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Newsletter



October 2020

IN THIS ISSUE

- Check Out Our First Conference
- Restroom Access Signs and Expanded Demographic Options on Court System Forms
- Founding Co-Chair Retires and New Co-Chair Named
- 2019 and 2020 Events
- Thank You, Judge Hepner
- Of Note
- Joint Statement with Franklin H. Williams Judicial Commission

CHECK OUT OUR FIRST CONFERENCE

Jacob TURNS 25

Where We've Been and Where
We're Going With LGBTQ
Family Law in New York

OCTOBER 2020



Dedicated to the
enduring legacy of
Justice Ruth Bader Ginsburg

Videos will be posted at
bit.ly/jacob25

A PRERECORDED ONLINE CONFERENCE PRESENTED BY



As part of LGBTQ History Month this October, the Failla Commission has organized its first conference—a virtual one, for better or worse, in light of the pandemic. In our keynote panel, we look back on the twenty-fifth anniversary of the New York Court of Appeals ruling that established second-parent adoptions for same-sex couples to adopt their children, *Matter of Jacob*, and use the moment to reflect on where we still need to go for the law to catch up with reality of modern families. We also take

an in-depth look at the recently passed Child-Parent Security Act, becoming effective in February 2021, hear from New York's four LGBTQ state legislators, review recent changes to the New York State Department of Health's birth certificate policies, and, finally, ponder the queer legacy of the late Justice Ruth Bader Ginsburg, to whom we dedicate this conference. Check out all the prerecorded panels [here](#).

FOUNDING CO-CHAIR RETIRES AND NEW CO-CHAIR NAMED



At the end of September 2019, Justice Marcy L. Kahn stepped down from the Appellate Division, First Department bench, and as co-chair of the Failla Commission, to become an advocate on climate change, sustainable development, human rights, and the rule of law. She has been a prosecutor, a law firm partner, a criminal court judge, and an appellate justice over her forty-five-year legal career. In December 2016, Chief Judge Janet DiFiore tapped Justice Kahn to be one of the founding co-chairs of the Failla Commission. During the following three years, she was an enthusiastic leader of the group and a tireless advocate for our initiatives. We are pleased that Justice Kahn plans to remain active with the Commission going forward.



Chief Judge DiFiore named Justice Anthony Cannataro as the new co-chair of the Failla Commission. He is a Justice of the Supreme Court of the State of New York in Manhattan and the Administrative Judge for the Civil Court of the City of New York. He joins the Commission's other co-chair, Justice Joanne M. Winslow from the Appellate Division, Fourth Department in Rochester. Congratulations, Justice Cannataro!

THANK YOU, JUDGE HEPNER



We also wish to thank retired Kings County Family Court Judge Paula J. Hepner for three years of dedicated service to the Failla Commission. She is seen here accepting the Kathryn A. McDonald Award for Excellence in Service to Family Court at the New York City Bar Association in May 2019. Her groundbreaking work on LGBTQ issues in the court system was also recently highlighted in the New York State Bar Association [article](#) entitled “Examining Judicial Civility in New York Courts for Transgender Persons in the Wake of United States v. Varner,” by James L. Hyer, Sherry Levin Wallach, and Kristen Prata Browde.

JOINT STATEMENT WITH FRANKLIN H. WILLIAMS JUDICIAL COMMISSION

In June, the Failla and Franklin H. Williams Judicial Commissions drafted and released a joint statement, published by the *New York Law Journal*. We took the opportunity to recommit to a common set of principles as we “fight for a more equitable court system worthy of our highest ideals.” Read more about how we are “Championing Justice in the Courts” [here](#).

RESTROOM ACCESS SIGNS AND EXPANDED DEMOGRAPHIC OPTIONS ON COURT SYSTEM FORMS



Responding to the State Legislature passing and Governor Andrew Cuomo signing into law the Gender Expression Non-Discrimination Act (GENDA) in January 2019, the Unified Court System installed restroom access signs, designed by the Failla Commission, outside restrooms in courthouses statewide. The signs are a simple, but powerful, reminder that transgender and gender nonconforming individuals have the right to use the restroom that is consistent with their gender identity or gender expression.

