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Remarks by the Honorable Judith S. Kaye: Access to Justice Conference, September 11, 2001

The Honorable Judith S. Kaye

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ACCESS TO JUSTICE CONFERENCE SEPTEMBER 11, 2001

Judith S. Kaye
Chief Judge
New York State Court of Appeals

I begin with heartfelt thanks to our collaborators in this conference: the New York State Bar Association, the New York City Bar Association, Fordham University Law School and all of you. Imagine that: representatives from ten states and the District of Columbia; court people, legal services providers, bar leaders, academics, friends from all three branches of government, everyone focused on a single subject: access to justice.

However fine our courthouses, however well defined our constitutional ideals, however refined our legal processes, they are of little significance unless people in need can enjoy their benefit. It is appalling for me as chief judge to see how small a percentage of the civil legal needs of the poor in this country are being met, a statistic that may decline even further with the economy.

Only weeks ago I received a letter from a lawyer that, for me, captures the importance of assuring that people in need have the benefit of our justice system. The lawyer wrote to me about an elderly woman of limited means in Harlem who was served with an eviction notice claiming she owed her landlord several hundred dollars. That notice terrified the senior citizen, who was threatened with the loss of her home, unfamiliar with courts, and unable to afford counsel. Fortunately, the letter writer was a friend of the woman's family and agreed to tag along on a trip to the courthouse even though she is an entertainment lawyer and knows nothing about landlord tenant law.

Each of them was filled with dread over what they were about to encounter.

Naturally, the story has a happy ending, or I wouldn't tell it. In the letter, the lawyer said she was writing me not so much because the case ended satisfactorily, but because the experience was a surprisingly positive one. They saw a well-managed docket, a law clerk who told them about court procedures, and a judge who explained the case's resolution. The result? A senior citizen keeps her home; a lawyer takes pride in the New York State court system;

and the chief judge gets a great letter to share with her colleagues at housing court. They don't see a lot of letters like that.

Everyone in this room has similar stories, whether it's a tenant terrified of eviction; or a domestic violence victim who believes that she has no alternative but to return to her abuser; or a mother at risk of removal of her children; or innumerable other poor people compelled to face critical civil legal matters without the help of a lawyer.

Regrettably, too few of those stories have happy endings. Unrepresented litigants are often upset because they don't understand their rights or the court's procedures; they don't know how to present their best case; or they can't comprehend the significance of a judge's decision. Some feel justice was not served because they didn't get a chance to tell their side of the story and they don't understand why.

What brings this conference together is our commitment and our resolve that there be more happy endings. It's not that such litigants should win every case; that would be a ridiculous goal. Rather, we want all litigants to have an opportunity to put their case before an impartial tribunal. That is a most sensible, most reasonable goal for the court system and for each of us.

So many of you have given so much to this goal that I need not tell you how elusive it is. It's the same in the court system. Two years ago, we took a giant leap forward with the creation, at the highest level of court administration, of the post of deputy chief administrative judge for justice initiatives. And we were fortunate beyond measure to find the perfect person, Judge Juanita Bing Newton, not simply to fill that post but to define it. We all are enormously grateful to you, Judge Newton, for your courage in taking on this tough assignment and your effectiveness in discharging it.

The idea behind a single, high placed administrative judge for justice initiatives was a simple one. We would bring the subject of access to justice from the margins of court operations to the center of the table. By centralizing our focus on the civil legal needs of the unrepresented, and self-represented, we might begin to rewrite the statistics.

That has certainly been the experience. Judge Newton and her remarkable staff have been tireless in their efforts, all across New York, to promote access to justice. I could go on at great length detailing their contributions: drawing attention to the need to increase assigned counsel fees; measures to enable the self-repre-

sented to find their own way; forms and instructions; guides to the court; information on litigants' rights; reaching out to help educate the public about the courts; and inspiring projects, like CLE credit, to stimulate pro bono services.

Bringing the issue from the margins to the center of court operations has itself galvanized efforts throughout the state, with local initiatives in every one of our judicial districts. Here, too, the list of examples is a long one: more alternative dispute resolution options; clinics for the self-represented; interactive kiosks; websites; town hall meetings; satellite offices and night courts.

That same principle lies at the heart of this conference: to focus a laser-like beam on promoting access to justice to strengthen our individual efforts and multiply our successes. Good ideas are contagious. We need to generate them and we need to share them. That same principle is at the heart of an exciting new initiative it is my privilege to announce today.

Today we announce the formation of an Access to Justice Center. Although we advance this concept cooperatively, it is my special privilege as chief judge to make this announcement because access to justice goes to the heart of what we do as a court system. The longstanding, distressing statistics on unmet needs for civil legal services simply must change.

What will be the function of this unique, independent entity?

To help each of us and all of us, the Center will be singly devoted to promoting the concept of access to justice. The Center will bring together the best thinking on subjects like civil legal services, and the simplification of procedures for the unrepresented and self-represented. Hopefully, one of the innovations will be to find new revenue streams of a more permanent nature. Above all else, with the imprimatur of state government and an affiliation with Judge Newton's office, we have every confidence that the Center will move the issue of access to justice from the margins to the center of public consciousness.

I would like to close my remarks on a personal note. I'm sentimental about anniversaries, and tomorrow, September 12, is a special anniversary for me. Precisely eighteen years ago, on September 12, 1983, I took an oath of office, my first in Albany, as a judge of the court of appeals. I promised to uphold the state and federal constitutions and to discharge my responsibilities according to the best of my ability. I can think of no better occasion than this one to reaffirm my oath, as together we pledge ourselves to making the lofty rhetoric of equal justice a living reality for all New Yorkers.

