

John Caher: Welcome to “Amici,” News and Insight from the New York Judiciary and Unified Court System. Today, we are honored to bring you the audio portion of Chief Judge Janet DiFiore's investiture at Court of Appeals Hall on February 8, 2016.

Chief Judge DiFiore was sworn in as the 24th Chief Judge of the Court of Appeals, but only the sixth Chief Judge of the Court of Appeals *and* the State of New York. She is now part of a legacy that includes the likes of Court of Appeals Chief Judges Benjamin Cardozo and Stanley Fuld, as well as the four men—and the one woman—who preceded her in the dual role of Chief Judge of the Court and the State. They are Judges Charles Breitell, Lawrence Cooke, Sol Wachtler, Judith Kaye, and Jonathan Lippman. In this program, which lasts a little less than an hour, you will hear from senior associate Judge Eugene F. Pigott, Jr., Governor Andrew M. Cuomo and of course, Chief Judge DiFiore. We hope you enjoy the program.

Court Crier: The judges of the Court of Appeals and his Excellency, the Governor of the State of New York, the swearing in ceremony will now begin. All please be seated.

Judge Pigott: Welcome everyone. My name is Eugene F. Pigott, Jr. I'm the Senior Associate Judge on the Court of Appeals and I'm the emcee, so to speak, today. Before we get going, I wonder if all of you will indulge us for one minute. As you know, less than a month ago we lost Judith Kaye. It's difficult to start any proceedings in this courtroom without remembering Judith. If you would please join me in a moment of silence for our former Chief Judge.

Thank you.

Welcome to Court of Appeals Hall. This is our 99th birthday. It was 99 years ago that the Court of Appeals occupied this building. Next year we're going to celebrate our 100th birthday with our new Chief Judge and it will be a pleasure to do that. Judge DiFiore will be our 24th Chief Judge and it will be an honor and a thrill to have her presiding at that time. It's now my pleasure to introduce former State and now Federal Judge, the Honorable Colleen McMahan, who will lead us in the singing of our National Anthem. Judge McMahan?

Judge McMahan: Will you please rise. [Judge McMahan sings the national anthem]

Judge Pigott: Thank you all, please be seated. Thank you, Judge McMahan. That's about as beautiful as I've heard it. I'm sorry that the chorus wasn't up to your standards, but it was wonderful.

It's now my duty to call this wonderful session to order.

We're just overjoyed at the thought of having Judge DiFiore as our Chief Judge. As you can see, Judge DiFiore invited close members of her family and a few friends to come to this. She asked me to please introduce everyone. Everybody that needs to be introduced, please stay seated. There we go. Okay.

First of all, let me acknowledge the family of our new Chief Judge, her husband. I'd ask you to please stand because we want to see you. Her husband, Dennis Glazer. Dennis, welcome to the Court of Appeals. Daughter Alexandra and son-in-law Matthew please stand and be recognized. A handsome group, and sons Joseph and Michael. Welcome, welcome.

Your hands are going to wear out, I'm telling you, you keep applauding like that. We also, obviously, have the great Governor of the State of New York, the Honorable Andrew M. Cuomo, thank you Governor. My favorite Lieutenant Governor, Lieutenant Governor Kathy Hochul. Kathy, would you please stand and be recognized. Also, from the Governor's office we have his counsel, Alphonso Davis, David, excuse me, and William Mulrow, the Secretary to the Governor. William, thank you for coming. Before I get to the other big people there, I want to introduce my colleagues up here.

First of all from the Big Apple, the Honorable Jenny Rivera, Judge Rivera. Judge Rivera is our law professor. She keeps on dragging the law into everything we're doing. One of those. Also from New York City, from the First Department, the Honorable Sheila Abdul-Salaam, Judge Salaam. Not to worry, we've got somebody from Albany, the Honorable Leslie Stein, Judge Stein. Believe it or not, another Eugene from Buffalo, the Honorable Eugene Fahey, Judge Fahey.

