

HISTORICAL SOCIETY *of the* NEW YORK COURTS

**Dispensing Justice from a Distance: Journal of the NYS Courts During the
2020 Pandemic**

**Interview with Hon. Jeanette Ruiz & Danielle C. Quinn
July 9, 2020**

Danielle C. Quinn: [0:00] Welcome to *Dispensing Justice from a Distance: Journal of the New York State Courts During the 2020 Pandemic*. This is a project of the Historical Society of the New York Courts that highlights the personal accounts of individual judges who are meeting the needs of litigants appearing before them during the period of virtual court proceedings. I am Danielle Quinn. I'm an associate at Patterson Belknap Webb & Tyler in New York City, and I am also Co-Chair of the Young Lawyers Committee, which is the committee conducting these interviews. Now today, I will be interview Judge Ruiz. Judge Ruiz is an administrative judge of the New York City Family Court. She started in this position in October, 2015, following her service as a deputy administrative judge and earlier supervising judge of the Kings County Family Court. She is also the first Latina to serve as administrative judge of the New York City Family Court. With that said, thanks for joining us today, Judge Ruiz. Let's get started. Why don't you tell us a little bit about yourself, your legal background, and how you came to be a judge.

Jeanette Ruiz: Hello Ms. Quinn, I'm very pleased to be part of this project, and I thank you and the Historical Society for this opportunity. So as you indicated, I've been a judge now for 13 years. I started as a trial judge doing child protective cases, and subsequently moved into more administrative, increasingly administrative positions within the New York City Family Court. The legal profession is my second career. I started out in life as a social worker. I attended social work school, and I practiced clinical social work for a number of years before I decided [2:00] to go to law school. I went to law school in D.C. and then returned to New York City, and practiced as a litigator for about 14 years before I actually became a judge. I was appointed to the bench in 2007.

DQ: And during your practice as a litigator in the City, did you work on family law-related issues, or what did that practice concern?

JR: No, as a matter of fact, I didn't. I was actually a litigator for the New York City Law Department, where I handled general litigation. I represented city agencies in both federal and state court.

Subsequently though, I did become general counsel to a child welfare organization, called Harlem Downing Westside Center, and I was there for eight years. With my social work background and being in a child welfare organization, I of course became very, very knowledgeable about child welfare in general and certainly was able to integrate, if you will, my social work career with my legal career.

DQ: How did your background as a litigator for corporation counsel affect your ability or transition to becoming a judge?

JR: Well, I think to be an effective judge, it's really important that you've been a litigator because it's really important to understand how courts work, how legal proceedings are handled, to be very knowledgeable, of course, about the rules of evidence. All of that is really helpful, almost critical training, I think, to someone who is really interested and aspires to become a judge.

I was inspired in law school by a family court judge that I met who was very dynamic, and he happened to be from New York even though we were both in D.C. He really inspired me, and he also became a mentor of sorts. When I asked him what I should do if I wanted to become a judge in the [4:00] future, he gave me a really good primer, which included, of course, doing litigation, getting involved in bar activities, also remaining involved in community activities. So I followed his roadmap, and it worked.

DQ: It's always good to have a mentor. It's very interesting that you have the experience as a litigator, obviously as a judge for a long time, so you kind of have an idea of what it's like on both sides of the bench, which sort of brings us to the subject of this podcast, which is COVID-19. The pandemic has affected everyone in one way or another, and as a judge, I would like your perspective on how COVID has affected litigants appearing before you.

JR: Well, let me start by saying the New York City Family Court consists of five courthouses – one in each borough of the City of New York. It's a huge court, and it provides access to justice to just literally thousands and thousands of children and families, and so the pandemic has had a really serious impact on many of the litigants who we serve in family court – many of whom are poor, and really on the digital divide, and don't have access sometimes to computers, even -- I daresay even cellphones. The challenge of the pandemic on both the court as well as the litigants has been enormous, perhaps more so than in other courts where most of the litigants are represented by attorneys. In our court, the majority of the litigants who come to our court and who rely on our court do not have attorneys, and so that makes the challenge even greater in terms of communicating with them, but also in terms of being able to provide legal

proceedings in a virtual or remote [6:00] fashion that they can access. That's been an enormous, enormous balance. There are some of our cases, the child protective cases for example, the delinquency cases, all of those cases involve attorneys, but as I said the great majority of our cases do not involve attorneys, and actually require use to really be creative in trying to figure out how to better serve the unrepresented litigants.