NEW YORK STATE UNIFIED COURT SYSTEM JUROR INFORMATION CARD
New York State Judiciary Law §528 requires the court to collect data about jurors. Thank you for your cooperation.

1. Today's date
M M D D Y Y

2. Here to serve as a
☐ Grand Juror or ☐ Trial Juror

3. You are
☐ Male
☐ Female
☐ Transgender
☐ Nonbinary
☐ Intersex
☐ Other

4. Are you of Hispanic, Latino, or Spanish Origin?
☐ Yes (Mexican, Chicano, Puerto Rican, Cuban, Dominican or other Hispanic, Latino or Spanish Origin)
☐ No (Not of Hispanic, Latino, or Spanish Origin)

5. Your race
☐ White ☐ Black or African American
☐ Asian ☐ Other/ Mixed

6. Your county
New York City
☐ Bronx
☐ Kings
☐ New York
☐ Queens
☐ Richmond
Outside New York City
☐ Albany
☐ Allegany
☐ Broome
☐ Cattaraugus
☐ Cayuga
☐ Chautauqua
☐ Chemung
☐ Chenango
☐ Clinton
☐ Columbia
☐ Cortland
☐ Delaware
☐ Dutchess
☐ Erie
☐ Essex
☐ Franklin
☐ Fulton
☐ Genesee
☐ Greene
☐ Hamilton
☐ Herkimer
☐ Jefferson
☐ Livingston
☐ Madison
☐ Monroe
☐ Montgomery
☐ Nassau
☐ Niagara
☐ Oneida
☐ Onondaga
☐ Ontario
☐ Orange
☐ Orleans
☐ Oswego
☐ Otsego
☐ Putnam
☐ Rensselaer
☐ Rockland
☐ St. Lawrence
☐ Saratoga
☐ Schenectady
☐ Schoharie
☐ Schuyler
☐ Seneca
☐ Steuben
☐ Suffolk
☐ Sullivan
☐ Tioga
☐ Tompkins
☐ Ulster
☐ Warren
☐ Washington
☐ Wayne

SECTION H: DEMOGRAPHIC INFORMATION
ID#-
The following information is optional. It is being obtained for statistical purposes only and will not be made public. If completed, please return with your registration form.

GENDER/GENDER IDENTITY - select one or more
☐ Female
☐ Male
☐ Transgender
☐ Nonbinary
☐ Intersex
☐ Other

SEXUAL ORIENTATION - select one
☐ Heterosexual
☐ Lesbian
☐ Gay
☐ Bisexual
☐ Queer
☐ Other

RACE - select one or more
☐ American Indian or Alaska Native
☐ Asian
☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander
☐ White/Caucasian

ETHNICITY - select one
☐ Hispanic or Latino
☐ Not Hispanic or Latino

CURRENT EMPLOYMENT CATEGORY - select one or more
☐ Attorney in Private Practice
☐ Corporate Counsel
☐ Government Lawyer
☐ Judge
☐ Law School Faculty/Administrator
☐ Non-Legal Occupation
☐ Public-Interest Lawyer
☐ Retired
☐ Not Currently Employed
☐ Other

In addition, based on Failla Commission proposals and recommendations, the Administrative Board of the Courts approved changes last year to official court system

juror information cards and biennial attorney registration demographic questionnaire forms. The expanded options on the hardcopy and online forms will give members of the public the option to precisely indicate their gender identity and sexual orientation going forward.

2019 AND 2020 EVENTS



Advocates in Albany for legislative votes to pass GENDA and a ban on conversion therapy (January 15, 2019)



Chief Judge Janet DiFiore honored at the joint annual dinner of the New York Association of Lesbian and Gay Judges and the Failla Commission, with special guest State Senator Brad Hoylman (January 17, 2019)



Hon. Matthew Titone sworn in as the first openly gay Surrogate in the State of New York by Failla Commission Member Judge Paul Feinman (January 24, 2019)



Governor Andrew Cuomo signs GENDA and a ban on conversion therapy into law (January 25, 2019)





LGBTQIA Veterans and Families Resource Fair, co-sponsored by New York State Division of Veterans' Affairs, SAGE, and the Failla Commission (February 28, 2019)



LGBT Bar Association of New York (LeGaL) 2019 Community Vision Awards Honoree U.S. Senator Tammy Baldwin of Wisconsin (March 7, 2019)



