

New York Law Journal

NOT FOR REPRINT

Page printed from: <https://www.law.com/newyorklawjournal/2020/06/17/championing-justice-in-the-courts/>

Championing Justice in the Courts

We recognize that the perception of injustice and feelings of exclusion among communities of color and members of the LGBTQ community are multi-faceted and must be addressed to ensure trust in the justice system. We are at a point where honest discourse on these issues is sorely needed.

By Justices Shirley Troutman and Troy Webber, Co-Chairs, Franklin H. Williams Judicial Commission and Justices Anthony Cannataro and Joanne Winslow, Co-Chairs, Richard C. Failla LGBTQ Commission | June 17, 2020



The Franklin H. Williams Judicial Commission and The Richard C. Failla LGBTQ Commission are both bodies created by the Chief Judge of the State of New York and are part of the structure of the Office of Court Administration, the administrative arm of the New York State Court System. Our members are judges, lawyers, advocates, and court administrators dedicated to promoting equal participation and access throughout the court system.

For the past thirty years, the FHW Commission has been steadfast in its dedication to ensuring justice and racial and ethnic fairness in the state court system. The Failla Commission has more recently started its own journey toward ensuring equality and diversity for the LGBTQ community in the legal

profession and the state court system. Although created at different times to address distinct problems and issues facing minority communities, both Commissions are dedicated to giving a voice to our communities. The FHW Commission and the Failla Commission champion the causes of fostering equality, cultural sensitivity, and increased diversity.

Dr. Martin Luther King's statement, "Injustice anywhere is a threat to justice everywhere," is still as relevant today as when he penned it in his letter from a Birmingham jail in 1963. We are all inextricably tied to the promises of the Constitution and its tenets must be applied equally to ensure justice for all. In light of the recent events laying bare the deadly effects of systemic racism and discrimination in our society, the prospect of equality goes to the very fabric of our democracy and more pointedly to the highest ideals of our courts and justice system.

Indeed, at this incredibly painful moment for all of us, we want to take this occasion to speak with one unified voice and recommit to a common set of principles that will lead us all to a better day. We hope to channel the energy created by these recent tragedies into positive momentum for continued progress in the projects of equality and justice.

We do not want to pretend that the histories or experiences of communities of color and the LGBTQ community, or even individuals within those diverse communities, are identical. However, there are significant points of connection that bind us together. The shared goal of both the FHW and Failla Commissions is to educate and advise others on the importance of diversity in order to give all citizens of the State of New York equal access to justice. The courts and the People of the State of New York are greatly enriched when we recognize diversity because diversity reinforces the public's confidence in an impartial justice system.

The Commissions bring together stake holders, educators, and leaders to enlighten, raise awareness, and make a difference. By using our collective voice, we are better able to establish a dialogue for change by making recommendations that identify where change is needed, and by working to implement that change.

For that reason, both the FHW and Failla Commissions support the proposed New York State Senate Bill S07703 which would require the collection, compilation, and annual publication of diversity statistics on the judiciary by the Chief Administrator of the New York State Courts. The judiciary should reflect the rich diversity of our state and this bill seeks to ensure that the composition of the judiciary is more transparent. Transparency will demand greater accountability by the judicial appointing authorities and encourage diversity in appointments. The passage of such a law will be a move in the right direction toward an open and inclusive justice system.

We recognize that the perception of injustice and feelings of exclusion among communities of color and members of the LGBTQ community are multi-faceted and must be addressed to ensure trust in the justice system. We are at a point where honest discourse on these issues is sorely needed. For persons of color, we face many issues of systemic racism. Mass incarceration continues. There is a school to prison pipeline, where young people at risk are pushed from school into the juvenile justice system, and the perception that the taking of the life of a person of color will receive no justice.

For those in the LGBTQ community, discrimination and violence are still all too common, and we now find ourselves working to protect rights we have previously achieved that are being threatened anew.

As long as these issues are not discussed and addressed in a constructive manner, trust and respect in the outcome of judicial proceedings will not exist. It is incumbent that each of us in the legal community take a moment of self-reflection to consider how we can be part of the solution.

We certainly recognize that the work won't be easy, and we will not necessarily agree on the solutions, but the work has never been more urgent. Lifting up those left behind and listening to voices previously silenced are a must. Thinking outside the box and looking for new opportunities are the order of the day. We simply cannot miss this chance to fight for a more equitable court system worthy of our highest ideals.

Our Commissions applaud Chief Judge Janet DiFiore's recent announcement to conduct an independent review of the New York State court system's response to issues of institutional racism as part of the court system's continuing efforts to ensure equal and just treatment under the law. The findings and recommendations of the evaluation, led by attorney Jeh Johnson, who served as U.S. Secretary of Homeland Security and General Counsel for the Department of Defense in the Obama administration and is currently a partner at Paul, Weiss, Rifkind, Wharton & Garrison, LLP, will be used to effect institutional change to further diversity and inclusion within the New York State court system.

The FHW and Failla Commissions must continue to work to bring about awareness and enlightenment on these issues and, even more, to make a difference. We have never been more committed to our missions of ensuring diversity and justice. Through our collective efforts, we can move toward the ideal of equal justice for all.

Justices Shirley Troutman and Troy K. Webber are co-chairs of the Franklin H. Williams Judicial Commission. Justices Anthony Cannataro and Joanne M. Winslow are co-chairs of the Richard C. Failla LGBTQ Commission.

Drafted with assistance from Mary Lynn Nicolas-Brewster, Esq., Karlene Dennis, Esq., and Matthew J. Skinner, Esq., staff of the FHW and Failla Commissions.