

Promoting Diversity in the Courts: Hon. Deborah Kaplan

John Caher: Welcome to Amici, News and Insight from the New York Courts. I'm John Caher.

Last month, we featured the Hon. Norman St. George, the Deputy Chief Administrative Judge for the Courts *Outside* New York. This month, and in recognition of Women's History Month, we're joined by the Hon. Deborah Kaplan, the Deputy Chief Administrative Judge for the Courts *Inside* New York City. Reciting Judge Kaplan's resume would consume the rest of this program, but in a nutshell, before undertaking her current role in October 2021, Judge Kaplan was the Administrative Judge for one of the busiest courts in the nation.

She also served the Statewide Coordinating Judge for Family Violence Cases and was at the forefront of raising awareness of elder abuse. Judge Kaplan, a judge for over 20 years, co-chairs at New York State Justice Task Force. She chairs the New York State Judicial Committee on Elder Justice, and she's a member of a New York State Judicial Committee on Women in the Courts, as well as the Advisory Committee on Court Access for People with Disabilities. She's also a Past President of the Women's Bar Association of the State of New York.

With that brief introduction, I'm pleased to welcome Judge Kaplan to Diversity Dialogues.

Judge, let's start at the present and work our way backward if that's okay. So what exactly does a Deputy Chief Administrative Judge for the Courts Inside New York City do?

Judge Kaplan: Good afternoon. Thank you, John, for inviting me to another conversation with you. I'm sure we'll have an enjoyable afternoon together.

John Caher: I think so.

Judge Kaplan: Well, I've now been Deputy Chief Administrative Judge for four months, so I think I can give you an answer to this.

I have oversight of all of the New York City courts in all five boroughs, which includes Supreme Court, both the Civil and the Criminal term, Civil Court, Housing Court, Criminal Court, Family Court and Surrogate's Courts. And many of these courts are some of actually the largest and most active courts in the country.

But really John, I think that just begs the question, doesn't it? What does having oversight actually mean? If I were to tell you everything that I do or am responsible for, there wouldn't really be any time left in our conversation. So I'm just going to try to give you a brief overview of some of what I'm tasked and honored to do.

John Caher: That sounds great.

Judge Kaplan: So, I do all of the human resource issues, PARS, that is, people that we're seeking to hire. I sit on interview panels or approve interview panels. I do promotions, re-classifications, alternative work schedules. I deal with all the disciplinary issues for New York City. I'm responsible for case management and operations in every single court.

And right now we're very focused on increasing our trial capacity and increasing overall in-person proceedings. We are making sure the courts are moving forward as we return to greater in-person proceedings, recognizing there really still is a solid place for virtual proceedings. I'm responsible for judicial assignments and I'm responsible for all our new initiatives in New York City.

I'll give you an example. Right now, we are laser focused on our New York City gun case initiative, which seeks to expedite the processing to final disposition of gun cases. And that plan actually began before I became Deputy Chief Administrative Judge on August 16, 2021.

But now we're refining our procedures and implementing a plan for all New York City felony gun cases. In particular, the new plan has enhanced not only hearings, but our trial capacity. It outlines expectations for the other stakeholders in the New York City criminal justice system.

Some of the other things I do on a daily basis are facilities issues - If the roof leaks in the courthouse where you are, John, you call me. I have to address it; technology review; I meet with bar associations, affinity groups, employee groups, county, city and state agencies. I've convened and I run several citywide advisory committees on the Child Victims Act, medical malpractice cases, matrimonial guardianship, and one that's very dear to me, hospital hearings – a critically important area where people's constitutional rights are at stake who are housed in the hospital setting and are being asked to take medication or being told they have to stay; special masters and other ADR programs. So that's just a few of the things that we do.

John Caher: In light of the report by Jeh Johnson, that shows that we have a long way to go to reaching equity and equality in the court system, what specific challenges does that present to you as the DCAJ for the Courts Inside of New York City?

Judge Kaplan: Thank you, John, for asking me about that because I'm very pleased to talk to you about that.