"Valid Defense or LGBT Discrimination: A Conversation Regarding the Gay/Trans Panic Defense" lecture at St. John's University School of Law (March 13, 2019)



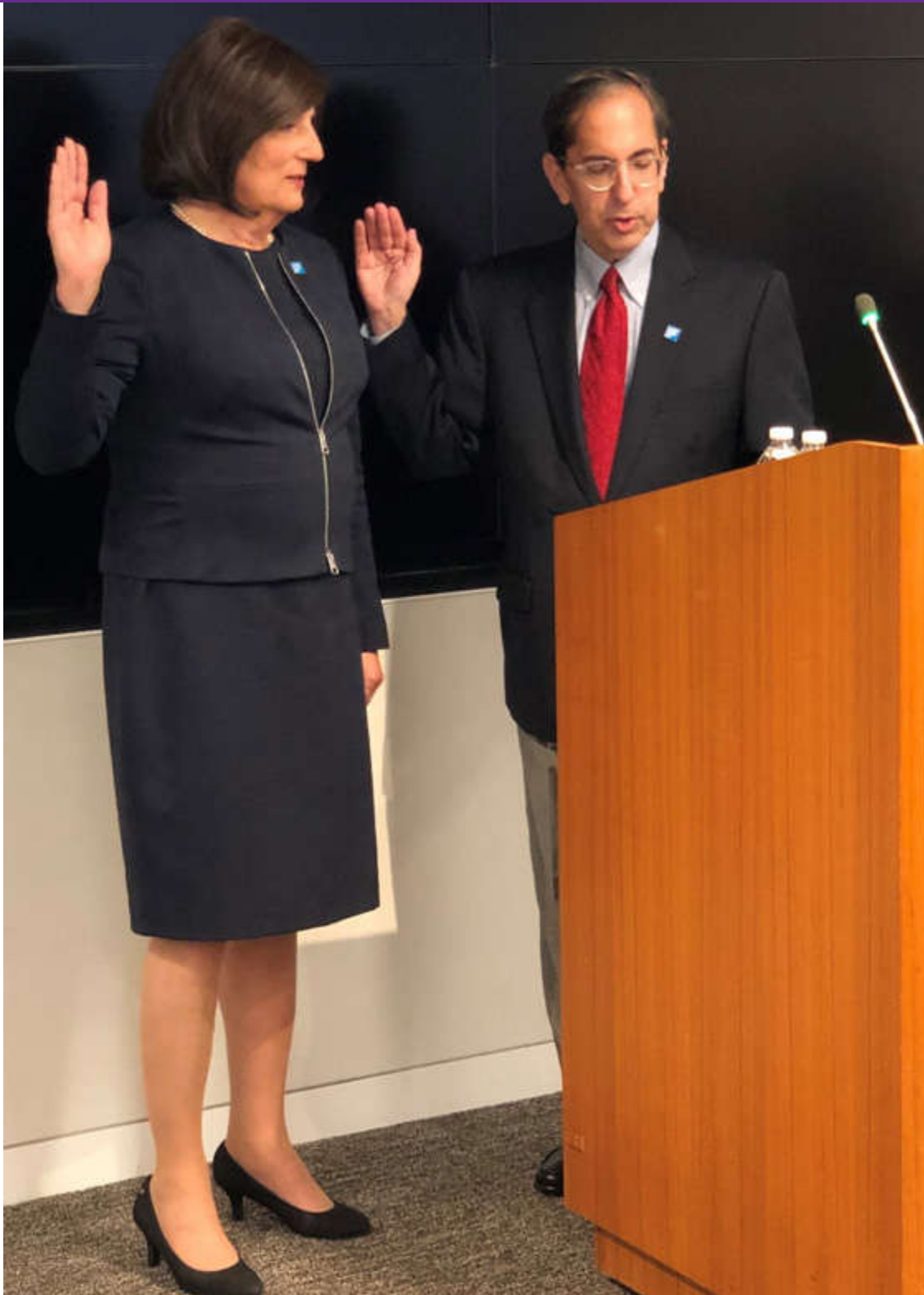
"Transgender Law: Recent Victories and Current Challenges Facing the Trans Community in 2019" symposium at Fordham University School of Law (March 27, 2019)



