



Common Sense and Exceptional Service: The Bronx Civil Supreme Court

by *Debralee Santos*

Even experienced judges with years on the bench, and with a strong command of medical terms, might confuse a MAM with a MAP, or a CAT with a CABG.

A June 2010 study by the Mount Sinai School of Medicine showed that out of 2416 doctors, 91 percent ordered more tests and procedures than necessary as a standard practice. This rise in what is often termed as “defensive medicine,” is an attempt to reduce doctors’ exposure to malpractice liability.

Given the rising incidence of medical malpractice suits, judges might be well served to carry about a copy of Maimonides’ Daily Prayer of a Physician.

Another option might be to attend Bronx Supreme Court Judge Doug McKeon’s “Medicine for Judges” course, in which the judge has used part of a pioneering federal grant awarded the Bronx court system to design a 3-day peer curriculum at Pace University that addresses specific topics in medicine and helps cultivate informed, compassionate listening.

It is one of the many ways the Bronx County Supreme Court, Civil Division, overseen by Administrative Judge Barry Salman, and its diverse roster of more than 30 judges, have actively chosen to

engage in the issues of the day in ways unusual and topical, pioneering and progressive.

This is our first installment of our User’s Guide, an ongoing series examining and demystifying the various divisions of the Bronx County judiciary, whose influence on the daily lives of the borough’s residents can be felt far beyond the corner of 161st Street and the Grand Concourse. The courts decide on matters as personal as matrimonial disputes and home foreclosures, and also tackle broader issues of police brutality and commercial litigation. Their work affects virtually every facet of our lives, with immediate impact, and with implications for the very future of our borough, our City and our State.

The profiles here are but a small cross-section of the committed individuals of the Bronx judiciary whose personal histories, educational backgrounds, and professional pursuits represent many generations of the exemplary service of an active and committed corps of jurisprudence.

Doing No Harm – and Doing More

Founded in 1884, Montefiore Medical Center in Norwood is one of the largest

and most comprehensive in New York City. The Emergency Department at Montefiore Medical Center is among the top five busiest in the United States. Its combined hospitals provide more than 93,000 inpatient stays every year, including more than 7,000 births.

Its medical malpractice premiums have increased at a comparably rapid rate, with some estimates showing an increase from 50 million to 120 million dollars in 5 years.

Under the leadership of Judge Douglas McKeon, an experimental mediation program intended to handle medical malpractice differently was launched in the Bronx, in an effort to streamline cases, reduce costs and offer fair compensation to injured parties while limiting the exposure of hospitals such as Montefiore.

The success of the pilot program in the Bronx led the federal government this year, after a fiercely competitive process, to award the New York State Department of Health and the court system a \$3 million dollar, 3-year grant to expand the program into Manhattan and Brooklyn. It is being monitored by nationally recognized Harvard Professor of Law and Public Health Michelle Mello.

One critical facet of the program involves the so-called “SORRY Works,”

in which in the case of an adverse event, both the aggrieved patient and the hospital come together in mediation. Under the program, the hospital is enjoined to openly express remorse, present information in a forthcoming manner, discuss patient safety initiatives, and offer compensation.

The idea, says Judge McKeon, is resolution, even in what he acknowledges are less than ideal circumstances.

“By having judges knowledgeable in medicine hear these cases and identify fact patterns which lend themselves to the best possible outcomes, the court system proves itself as the institution most likely to provide relief.”

He is particularly concerned that in these difficult economic times, deep cuts to Medicaid programs require hospitals to do more with less, making programs such as this Bronx-born initiative all the more prescient.

“There are serious cost issues involved.”

He admits that there has been resistance to the program, but that entrenched interests ultimately will and do give way to what is plainly discernible progress.

It is a matter he clearly takes to heart. He responds unequivocally when asked

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about the mission of his court.

“To bring hope, to provide a future for some in our society who have been damaged, are ill and unable to provide for themselves.”

Finding – and Keeping – Home

Hon. Norma Ruiz, a Bronx native, and Bronx Supreme Court justice since 2000, has actively devoted her time of late on the bench to tackling an issue of national consequence – long before it rose to the attention of others.

