

PEOPLE, PROGRAMS AND PERSPECTIVES AROUND THE NEW YORK STATE COURTS



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Holocaust Remembrance Program

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Court at 60 Centre Street last spring. “The Holocaust has become part of the DNA of humanity,” he continued.

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Welcome to Focus on the Courts—featuring stories that keep you up to date on new initiatives, events and opportunities in and around the New York State courts. Look for rotating features in the coming weeks and months.

I Now Pronounce You Married

Judges Volunteer on the First Day New York State's Marriage Equality Act Goes into Effect

"I have seen a lot of happiness today," said John Werner, Chief Clerk of the New York County Supreme Court, Civil Branch. "All these lines and everyone is in good spirits."

A Sunday in late July on Worth Street, in the center of the legal heart of downtown Manhattan, transformed by a historic piece of legislation: the passage of the same-sex marriage bill on June 24th. The law went into effect 30 days from the date it was signed. The morning arrived, with couples lined up around the block—waiting to be among the first to get married.

In all, 82 judges in New York's five boroughs volunteered their services—officiating at ceremonies and signing waivers that allowed the couples to marry without the 24-hour waiting period required by New York State law.

"I knew there would be more judges than needed," said Edwina Richardson-Mendelson, Administrative Judge for New York City Family Court, "but I wanted to be part of this day...to see the faces of people who never thought they would be able to exchange vows. Each wedding I have officiated at has resulted in tears."

Every judge who participated was "privileged and humbled" to be part of the day. Judge Gerald Lebovits of the New York County Criminal Court embellished the usual marriage script. "I sentence you to a lifetime of happiness, love and health," he proclaimed at the close of a short ceremony in a small conference room at 80 Centre Street, followed by his announcement that he would be scratching out the "Ms." on the wedding certificate for these two grooms. The grooms in question, Richard Macco and Jose Alcaraz, had been together for seven years. "It's everything," said Macco. "It's a symbol of being together, a symbol of equality."

Judge Ellen Gesmer, of the Supreme Court, Civil Branch, who performed 14 marriages and granted waivers on four others, married one couple who met at a Christmas party 49 years ago and have been together ever since. Burdette Geber, who turned 97 on the day of his wedding, married Terence Murphy, 75. "Very old school," the judge commented. "They shook hands at the end of the ceremony."

Debra Curtis, a mathematician, met Rhonda Otten, an accountant, six years ago. Both native New Yorkers, who own a home in New Jersey, they wanted to be married, not just joined in a civil union. Together they have a ten-year-old who's on the swim team and learning



Brides Rhonda Otten and Debra Curtis
after their wedding.

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Mandarin. “We wanted to show the world what families are like,” said Otten. “It inspires other people that we are here today.”

“We have chosen to live our lives in public service and this is one of the nicest things we can do,” said Deborah Kaplan, Acting Justice of the Supreme Court, Civil Branch, who had arrived before eight in the morning and left seven hours later, tired but proud of the experience. “It’s a delightful part of the job,” she said, after having officiated at more than a dozen weddings. “Whether people are together for one year or 49 years, celebrating with friends or just with each other, they should not have to wait for us.” Most couples, though, were happy to wait an average of four hours, after years or decades.



From left, Tico Torres and Alexis Rodriguez-Duarte, together for 27 years, on the steps of 80 Centre Street before their wedding.

July 24th, 2012— the First Gay Marriages Performed in New York State

484 marriages in New York City:

293 in Manhattan, 66 in Queens, 66 in Brooklyn, 32 on Staten Island and 27 in the Bronx

**Binghamton had five marriages
Buffalo and Syracuse had eight each**

“It means the world,” said Judge Marcy Friedman, Acting Justice of the Supreme Court, Civil Branch. “I am absolutely elated that the law has passed. It’s a matter of civil rights long in the coming.” Judge Friedman wore special party shoes: velvet loafers embroidered with the scales of justice.

“Most of the couples coming in here today have been together for a long time,” said Judge John Stanley of the New York County Civil Court, Housing Part, who described himself as an openly gay man. “To be here with them on this day is an especially moving experience, to see the love between them. For many, when they were first together, the idea of being married was not even a remote possibility.”

Judge Rosalyn Richter, an associate justice of the Appellate Division, presided over the marriage of her friends, Nick Russo, an attorney, and Jerry Romain, a psychotherapist and licensed tour guide. Before being appointed to the judiciary, Judge Richter was the executive director of Lambda Legal, an organization committed to achieving full recognition for the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV.

“In so many ways, you are already married,” she said at the beginning of the ceremony. “In some ways life will not change but in one way it will be different. When anyone asks, you can check the married box.”

Russo and Romain wore matching white roses pinned over a typewritten message that said “together for 37 years.”

“We have luckily so many people in our lives, the thought of having a real wedding was overwhelming,” said Romain.

“So, we eloped instead. We told nobody,” said Russo, smiling. The pair planned to send out a mass email to their large body of friends after the wedding.

A tearful Romain remembered what happened to gay friends of theirs who lost partners on 9/11. “Our love was better than what was on offer at that time,” he said.