You know, the most important challenge right now to our courts actually is the report from the Special Advisor, Secretary Jeh Johnson, and Equal Justice in the New York State Courts. But I actually think the report reaffirmed what we already knew - that racism and bias remain a disturbing, pernicious, shameful presence in the court system. And the report really compelled me to redouble my own commitment and amplify my efforts to dramatically improve the experience of court users, ensure that no one is subjected to any sort of bias, intolerance or disparate treatment when they come through our doors. There is, frankly, simply nothing more important than eliminating bias from court operations and creating a court system that promotes fairness and diversity and treats every person who comes here as seeking relief with the respect and dignity that they deserve.

Judge Kaplan: I think judges are the leaders and role models in the court system. That means judges must always set the standard from non-biased behavior in all of their interactions as well in their decision making. And judges must make it abundantly clear by their conduct that racial bias discrimination and harassment will not be tolerated.

But you know, John, it's not enough.

It's incumbent upon judges, court leaders, *all* of us to speak out when we witness racial bias, or any bias for that matter-- gender identity or expression, religion, sexual orientation, age, disability--whether it be within our court family or towards court users, and silence is not option and the court's commitment and my commitment is to zero tolerance for all forms of racial bias, discrimination and harassment, and that's unwavering. The duty to enforce this policy extends to everyone working in the court system.

And another related challenge-- critically important and urgent for me in this new position-- is the further diversification of the workforce in our New York City courts. And in this endeavor, I'll continue to work closely with the Office of Diversity and Inclusion, the Office of Justice Initiatives and the Franklin Williams Commission among others.

We widely disseminate all information about job opportunities and in the court, and we'll continue the use of diverse interview panels and encourage more of our judges and nonjudicial personnel to be on them. But hiring is only the first step. We have to mentor our new hires. Our goal is to retain our employees, to promote them.

We want to do whatever we can do to empower our court family, to advance them in the court system. So one project that we're working on with the New York County Lawyers Association and the Franklin Williams Judicial Commission is we're relaunching a Special Master's project and diversity is a big component of this. Volunteer attorneys, , many of color, will be assigned to specific judges to learn how to be a special master, to get a real view of what it's like to work in the court system and hopefully to put them on the path if they'd like to consider being a judge or coming to work here. But that's just one program of many that we're working on. So thank you for asking me that question, John.

John Caher: I want to follow up on one thing you said, and maybe we could expand on that a little bit. Hospital hearings. What are you seeing in that and what are you seeing with that in the era of COVID?

Judge Kaplan: Before I became the Deputy Chief Administrative Judge, I sat on a committee that had been convened by the former DCAJ, George Silver, and that put together all the stakeholders for people who were facing hearings under the Mental Hygiene Law: People who were being housed in hospitals, who wanted to be released, but were being held because there had been an order directing them there, or there had been an observation order, people who were being told by their doctors that they should be taking medication and they didn't want to. So before the pandemic came, we actually started a plan to have some of these hearings virtually because in Manhattan, we used to have the judges go to between seven and 10 different hospitals during the course of a week to do the hearings in person. That also meant that some hospitals had to transport patients from one place to another outside of the hospital, from one hospital to another, for hearing.

We decided that it might be a better way to do them virtually and we had begun those plans. So we were very well poised when the pandemic came to be able to continue those without any stoppage at all. The first week that the courts reduced in-person proceedings back on March 17th, two years ago, we were actually able to continue with the hospital hearings. And we have judges preside over them, we have lawyers from Mental Hygiene Legal Services, private counsel, counsel for the hospitals , we have the doctors testify and the judges will make a finding

after listening to testimony and reviewing the medical records and documents as to next steps. I think they're critically important hearings, and I'm happy to say that we've been able to consistently do them. Our model was then adopted by the other four counties in New York City and then outside of New York City.

John Caher: "Critically" important is certainly an appropriate way to put it. I mean, they're literally critically important. But also critically important are the gun cases. And I know you're heavily involved in that. But what are some of the other major challenges confronting the courts in New York City right now, as we speak?

Judge Kaplan: I mentioned the gun issue because it is very, very important in New York City. It's not a challenge just confronting our courts, but our city. Our new mayor, Mayor Adams, has pointed out the first month of 2022 was among one of the most violent in recent memory, largely attributable to gun violence, which is frankly an epidemic and a public health crisis. And we are addressing the inventory of gun cases pending in Supreme Court, Criminal Term, and have developed a gun initiative. So we've come up with this comprehensive plan. We've established new Supreme Court Information waiver parts in all five boroughs. They're going into effect this week.