With home foreclosures at skyrocketing rates across the country, the topic has become a lightning rod for national soul-searching on the meaning of homeownership, personal fiscal responsibility, and the stability and honesty of financial institutions.

Homeowners in New York’s predominantly minority neighborhoods, including, for example, Belmont and East Tremont in the Bronx, are more likely than other borrowers to have subprime mortgages. In fact, a study conducted in 2005 by New York University’s Furman Center for Real Estate and Urban Policy found that three quarters of homeowners earning less than \$50,000 annually pay more than half of their income to housing costs.

With the onslaught of foreclosure proceedings falling upon the courts, there arose a serious concern for Judge Ruiz that all the elements that lending institutions must establish to prevail against homeowners be in place.

A graduate of the City University of New York at Queens College and Fordham University Law School, Judge Ruiz brings an analytical, no-nonsense and unmistakably New York-centric approach to bear.

“Not all t’s were being crossed, not all i’s were being dotted.”

With more than one shoddy or oddly filed set of documents before her, Judge Ruiz took it upon herself to redouble efforts to make certain that misgivings about property titles and the right of home possession were addressed. She created a thorough system of meticulous lists for herself against which to check and catalog every document submitted in a foreclosure proceeding.

“It’s extremely challenging,” she admits, “but I enjoy it.”

These efforts are particularly important when the families in question who could not pay their mortgages were also unable to hire a lawyer to properly scrutinize the files.

Perhaps her decade and a half as a Supervising Attorney at the Legal Aid Society helped cultivate her empathy for the plight of many who, if not for her vigilance, would soon lose their homes, and whose stability and quality of life would be imperiled.

And perhaps, like so many of her peers on the Bronx bench, it is the keen sense of personal responsibility she feels for the decisions she makes, knowing full well that the stakes require no less of her.

Judge Ruiz wholeheartedly agrees that her fellow jurists are an involved, committed group, and is quick to cite

them for their own diligence.

“I am extremely pleased to be part of so diverse a judiciary that, despite the enormous workload, goes on with a view towards resolving issues. No matter the long hours, my colleagues take the work seriously, and do it with a smile, and a spring in their step.”

When Supreme Court, Civil Division?

All non-criminal suits are handled by the Bronx Civil Court and the Bronx Supreme Civil Court.

Civil Court decides lawsuits involving claims for damages up to \$25,000, and includes a small claims part for cases involving amounts up to \$5,000 as well as a housing part for landlord-tenant matters.

Supreme Civil Court handles the following selected list of claims:

Damages of more than \$25,000 involving:

- Serious personal injury cases
- Automobile injury cases
- Malpractice cases
- Injuries in industrial settings
- Commercial disputes
- Foreclosures

All Matrimonial matters, including:

- Divorce
- Claims of Support
- Equitable Distribution

Claims against the City of New York, including:

- Serious injuries on city property
- Police brutality claims
- Prisoners’ claims

Equitable Powers Claims

- (Typically involving commercial claimants)
- Injunction to maintain status quo between litigants
- Temporary Restraining Order

How do I bring a claim (civil action)?

Generally, you may commence a civil action in Supreme Court to obtain money damages over \$25,000 or some other form of relief from a private person or entity (i.e., a corporation) whose actions have resulted in a violation of your rights. The action is commenced when the

party alleging harm (plaintiff) files either a summons and complaint, or a summons with notice with the court. The summons invokes the jurisdiction of the court and provides notice to the alleged wrongdoer (defendant) of the reason why he is being sued. Every lawsuit must be brought within one of the various deadlines spelled out in the law, which are known as statutes of limitations. Accordingly, the summons MUST be served with either a complaint or a summons with notice. They are known as initiating papers.

During her tenure, she has been at the forefront of a new court program seeking to streamline and alleviate the escalating caseload of foreclosure and consumer debt claims.

As Supervising Judge, Judge Douglas oversaw the new responsibilities assigned Judge Nelida Malave-Gonzalez and Judge

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What will be my compensation (relief)?

The court has the authority to grant many different forms of relief. The court can order a defendant to pay a sum of money, called damages, to the plaintiff to compensate for any injuries sustained. The court can also provide injunctive relief by ordering the defendant to act or refrain from acting in a particular way. In an action seeking a declaratory relief, the court determines the rights of each party in a dispute.