Failla Commission Co-Chairs Marcy Kahn and Joanne Winslow, Justice Franc Perry, and Executive Director Matthew Skinner Honored at the 2019 *Gay City News* Impact Awards (March 28, 2019)



"Handling Diversity in the Many Faces of Adoption" CLE hosted by the Brooklyn Women's Bar Association and sponsored by the Diversity Committee of the Women's Bar Association of the State of New York (April 11, 2019)



Kristen Browde sworn in as the next president of the LGBT Bar Association of New York (LeGaL) by Judge Feinman (April 22, 2019)



“More than Marriage: 50 Years Since Stonewall” symposium at Albany Law School (April 29, 2019)



ABA Section of Litigation 2019 LGBT+ Forum at the New York Marriott Marquis (April 30, 2019)



Kathryn McDonald Awards at the New York City Bar Association (May 22, 2019)



Deputy Chief Administrative Judge for Courts Outside New York City's Diversity Task Force meeting in Albany (May 30, 2019)



"The *Braschi* Breakthrough: 30 Years Later, Looking Back on the Relationship Recognition Landmark" LGBTQ Pride Month program in Manhattan (video from event [here](#)) (June 3, 2019)



Queens LGBTQ Pride Month Program (June 4, 2019)



"50 Years of Progress" CLE at Nixon Peabody in Manhattan (June 6, 2019)



Third Judicial District LGBTQ Pride Month Program in Albany (June 10, 2019)



Fifth Judicial District LGBTQ Pride Month Program in Syracuse (June 10, 2019)



Seventh Judicial District LGBTQ Pride Month Program in Rochester (June 11, 2019)





Eighth Judicial District LGBTQ Pride Month Programs in Buffalo and Jamestown
(June 12, 2019)



Suffolk County LGBTQ Pride Month Program in Central Islip (June 13, 2019)



Nassau County LGBTQ Pride Month Program in Mineola (June 14, 2019)



Sixth Judicial District LGBTQ Pride Month Program in Cooperstown (June 18, 2019)



New York City Bar Association 2019 LGBTQ Pride Reception (June 19, 2019)



Bronx LGBTQ Pride Month Program (June 20, 2019)



"Pride in Progress: Reflections on the LGBTQ Legal Landscape for Families" CLE at Kings County Family Court in Brooklyn (June 20, 2019)



Celebration of the 25th Anniversary of the Confirmation of Judge Deborah Batts as the First Openly LGBTQ Article III Federal Judge at the Thurgood Marshall United States Courthouse (oral history conversation with New York's four LGBTQ federal judges [here](#)) (June 25, 2019)



Staten Island LGBTQ Pride Month Program (June 26, 2019)



2019 New York City Bar Association Diversity and Inclusion Celebration Dinner
(June 26, 2019)



Ninth Judicial District LGBTQ Pride Month Program in White Plains (June 28, 2019)



Governor Cuomo's Signing Ceremony for the Gay and Trans Panic Defense Ban Before NYC Pride March (June 30, 2019)



Cross-Cultural Exchange at Appellate Division, First Department with Delegation Visiting New York City from Japan for WorldPride (July 1, 2019)



“Paving the Rainbow Road: Stonewall, Today & Beyond” CLE at Monroe County Bar Association in Rochester (July 22, 2019)



2019 Lavender Law Conference and Annual Meeting of the International Association of LGBTQ+ Judges in Philadelphia (August 7-9, 2019)



“History of LGBTQ Antidiscrimination Laws” CLE at Federal Reserve Bank of New York in Manhattan (August 27, 2019)





“Professionalism in the Legal Profession: A Diverse Perspective” program at Albany Law School
(September 21, 2019)





Retirement Celebration for Failla Commission Founding Co-Chair Justice Marcy Kahn at the LGBT Community Center in Manhattan (October 30, 2019) (Amy Mayes Photography)





"LGBTQ People and the Law: 2019 Update" CLE at the Appellate Division, Third Department in Albany (November 4, 2019)



“Employment Discrimination in the LGBTQ Community” CLE for Columbian Lawyers Association of Brooklyn (November 6, 2019)



2020 Joint Annual Dinner of the New York Association of Lesbian and Gay Judges and the Failla Commission (January 29, 2020)

Join the Richard C. Failla LGBTQ Commission and the
Office of Diversity & Inclusion for a special Pride Month program



NEW YORK STATE UNIFIED COURT SYSTEM

A FAIR WORKPLACE FOR THE

LGBTQ COMMUNITY

Thursday, June 18 at 1:00pm on Skype*
All are welcome!