That will allow cases to be adjourned directly from the Criminal Court where the top count after arraignment is criminal possession of a weapon in the second degree. And they'll be transferred for the, what we call the 180.80 day, the required Grand Jury Action Day, directly at the Supreme Court, which is something new. At that point, we expect the district attorneys to be able to have reviewed their case and, as appropriate, make a well-reasoned offer to the defendant and share discovery information about the case. Then, the defense counsel will have an opportunity to speak with their client, take an adjournment to discuss it with their client, put it over for perhaps a couple of weeks and see if there's a way that they can work at a resolution pre-indictment. That gives you an opportunity to end the case earlier and to have more flexibility in resolution.

During that adjournment, the defendant, through defense counsel, may wish to present certain information to the District Attorney to give a fuller picture from their view to come up with a resolution of the case that is fair. But if there's no disposition, it's on for grand jury action. If an indictment is returned by a grand jury, it'll be arraigned in that part and will be kept until resolution with one of our designated gun court judges.

So, in each county, the Administrative Judges have selected a team of their own judges who are going to be exclusively handling gun cases so that we have the most attention on it, and that the processing is thoughtful and that there is responsibility.

We have a solid plan in place, I believe, and an expedited schedule to bring these cases to resolution. That puts the burden on both sides to be ready to do what they need to do to move forward. We're also further down in the process going to have another substantive conference with the district attorney and the defense counsel, to be able to see if there's a way before the hearing - as many of these cases have suppression hearings - to resolve the case. And if there's not, the hearing will go forward. And if there is no resolution after the hearing, there'll be a pretty immediate trial.

So we are very, very laser focused. We have put resources into these parts. We have put excellent judges into them. But in addition to the gun issue John, I'd like to talk about Family Court for a few minutes if I could.

John Caher: Please do.

Judge Kaplan: I don't think we can ignore the scrutiny in which our Family Court has been under it in New York City. And I want to say it's very true that Family Court faced great challenges during the pandemic, but I also want to say that we have an incredibly dedicated and talented group of judges and non-judicial staff who choose to work in the Family Court. And we also have an incredibly dynamic new Administrative Judge, Anne-Marie Jolly, who is visionary. And I have no doubt that under her leadership, our Family Court will now flourish.

I think you're well aware that there's an extremely large number of cases pending in the New York City Family Court for some critically important matters dealing with families, dealing with children. And I say this from the perspective of someone who also spent a lot of years as a matrimonial judge in Supreme Court, dealing with similar issues.

But we also have to recognize that many of our Family Court users are unrepresented, that they're poor, that they're people of color. And our mission is to ensure the same high level of justice for every single court user in every single court. We're investing a great deal of resources and time into Family Court and are committed to working with our greater group of stakeholders, our partners, to continue to improve access to

justice. And I'll share some of that with you because I'm really, I'm excited about Family Court. I think at the end of the day, we will be the court that others look at in New York for how a Family Court should really run and function. So if I may...

John Caher: Absolutely. Please do.

Judge Kaplan: Specifically, we are hiring 12 very experienced special referees, and they will be assigned to the Family Court to address the backlog there. They will be with us in April, and they will immediately start doing trials, handling hearings. We are hiring large group of new support magistrates dealing with support matters, assigned to the custody court, in the next few months and support staff for these folks. And our plan will allow us to move up the dates of so many Family Court matters that were scheduled during the pandemic with much longer than acceptable dates.

The first immediate good thing is that we're getting people back into the Family Court. We're moving their cases closer in time, so their issues can be addressed. Updated technology is coming to Family Court. I'm having a conversation with you using Teams, which is our Microsoft platform, but we're expanding that in Family Court to allow breakout rooms so that lawyers and counsel can have private conversations with each other, with the court. And if we're doing our ADR in Family Court, the mediator, the neutral, the expert can go back and forth to two different sides and have two different conversations with some privacy and then join everyone together. We're improving our digital signage, which exists in Family Court, but we're improving it and expanding it.