Please note your best course of action when considering legal action or when a claim is made against you is always to seek appropriate professional legal counsel or aid, which can be provided you by the court system through their referral services. Representation by a qualified legal professional affords you the best opportunity to have your case heard and decided fairly.

For more information:

Bronx County Supreme Court, Civil Matters
851 Grand Concourse, The Bronx, New York 10451
718 618 1200
www.nycourts.gov/courts/12jd/civil/civil.shtml

Fernando Tapia, considered “hybrid judges”.

This initiative was in direct response to the increased citywide caseload in Civil Courts that threatened to overtax the system’s resources. The Civil Court’s citywide filings (excluding housing matters) reached 566,000 in 2009 and was projected to reach or surpass to 700,000 in 2010.

It is work that the English major from William Smith College has dispatched with characteristic aplomb. Rather than allow the increase in workload serve as disruptive, Judge Douglas is clear about facing the challenges head on.

No matter how heavy the load, each

case, she insists requires its due and precise consideration.

It is critical, she states, “to never forget to improve the quality of attention given to each individual matter.”

Judge Douglas is keenly aware too of her unique role as a member of the community she serves. Among many responsibilities and honors, she has served as president of the Bronx Bar Association and has been named a “Woman of Achievement” by the Gender Fairness Committee of the 12th Judicial District.

Judge Douglas understands that her work may serve to inspire others, and that it may also aid in assuring a more balanced perception of the judiciary for all that come before the courts.

This responsibility is not lost on her. “It has made me cognizant of the fine line between being an authority figure and falling into traditional stereotypes.”

She offers gentle, but direct, counsel to a younger generation of aspiring lawyers and judges. “Always be ready. Prepare yourself for any eventuality. [And] inform yourself as much as possible.”

A Look Within, and Ahead

Joharys Gonzales is convinced he’s made the right decision.

A ninth-grader at the Bronx Career and College Preparatory High School on nearby Home Street, he is in his second week of internship at the Bronx Courthouse.

He is joined in the halls by his classmate Bethany Cox, whose own earnest joy is infectious.

“I really, really enjoyed it,” she enthuses of her first day observing trial proceedings.

Santana, while far more reserved, is no less impressed. He leans in to explain the intricacies of the personal injury case involving an automobile accident they observed, while Bethany jumps in on occasion to add detail.

These young Bronx students resemble mock trial participants, eager to take on the work of the many legal professionals swirling past them, briefcases filled to brimming.

They both aspire to be lawyers, perhaps judges, and their first brush with the inner workings of the system seem to have inspired their ambitions anew. They are granted a full day off-site while in their internship, and openly wished for more.

When pressed on why their day had mattered so much, Bethany, quick on the draw, answered for them both. It was the judges, she said.

“They were listening, and really understanding. They were really helping people, you know?”

The notion of empathetic service, as clearly distinguished by these ninth graders, is more than a motif of the Bronx bench.

It is seems an abiding vocation shared by the more than 30 judges of the Bronx Civil Supreme Court, a group of committed jurists whose work often rises far above standard service in discharging their duty to protect the residents of Bronx County, and of all New York State.

Or as one seasoned judge put it, “That’s the way we do it in the Bronx.”



Con Sentido Común y Servicio Excepcional:

La Corte Suprema del Condado del Bronx, División Civil

por *Debralee Santos*

Aun jueces experimentados con años en la corte y con un fuerte comando de términos médicos, podrían confundir un 'MAM' con un 'MAP', o un 'CAT' con un 'CABG'.

Un estudio de junio del 2010 por la Escuela de Medicina de Mount Sinai mostró que de 2,416 doctores, el 91 por ciento ordenó más exámenes y procedimientos de los necesarios como una practica estándar. Este aumento de lo que puede denominarse como "medicina defensiva", es un intento de reducir la exposición de los doctores a la responsabilidad por negligencia.

Dada a la creciente incidencia de demandas por negligencia medica, los jueces podrían estar bien servidos cargando una copia de la Oración Diaria de un Doctor de 'Maimonides'.