DQ: So you mentioned something called the digital divide, and one of the things I wanted to ask you about today was – my understanding is that you took the lead on digitizing your court, and so I want to talk a little bit about pre-COVID what those digital efforts were, then we'll move to after the pandemic, how those digital resources allowed your court system to continue to function, maybe at a higher level than some of the court systems that don't have those digital resources, and then we'll finish with talking about what your court is doing for those individuals who don't have the access to digital resources. So first let's start with the digital resources pre-pandemic, and how that worked.

JR: I should say soon after I became administrative judge of the Family Court, which was as we indicated earlier, October of 2015, we launched a strategic plan for the court, something – a roadmap – that would take us into the future, and an element of that, which is also an element of the Chief Judge's Excellence Initiative, is to really look at operations and how to make operations the most efficient as possible and how to look at operational efficiencies and how that can increase the court's capability to serve and to serve in a higher quality.

We embraced technology very early in my tenure. Firstly, we developed the electronic signatures so that all judges and all jurists could sign [8:00] court orders electronically, and to do so remotely so even if they weren't in the courtroom, they could go to their chambers, they could access their files, and just do electronic signature on orders. Then we became totally digital in 2017, which means that all our judges, and we have about 65 judges currently and we have another almost 70 jurists, we have 30-something support magistrates, and we have court attorney referees, all of whom have caseflows. On a yearly basis, we come close to about 200,000 filings a year, so all of the jurists have access to their notes because everything is digital. We have something called UCMS, which is the Uniform Case Management System, and you can access your cases remotely from anywhere. So this gave us the infrastructure, if you will, to do digital courts, completely virtual courtrooms.

We started our with three when the pandemic first occurred, and we built those three in about four days. We have excellent LAN people, and excellent clerical people who were really able to operationalize at least three virtual courtrooms. I should say we're now up to 25. In the course of the last three months, we've continued to build our virtual capacity, but for the fact that we were fully digital, that we were able – everybody was able

– Well, not. Let me say, the jurists were all able to access their files from home, if you will, really just enabled us to do – to build those virtual courtrooms, and to do it in a very quick fashion, and very efficiently. I could say they run really well. I think the only problem sometimes is a call may fall, so you may have to go back [10:00] and wait, the proceedings will be halted, and then we have to go back and bring the lawyer or the litigant back on. It's been really fascinating to see how because we embraced technology so early on, and how that really fully prepared us to convert to virtual courtroom.

DQ: You said a call would drop, so are some of the litigants that might not have access to computers – I mean, libraries aren't open – are they allowed to join by phone?

JR: Yes, most of the litigants appear telephonically. Most of the lawyers will appear by Skype, which is our platform for conferencing. So yes, most of the litigants appear by phone, and there are certain challenges for doing virtual proceedings that unless you've done one, it may not occur to you what some of those challenges are.

When a litigant is participating by phone, they can't see anyone in the courtroom, they cannot see the judge, they cannot see their lawyers, and so the visual cues aren't there for knowing when to speak, when not to speak. The Judge has to be very, very proactive, and very descriptive about what's going on, introducing themselves, introducing the proceeding, making sure all the lawyers are identified and explaining to the litigant who's on the phone what's going to happen, and the process involved so that at least they have a framework. It's very difficult when you can't see someone to participate in something as important as the legal proceedings. Obviously, that affects your rights, it affects you – the lives of your children, your family. The judge has to be very, very, very thoughtful and very descriptive at each [12:00] part of the proceeding.

DQ: Absolutely, and also the other factor here is that it might – it's scary or intimidating for people when you're in person, so accommodating that is also probably difficult and challenging.

JR: When you're doing a hearing, judging credibility often requires that you literally can see the witness. If you can't see the witness, that's another set of challenges for the jurists in making determinations, as I said, or making decisions. We actually do hearings – I mean, that's the bulk of our businesses really, doing emergency hearings of all sorts, and sometimes doing them in a fairly quick pace because of the volume of cases that we're seeing daily now.

DQ: These sort of challenges that you just described, were there any – if a judge from another court system or court is thinking about adopting virtual

proceedings or is doing it, is there any tips or advice that you have for these virtual proceedings? You said being accommodating, describing what's happening in the courtroom, is there anything else you can think of that you sort of troubleshooted along the way?