But I think really important and really exciting is that introducing designing, introducing new electronic filing for Family Court with a new and revised system that allows NYSCEF, which is such a wonderful program for e-filing, to come to Family Court, but to have it for the first time ever be able to interface with other systems. Computer systems may speak to our UCMS, which is our Case Management System, so that orders and decisions can go back and forth so things can be easily accessed. So people with the proper permissions--because in Family Court, not everybody can review certain documents-- can be able to get in and get it. We have other exciting things, but I think these are really good ambitious plans to address streamlining family court and the backlog.

One of the problems with Family Court, John, is that the lawyers are so underpaid on the assigned council plan. There has not been a raise for so long for people who probably do among the most important work, right?

So representing parents, children, criminal cases on the criminal side, juvenile delinquency cases, these people are grossly underpaid and it's hard to maintain people on the panel because of that. And that causes delay. So hopefully those rates will be again addressed and they will be raised. But as I said, we are also incorporating ADR and are in the process of bringing in a new Family Court ADR coordinator. So these are all exciting things to share with you.

John Caher: Now, you've mentioned ADR in passing mediation and I'd like to pursue that a little bit because I know ADR -- Alternative Dispute Resolution -- is something near and dear to your heart. So, tell me about that. What are we doing in that and where would you like to see that go?

Judge Kaplan: Well, I do love ADR. Most people say it's *Alternative* Dispute Resolution. I think it's *Appropriate* Dispute Resolution. As you know, our Chief Judge, Janet DiFiore, has spoken often about ADR and its importance to our goal of continually striving to further enhance the administration of justice in our courts. And I'm able to quote her because I quote her all the time on this. She said: "Making ADR services widely available in civil courts throughout the State--and facilitating the use of such services as early as possible in the case--are major steps toward a more efficient, affordable and meaningful civil justice process."

I quote the Chief Judge all the time because I talk about ADR all the time. And I couldn't agree with her more. ADR is very, very likely to be more in line with delivering on needs and goals than a trial. ADR is generally much less expensive. The resolution can be more creative than what a court could order, and it can be much longer lasting and the process will be less fraught with emotion and, significantly, could actually preserve relationships. There's more certainty and finality when the matter is resolved by agreement. You know, a lot of the civil cases come out of relationships with people who were friends and went into business together or family businesses or family relationships and something happened. So the ability to try to preserve some of that is attractive also.

Before I became DCAJ, before I was fortunate enough to be appointed to this position, I was the Administrative Judge in the Supreme Court in New York County, where we ran more ADR programs than any other court in the state. And one of my primary goals is now to expand and enhance ADR beyond there.

So in New York City, I would say we're greatly enhancing our programs with different city agencies, including New York City Transit, New York City Housing Authority. And we have programs in four out of the five

counties now. We're designing -- and I'm excited about this -- a plan to roll out trauma-informed mediation. To have training and a model to better serve the cases pursuant to the Child Victims Act. And that's over some 5,000 cases in New York County. We're also taking the best ADR programs and adapting them for success for the Civil and in the Family Court.

You know, we have a whole lot of other cases that deal with labor and employment issues with wage and hour issues, with everything that runs across the civil gamut, tort and medical malpractice cases. But a lot of these programs are appropriate in the Civil Court as well. You know, there's going to be a jurisdictional change, it's going to be \$50,000 in this Civil Court. And I think the greatest influx of cases we will see are actually motor vehicle accidents where the insurance policy goes up to \$50,000. and they're in Supreme Court now. I think they're going to go to Civil Court. We're already working on a program to do early alternative dispute resolution in those cases, capture them and try to bring them to resolution. So the hiring of ADR coordinators and support staff in New York City to ensure we can fulfill the Chief Judge's mission to continue and expand ADR is critical. And while the focus is on sending cases to mediation or other ADR options, at the outset, during the pendency of every litigation, we have to remind people that ADR remains available to them throughout.

John Caher: Now, it's not as if you don't have enough on your plate already, but I know you have another leadership role as well as chair of the New York State Judicial Committee and Elder Justice. Could you speak briefly about what Elder Justice is and why that is an important issue for you, for the courts?