Otra opción podría ser asistir al curso de 'Medicina para Jueces' del Juez Doug McKeon en la Corte Suprema del Bronx, en el cual el juez ha utilizado parte de una subvención federal otorgada al sistema de cortes del Bronx para diseñar unas clases de tres días en la Universidad Pace que presenta tópicos específicos de medicina y ayuda a cultivar a un informado, compasivo escucha.

Es una de las muchas maneras que la Corte Superior del condado del Bronx, División Civil, supervisada por el Juez Administrativo

Barry Salman, y su diverso personal de sobre más de 30 jueces, han optado por participar activamente a los asuntos del día de una manera poco común, de actualidad, pionera y progresista.

Esta es nuestra primera entrega de la Guía del Usuario, una serie de cursos de instrucción y desmitificación de varias divisiones del poder judicial del condado del Bronx, cuya influencia en las vidas diarias de los residentes del condado pueden ser sentidas mucho más lejos de la esquina del este de la Calle 161 y Grand Concourse.

Sin hacer daño – y haciendo más

Fundado en el 1884, el Centro Medico Montefiore en Norwood es uno de los hospitales más grande y más amplio en la ciudad de Nueva York. El Departamento de Emergencias de Montefiore está entre los principales cinco más concurridos en los Estados Unidos. Sus hospitales combinados proveen más de 93,000 pacientes hospitalizados cada año, incluyendo más de 7,000 nacimientos.

Sus primas por negligencia médica han aumentado a un ritmo comparablemente rápido, con algunos estimados mostrando un aumento de \$50 millones a \$120 millones en cinco años. Bajo el liderazgo del Juez Douglas McKeon, un

programa experimental de mediación destinado a bregar con la negligencia médica de otra manera fue lanzado en el Bronx. Busca agilizar los casos, reducir costos y ofrecer una justa compensación a las partes afectadas mientras limita la exposición de hospitales como el Montefiore.

El éxito del programa piloto en el Bronx llevó al gobierno federal este año, luego de un feroz proceso competitivo, a otorgarle al Departamento de Salud del estado de Nueva York y al sistema judicial \$3 millones de dólares, una subvención de tres años para expandir el programa a Manhattan y Brooklyn. Ha estado siendo monitoreado por el nacionalmente reconocido profesor de Harvard en Leyes y Salud Publica, Michelle Mello.

Una faceta crítica del programa envuelve el tan llamado "SORRY Works", en la que en caso de un evento adverso, tanto el paciente agravado y el hospital se unen en mediación. Bajo el programa, el hospital mandado a expresar abiertamente remordimiento, presentar información de una manera disponible, discutir con el paciente iniciativas de seguridad y ofrecer compensación.

La idea, dijo el Juez McKeon, es resolución, aun en lo que el reconoce son menos que circunstancias ideales.

"Teniendo jueces con conocimiento en medicina escuchando estos casos e

identificando los patrones de hecho lo cual los lleva a los mejores resultados, el sistema judicial se prueba como la institución con más probabilidades de ofrecer alivio", dijo el.

El Juez McKeon está particularmente preocupado de que en estos difíciles tiempos económicos, profundos recortes a los programas de Medicaid requiera a los hospitales hacer más por menos, haciendo los programas tales como esta iniciativa nacida en el Bronx mas presente.

"Hay serios asuntos de costos envuelto", dijo el.

Admite que ha existido resistencia al programa, pero que en última instancia los intereses darán paso a lo que claramente es el progreso.

Es un asunto que claramente el hace de corazón.

Responde de forma inequívoca cuando se le pregunta acerca de la misión de su corte: "Llevar esperanza, proveer un futuro para algunos en nuestra sociedad que han sido dañados, están enfermos y no pueden mantenerse por si mismos".

Encontrando – y manteniendo – hogar

La Honorable Norma Ruiz, oriunda del Bronx,
vea **LA CORTE SUPERIOR p5**

LA CORTE SUPERIOR de p4

y juez de la Corte Suprema del Bronx desde el 2000, ha dedicado activamente su tiempo en el estrado para hacer frente a un asunto de consecuencia nacional – mucho antes de ser llevado a la atención de otros.



Hon. Norma Ruiz

Con las ejecuciones hipotecarias subiendo rápidamente a través del país, el tópico se ha convertido en un pararrayos para la búsqueda nacional del significado de vivienda propia, responsabilidad fiscal personal y la estabilidad y honestidad de las instituciones financieras.