TONY WALTERS, Director of the UCS Office of Diversity & Inclusion (moderator)

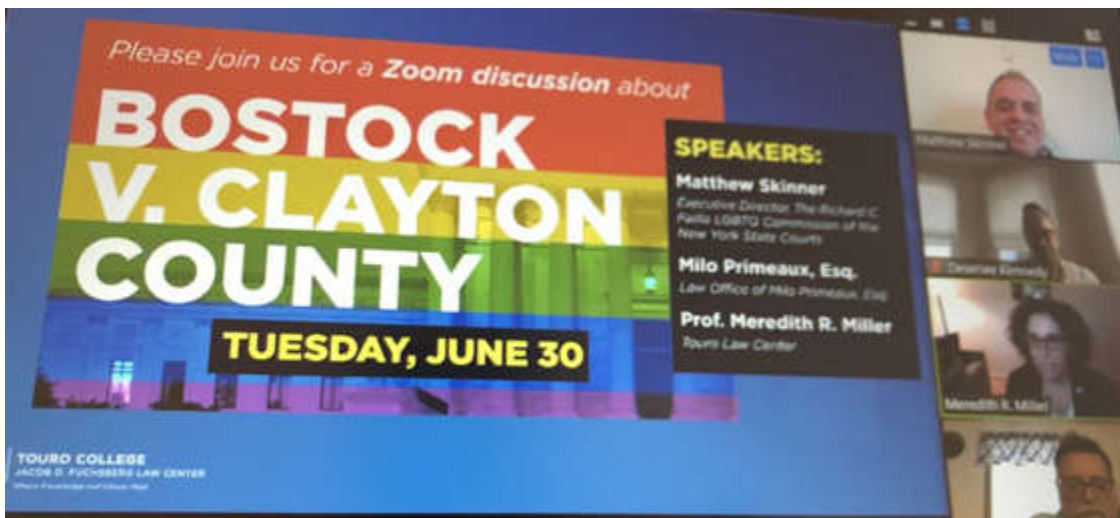
MATTHEW SKINNER, Executive Director of the Richard C. Failla LGBTQ Commission

KAY-ANN PORTER CAMPBELL, Managing Inspector General for Bias Matters *and*

R. LEWIS SPEAKS-TANNER, President of the Pride Alliance of the New York State Courts



“A Fair Workplace for the LGBTQ Community” Skype program featuring Kay-Ann Porter Campbell, Esq., Managing Inspector General for Bias Matters and R. Lewis Speaks-Tanner, President of the Pride Alliance of the New York State Courts (video available [here](#)) (June 18, 2020)