“With the legal powers vested in me, I am privileged and honored to bring joy to a community that wants to be recognized,” said Judge Richter, before she pronounced them married. It had been a long journey to that day.



“The star in the civil rights universe has been pushed a little higher but not high enough,” said Nick Russo, standing at left, who looks to the federal passage of gay unions as the final step in true equality.

Court Personnel Commemorate Family at Holocaust Remembrance Program



Commemorative candle lighting in the rotunda of 60 Centre Street.

“We must cherish the survivors and hear their stories,” said Martin Shulman, Associate Justice of the Appellate Term and officer of the Jewish Lawyers’ Guild, as he introduced the Holocaust Remembrance Day commemoration held in the rotunda of the Supreme Court at 60 Centre Street last spring. “The Holocaust has become part of the DNA of humanity,” he continued.

Seven candles were lit during the course of the ceremony—six by grandchildren and children of both survivors and victims, and a seventh for those who died without surviving family members. Each of the survivors’ families’ stories was narrated by Judge Sherry Klein Heitler, the administrative judge of the New York Supreme Court, Civil Branch.

“Survival is a privilege which entails obligation. We are their survivors, their voices.” Judge Klein Heitler quoted the Nazi-hunter Simon Wiesenthal before introducing each of the lighters of the six candles. “There are no graves for these gentle martyrs,” she said.

Among the families’ representatives was Lisa Aschkenasy, court attorney for Judge Susan R. Larabee of the New York County Family Court. Lisa’s father, Saul, is one of the youngest of the Holocaust’s survivors. He was just nine when Theresienstadt was liberated. After immigrating with his family to the United States in 1950, Mr. Aschkenasy attended City College, became a statistician, married and had three children. Lisa and her father lit their candle in memory of those who did not survive the war on both sides of her family.

Sylvia Savitt, nee Tzirel Rosenfeld, was a teenage girl when the Nazis invaded southeastern Poland. Sylvia, together with her late parents and three siblings, escaped the Nazis by fleeing to Siberia, where they witnessed horrors including the assassination of relatives. After the war, Savitt married a rabbi and fellow survivor who taught Talmud in Poland, France and then New York City. Mrs. Savitt lit her candle with her son, Ephraim, a criminal defense attorney and former federal prosecutor.

Candle-lighting was followed by a performance and reminiscence by Cantor Jacob Mendelson who commemorated the recorded killing of 1,444 cantors during the Holocaust. Mendelson has spent his career preserving and promoting the eastern European cantorial tradition.

Court Officers Remembered at Ten-Year Anniversary of 9/11

Two days before the tenth anniversary of 9/11, a gathering of more than 200, including judges, court officers, lawyers and family members commemorated the three court officers who lost their lives in the line of duty in the direct aftermath of the attacks.

“Our job is to remember the sacrifices that were made that day,” said Deputy Chief Administrative Judge Fern Fisher, who introduced the ceremony, held in the rotunda at the New York County Supreme Courthouse in lower Manhattan.



Photo Credit: Rick Kopstein

Captain Harry Thompson, 51, a 27-year veteran of the courts, was remembered as the “ultimate professional” and a kind and caring boss. Sergeant Thomas Jurgens, 26, a newlywed, was full of enthusiasm for his new job. Sergeant Mitchell Wallace, 34, was full of questions and someone who could always be counted on.

A trained paramedic, Wallace treated Mary Jos that day at a triage center outside 5 World Trade Center. He bandaged burns, which covered more than 80 percent of her body. Jos, who attended the 10th anniversary event, was en route to the hospital via ambulance when the first tower collapsed. Without Wallace’s intervention, she believes she would never have survived.

Thompson, Wallace and Jurgens were among the two dozen court officers who rode a jury bus to the World Trade Center on 9/11 to help personnel at the Court of Claims inside 7 World Trade Center. But they never made it there. Instead, they began working to assist the public outside 5 World Trade Center.

Major Reginald Mebane, retired commanding officer of Manhattan Supreme Court, Criminal Branch, and a Vietnam veteran never lost a soldier on a mission in the war and spoke to the gathering about being heartbroken at the loss of the three court officers who served under him.

“It was a day designed to crush our spirit and crush our rule of law,” said Administrative Judge Sherry Klein Heitler. “It is fitting that we are in a courthouse that everyday upholds the rule of law.”

Chief Judge Jonathan Lippman, who delivered the final remarks, admitted that ten years later “new thoughts may occupy the forefront of our minds,” adding, “but that doesn’t mean we can forget. Their bravery and sacrifice are indelibly etched in our minds.”

Inside the Mental Health Courts



Judge Marcia Hirsch in her courtroom

Since his diagnosis of schizophrenia over 30 years ago, Peter, 52, has been incarcerated three times for felonies, including reckless endangerment and assault. Most recently, off his medication and under the delusion that he had lost the ability to walk, Peter attempted to break into a Queens home, convinced he would find a wheelchair inside that could assist him.

Peter, who asked that his real name not be used, spent five months at Bellevue Hospital and Riker's Island after his arrest for this attempted burglary in 2007. Once stabilized, he was recommended for Judge Marcia Hirsch's mental health court in Kew Gardens, Queens.

