

DiFiore Adds Protections for Transgender Persons in NY Judicial Conduct Rules

DiFiore said in a public notice entered into the state register that the change, an amendment to the Rules of the Chief Judge, was made in consultation with the Administrative Board of the Courts and with the approval of the Court of Appeals.

By **Andrew Denney** (/author/profile/Andrew-Denney/) | January 11, 2019 at 03:44 PM

f

in

t

G+

p

✉

p (/htt



New York Chief Judge Janet DiFiore. Photo: Tim Roske

Chief Judge Janet DiFiore has amended her code of ethics for non-judicial employees of the state court system to add gender identity and expression as protected classes.

DiFiore said in a public notice entered into the state register that the change, an amendment to the Rules of the Chief Judge, was made in consultation with the Administrative Board of the Courts and with the approval of the Court of Appeals.

The proposal to add protections for transgender people into the court system's rules came from the Richard C. Failla LGBTQ Commission of the New York State Courts, which had expressed concerns to Lawrence Marks, the chief administrative judge of the Office of Court Administration, that the rules weren't fully inclusive for all members of the LGBTQ communities.

Trending Stories

- 1 **As Rich Firms Set the Market, Mid-Tier Firms Wrongly Follow, Report Says**
(<https://www.law.com/ameri-rich-firms-set-the-market-mid-tier-firms-wrongly-follow-report-says/>)

THE AMERICAN LAWYER
(/AMERICANLAWYER/)

- 2 **Lawyers & Judges Behaving Badly**
(<https://www.law.com/newyork-law-journal/judges-behaving-badly/>)

NEW YORK LAW JOURNAL
(/NEWYORKLAWJOURNAL/)

- 3 **'The Modified Lockstep Has Failed'—A Top-Ranked UK Partner Moves to Kirkland**
(<https://www.law.com/international-modified-lockstep-has-failed-what-maquires-move-to-kirkland-means-for-freshfields-396-10996/>)

INTERNATIONAL (/INTERNATIONAL/)

- 4 **In Petulant Filing, Reed Smith's Dubelier Blames Judge for Being Mean**
(<https://www.law.com/2019/petulant-filing-reed-smiths-dubelier-blames-judge-for-being-mean/>)

LAW.COM (HTTPS://WWW.LAW.COM)

- 5 **LeClairRyan Loses 18 Lawyers as Freeman Mathis Moves In Boston**
(<https://www.law.com/ameri-loses-18-lawyers-as-freeman-mathis-moves-into-boston/>)

THE AMERICAN LAWYER
(/AMERICANLAWYER/)

"Extending these provisions to include 'gender identity' and 'gender expression' will aid in the public efforts to institutionalize the judiciary's commitment to eradicating discrimination and bias against all persons regardless of their sexual orientation, gender identity, or gender expression," the commission said in a 2017 letter to Marks.

Appellate Division, Third Department Presiding Justice Elizabeth Garry, a past co-chair of the commission who still serves as a member, said the rule change was also intended to apply to attorney conduct toward transgender persons.

"That's a population that really needs express recognition and the clear protection of the law," Garry said.

The two other branches of New York State government have also made moves to extend protections for gender identity.

In 2015, Gov. Andrew Cuomo issued [an executive order](https://transequality.org/press/releases/nys-gov-cuomo-announces-executive-order-protecting-transgender-people-from) (<https://transequality.org/press/releases/nys-gov-cuomo-announces-executive-order-protecting-transgender-people-from>) banning discrimination based on gender identity in housing, employment and other areas.

A bill that would add gender identity as a protected class in the state Human Rights Law, the Gender Expression Non-Discrimination Act, has been pending in the state legislature for 15 years—it has been passed through the State Assembly numerous times but has [failed to make it](https://web.archive.org/web/20170426040223/http://gothamist.com/2017/04/25/genda_fails.php) (https://web.archive.org/web/20170426040223/http://gothamist.com/2017/04/25/genda_fails.php) through the State Senate.

Read more:

[NY's First Openly LGBTQ Presiding Justice 'Proud' of Distinction—but Not Defined by It](https://www.law.com/newyorklawjournal/2018/03/15/nys-first-openly-lgbtq-presiding-justice-proud-of-distinction-but-not-defined-by-it/)
(<https://www.law.com/newyorklawjournal/2018/03/15/nys-first-openly-lgbtq-presiding-justice-proud-of-distinction-but-not-defined-by-it/>)

[New Executive Director, Co-Chair Named to LGBTQ Commission](https://www.law.com/newyorklawjournal/sites/newyorklawjournal/2018/02/02/new-executive-director-co-chair-named-to-lgbtq-commission/)
(<https://www.law.com/newyorklawjournal/sites/newyorklawjournal/2018/02/02/new-executive-director-co-chair-named-to-lgbtq-commission/>)

[Gov. Cuomo Appoints Presiding Justices Including First Openly LGBTQ Presiding Justice in NY](https://www.law.com/newyorklawjournal/sites/newyorklawjournal/2018/01/01/gov-cuomo-appoints-presiding-justices-including-first-openly-lgbtq-presiding-justice-in-ny/)
(<https://www.law.com/newyorklawjournal/sites/newyorklawjournal/2018/01/01/gov-cuomo-appoints-presiding-justices-including-first-openly-lgbtq-presiding-justice-in-ny/>)

LEAN ADVISER LEGAL (/LEAN-ADVISER/STATIC/LEAN-ADVISER/?CMP=LARMLDC)

Think Lean Daily Message

" The entire event is blighted by task duplication, wasted effort on non-core activities and lack of focus. All of this creates needless expen... "

Learn More (/lean-adviser/static/lean-adviser/?cmp=LARMLDC)

f SHARE ON FACEBOOK

🐦 SHARE ON TWITTER

Andrew Denney