works, and where there are challenges. I know that the Mayor cares deeply about the New Yorkers who find themselves navigating these courts, and that his administration is committed to doing its part to make them work better. We look forward to partnering with the Administration on those efforts, as well as others where I know that our goals are aligned.

A modern court system must be collaborative in other respects, too. It must embrace collaboration as an internal leadership philosophy, and also work closely with stakeholders, bar associations, judicial associations, and for that matter, organizations like the Fund for Modern Courts.

Another reason that modern court systems must collaborate closely with our partners in government is to be able to secure necessary resources. Indeed, for our courts to successfully adopt the innovative, problem-solving paradigm that is a core part of our vision, they need to be adequately staffed. In that regard, we've come a very long way in the past few years. Since July of 2023, we have increased our nonjudicial workforce by over 2,100 employees. This is noteworthy because, over the course of about a decade, the size of our nonjudicial staff was seriously depleted. From a high, in 2009, of 17,000, it had shrunk, by the tail end of the pandemic, by almost 3,000 employees, which was simply inadequate to ensure that New Yorkers had meaningful access to their admittedly complex, sprawling justice system. We have now reversed that trend completely, and our nonjudicial staffing level has finally rebounded to what it was in 2009.

Of the employees who have recently joined our ranks, many work as project directors, case managers, and resource coordinators in our problem-solving courts, of which there are now over 350 across the State. In fact, programmatic staffing levels in those courts have increased by 30%, which has allowed us to reduce caseloads in some of our busiest courts and open new ones. Our Family Courts have also seen a significant influx of nonjudicial staff, complementing the 29 judges who have recently been added to those courts. Overall Family Court staffing, including judges, has grown by 20% since fiscal year 2024, which is having an impact in reducing well-documented backlogs.

The increase in nonjudicial staff has also allowed us to continue implementing our case processing initiative in New York City's Supreme Criminal Term. The objective of this initiative is to establish, throughout the City, effective case management procedures to address, in a lasting way, the most frequent causes of delay in felony criminal cases. We want the courts to play an

assertive role in ensuring that defendants promptly receive discovery, engage in meaningful plea negotiations, or, simply, have a timely trial. We also want to ensure that, in cases where treatment or other alternatives-to-incarceration programs are being pursued, those connections are made quickly, when the interventions are most likely to be effective. And, just as important, we want to ensure that victims, and their communities, are not waiting too long for justice and closure.

These efforts, of course, are essential to the City's plans to close the jails on Rikers Island and replace them with more humane, and more accessible, borough-based jails. As I said, we want to help our partners in government solve important problems. So we want to do everything we can to make sure that this ambitious, but critically important effort gets back on track.

One final area I want to highlight where we have recently dedicated increased resources in an effort to modernize the courts — aside from totally revamping the Courts' website this week — is e-filing. It may shock some of you to hear that New York began implementing e-filing over a quarter century ago. And, while so many of our important — and mundane — transactions are now accomplished digitally, there are still many courts across the State where paper filing is the only way of doing business.

In 2024, the e-filing statutes were amended, at our request, to permit us to institute electronic filing throughout the court system, and for all case types. To take advantage of that new authority, and to expand e-filing more expeditiously across the State, we have substantially increased the size of our e-filing unit and opened a satellite e-filing office in Albany that serves as a regional hub for implementation, training, and technical support. As a result, e-filing is becoming the norm in more and more of our courts. One major milestone we recently reached: We have, at last, introduced e-filing in our superior criminal courts, starting last year in Brooklyn. We have

since expanded to Staten Island, with other jurisdictions, both inside and outside of the City, to follow soon.

Third, a modern court system must be made up of people — not just judges, but nonjudicial employees as well — who reflect a broad-based diversity. This means not only representation of different races and ethnicities, genders, sexual orientations, religions, and socioeconomic backgrounds — though diversity in those areas is critically important for the courts to be perceived as legitimate by all of the different communities they serve.

It also requires representation from a range of professional backgrounds. Our courts function best — and the overall quality of justice improves — when our judges and court attorneys, in their prior professional lives, advocated for different sides and interests in the sorts of disputes that are often the most challenging for courts to resolve. When our judiciary consists of individuals who bring to the bench a broad range of perspectives, informed by deep professional experience, the resulting intellectual diversity helps ensure a robust exchange of ideas and, in turn, the development of the law in a way that “bends toward justice.”

