



The Richard C. Failla LGBTQ Commission

Chief Judge DiFiore and Chief Administrative Judge Marks first announced a new commission to highlight and address issues of concern to the LGBTQ community in late 2016. Bearing the name of a court system jurist who pioneered advocacy for LGBTQ rights throughout his career, the Commission is dedicated to promoting equal participation and access throughout the court system by all persons regardless of sexual orientation, gender identity, or gender expression. In furtherance of that mission, the Commission in 2018:

- Proposed amendments to the various court system antidiscrimination rules (specifically, the Attorney Rules of Professional Conduct, the Rules of Judicial Conduct, the Unified Court System Code of Ethics for Nonjudicial Employees, and the Rules of the Chief Judge for Career Service) to expressly prohibit discrimination based on gender identity and gender expression were accepted by the four Departments of the Appellate Division, the Administrative Board, and the Court of Appeals.
- Presented training on antidiscrimination rule amendments at four fall nonjudicial association conferences.
- Launched a website and Twitter account and sent its first newsletter to better communicate the activities of The Failla Commission.
- Organized educational LGBTQ Pride Month events in White Plains, Albany, Brooklyn, Manhattan, Central Islip, Delhi, Syracuse, Rochester, Buffalo, Kingston, the Bronx, and Queens.



In June, the Failla Commission sponsored an event, "July 3, 1973: The Day the Court of Appeals Made Pride Possible in New York," and honored William Thom, the founder of Lambda Legal and the first openly gay judge in New York. Left to right: Matthew Skinner, Executive Director, The Richard C. Failla LGBTQ Commission; Hon. Rosalyn H. Richter, Associate Justice, Appellate Division, First Department; William J. Thom, founder of Lambda Legal; Hon. Marcy L. Kahn, Associate Justice, Appellate Division, First Department and Co-Chair, Failla Commission; Rachel B. Tiven, former CEO, Lambda Legal; Hon. Paul G. Feinman, Associate Judge, New York Court of Appeals; Hon. Deborah A. Kaplan, Administrative Judge, Civil Matters, New York County; Hon. Michael R. Sonberg, Acting Justice, Supreme Court (retired).



On Jan. 1, 2018, Justice Elizabeth A. Garry was appointed the 16th Presiding Justice of the Appellate Division, Third Department, and the first who is openly gay. Presiding Justice Garry was sworn in by former Presiding Justice Leonard A. Weiss.

In addition, the Commission's founding co-chair, the Hon. Elizabeth Garry, was appointed by Gov. Andrew M. Cuomo as Presiding Justice of the Appellate Division, Third Department, on Jan. 1. She is the first openly gay Presiding Justice of the Appellate Division in the state. Additionally, in 2018, the first openly gay judge of the Court of Claims, Hon. Chris Ann Kelley, was nominated and confirmed, and the first openly gay Surrogate, Hon. Matthew Titone, was elected in Richmond County.