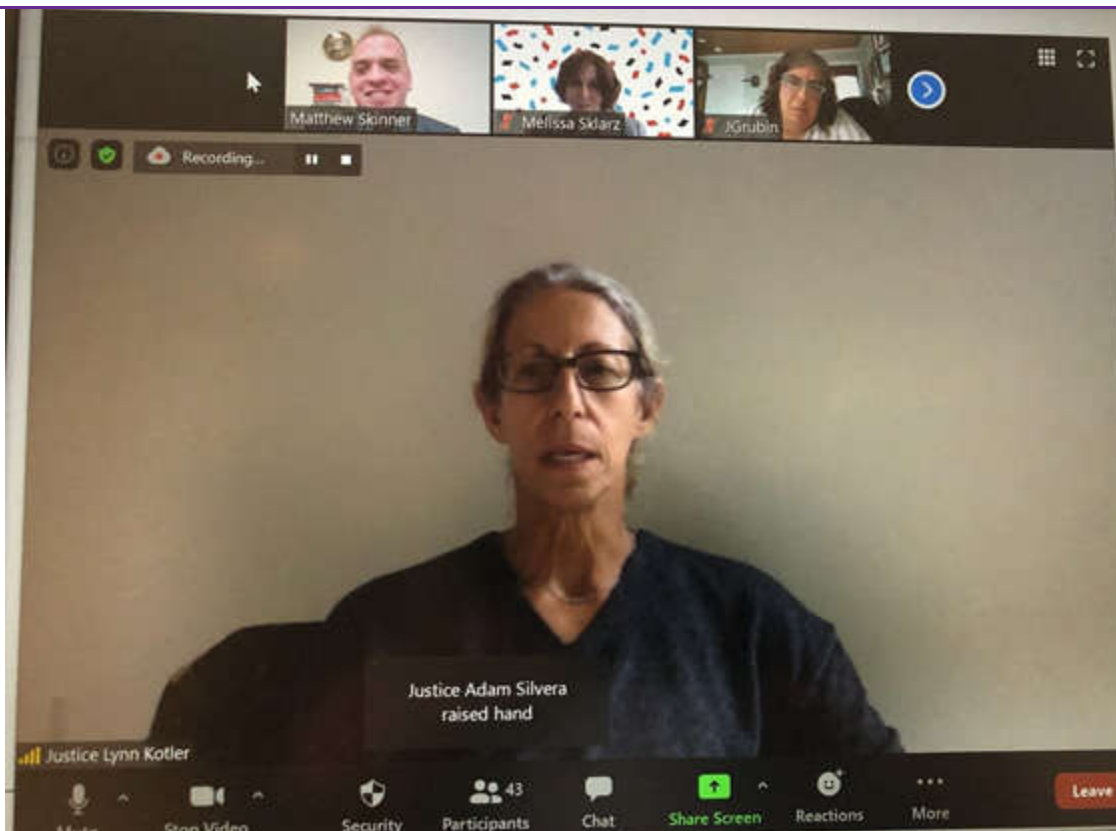




"Bostock v. Clayton County" Zoom panel for Touro Law Center (June 30, 2020)



"LGBTQ+ Access to Justice: A Roundtable on Sexual Orientation and Gender Identity (SOGI) Access to the Courts Initiatives" Zoom presentation for International Association of LGBTQ+ Judges (August 15, 2020)



“How to Become a Judge: The Path to the Bench in NYC” Zoom panel (August 19, 2020)



“Alumnae Trailblazers: Forging a Path for Women in Law” Zoom panel
(video available [here](#)) (September 22, 2020)

OF NOTE

The Failla Commission applauds the following individuals on their accolades and achievements.



Failla Commission Founding Co-Chair Justice Elizabeth Garry received the inaugural Humanitarian Achievement Award at Albany Law School's 2019 Grand Honors Awards on September 19, 2019.