Now, a little bit of CLE here, continuing legal education. As most of you, I think, know the Court of Appeals, the administrative boards of the courts run the entire court system. The administrative board is made up of five people, our Chief Judge, and the four PJs. I'd like to introduce them to you and ask them to stand and be recognized.

From the First Department, the Honorable Peter Tom, Justice Tom.

From the Second Department, Justice Randy Eng, Judge Eng.

From the Third, our senior presiding Justice, the Honorable Karen Peters, Judge Peters.

Our shiny new PJ from the Fourth Department, the Honorable Gerald Whalen, Justice Whalen. Now you may have noticed when I introduced my colleagues up here, I introduced them as “judges.” When I introduce these people over here, the PJs, they are “justices.” Now, one of the people that I sat with for a long time was Judge Samuel Green, who was constantly reminding me that there is no justice in the Court of Appeals. They're the justices, we're the judges. He also used to say that we were not last because we were right, we were right because we were last.

The four PJs, as you know, they get 2,000 cases a year and we get 200, and we're tired. They get about 2,000 a piece. We get to pick our cases, they don't. They're very tired and they're very hard working people and they then work with Judge DiFiore in running the entire court system.

Now, when you have a board of directors, an administrative board like that, you need somebody to execute those. We have a Chief Judge of the Office of Court Administration who's also with us this afternoon, Judge Larry Marks, Judge Marks. People who work with the Chief Judge of the Office of Court Administration, we have a number of administrative judges, one of them a former administrative judge of the Ninth District is with us today. I'd like to recognize Judge Frank Nicolai, Judge Nicolai.

This is a great honor for you. We also have some former members of the Court of Appeals with us today. The Honorable Joseph Bellacosa is with us, Judge Bellacosa. Told you your hands are going to get tired.

Judge Howard Levine is with us. Judge Levine, thank you so much for coming. We also have the Honorable Carmen Ciparick with us, Judge Ciparick. Not last, but not least, we have two more. The Honorable Robert Smith is with us today, so Judge Smith. Last, but certainly not least, our latest or last chief judge, the Honorable Jonathan Lippman is with us here today, Judge Lippman. Judge Traficanti is with us today, is that right Judge? Joe, good to see you. The dust hasn't settled on the Lippman era yet. Jonathan hasn't been without us for very long.

I did want to mention a couple things. There were a number of people who I had talked to who had applied for the chief judgeship and one of them had said to me, "When you think about succeeding Judith Kaye and Jonathan Lippman, you're talking about the gold standard." There are a lot of people who said I just don't think I'm in that class and I think they were right. It is very difficult to picture someone succeeding Judith Kaye and Jonathan Lippman, but we have a candidate, thanks to the Governor. I want to say a word about Judith Kaye, also, with respect to the Commission on Judicial Nomination.

As you know, to get to this court, you have to apply to the Commission. The Commission does great work. They go through however many applications there are. They narrow it down. They interview an exhaustive number of people and then they supply the Governor with a list that can be no fewer than four, no more than seven.

When this last list came out, it was applauded all over the state for the quality of the people that were on it, which gave the Governor the opportunity to pick from a real gold standard bunch. We all think he's done a pretty good job.

It was Judith Kaye who ran that Commission for a number of years and was so successful in giving a number of Governors the people that ultimately ended up on the court. Another kudo to Judge Kaye and the work she did.

In addition to those I've introduced, we have a number of colleagues from the judiciary, from the Appellate Divisions and from the trial courts that have joined us today. Before your hands get too tired, without remembering each one of those, thank you all so much for coming.

We have some state-wide officials besides that and one of them is our great attorney general, the Honorable Eric Schneiderman. As a point of personal, I don't want to say pride, but [Attorney General] Schneiderman has a solicitor general, Barbara Underwood, who we see all the time and who is simply outstanding.