Judge Kaplan: Sure. I'm going to take a little step back in time to answer your question.

I was the Administrative Judge with Supreme Court, New York County, but prior to that role, and I think you and I had a conversation about this, I was a Statewide Coordinating Judge for family violence cases. So, a critically important component of the office was our Elder Justice Initiative. And I was charged with developing programs and protocols and procedures to improve how the court system addresses the growing number of cases involving the state's older population, including allegations of elder abuse, both in the civil and the criminal context because it cuts so widely across the board.

I mean, you can have domestic violence, you could have elder abuse that is physical, or you can have elder abuse that is emotional. You could have

guardianship issues, you could have fraud cases. You could actually have physical abuse. It goes completely across the gamut. But when I was first appointed to statewide position, I wanted to learn as much about this as possible, so I and my staff, which was my Principal Law Clerk, Joan Levenson, who's still very involved in all of this, met with nearly 250 different stakeholders, including the NYPD Chief of Domestic Violence, the Deputy Commissioner for Collaborative Policing, all of the Department for Aging officials, state and city, the leadership, adult protective services, prosecutors from DA's offices and also from the Attorney General's office who handle elder abuse matters, representatives from a number of legal services agencies who handle elder law issues. People from the Weinberg Center for Elder Justice, Live On New York, Brookdale Center for Healthy Aging, Lifespan in Rochester, the New York City Elder Abuse Center.

Then we talked to medical professionals who work in this field, the Department of Financial Services for the State and clinical law professors, not only to educate on these issues, but to the people who deal with it every day, who see the people who are involved.

And after talking to this really broad and dedicated group of professionals, I formed an interdisciplinary elder justice working group, which then became an order by Chief Administrative Judge Marks and became a standing committee of the courts. As you know, there aren't that many standing committees of the court. So, I think that underscores the importance here. And that action really says a lot to people in the community.

I will say that we always had support for this project from Chief Judge DiFiore, who actually reached out to me before she became the Chief Judge to talk about this when she was the Westchester DA, because she had heard about our elder justice work. So even after I became an Administrative Judge, I remained state chair of the New York State Judicial Committee on Elder Justice. As I said, Joan is a counsel to that committee and we are dedicated to addressing those issues.

So extensive training has been done across New York State and beyond. We've done some national training on issues involving elder abuse and financial exploitation. And as chair, I've also tried to raise awareness of the particular challenges that older adults face the most when they come to court, when they come seeking resolution of an issue and what we can do to help assist the vulnerable older court users.

We created an elder justice bench card, which provides information about elder abuse and relevant laws pertaining to older adults. It contains suggestions to judges and staff on how to ensure that folks are able to participate in proceedings to the fullest extent possible.

And you know what, those suggestions are really applicable to anyone who comes to the court, not just older persons. I'm not going to go through all of them, but I'll just tell you that making sure that we have forms in a larger font so people can read it, making sure that we have the magnifiers to enlarge the font, diminishing background noise and glare, having assisted listening devices when needed and remembering to offer somebody a break and sufficient time for a witness to process information and respond to questions. I mean, honestly, just because someone takes a little bit longer to respond to your question doesn't mean that they don't understand what you're saying to them. And in fact, they understand very clearly. It just might take a little bit longer to get the answer out.

So, people need to learn some patience and to create a more accessible and less intimidating court environment for older adults. So, John, we designed the first elder friendly courtroom in New York State for the court system. And that was at 60 Centre Street and it was modified to have a brand new sound system and features with advanced ADA hearing components. And we brought in people who were hearing impaired to listen, to try all of the things out, to sit in different parts of room, to sit where the judge would sit or where the witness would sit or where the lawyers would be, or the jurors. We took off the sharp corners on conference tables and railings, the floors were sanded down to remove glare and the blinds changed.

An ADA height compliant monitor was installed outside the courtroom, so when people come in, they could find out about what they're going to see when they go inside. So for example, the role of each party in the court system, what does the judge do? Who's the Part Clerk here? What does she or he do? What's a court officer? It talks about the information for requesting an ADA accommodation, tells you where the nearest accessible bathroom is, something I think everybody would want to know. So all of those different things about elder justice.