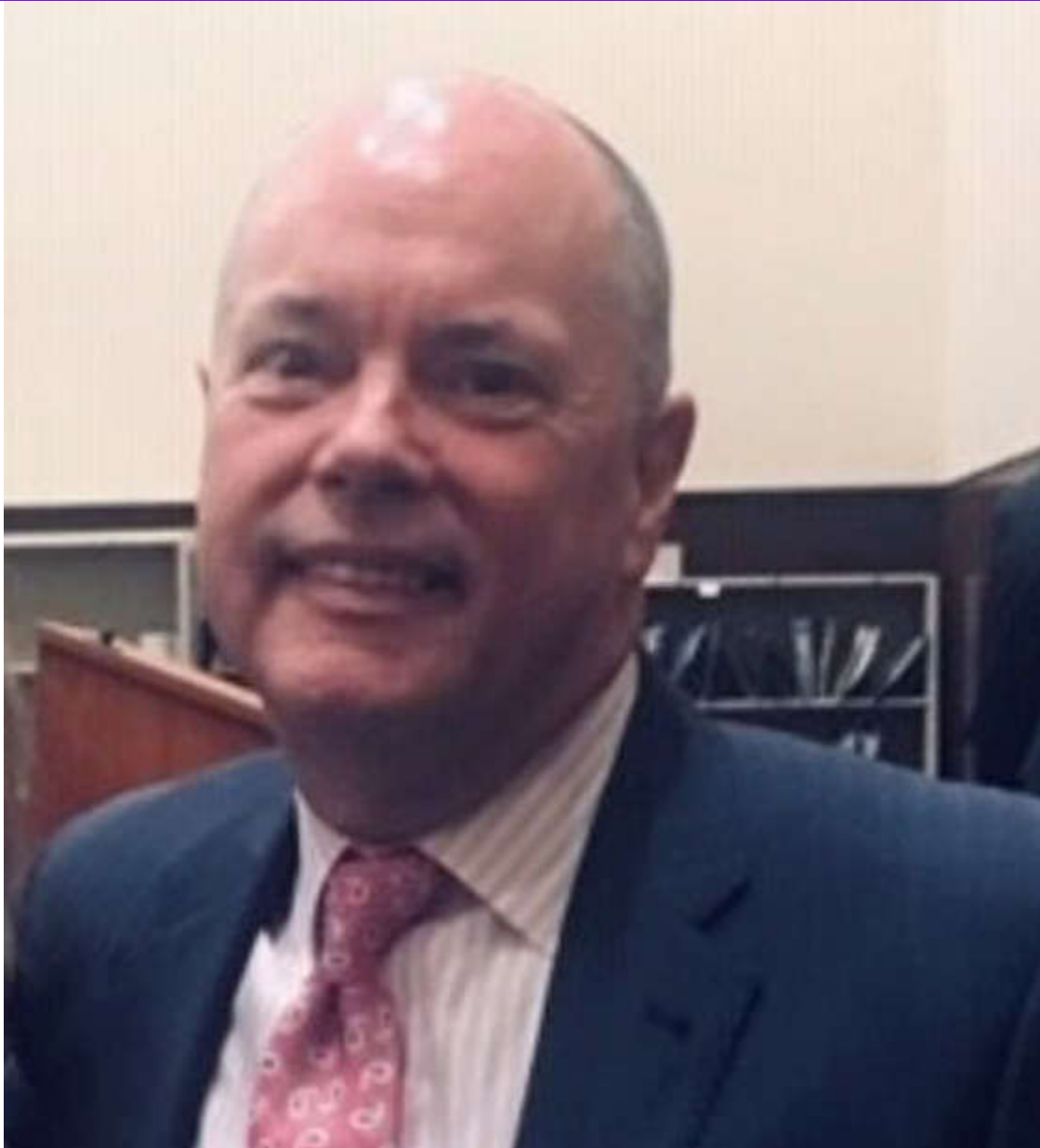


New York County Family Court Support Magistrate Amanda Norejko, along with her former Sanctuary for Families colleagues Lisa Vara-Gulmez and Lauren Schaal, received the 2019 Pro

Bono Excellence Awards at the 2019 LGBT Bar Association of New York's Annual Thanksgiving and Awards Night on November 20, 2019.



Hon. Matthew Raso was elected as a Judge of the Civil Court of the City of New York on November 5, 2019. He is the first openly gay judge elected in the Bronx.



Hon. Shawn Kelly was elected as a Justice of the Supreme Court of the State of New York in the First Judicial District on November 5, 2019.



Appellate Division, First Department Justices Marcy Kahn and Rosalyn Richter received Lifetime of Service Awards at the LGBT Bar Association of New York's annual dinner on February 27, 2020. Justice Kahn retired from the bench in September 2019 and Justice Richter retired from the bench this past summer. Justice Richter has since joined Arnold & Porter as senior counsel and will continue to teach at Columbia Law School.



The OUTLaw student group at the University at Buffalo School of Law honored Kings County Family Court Judge Javier Vargas, an alumnus of the law school, at its annual spring dinner on March 5, 2020.



The Richard C. Failla LGBTQ Commission
25 Beaver Street, Room 919, New York, New York 10004
(212) 428-2769
nycourts.gov/ip/LGBTQ

 @NYCourtsLGBTQ

Co-Chairs

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Executive Director

Matthew J. Skinner, Esq.

Members

Thomas Burrows, Esq. • Margaret Canby, Esq.
Andrea Conjerti, Esq. • Hon. Mary Anne Doherty • Hon. Paul Feinman
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Hon. Karen Lupuloff • Hon. Rita Mella • Meredith R. Miller, Esq.
Hon. E. Jeannette Ogden • Ronald Pawelczak • Hon. Franc Perry
Hon. Jill Polk • Milo Primeaux, Esq. • Melissa Sklarz
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Staff Member

Connor Van Everen



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