If you ever notice, we're live on the internet and we sit up a little bit closer to the bench when Barbara Underwood is arguing. I know she's here today, [Ms.] Underwood. I don't know if it's going to happen this time, but it seems like every time the comptroller of the state of New York gets introduced, he gets more applause than anybody else. I want to introduce our State Comptroller, Tom DiNapoli. Also with us today is the chair of the Assembly Judiciary Committee, the Honorable Helene Weinstein, Judge Weinstein. I call her Judge. We should have a chair with your name on it Helene. I don't think we've ever had an occasion here when you haven't been here and you're such a great member of the Assembly and almost a member of our Court. Thank you so much for all that you've done for us over the years. We also have a number of people from law enforcement here. We have, among others, the acting district attorney from Westchester County, could James McCarty stand and be recognized?

He's still smiling, that's a good sign. We also have Thomas Zugibe, president of the DA's Association of the State of New York. Tom, could you stand and be recognized? Way in the back. Another point of personal pride, Mr. Zugibe, we had that escape up at Dannemora in Clinton County

and a lot of us watched that with great interest and concern. I thought that the District Attorney of Clinton County, Andrew Wiley, did such an outstanding job. Every time I saw him or anytime he was on explaining things, I was so proud to be a lawyer, so proud to be part of the judiciary, so proud of how our law enforcement worked, that it was just a great tribute to all of the DA's, I think, all 62 of the district attorneys in this state. Thank you, all of you district attorneys who are here, for your great work. You can applaud them.

We have some members of law enforcement in the police department. Joe D'Amico is here, the Superintendent of the New York State Police, Joe. The Commissioner of Police from Yonkers has come up, Charlie Gardner, Mr. Gardner. The president of the largest PBA on the planet, Pat Lynch is here, Patrick Lynch. To keep us all safe, the Chief of Police from Albany, New York, Brendan Cox is here. Thank you so much.

We have some federal judges with us today, surprise, surprise. One of them sang for us, the Honorable Colleen McMahon. Thank you again Judge. The Honorable Ronnie Abrams is here, Judge Abrams. The Honorable Mae D'Agostino is here too. Judge D'Agostino, thank you. We have U.S. Attorneys with us today. We have the Honorable Preet Bharara from the Southern District. We also have the former U.S. Attorney from the Southern District, Robert Fiske. Thank you for taking your time. From the Northern District, Richard Hartunian is here, Mr. Hartunian. The Eastern District Robert Capers is here. My good friend from the Western District, William Hochul, is unfortunately not here, but wishes he could be. He had to work.

Also we have with us the Reverend Dr. W. Franklyn Richardson, pastor of the Grace Baptist Church in the city of Mount Vernon and many, many friends and family of Judge DiFiore. Finally, our most gracious host on so many occasions, the Mayor of Albany, Kathy Sheehan, thank you Mayor. When the ceremony is over, Kathy will be standing out by the revolving door and you can take your parking ticket to her.

Before I recognize Governor Cuomo for some remarks, I just want to mention, as I did earlier, that the next year we'll be celebrating the 100 years in this magnificent Court of Appeals Hall. I think this is the most beautiful courtroom in the nation. I've been to a few of them. It is really something. You may notice that this bench is almost level with where the lawyers argue and I think that has led to a lot of, I want to say, almost conversational arguments that occur in this court.

I think it stimulates the whole give and take between lawyers and judges and it's just been such a pleasure and honor to be part of this court and to sit in this wonderful courtroom. In 1917, when we first moved here, the

Chief Judge was Frank Hiscock, he was from Syracuse. It's a familiar name obviously in legal circles. His father had been the founding member of Hiscock & Barclay Law Firm, which is now Barclay Damon. When he died, when Judge Hiscock died, he left his home to charity and the resulting income presently funds the Hiscock Legal Aid Society in Syracuse. It was just a wonderful thing, a wonderful legacy that continues on today. He was fortunate enough to serve as the first chief judge in this building. By the way, he had two sons and a daughter.