JR: Right, well you have to be patient, very patient, because sometimes technology for all of its wonders and all its attributes can fail. There could be – things can happen in a proceeding that you don't anticipate, and that you certainly would never have experienced in an actual courtroom, so you have to be flexible. You have to be patient, and you have to be aware of your background in your proceedings, where you're doing it. If you're home, making sure it's an appropriate setting, and we also developed a training for virtual courtroom proceedings. There actually are all these tips that exist, and articles that actually have been [14:00] written by others. So there is material out there for people who wish to access it. Our training was really great because we were able – not all of our jurists were really technical. The other – some of our younger judges were very used to doing everything on the computer, but some of our older judges maybe weren't as familiar. We really had to support them and make sure that they had the training and the skill set, and to give them an opportunity to observe virtual proceedings so that they would go be invited by a colleague to come into their courtroom so they could see firsthand what was involved and that was also, of course, very helpful.

DQ: You explained that you have over 200,000 cases, files a year, so during – and this is not totally inspired, but during the past few months, do you feel as though you're keeping up with the caseload now that you've gotten these 25 virtual courtrooms going, or do you still feel like there's some – it's taking longer to sort of get back to normal in this sort of virtual...

JR: It's going to take a long time to get back to normal, and normal will be very different. Our courthouses were, are, such high volume courthouses, we could have in any given day 1000 people come to our court, so there is no way at this juncture or even for the foreseeable future that I can anticipate or foresee us ever going back to a situation where we would have the volume of traffic in our courthouses. I don't see that happening, and in some ways I think that's a good thing. I think it's made us think about the work of the court in a different way. We have, for example, been very proactive in getting lawyers to agree to what is not in the dispute, and to do stipulations, and to really [16:00] streamline cases to talk more to each other, to really look at what can be settled or what can be resolved, and doesn't have to be litigated. So it's really given us a new framework, if you will, for looking at the work, and hopefully, I think, the lawyers also are sort of coming towards the work differently, understanding that we're not all going to be in the courtroom, and we're not going to have these long protracted proceedings where everybody can go through everything,

that we really have to streamline the cases to be more efficient, be more focused, and really practice in a different way. We're not usually – the Family Court has never, for example, been a motion practice court, but now we're becoming more a motion practice. As I said, more stipulations, more orders to show fraud, more making sure that you know you have a pre-trial order, that you know what your evidence is, your exhibits are going to be. I think that's all really been actually very positive at least the practice of it, and I think it's obviously ultimately the nose of the benefit of the families and children we serve, because if their cases can be resolved in a more timely fashion, obviously that's very, very good and positive. So it's been a – it's been a transformative process to say the least.

DQ: I mean – so I believe that there was just an order issued that some of the New York City courts are going to begin to do some in-person proceedings. Now, do you feel or is it your impression that maybe some things will continue to be done by telephone or virtually, that some of these practices might be here to stay? Or do you – or is the direction more going to be “this is a temporary thing” and once social distancing is less necessary, moving back to sort of streamlined but more [18:00] in-person proceedings?

JR: Oh no, I completely foresee and anticipate that virtual and remote access to the court will be something continuing way into the future. I, for one, in my capacity as administrative judge, I manage all five courthouses, right, and I am the one who has to make a lot of tough decisions sometimes about “we have limited resources, how do we – how do I allocate with my executive team – how do we allocate the limited resources that we have and actually get the most maximum impact?” in effect. So I cannot imagine disabling any of the virtual courtrooms that we've built that to me is not something that we'll ever do, and I think to the extent that we can improve access to technology for the unrepresented individuals, so that's really the challenge. The lawyers, I believe, really are having great virtual proceedings. For them, it's very convenient, they can work from home or wherever.

I think that harder and the more challenging aspect of this for the Family Court is the unrepresented individuals, and really trying to figure out sort of how to provide them access to virtual and remote proceedings when maybe they don't have the equipment or have the resources, if you will, to purchase a computer. They don't have scanners, they don't know how to PDF a document so it can be electronically filed.

So we've created, for example, email mailboxes, we have a hotline for unrepresented individuals, and we keep expanding the telephone access so we may have started out with five phones, and now we're up to 15 phones so that we can better serve that community. We've also created linkages with community-based [20:00] organizations who can also provide

supportive assistance to unrepresented litigants, to help them fill out their petitions, to help them file it vis-à-vis email, those kinds of things.