Los dueños de casa en Nueva York predominantemente vecindarios de minorías, incluyendo, por ejemplo, Belmont y East Tremont en el Bronx, tienen más probabilidades que otros prestatarios que tienen hipotecas de alto riesgo. De hecho, un estudio realizado en el 2005 por el 'New York University's Furman Center for Real Estate and Urban Policy' encontró que tres cuartos de los dueños de casas con ingresos menores de \$50,000 anuales pagan más de la mitad de su ingreso en costos de vivienda.

Con la avalancha de ejecuciones de hipotecas llegando a las cortes, la juez Ruiz se empezó a preocupar de que todos los

elementos que las instituciones prestatarias establecen para prevalecer contra los dueños de propiedades estén en su lugar.

Graduada de la Universidad de Nueva York en el Colegio Queens y la Escuela de Leyes de la Universidad Fordham, la juez Ruiz trae un enfoque analítico, sin sentido y sin lugar a dudas para tener en cuenta.

"No todas las t's están cruzadas, no todas las i's tienen punto", dijo ella.

Con más de un documento de mala calidad o extraño presentando ante ella, el Juez Ruiz decidió ella misma redoblar esfuerzos para asegurarse de que las dudas acerca de los títulos de propiedad y el derecho a la posesión de una casa fueran abordados. Ella creó un sistema completo de listas en las cuales ella puede verificar y catalogar cada documento sometido ante un procedimiento de ejecución de hipoteca.

Estos esfuerzos son particularmente importantes cuando las familias en cuestión que no pueden pagar sus hipotecas tampoco pueden contratar un abogado para examinar adecuadamente los archivos. A lo mejor su década y media como Abogada Supervisora en la Sociedad de Ayuda Legal la ayudó a cultivar su empatía por el sufrimiento de muchos que, si no hubiera sido por su vigilancia, hubieran perdido sus casas pronto, y cuya estabilidad y calidad de vida estaría en peligro.

Y a lo mejor, como muchos de sus compañeros en las cortes del Bronx, es el agudo sentido de responsabilidad personal que ella siente por las decisiones que toma, a sabiendas de que lo que está en juego no requiere menos de ella.

La Ética a Su Favor

Para la Hon. Laura Douglas, primero elegida en 1997 a la Corte Civil de Bronx, esas mismas características de trabajo y de disciplina son las calidades que han definido su carrera profesional.

También oriunda del Bronx, la Hon. Douglas fue admitida como abogada en 1985 después de su graduación de la Escuela de Leyes de la Universidad de Pittsburgh, y ha logrado llegar a la Corte Civil del condado del Bronx, en donde ella ha servido como Juez Supervisor, y ahora preside como justicia de la Corte Suprema.

Durante su servicio, ella ha estado en la vanguardia de un nuevo programa de la corte que intenta aliviar el cargo de las demandas de deuda de hipoteca y del consumidor. Bajo la directiva de este programa, la juez Douglas supervisó las nuevas responsabilidades asignadas la juez Nélide Malave-González y el juez Fernando Tapia.

Esta iniciativa se estableció en respuesta directa al trabajo creciente en las cortes civiles que amenazaron sobrecargar a los recursos del sistema. Las demandas de la corte civil (excepto esos de viviendas) alcanzaron 566.000 de 2009 y fueron proyectadas alcanzar o sobrepasarse a 700.000 de 2010. Es el tipo de trabajo que la graduada de la universidad de William Smith con su licenciatura en inglés ha enviado con aplomo.

La juez Douglas se expresa claramente



Hon. Laura Douglas

sobre los desafíos.

"No importa que pesada sea la carga," ella insiste, "cada caso requiere su consideración debida y exacta."

Es crítico, ella indica, "nunca olvidarse de mejorar la calidad de atención dada a cada caso individual."

La juez Douglas también reconoce su papel único como un miembro de la comunidad que ella sirve. Entre muchas responsabilidades y honores, ella ha servido como presidente de la asociación de Abogados Afro-Americanos del Bronx y ha sido nombrada una "Mujer del Logro" por el comité de la imparcialidad del género del 12mo distrito judicial.