I'm also honored to co-chair, with the Hon. Carmen Beauchamp Ciparick, the New York State Justice Task Force, sit on the Women in the Courts Committee and the New York State Advisory Committee on Court Access for People with Disabilities.

So I'm really lucky to be involved in all these different committees.

John Caher: And we're lucky to have you doing that. Now, since it is Women's History Month, I'd like to discuss women in management. Do you think women in top management roles have a different challenge?

Judge Kaplan: Yes, I do. I mean, despite the fact that there are many strong women leaders and we actually have a number of strong women leaders in the court system, bias against women in leadership roles still exist. I read about this stuff all the time. *The Economic Journal*, which says, and I quote: "There's a likability bias when it comes to women." And what that means is that if a woman is not perceived as "likable," no matter how strong her leadership skills are, employees will demonstrate less cooperation, less support her efforts. But that doesn't hold true for men. Men who display anger at work, gain influence. Women who show similar anger, lose influence; when men express anger, they're viewed as powerful and competent and worth of a high salary. When women show anger, they're often seen as less competent, less powerful and less worthy of a lucrative salary.

The reason for this seems to be that both men and women believe that male anger comes from specific external situations. Whereas women's anger is seen as an internal personality trait, a man's anger is viewed as a rational response to the world around him. When the woman is angry, she's viewed as exhibiting generalized female weakness.

I've read a lot of articles that confirm this. Also, John, I witnessed this years ago as a young lawyer appearing in Supreme Court. I started as a public defender appearing before many older male judges and you could see how that female attorney advocating for her client or expressing outrage at the way her client was being treated. I've heard judges call women lawyers hysterical or strident, but a male attorney who might be demonstrating a similar advocacy for their client was viewed as, "Wow, look at that zealous advocate, how hard he's fighting for his client." I know that we are moving away from these gender-based views, but still we have more to do and it'll take more time. Society still needs to find a way to legitimize rather than demonize women's anger.

I read an interesting report on the COVID-19 pandemic. And it said that women are more burned out than men given the added stress and exhaustion, but at the same time, women are rising to the moment and actually are stronger leaders and taking on extra work that comes with this and they're doing more than men to advance diversity, equity inclusion.

So, the article further tells us that women are better than men providing emotional support to our employees, checking in on the wellbeing of our employees, helping them navigate work life challenges and taking action to prevent or manage employee burnout. During the pandemic, I was at the courthouse every single day throughout. I was in the courthouse, I left to go home at night but I was there the very next day, and I really thought it was critical that I be on the ground at all times, addressing whatever the challenges of the workday were. As you could imagine, there was no limit on the number of challenges, but I wanted to be there, I wanted to physically be there to provide support to judges, to non-judicial staff, and for them to know I was available, that I was there for them and with them and to show my appreciation, which I think is critically important. Take the time at the end of the day to say, thank you. Remember that people have a lot going on in their lives and be considerate and thoughtful of that also.

John Caher: We started with the present, let's go back to your college years. What did you study at SUNY Albany where you received both your BA and a BS, is that right?

Judge Kaplan: Yes, that is correct. I have a BA in English and a BS in English Education and I minored in American Social History. I loved that. I loved being an English major and I loved being involved in student teaching.

John Caher: Was it your intention at that point to become a lawyer?

Judge Kaplan: Absolutely not. It wasn't even a thought in my mind. I thought I wanted to be one or two things or a combination of both. I wanted to write and I wanted to teach. I wanted to teach in high school. And the reason I thought that law school was the right path for me was because I did my student teaching in a community outside of Albany that was impoverished and had a lot going on. What would happen is that when someone in a child's, in a student's, family was arrested or the student was arrested and alleged to have committed a crime, or a family member had been sued or someone had tried to collect from them because they had not been able to pay a bill or to evict them from their home, they wouldn't actually understand what was happening. It was very difficult and the legal process is a frightening thing if you don't understand it.

So they would come to the high school and they would ask to speak to me, the teacher, to explain to them what was going on, to look at the document. And while you couldn't give legal advice, obviously, you could look at it and see that, try to explain what the words meant to explain the processes best. And at that point, John, I said to myself, you know what,

people need someone to stand up for them. I wanted to be the person to stand up for them in a very big system, to make sure their rights were being appreciated and that they were getting good representation. So that's what actually drew me to the legal system. And I became a Public Defender when I graduated law school.