DQ: Those are all – seem like great initiatives. One of the things we’ve really been focusing on mostly technology, so my next question is sort of about social distancing in the courtroom and what aspects of practice – I think we’ve touched on this a little bit about the in-person social cues that are missing now – but what other aspects of the court practice do you believe were most affected or impacted due to failure to be in-person, and do you have any ideas about how to address those if we’re going to continue to do proceedings virtually?

JR: Right so the physical – we’ll call it physical distancing as opposed to social distancing because quite frankly in the virtual world, I think we need more social connections than ever before because we’re all so isolated. We’re all in our silos and that kind of thing, so I think in the social work field, they’re calling it physical distance.

DQ: I like that term.

JR: Yeah, it’s a good term right, because social distancing, as I said, sort of connotes that you’re like socially disconnected from others, which I think is not what we really want in this environment that we’re all in. So I mean in the courthouses now, what we have is we have actual signs that indicated what six feet distance is and we require people to maintain six feet of distance. Of course, we require everyone to wear a mask, we’re also now doing temperature scanning of anyone who comes into the courtroom. So we’re taking all the precautions that we could take and that the science says you should take if you want to really minimize the spread of the virus, and so the health [22:00] and safety of our court staff as well as all the litigants that the court serves is paramount. You have to take all of those steps. For us also on a more social sort of perspective, the inability to meet a person is a challenge. It’s difficult doing the virtual thing all day long. It’s very – can be much more tiring, I think, and fatiguing than actually having an in-person meeting. We would have often trainings, we have to now do all our trainings virtually, so we can’t really get together in any way as we were accustomed to doing before. In the courthouses through now, we’re putting – we’re building plexiglass – we have plexiglass around all the courtrooms, around the judges’ area. In some instances, we’ve had to relocate where the clerk sits because the clerk can’t be that close to the judge, and typically, the clerk is very close to you. And obviously, you’ll stop at the plexiglass to keep the lawyers apart. In some of our proceedings, for example, it can involve up to 10-12 people, and our courtrooms are not that big, at least in the Family Court, they’re not that big, so it’s impossible to have 12 parties or 12 individuals

in a courtroom and do physical distancing. Maybe you have to keep some of them in another courtroom, and still Skype them into the one courtroom. So it requires a lot of rethinking and re-arranging how you do everything, but it's critical and you have to do it – just know it's what's your hands about it.

DQ: The setup that you just described, have you done a socially distanced in-person proceeding?

JR: Yes, we're in the process of doing it now. We have plexiglass and those sorts in certain courtrooms that we've identified. We tried to select the larger courtroom so that we could, if we had to, have more individuals in the courtroom. So right now, what we're doing is more kiosk kind of situation where the litigants will be brought into an area where a clerk will be on the other side and help them either fill out the petition itself, make sure it gets a DOT file number, make sure it goes into the case management system. And then we videoconference the line again to a courtroom, let's say, on another floor where the jurist is. Then that's how the jurists now can see the litigant, the litigant can see the jurist, but they're not in the same location. They're in the courthouse, but in different rooms or on different floors, and that's what we're doing currently as we build towards doing more of in-courtroom with everyone in the courtroom. But we're doing it in a slow, deliberate process to make sure everything is fully in place as I said and make sure that everyone will be safe. That's really important, so we're doing it in a measured sort of very slow pace.

DQ: Absolutely. Has there – I mean I wanted to ask you a little bit about your role managing other judges in the five courts through this process, and we talked about technology, about distancing. Are there any particular challenges or things that you've had to address since COVID started with respect to managing all the different courts under your purview?

JR: There are quite a few – no different I think in some ways as we see in the rest of society and the rest of the communities. Some of our staff are not able to come physically to the courthouses because they have childcare issues. Their children are not in school, their children are home, [26:00] the children are on the computers. They have to help their children, so they can't come to work, come physically to the courthouse, and they have to continue working virtually from home. Of course, there are other individuals who may have underlying medical conditions that put them at higher risk, and so they too are not able to come to the courthouse and will continue to work virtually. As I said earlier, we have to do a fair amount for training for our judges and jurists who were doing the virtual proceedings and at this point, almost every single jurist has had the opportunity to preside in a virtual

