

The New York Times

FRIDAY, JANUARY 5, 2018

New Judges in New York State Head to Judicial Boot Camp

By COREY KILGANNON

Each new year, about 100 freshly sworn-in New York State judges get robe fittings, courthouse assignments, chambers and staff members as they prepare to take the bench.

But there is one thing these new jurists lack: judicial experience.

So the state sends them to “Judge School,” a four-day judicial boot camp offered the first week in January to make judges out of lawyers accustomed to using their legal expertise to battle for clients.

“The transition is not something you can prepare for,” said Christopher Robles, 44, one of 84 judges taking the program this week at the New York State Judicial Institute at Pace University’s Law School in White Plains, N.Y.

“You go from advocating for one side, to becoming an impartial party who now has to apply the law equally,” said Judge Robles, a former defense lawyer from Brooklyn newly assigned to Brooklyn Criminal Court.

The goal is to equip the judges with the tools to quickly take control of their courtroom, said Judge Juanita Bing Newton, the dean of the judicial institute, a full-time training and education center for judges and other employees of the New York State Unified Court System.

Still, as long as you “never lose your humility,” a judge can keep learning on the job, Chief Administrative Judge Lawrence Marks told attendees in opening remarks on Tuesday.

“Perfection is not the goal here — all judges make mistakes,” he said. “Judges get in trouble when they’re arrogant.”

The weeklong course has been offered for 30 years by the state court system, which employs 1,250 judges, and oversees another 2,400 town and village judges — who have their own training programs in Albany.

The week in White Plains is packed with presentations mostly by senior state court judges.

There are no robes or gavels, but all aspects are addressed in a broad curriculum that ranges from general ethics and courtroom conduct to narrow points of decision writing, search and seizure rules, domestic violence issues and orders of protection.

Courses included “The Black Robe,” a general introductory class on Tuesday night, and a more detailed class called “Facial Sufficiency of Accusatory Instruments,” on Thursday morning.

In his lecture on the “Art of Judging,” Michael V. Cocco, a deputy chief administrative judge, welcomed the judges to “this new life you have assumed.”

Judge Cocco warned against contracting “black robe disease,” in which the main symptom is delusions of loftiness.



Michael V. Cocco, a deputy chief administrative judge, answering a question from Elena Baron, a new judge for the New York City Civil Court. Credit James Estrin/The New York Times

“Oftentimes, judges get their black robes on and they think they walk on water,” he said. “They think they can do no wrong, and that everyone has to laugh at their jokes.”

“Remember,” he said. “No crown comes with that black robe.”

What does come with it, he said, is courtrooms full of people standing up when the judge enters. It means their first names would largely be replaced by “Judge,” even outside the courtroom. Mostly it means always being under scrutiny.

“Largely, your reputation as a judge will be formed by your first year on the bench,” Judge Cocco said.

His practical advice included getting to know the layout of courthouses and meeting its employees, from court officers to maintenance workers to administrators.

Making an error in a ruling is to be expected, he said, and should be corrected quickly from the bench — “Upon further consideration,” was his recommended phrasing — to avoid reading about it in *The New York Law Journal*, or be reversed later on appeal.

Judge Cocco cautioned against conflicts of interest, accepting gifts or chatting casually — or even being seen — with lawyers arguing cases before them.

With trial work comes emotional strain, he told them, but “you got to wash it from your mind” with healthy outlets like music, meditation, power naps, exercise — but not drugs or alcohol.

A handful of the new state court judges had served as town or village court judges. David Alexander, 62, a former dairy farmer who became a lawyer, spent several years as a town justice in central New York be-

fore his recent swearing-in as a state judge in Cortland County.

Mr. Alexander likened working as a lawyer to a competitive athlete playing for a team. As judges, he added, “now we’re the referees.”

Another judge, Phaedra Perry, 51, will begin her judicial career by hearing arraignments in Bronx Criminal Court this month.

Ms. Perry, an Air Force veteran who has worked as a lawyer, prosecutor and a court lawyer assisting a Queens civil court judge, called the training helpful because “you have judges sitting and talking to you about their experiences.”

During a lunchtime orientation on Tuesday, Judge Bing Newton said new judges should avoid holding people in contempt.

“Don’t do it,” she said. “You are not in control of your courtroom if you have to hold people in contempt of court.”

Judge Bing Newton went on to remind the new judges that making the transition to the bench required closing law practices, making financial disclosures, obtaining judicial parking permits (for officials use, not the theater) and hiring clerical staff, which “doesn’t mean that person is your slave.”

To avoid making tabloid headlines, keep in mind, she said, that “your behavior is more subject to criticism than your decisions.”

“Someone is always looking and you never know who it is,” she said.

An afternoon session began with a seminar on case management during which Deputy Chief Administrative Judge George J. Silver urged the judges to move their cases along quickly and to begin promptly each day at 9:30 a.m.

If not, he said, “The word will

spread like wildfire that the judge is not on the bench till 10 because he or she is having a bagel and a schmear and a cup of coffee, so I don’t have to worry about being there.”

Any questions, he asked, adding with a laugh that, “If you don’t ask questions, we’re going to reassign you.”

Questions included how to work the computerized case-tracking system and even how to print out briefs to study over the weekend.

In another afternoon session, “Evidence Essentials For Trial Judges,” Michael J. Hutter, a professor at Albany Law School, gave the new judges an electronic quiz on whether certain types of evidence or testimony should be ruled admissible.

Along with the questions, the judges’ answers were displayed on a screen and there were often as many wrong answers as correct ones.

And even Professor Hutter often offered the correct answer, appended by “probably.” Clear-cut answers are not always available with nuanced points of law, he said, especially with little contextual information. Not to mention varying criteria for criminal, civil, family and other courts. This is where a judge’s curiosity, wisdom and interpretive skills come in, he said.

“I now call as my next witness,” he said to the class, moving on to the next quiz question for the new judges. “What’s your ruling?”