John Caher: And of course you did that with The Legal Aid Society. Now, is there something that you witnessed or saw or experienced as an attorney with Legal Aid that sparked your future interest in family violence, domestic violence, elder abuse?

Judge Kaplan: You know, John at Legal Aid, I saw victims of domestic violence as well as perpetrators of domestic violence. And it was certainly troubling. There's a myriad of reasons why victims do not leave an abusive relationship and many justified fears that I could not allay. So victims don't leave or survivors fear for their safety. They're pressured by their culture or by their family members to stay with an abusive partner. Sometimes they have children who they could not leave with, or they couldn't leave behind. People fear deportation, or sometimes somebody feels ashamed or guilty and they hope the abuser would change their ways. And lots of times they love the abuser.

I represented a woman who was charged with an incredibly serious crime and the co-defendant was her long-time partner. She couldn't even speak to me when he was present as he had been abusing her for so long. I did a lot of investigation and work on this case. And I will say that I was lucky enough to get, off the wheel, assigned to a very good judge who later went to the Court of Appeals, Ted Jones. That is who handled this case for two years before and tried the case and I successfully went forward with the battered women's defense. So I learned a lot about it and ultimately my client, who had been battered, came in facing life in prison, got a very, very good result.

But you know, domestic violence remains pervasive in society. I think you may know this, but one in four women and one in seven men will experience severe domestic violence by an intimate partner in their lifetime. CDC tells us that. One in 10 women in the US will be raped by an intimate partner in their lifetime. Seventeen percent of women and 8% of men will experience sexual violence other than rape by an intimate partner in their lifetime. Tying this back to guns, John, it's essential to know that the presence of a gun in a domestic violence situation increases the chance of homicide by 500%, and more than half of all the women who are killed in the U.S. are killed by an intimate partner with a gun.

So just to give you a snapshot, between 2001 and '12, more women were murdered by an intimate partner with a gun than the number of US troops killed in the wars of Iraq and Afghanistan *combined*. So, it's a systemic problem that we need to pay attention to and work towards eradicating

John Caher: That does put it into perspective. Now you seem to enjoy being a trial attorney. You seem to enjoy being a trial judge. Why did you get into administration?

Judge Kaplan: Well, I think that in many ways, administration found me, John. I mean, I love to problem solve. I love being a judge, but I always try to figure out a way to make things better, to make them run better, to have a better outcome. And I've worked at all of these things, but I've been given excellent opportunities. I'm someone who likes to join a committee and to work on a committee, to think with other people, to collaborate, have conversations. So I've worked on a lot of different committees since I've been a lawyer while I've been on the bench, but I've also had the honor and the privilege to work for some wonderful judges who were Administrative Judges.

You know, I worked for Judge Juanita Bing Newton when she was the Administrative Judge in Supreme Court in New York County Criminal Term. That was my first job within the court system. And I was grateful that she took me with her when she became our first Deputy Chief Administrative Judge for Access to Justice issues, a position now held so well by DCAJ [Edwina] Mendelson. And then I was fortunate enough to work for another DCAJ, Joseph Traficanti, because he saw my work and he asked me to work with him on implementation of drug courts statewide. So, I got to be the first counsel for drug courts statewide and worked on policy and traveled throughout the state, dealing with that and setting up courts in New York City and Long Island and beyond. So I've had expanding roles and I've taken the opportunity when it's been offered to me. But I think it's also a matter of working very hard, being thoughtful and not afraid to advance ideas and thoughts and observations.

John Caher: So, what is a typical day, assuming there is such a thing, in your life?

Judge Kaplan: Well, on a typical work day I'm here by 8. I like to hit the ground running. And you know, one thing I do is a lot of meetings. That's the joy of Teams. You can actually have a meeting and actually see the person. But on

Mondays and Fridays, I have regularly scheduled meetings with all of our Administrative Judges in Supreme Courts, civil term, criminal term, our three citywide courts, our other AJS, Nancy Barry and Justin Barry, who head up our two largest divisions in the court system. And on Wednesday I have a larger group, all of our DCAJs, AJs and Surrogates, our division heads throughout the court system, the Office of Diversity and Inclusion, our security personnel, Chief Magliano, our problem-solving courts, foreclosure program, e-filing, counsel's office, HR, budget and technology and our statewide coordinating judge for matrimonial cases.