"It was a good fit," said Peter's Legal Aid lawyer, Gary Alexion. "Through all those years, his history of mental illness had not been fully identified with his criminal justice problems."

The mental health court is one of more than 300 problem-solving courts established in New York State over the last decade to target the underlying problems that can cause crime. Twenty-six of these courts work with offenders whose criminal behavior is driven by mental illness and not deemed to be a threat to public safety.

In New York City, there are three mental health courts: Queens, led by Judge Marcia Hirsch; Brooklyn, led by Judge Matthew D'Emic, and, since March of 2011, Manhattan, where Judge Juan Merchan is at the helm. The Manhattan court was set up with no new resources from the state.

"Treatment helps put them on a rehab track, instead of ignoring the root problem," said Manhattan D.A. Cyrus Vance at the opening ceremony of the Manhattan court.

The United States Department of Justice reports that nationwide over half of federal and state inmates exhibit signs of mental illness, including approximately one-third with major depression and one out of ten experiencing psychotic delusions.

"We give people who appear in our courts multiple opportunities to succeed," said Judge Marcia Hirsch, who has presided over the Queens Treatment Court since its founding six years ago.

Defendants plead guilty and agree to a treatment program, which is monitored by the court, district attorney's office, Legal Aid and social service agencies. Through this support system, they are provided legal counsel, connected to vocational training, assisted in securing a job and housing, and helped to set long-term goals.

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The mental health courts are a better way. Judges, prosecutors and defense attorneys, all specially trained on mental health issues, coming together and identifying those defendants who need psychiatric care more than they need prison... The great value of the mental health court we open today is that it offers a third option besides jail or the streets. It links defendants through court-supervised, community-based treatment of their mental health problems, promoting both public safety and the well-being of defendants and the community."

***-- Chief Judge Jonathan Lippman at the opening of the
Manhattan Mental Health Court in March 2011***

"I had no one else to help me," said Peter, of his experience in mental health court. "There was no path in any direction. Judge Hirsch gave me a chance to do what's right." Peter now works part-time, earning \$6 an hour, and lives in a studio apartment in public housing. "My life is almost like a bowl of cherries," he said. "People cared."

"As long as they're committed to doing the programs and motivated to succeed, that's all that matters," said Judge Hirsch. Although time is added if offenders are not compliant, ideally they should be able to complete the program in one year. It currently costs far more for the incarceration of an inmate than it would for treatment.

Since its inception in November 2005, 101 participants have graduated successfully from the court and 16 participants have failed.

"The bulk of the people who appear before me are people who have never been engaged in anything in their lives," commented Judge Matthew D'Emic of the Kings County Mental Health Court. "If the court shows them that their treatment is important and that their staying out of jail is important, then the universal human response is to engage back."

Judicial Hearing Officers Lend an Expert Hand

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Now, three years later, the court system no longer can afford to pay JHOs their stipend. This past spring, as a result of cuts in the Judiciary's budget, the JHO program was largely suspended.

Sixteen JHOs in Criminal Court and ten in Family Court remain in New York City. Outside NYC, only eight JHOs remain paid employees of the court system.

JHOs approve restraining orders, handle discovery, assist in jury selection issues, settle attorney fee disputes, and even preside over trials.

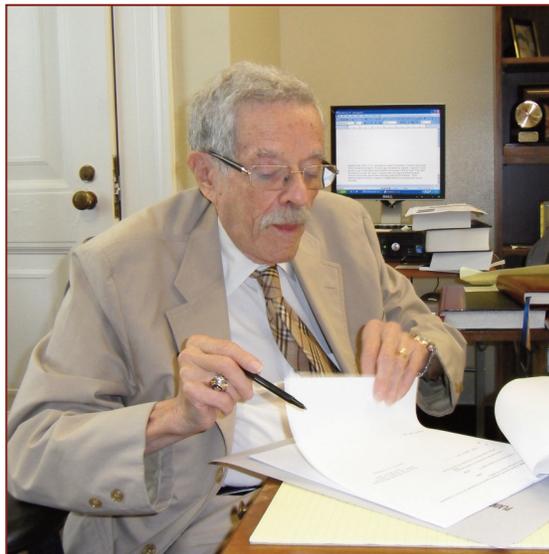
Chief Administrative Judge Ann Pfau has asked JHOs to serve voluntarily during the current fiscal crisis. To date, 65 JHOs, including Sklar, 79, who works three days a week, have decided to stay on, on a pro bono basis.

"Some people volunteer at libraries, hospitals or museums. I know the greatest service I can perform is to stay on as a JHO," said Sklar.

"It's an extraordinary bargain for the courts," he commented. "JHOs are the most experienced judges in the court system."

"The volume of motions is staggering," continued Sklar, known throughout his career as a 'good settler,' particularly in commercial cases. "Whether the case is small or large, everyone is entitled to the same justice."

With budget constraints, the services of the JHOs are even more vital than ever. Courtrooms close by 4:30 p.m. with a resulting reduction in the amount of bench time and many matters being handled by JHOs.



"I love doing it," said Sklar. "It's as close as I can get to being a judge and still perform that service for the court and the community."

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