Isn't that something? Now 99 years later we're beginning a new era in the history of this court and it's an era full of hope and promise. Judge DiFiore, as I've mentioned, we're about to get a new leader, but you're following two of the great leaders in this court. It's been a series of wonderful judges that have worked so hard. As all of you know, it's not just sitting here in the center of this bench, it's all of the work that goes into getting us here. On top of that, the Chief Judge of the State of New York runs this entire court system with the PJs and the Chief Judge of the Office of Administration that I introduced you to earlier. It's a huge job and I can't think of ... I know, it had to be a very difficult job for the Governor of the State of New York to choose someone who he thought could fill the shoes of Jonathan Lippman. Here to tell us about our new leader, is the great Governor of the great State of New York, the Honorable Andrew M. Cuomo.

Gov. Cuomo:

Thank you. Thank you. Thank you very much. First, is there anyone who has not been acknowledged? Raise your hand. This is, as I understand it, one of the largest crowds that have ever been assembled for an event such as today. I think that's a metaphor for the person who we are going to swear into today.

There is no one who Janet DiFiore has met, who's worked with her, who's been on the other side of the table, who doesn't have a deep respect for you. I think this turnout reflects just that. To all my colleagues, my state-wide colleagues, the attorney general, the comptroller, my counsel, to the elected officials that are here, law enforcement, I will not try to replicate Judge Pigott's, list which I believe was exhaustive. To Janet's family, because public service is a family affair and Janet could not have accomplished what she accomplished if she didn't have a family who sacrificed and was there with her day in and day out, and I know that from personal experience.

Let's give the DiFiore family a round of applause. Headed by Dennis Glazer, who's the head of the family. Today is a special day. It is an exciting day. It is an historic day. It is also an emotional day for many reasons as you've heard. We are gathered together in what is really one of the nation's beautiful shrines to justice in this Court of Appeals to swear in

the new chief judge. Our Court of Appeals has been a cornerstone of the America system of jurisprudence and it is a proud legacy of accomplishments and leadership. It has lead the nation with groundbreaking decisions made right here. *People v. Donovan*, the precursor to *Miranda v. Arizona* protecting the right against self-incrimination. *Chamberlain v. Andrews*, which advanced the concept of activist government in the unconstitutionality of unemployment benefits, which was upheld during the Great Depression.

Palsgraf v. Long Island Railroad, every first year law student's favorite tort case. I want you to know I am now with the Long Island Railroad.

This court is the great legacy of John Jay, a founding father of this nation and this state and our court system and, by the way, a Westchester County resident, which I think is a good omen. The court was developed under the leadership of some of the best in the country, Benjamin Cardozo, Frederick Crane, Stanley Fuld, Charles Breitel. Chief Judge Jonathan Lippman, who retired last year after nearly half a century on our courts and left each court better than he found it, we owe him a special thank you. Thank you Judge Lippman. Chief Judge Judith Kaye, the first woman on the court, the first female chief judge, a true trailblazer. I remember the selection process for Judith Kaye and I remember what she went through as a trailblazer. It was not easy for her, but she persevered and she succeeded.

She was referred to as the “Mother of Justice.” Judith brought a special dignity and honor to the role and she transformed the system to address domestic violence, substance abuse, mental illness. Her lasting contributions to this court include re-imagining the jury system. She called it “jury service”, not “jury duty,” and she was right. Today, we stand on the shoulders of those giants who came before and we honor their legacy by reaching even higher in the pursuit of justice.

Appointments to the Court of Appeals are one of the most important duties for a governor of the state. I am the 56th governor of New York, but I will be one of only two governors in the history of the state to have appointed an entire court. The other governor was the 52nd governor of the state of New York, the Honorable Mario Matthew Cuomo.