proceeding. We think that's really important even, even those who are perhaps a little intimidated by that process, but really to encourage them and give them the support, and just making sure that they were also included in this, and not left out. So those are some of the challenges. Some of our clerical staff also, who live in – who live in small apartments and who have big families and they already have two desktops in their homes because their children are doing learning virtually, couldn't – didn't have the space for a third, so we have to get them laptops or other instruments. It's just a lot of challenges and many different ways and a lot of things to problem solve. I daresay I think every single day since March, the amount of problem solving that we have to do is just – it's almost indescribable, and you're talking, problem solving in real time, you don't have a lot of time to deliberate, to consider, and I keep telling my staff and my senior – there's no roadmap. We've never done this before, so there's no sort of [28:00] right way to do it. A lot of it is really having the courage to try this out, and if it doesn't work, then going to plan B or tweaking it, and building a virtual courthouse operation is as I said, it's never been done before. So it takes a lot of creativity, and sometimes a lot of courage to really just go for it. And if it doesn't work, then we'll regroup, and we'll figure out what went wrong and do it a different way.

DQ: I think that's a really good story, and I think you're prob – of course you're not the only one who's thinking about these things and issues. Have you talked with other judges who are also trying to sort of implement this virtual court system? Have you – have you all sort of brainstormed on what's working and what's not working, and what have those conversations been like?

JR: So yes, and I've been having verbal conversations. There's a family for judges, juvenile family for judges council, that's nationwide. So really accessing what judges and administrators are doing in other jurisdictions, and looking at the bigger jurisdictions that may be more comparable to us, like Los Angeles, for example. I think everyone – you know the volume is really the issue. There's very few courts that have the volume that New York City courts have, whether it's Family Court, Housing Court, Small Claims Court, there are so courts that just have enormous volumes. That's not typical in other jurisdictions, it's not even typical outside of New York City, for example, where there's not the density in population that you have in New York City. Then the other big challenge we have is we have mass transportation, and so for individuals who have to take the trains and the buses, you know that's a-whole-nother set of issues and causes so much anxiety [30:00] and rightfully so, because everybody's so concerned about their own health and safety and welfare. So yes, the conversations always are around – “did you try this?” “Did you try that?” Or “How do you hand this and how did you handle that?” But as

I said, it's – everybody's really, really going through a lot of challenges and really trying to think very broadly about how to accomplish – how to provide access to justice with huge numbers of people, how to do it virtually, remotely, and if you're doing it in the courthouse, how to do it safely, and how to do it in a way that doesn't put any one at risk. It requires, obviously, a lot of them, a lot of new rules.

DQ: I think there's been – I mean, listening to you today, with other people that I've spoken with working on this project, there's been a lot of improvements and efforts towards doing it right, making sure people feel comfortable in the way that they're being represented. The efforts are all not unnoticed, I think, by the other courts, and attorneys and litigants. Now I think we've covered most of the topics that I wanted to go over. We've talked a little bit about lessons learned about what works and doesn't work with digital court proceedings. Is there anything that you think that's related to this topic that's important for people listening to this interview to know that we haven't already discussed today?

JR: No, I think I would just really emphasize the importance and the need if you will to really be visionary and to really embrace technology in a way that can only benefit people, and to look at the [32:00] digital divide and figure out more effective ways to really get through that – especially when you have litigants who are unrepresented, and who in many cases, as we all, I think, know have had the virus, that had such a more significant impact on them because they're poor, because they don't have access to good health care, because they don't have access to good schools and education. I think this virus has really exemplified sort of all the challenges and inequities sometimes of certain communities I think it's really important for us, all of us, to notice that, to attend to it, and to do everything we can to problem solve it, and to improve the condition for everyone. We don't know what the future is going to bring, and we don't know that there won't be other health crises in the future, so we really have to be prepared, really improve our health system. Now it sounds like social work, I'm sure, but really I mean the work of the Family Court is so critical to the lives of children and families, and we deal with the most complex cases and the most sort of intimate things about family relationships, so we see – we see on a daily basis the difficulty of some kind of life and the disparities, if you will, on the families and children we serve. I think it's really important that we keep that in the forefront of our thinking, and that we actually do everything we can to address it. These are the access to justice, and you know – other people obviously can do it in other ways, and system changes, et cetera.

DQ: Well that's a great note to end on. I want to thank you for participating in our project *Dispensing Justice from a Distance: Journal of the NYS Courts*

during the 2020 Pandemic. [34:00] For more interviews from this archive, visit the Historical Society of the New York Courts' website at history.nycourts.gov.

Thank you again, Judge, it was wonderful to interview you.

JR:

And thank you and your organization for memorializing this really historic occurrence that has really changed our world in so many ways. Thank you.