So, what have we done to advance broad-based diversity in the court system? In short, a lot, by elevating diverse individuals to higher courts; appointing them to supervisory roles within their courts, as well as statewide leadership positions; and appointing judges with a wide range of backgrounds and perspectives to important Unified Court System committees and commissions, which often help spur innovation and make recommendations for legislative reforms.

I won't list too many specific examples. But I am exceedingly proud that a majority of our Administrative Judges are now women, with women recently appointed to lead the Second, Third, Fifth, Eighth, and Eleventh Judicial Districts. In addition, almost half of our AJs are also people of color. We are, in fact, the most broadly diverse leadership group in the history of the Unified

Court System. And we have accomplished that without sacrificing excellence at the altar of diversity.

I recognize that, right now, the unabashed support of diversity is deeply unpopular in some quarters. But I remain convinced that a broad-based, diverse judiciary — made up of individuals who represent a broad range of backgrounds, professional experiences, and viewpoints — is essential to the court system’s overall efficacy and legitimacy. In New York State, that is what a modern court should look like.

Finally, a modern court system must be transparent, and its work must be accessible to the public. My mentor and best friend Rolando Acosta has been speaking for nearly his entire career about the importance of demystifying the judiciary as a way of increasing public confidence in our courts. In my view, one of the simplest ways to do this is to make it as easy as possible for people to see for themselves how the courts function, especially when they adjudicate matters of significant public interest and concern.

Unfortunately, in New York’s trial courts, it is far too difficult for the public to observe what is happening because of our tight restrictions on audiovisual coverage of court proceedings. According to an analysis from the Fund for Modern Courts, New York is one of only three jurisdictions in this country in which trial court proceedings are effectively “closed,” because we have “the most restrictive rules” governing media coverage. The reality is that, for all of our many, many innovations in other areas, New York’s court system is embarrassingly behind the times in making its work accessible to the public. If we aspire to be a modern court system, we must change that as soon as possible.

Thirty years ago, 150 million people tuned in when the jury announced its verdict in the OJ Simpson trial. Much more recently, Derek Chauvin’s trial, in Minnesota state court, for the

killing of George Floyd — the event that sparked the Black Lives Matter movement — was televised from start to finish. But when one of the most consequential trials in American history was held here in Manhattan, in 2024 — the criminal trial of a former President who was, at the time, running for another term in office — there was no audiovisual coverage of the proceedings, except for an audio recording of the sentencing that was released after the fact.

What is the effect of this opacity? When people cannot see for themselves how the courts function, their perceptions of the justice system will inevitably be dictated by the observations and biases of others. To be sure, much of the coverage and analysis of the courts is accurate, measured, and fair-minded — the sort of reporting and commentary that is an integral part of a well-functioning democracy. Not all of it can be characterized that way, though. Increasingly, the work of the courts is misrepresented for political, personal, or self-serving purposes. And this problem is obviously exacerbated when the issues being decided are ones that are the subject of significant public debate and controversy.

The end result of all of this is further distrust of the courts, which, like so many other government institutions in this fraught political moment, fail to inspire broad public confidence. The way forward, as the Fund for Modern Courts has long advocated, is greater transparency. It's time for the Legislature to amend section 52 of the Civil Rights Law.

I hope that, this morning, I've been able to convey the significant progress we've made in the past few years toward our goal of transforming New York's court system into an institution that works effectively with the other branches of State government, as well as local governments, to solve problems and improve the lives of New Yorkers. Our work is far from done. And there are many things that we cannot do on our own. That's why I am profoundly grateful to

organizations like the Fund for Modern Courts, that advocate for smart reforms that seek to make the courts more fair, efficient, and transparent.

As I said at the beginning of my remarks, it's truly an honor to receive this award. As I'm sure many of you know, Cyrus Vance was one of only two Secretaries of State who have resigned from their positions in protest. Secretary Vance did so because he opposed President Carter's decision to attempt a military rescue of American hostages in Iran. By taking that stance, Secretary Vance joined what another Secretary of State, Dean Acheson, called "the most exclusive club in America — men in public life who have resigned in the cause of conscience."

Unfortunately, the values that animated Secretary Vance's distinguished career at the highest levels of government seem almost extinct today. In honoring Secretary Vance's legacy this morning, we should contemplate how to cultivate his integrity and sense of responsibility in the next generation of public servants. And we should hold out hope that the "most exclusive club in America" — where people act out of principle rather than a desire for personal advancement — might become a little less exclusive.

Thank you.