Now, I thought it would be very impressive that I appointed the entire court in just six years, until I found out that my father did it in five. Trust me, he would have really enjoyed that bit of trivia at the dinner table. My father loved the court. He began his career here as a clerk. He brought me here when I was 12-years-old. He was in private practice and he brought me to hear him argue a case, and the impression of the grandeur of this courtroom struck me even then. This court is easy to love. The courtroom

itself shows us its stature. It is graced with powerful portraits, each beautiful in its own right, bring its own perspective and quality, but the portraits are even more beautiful, even more powerful as a collective, so too with the judges who now serve on this bench. Each one a superb portrait of judicial excellence and public service and even more powerful and magnificent in their assembly.

The members of the Court reflect the New York experience. They're from all across the state. They bring experience as advocates, politicians, practitioners, prosecutors, civil rights and workers' rights advocates and administrators and they have lived New York, the opportunities and the obstacles, the promise and the peril.

As Supreme Court Justice Oliver Wendell Holmes said, "The life of the law has not been logic, it has been experience," and this court reflects that experience. Today we see the complete court becoming clearer. As we sit here today, across the street Michael Garcia is going through his hearings before the state Senate to see that he's confirmed. He's filling the vacancy left by the retirement of Judge Susan Read who served with dedication and honor and let's give her a round of applause.

Now, the newspapers have speculated why I might have chosen Mike for the nomination, if there was something special about Mike. Just between us I'll tell you right now, there is something special about Mike. No Governor named Cuomo would believe the court is complete without a boy from Queens, that I can tell you.

Toward the end of the year, Judge Pigott will retire. He has served on every level of our courts. He served his nation in Vietnam. He made Buffalo proud and he still makes Buffalo proud. His tenure as the acting Chief Judge, while brief, has been superlative. The court was unified. In fact, there were no dissenting opinions, there was no disharmony, no negative press and most importantly, he kept the court within the 2 percent spending cap. I hope the next chief judge follows your lead. Thank you Judge Pigott we all owe you a debt of gratitude.

The end of this year, I'll have my last selection for the court, the last piece in this beautiful mosaic. I'm thinking about who the nominee should be already. It should be a person who has a dynamic personality, a person for whom the appointment is clearly a raise in stature and a person who will get a hefty raise in compensation by moving to the position. There's really only one choice; I'm thinking of nominating myself. I'm sure the Senate would quickly confirm just to create the vacancy.

Today the business at hand is the investiture of Chief Judge Janet DiFiore. Now, while the commissions list was excellent, it did not take me a long

time to make the decision. Janet was the obvious and clear choice for this position.

She is uniquely qualified to fulfill this demanding role, and it is, as Judge Pigott pointed out. But her professional credentials and experience combined with her personal skill and integrity equip her to not only manage, but to excel in this multifaceted position of Chief Judge of the Court of Appeals. The breadth of Janet's experience is impressive. She started as an Assistant District Attorney in Westchester County, she spent six years in private practice and then she returned to the DA's office as Chief of the Narcotics Bureau. In 1998, she stood before the people and she was elected to the Westchester County Court. In 2002, she was elected to the Supreme Court, and while there, served as Supervising Judge of the Criminal Courts for the 8th Judicial District, eliminating a backlog of criminal cases, the first district in the state to do so.

In 2005, Janet DiFiore was elected Westchester County DA, prosecuting about 40,000 cases per year. She was re-elected twice. Janet has been a true champion for preventing and reversing wrongful convictions. She secured an individual's release after 16 years in prison based on DNA evidence and then she recommended a series of reforms to protect the innocent. As a prosecutor, she never forgot that her job was to do justice, not amass convictions. She would inculcate or exculpate depending only on the facts. Janet was the first to head JCOPE, getting the agency on its feet. Janet DiFiore will not only be the Chief Judge of Appeals, but she's also the Chief Judge of the State of New York, a position created in 1977, to address the rampant inefficiencies and backlogs in our courts.

As Chief Judicial Officer, Janet will oversee a \$2 billion budget with 19,000 employees. She has the leadership skills and the management credentials to streamline and manage that bureaucracy. It's not just the positions that Janet has held that qualify her for this position. It's not even her performance in those positions. Even more, it is who she is as a person.