La juez Douglas entiende que su trabajo puede servir para inspirar a otros, y que pueda también ayudar en asegurar una opinión más equilibrada de la judicatura.

"Soy conciente de la línea fina entre ser una figura de la autoridad y caer en estereotipos tradicionales."

Ella ofrece consejo sensible pero directo a una generación más joven de abogados y de jueces. "Sea siempre listo. Prepárese para cualquier eventualidad. [E] infórmese tanto como sea posible."

Una mirada hacia adentro y hacia delante

Joharys Gonzales está convencido de que tomó la decisión correcta.

Un estudiante de noveno grado en la Escuela Superior 'Bronx Career and College Preparatory' en la cercana Calle Home, está en su segunda semana de internado en la Corte Judicial en el Bronx.

Se le une en el pasillo su compañera de clases, Bethany Cox, cuya alegría propia es

contagiosa.

"Realmente, realmente lo disfruté", dice con entusiasmo de en su primer día observando los procedimientos judiciales. Santana, aunque un poco más reservado, no está menos impresionado. Explica las complejidades de las lecciones personales del caso envolviendo un accidente automovilístico que vieron, mientras Bethany brinca ocasionalmente para añadir un detalle.

Estos jóvenes estudiantes del Bronx se parecen a los participantes de prueba en los jurados, dispuestos a asumir el trabajo de muchos profesionales legales que les pasan por el lado, con los bultos llenos.

Ambos aspiran a ser abogados, a lo mejor jueces, y el primer roce con el sistema parece haber inspirado sus ambiciones. Se les otorga un día completo en el lugar mientras están en su internado, y abiertamente desean más.

Cuando se les pregunta porque su día había sido tan importante, Bethany, lista, contesto por los dos. Fueron los jueces, dijo ella.

"Estaban escuchando y realmente comprendiendo. Realmente estaban ayudando a la gente, ¿tu sabes", dijo ella.

La noción de servicio empático, distinguida claramente por estos estudiantes de noveno, es mucho más que un adorno en la corte del Bronx.

Parece ser una vocación compartida por más de 30 jueces de la Corte Civil Suprema del Bronx, un grupo de juristas comprometidos cuyo trabajo a menudo sobrepasa el simple servicio estándar del cumplimiento de su deber en proteger los residentes del condado del Bronx, y todo el estado de Nueva York.

Como explica un juez, "Así es cómo lo hacemos en el Bronx."

SUPREME COURT BRONX COUNTY CIVIL DIVISION

Hon. Barry Salzman,
Administrative Judge

Hon. John Barone
Hon. Mary Ann Brigantti-Hughes
Hon. Laura Douglas
Hon. Mark Friedlander
Hon. Yvonne Gonzalez
Hon. Stanley B. Green
Hon. Wilma Guzmán
Hon. Alexander W. Hunter
Hon. Diane Lebedeff
Hon. Nélide Malave-González
Hon. La Tia W. Martin
Hon. Douglas E. McKeon
Hon. Julia Rodríguez
Hon. Norma Ruiz
Hon. Alan Saks
Hon. George Salerno
Hon. Barry Salzman
Hon. Larry S. Schachner
Hon. Howard Sherman
Hon. Howard R. Silver
Hon. Faviola Soto
Hon. Betty Owen Stinson
Hon. Lucindo Suárez
Hon. Fernando Tapia
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Hon. Patricia Anne Williams
Hon. Geoffrey Wright

Do You Have TYPE 2 DIABETES?

Columbia University Medical Center

VOLUNTEERS WANTED FOR A RESEARCH STUDY

We are studying the effects of intensive medical management vs laparoscopic gastric bypass surgery

Participants must be:

- At least 40 but no more than 100 lbs overweight (Body Mass Index 30 to 39.9)
- Between the ages of 30 and 67
- Willing to be randomized to medical treatment group OR gastric bypass surgery group with medical treatment

All study participants will receive free medical management of their diabetes by an endocrinologist and nutritional education by a registered dietitian for 2 years. The surgical group will also have gastric bypass surgery at no cost.

Contact

Heather Bainbridge, RD

(212) 305-0486 or dssresearch@columbia.edu