It's important we have that one big meeting every week, so we can find out what's going on in the court system, so we can talk about ideas, so we can share, so that everyone can take it back to their offices and their courts.

I randomly picked a day last week. So I'll tell you what I did, what my schedule was: I met with all of the Administrative Judges and Supreme Court, Criminal Term, about the gun initiative. And those meetings happen sometimes daily, but they're set meetings twice a week. I've had several meetings regarding the production of prisoners that day, including with the New York City agency heads that are responsible for that. I had a meeting regarding a facility issue in the Bronx where there's a number of things going on. I met with one of my Supreme Court, Civil Term, Administrative Judges, and one of her judges regarding issues surrounding the Child Victims Act.

I then met with the Brooklyn Bar president and other Brooklyn Bar members about a program that they want me to do to work on with for their membership. I then took a break and I gave welcoming remarks to judges participating in matrimonial mediation training. I then had a lunchtime meeting with all of the New York City Civil Court judges from all five boroughs and their wonderful Administrative Judge, Carolyn Walker-Diallo. And then I had multiple meetings regarding different issues in Family Court. At the end of the day, I sat on an interview panel interviewing people for a Chief Clerk position with others. And in my spare time, John, I'm always writing drafts and decisions because I'm still a working judge and reading and editing decisions that are prepared for me by my law clerks, writing memos, reviewing disciplinary actions. That was one typical day I pulled out to share with you.

John Caher:

You mentioned "spare time." I'm surprised you have any! Now, if there's a young woman in high school, college or law school who aspires to serve as a top-level manager, what's your advice? How do they get there?

Judge Kaplan: I think you have to be brave. I think you have to work really hard, but I think you have to be passionate about what you do and find your passion. If you're in law school, get involved in a Bar Association and get involved in community groups, join a committee in which you are interested, be active. This is going to expose you to people who are actively practicing in the field, who will become your mentors, who will work with you, and you will form lifelong friendships. That was my experience.

Try to keep those connections with more experienced lawyers. Ask for advice, ask people about their experiences. Find someone who will actually be a mentor to you. That was very helpful to me. But if you're going to find someone to mentor you, you are responsible to be a mentor for someone else. Every step you take forward, I feel you have an obligation to reach back, pull up some other people to where you are, and then you've got to push them forward. I have been very lucky, John, because I've had three wonderful mentors who have always done that for me.

John Caher: And those are?

Judge Kaplan: Well, I'll start of course, with Judge Juanita Bing Newton. And then I would say, of course, Judge Betty Weinberg Ellerin. And of course Judge Angela Mazzarelli, among others. I would always start with those three. They've been wonderful mentors to me as a newer lawyer and when I was coming through the system as a new judge. And I don't think I'm giving up any confidences, when I tell you that I regularly call these three women and they call me to this day. And I'm very grateful for that.

John Caher: So, we discussed how women can position themselves to be in a leadership role. But once you're in that role, that position, what is your number one piece of advice for succeeding in that role?

Judge Kaplan: I would say to be goal oriented, but always be very thoughtful of others, to treat people the way you would like to be treated by them. That's incredibly important. Try to always be productive, think of what you want to accomplish. I ask myself all the time, did I get through everything I had to do today? Did I read everything I needed to read? Did I respond to my emails and calls? Did I remember to say thank you to people for their work during the course of the day? Was I thoughtful about all that? And then think about how you can help in other courts, in other parts, in other ways, and reach out to those people, but then remember to learn something new every day, right? You should be learning at least one new thing every day or getting a new perspective. So I think you take all of

that into being a good leader and to be a good leader in my mind is to empower others to do their job in the best way possible.

John Caher: So that's great advice and that's a great a place to stop. And I want to thank you so much for your time this afternoon and for all that you do for the courts.

Judge Kaplan: Thank you, John. It's always a pleasure and it's a delight to speak with you. So be well.

John Caher: You too.