Janet's career has never been about Janet, it has always been about the public she serves, and that my friends is the key to Janet's success. She'll make this Court a better Court, and she'll write the next chapter of judicial progress into the history books.

Judith Kaye said that the Court of Appeals was "lawyer heaven." It is true that this court may be heaven on earth for a lawyer, but I think heaven above has recently acquired a couple of pretty good lawyers in Judith Kaye and Mario Cuomo. I am sure they are both together today and they are looking down on us and they are watching us in this ceremony and I am sure they are smiling because they know we have not let them down,

that they taught us well. We learned from their example, and today we honor their life, their love, and their legacy in the appointment of Janet DiFiore as Chief Judge of this magnificent court. Thank you.

Gov. Cuomo: Raise your right hand. You're ahead of me, Janet.

Chief Judge DiFiore: Yes.

Gov. Cuomo: Repeat after me. I, Janet DiFiore ...

Chief Judge DiFiore: I, Janet DiFiore ...

Gov. Cuomo: ... do solemnly swear ...

Chief Judge DiFiore: ... do solemnly swear ...

Gov. Cuomo: ... that I will support the Constitution of the United States ...

Chief Judge DiFiore: ... that I will support the Constitution of the United States ...

Gov. Cuomo: ... and the Constitution of the State of New York ...

Chief Judge DiFiore: ... and the Constitution of the State of New York ...

Gov. Cuomo: ... and that I will faithfully discharge the duties of ...

Chief Judge DiFiore: ... and that I will faithfully discharge the duties of ...

Gov. Cuomo: ... the office of the Chief Judge of the Court of Appeals.

Chief Judge DiFiore: ... the office of the Chief Judge of the Court of Appeals.

Gov. Cuomo: ... and of the state of New York ...

Chief Judge DiFiore: ... and of the state of New York ...

Gov. Cuomo: ... according to the best of my ability ...

Chief Judge DiFiore: ... according to the best of my ability ...

Gov. Cuomo: ... so help me God.

Chief Judge DiFiore: ... so help me God.

Gov. Cuomo: Congratulations.

Chief Judge DiFiore: Thank you. Governor Cuomo, Chief Judge Lippman, family, friends, and colleagues. Thank you all for being here today. Governor, the opportunity that you have afforded me to lead this high court and the judicial branch of government is truly the professional honor of a lifetime. Thank you for the confidence you have demonstrated in me. Thank you for your support and your friendship, and thank you for your leadership of our state over the past five years. It has been truly exceptional.

Gov. Cuomo: Thank you.

Chief Judge DiFiore: At the start of one's term of office, a public servant is required to take an oath. Today I have sworn before all of you in this beautiful courtroom and before the people of the State of New York to uphold the rule of law and to faithfully discharge my duties as Chief Judge of the Court of Appeals and of the State of New York to the best of my ability. I have taken this oath of office very deliberately in the presence of my family, my devoted husband Dennis, and my four wonderful children, Alexandra, Matthew, Joseph, and Michael, my virtual sister Marina Buchanan, and of course, by video, the love of my life, my granddaughter Charlotte Murphy, as well as my many, many extended family members who have traveled here to Court of Appeals hall.

I have taken the oath before my predecessor, former Chief Judge Jonathan Lippman, a man who taught us what it means to be a devoted servant of justice and a bold and caring leader, committed to the proposition that every litigant's equal access to our courts and the justice we dispense is of paramount importance — regardless of one's position or station in life.

I have taken the oath today before my friends, who mean so very much to me, and before my colleagues in the judiciary — on the Court of Appeals (both present and former), in the Appellate Division, and from the state and federal trial benches; before my former colleagues in the Westchester County District Attorney's office, the District Attorneys from across the state, the chiefs, commissioners and our uniformed police and law enforcement services, and before my colleagues and federal law enforcement, including the United States Attorneys for the Southern, Northern and Eastern Districts of New York.

I have taken this oath before my colleagues at the bar, the dean's and professors of our law schools, elected officials, and before every citizen of this great state.

And I take the oath before all of you—wearing the robe of our beloved former Chief Judge Judith Kaye. When Judith gave me this robe, during her final days, she did so with her typical thoughtfulness and grace, assuring me that she thought it fitting — as I publicly pledge my

commitment to administer justice and discharge my duties as Chief Judge— that I do so in her robe. I am so moved and honored by her kind and inspiring gesture.

As we look up at the portraits of our past Chief Judges and Associate Judges of this court — from John Jay to Benjamin Cordozo, to Chief Judge Kaye — as part of my oath, I pledge to you that I will strive every day to achieve the same grace and wisdom as the most illustrious of my predecessors.

As the Chief Judge of the state of New York, I've been given the opportunity, afforded to very few, to make a meaningful contribution to the law and to the way our courts do business. I understand well the responsibility and the mandate I have been given to make a positive impact on the fair and efficient administration of justice in our extraordinary state.

All New Yorkers have an important stake in the successful administration of justice, and those of us who are privileged to have leadership positions in the judiciary must serve as faithful stewards of our system—managing and advancing the administration of justice for the benefit of the people we serve. I am fortunate to inherit a judicial system which has been so well served and significantly improved by the great leaders who preceded me. But as we all know, there is much more to be done.

Over the past week's, many people have asked about my approach to the challenges we face in our justice system. Where will I start? How will I go about affecting the changes need to make our courts better at fulfilling our mission?

Today we start our path.

During the course of my tenure as Chief Judge, we in the court system will be relentless in our efforts to achieve and maintain excellence throughout our court system—giving the people of New York State the level of justice services they have a right to expect and which they rightfully deserve. I am calling our effort the “Excellence Initiative.”

Starting today and every day that I serve as Chief Judge, my team and I will be working to improve all aspects of our system and services towards achieving operational and decisional excellence in everything we do. Our initial focus will center on the fundamentals—on court operations, on promptness and productivity, on taking a critical look at how we do our business every day and in every court.

Our Excellence Initiative will involve a detailed, comprehensive evaluation of our current processes and procedures to determine what is working well, as well as what needs to be improved. While we will always celebrate and look to expand those things that we are doing well, we will also be working to identify with specificity those parts of our system that are not working as they should. We will act promptly to eliminate the programs or initiatives that have lost their relevance or have evolved in unanticipated ways to impede the efficient conduct of our work. And where the courts are not operating in an optimum way, we will make the necessary changes in the way that we do business so that we will do a better job.

As we take the first step in our Excellence Initiative and perform our objective, self-critical analysis of the efficiency and efficacy of our many different courts, we will be focusing first on the backlogs and delays we are experiencing— some of which are dramatic, and determining the root cause of the problems. We will analyze the case management processes in place in each court and the way our courts are administered to determine if they are working well — and then we will design ways to tackle the backlog and fix the problems.

Providing first rate service in our courts, in a timely and efficient way, is the core mission of our judicial system — and we will hold ourselves accountable for our productivity and our performance. As we move forward, we will determine if we have the right people in the right places to implement those changes and we will assign and promote the best people in our system to positions where they can implement the necessary changes — and we will give them the authority they need to do the job.

Because much of this we cannot do alone, we will invite our partners in government and other stakeholders to the table to help us make the necessary changes a reality.

And, importantly, we will provide the resources — the right resources in the right places — to support our judges and court staff on the front lines, as well as leverage technology to achieve the maximum benefit.

From time to time, we will, of course, be reporting to you on our efforts, — our successes and our continuing challenges — and the progress we are making as our Excellence Initiative moves forward.

Everything we do, and every way we do it is on the table for consideration. Where we find appropriate opportunities for positive change, we will not hesitate to reallocate our considerable capital—both human and financial — to achieve our goals.

By energizing and mobilizing the scores of talented judges and court staff within our system, by promoting and empowering our best and our brightest to be our court leaders by providing those leaders with the resources they need to do the difficult work ahead. By using technology to properly assess our progress and broaden the reach of our successes, we will bring greater efficiency to our courts while always, always promoting the fair administration of justice.

I look forward to working closely with my outstanding colleagues here on the Court of Appeals and the Presiding Justices of the Appellate Division — each of whom play an important role in the administration of justice throughout our state — to achieve these successes for our court system as we serve all the constituents of our system: litigants, lawyers, and most importantly, the people of the State of New York.

Make no mistake—this is indeed a big undertaking and it's going to take a lot of work by a lot of people. The Unified Court System provides justice services from Buffalo to Montauk and from Staten Island to Massena, spanning 47,000 square miles across the state and serving the almost 20 million people who live in New York, as well as countless others who work and visit here, and the millions more beyond our borders who are impacted by our laws.

I am delighted to report to you that Chief Administrative Judge Larry Marks, has agreed to serve with me and that he will be spearheading this effort. He and I will be working together daily on the Excellence Initiative. In the coming weeks, we will meet with and call upon our team of Administrative Judges from around the state to gather the data and information we need and to oversee the implementation of changes in their courts.

Gathered here today are the representatives of all of the key players and stakeholders in our Excellence Initiative. Some of you are judges or administrators or staff working in our courts. Some of you appear in our courts either as counsel or as litigants yourselves. Still others hold important political office and oversee our budget as you rightfully look for us to produce a positive return on the investment you make of scarce tax dollars in our court system.

To succeed, we need all of you to support our effort — judges, administrators, lawyers, bar associations, elected officials, litigants. In fact, our Excellence Initiative cannot succeed without you. We want and need your input. You know things about our court system that we need to know—what is working; what is not working; who are the people we need to promote to better serve our mission.

Please make your views known to us and be active participants in our Excellence Initiative.

Call us, write us, post your comments on our website. Starting today the Unified Court System website has a new link for the Excellence Initiative. When you click on that link your comments and suggestions will go directly to Judge Marks and to me. No suggestion for improvement is too big or too small. Judge Marks and I want and need to hear from you so we can serve you better.

In closing, let me once again express my heartfelt gratitude to Governor Cuomo for the confidence he has shown in my ability to lead this great Court as well — as one of the largest and busiest court systems in the world.

While humbled by your confidence, sir, I am completely energized by the challenges before me and the magnitude by the opportunity I have been given, particularly here in this beautiful courtroom, surrounded by the portraits of so many iconic judges and where for the past 23 years, we have been led by my outstanding predecessors, Judith Kaye and Jonathon Lippman—each of whom has made an enormous contribution to the decisional excellence that is the hallmark of our New York Court of Appeals.

On behalf of my colleagues on the Court, let me assure you that every litigant who appears before our Court will always receive a fair and impartial hearing; that we will continue to work tirelessly and conscientiously to apply the law with integrity and common sense; and that we will strive to reach the right and just result in each and every case; for the parties seeking justice, for the bar seeking clarity and guidance in the law, and for our society seeking progress and prosperity grounded in the rule of law.

Governor Cuomo, colleagues, partners in government, family, friends, I pledge to do my very best to uphold the rule of law, to improve upon our great system of justice, to honor the purity of purpose of this great court, and to ensure that our justice system is worthy of the highest respect and confidence of every man, woman, and child who comes through our doors seeking justice. Thank you all for being here.

Male: [inaudible 00:50:50] she'd be so proud of you. [inaudible 00:50:56].

Judge Pigott: I did not introduce John Asiello, who's the clerk of our Court sitting over there. John, this is a pretty rowdy bunch. I'd tell you to put away the good china, if we had any good china.

On behalf of Janet's family and the court, we welcome you all to a reception to be held immediately outside the courtroom. With that, we stand adjourned. Thank you so much for attending.

John Caher:

Thank you for listening to this addition of “Amici.” If you have a suggestion for a topic on “Amici,” call John Caher at 518-453-8669 or send him a note at jcaher@nycourts.gov. In the meantime, stay tuned.