



THE VILLAGE REFORM DEMOCRATIC CLUB

Questions for 2021 Judicial Candidates for NY City Civil Court

RESPONSE FROM MATTHEW BONDY

- 1. Why are you running for Civil Court Judge, and what experience(s) have prepared you for that office (please list all clerkships, lower court judgeships, and ALJ posts in detail)? Do you meet the *minimum* qualifications to serve on the New York City Civil Court¹?**

From the moment I started practicing law, I knew that I wanted to be a judge. Judges play such a pivotal role in shaping our lives and protecting our rights and liberties. I first realized this during my time as an intern in Housing Court and the District Attorney's Office, watching families struggle to maintain a safe and habitable roof over their head, or a parent quietly weep in the gallery as their son or daughter was led out to be arraigned. In my first success as a young lawyer, I stood next to grown man as he uncontrollably shook with joy and relief upon being told by a judge that he and his family would be allowed to remain in our Country free from the rule of tyranny from which they fled. From these moments and each experience thereafter, I have honed my skills as a lawyer with an eye towards eventually applying them and what I have learned in life to help better our City and society. As I take this next step, I believe that my broad and varied experience qualifies me to be a judge in the "People's Court," where I can provide all who come before it with a "fair shake" in the application of our laws.

I am a native New Yorker, born on the Upper East Side and raised in a four story walk up next to the Queensboro Bridge. My mother was a public-school teacher, and my father, a chemical engineer. Public service, civic activism, and volunteerism run deep in my family. My parents taught me to love, not hate, and the values of hard work, family, community, religion, and respect for your fellow human beings, no matter their color, nationality, socio-economic status, religion, gender, gender identity, sexual orientation, education, or background. I am a proud product of the New York City public-school system, and a graduate of the Bronx High School of Science, Columbia University, and Brooklyn Law School.

¹ To serve on this court, a judge must: be a New York City resident; admitted to practice as an attorney for at least 10 years of in-state law practice before taking office; be at least 18 years old; and under the age of 70 (retirement by December 31st of the year one turns 70 is [mandatory](#))

Note: NYC Civil Court consists of 3 parts: General Civil, Housing, and Small Claims. General Civil cases include matters where parties are seeking monetary relief up to \$25,000. The Housing Part hears landlord-tenant matters and cases involving maintenance of housing standards. The Small Claims Part hears cases where parties are seeking monetary relief up to \$10,000.

I am an experienced trial lawyer, with more than twenty years of practice before nearly every Civil and Supreme Court in the five Boroughs, the Appellate Terms and Divisions, and the Federal Trial courts. I have gone from interning during law school with the Queens County District Attorney's Office and a Brooklyn Housing Court Judge, to helping secure political asylum as a young attorney for families persecuted because of their religious or cultural beliefs.

I was General Counsel to the New York City Mayor's Office of Midtown Enforcement (now known as Special Enforcement), and as a designated Special Assistant Corporation Counsel, I served as an advisor and litigation counsel to several New York City agencies. I also headed the legal department and coordinated the use of the injunctive power of the Supreme Court and other enforcement mechanisms to preserve the quality of life and safety of those who visit, reside and work in our communities. I was also fortunate to have had the opportunity to serve as the liaison to many different New York City Agencies and community groups where I was often called upon to speak publicly and present on behalf of the office at meetings attended by executive level agency personnel, community leaders, and local politicians. I also successfully implemented a litigation strategy resulting in some of the largest seizures of trademark counterfeit goods, and highest public nuisance settlements in New York City history at that time.

Over the last sixteen years, I have managed dozens of matters in Federal and State Court involving high stakes business and real estate related disputes. I have also taken part in real estate transactions involving the acquisition, disposition and development of hotels, shopping centers and commercial office buildings, and am proficient at commercial leasing (from both a landlord and tenant perspective), commercial landlord-tenant proceedings, negotiating and drafting contracts, and in managing risk and litigation inherent therewith.

I have first and second chaired trials, have settled many cases and conducted countless conferences, hearings, and oral arguments in my 20 plus years as a practicing attorney. Early in my career I also served as lead trial counsel in over 80 administrative trials before Federal Immigration Judges throughout the Country involving the application of evidentiary rules and trial objections.

I have performed pro bono legal work for non-profit schools and charitable organizations as well as individuals, and once served as a mock trial team coach for a public high school in East Harlem. As a young attorney, I also helped many people apply for citizenship and 80/20 housing lotteries.

For the past twenty years, I have been actively involved in public service and volunteer work as a former member of Community Board 8, current member of Community Board 6, and as an Ex-Officio Board Member of the East Midtown Partnership (a business improvement district). During this time, I have written, lectured, and organized public forums in the areas of consumer protection, rent regulation, identity theft, domestic violence, financial crimes against seniors, and trademark counterfeiting. I am also an active member of my local political club, and of the Sutton Parks Conservancy, and the East Sixties Neighborhood Association.

I have been honored by the Recording Industry Association of America for outstanding efforts to combat piracy in the recording industry. More recently, I was honored by the East Midtown Partnership with the Distinguished Service Award "[i]n recognition of 10 years of exemplary service to the East Midtown Community." I was also honored with a proclamation from the Manhattan Borough President designating May 16, 2018 "Matthew Bondy Appreciation Day," in recognition of my work in the community.

I believe that my academic and professional training, combined with my deep commitment to and passion for this City and everyone who works and resides here, make me a strong candidate for Judge of the New York City Civil Court. I meet the qualifications to serve and would be truly humbled to have your endorsement and support.

2. Where did you earn your undergraduate degree, when, and in what studies?

I received a Bachelor of Arts in Psychology from Columbia University in May of 1995.

3. When did you receive your law degree(s), where, and in what specialties?

I received my Juris Doctor Degree from Brooklyn Law School in May of 1998.

4. When and in what states are/were you qualified to practice law?

Admitted:

New York State – February 1999

United States District Court, Southern District of New York – February 2000

United States District Court, Eastern District of New York – February 2000

5. Have you ever been disbarred, sanctioned, or disciplined?

No, I have never been disbarred, sanctioned, or disciplined.

6. Have you completed the Bar Association Judicial review process? With what result(s)?

No. I am, however, currently under consideration by the Independent Judicial Screening Panel, which, as of the date hereof, has yet to report out.

7. List your employment history, and what types of cases/clients you've handled as a lawyer.

OF COUNSEL, TRIAL AND APPELLATE ATTORNEY

Montgomery McCracken Walker & Rhoads, New York, New York • March 2017 – Present

SENIOR TRIAL AND APPELLATE ATTORNEY

Mishaan Dayon & Lieblich, New York, New York • November 2004 – March 2017

ASST. GENERAL COUNSEL/GENERAL COUNSEL

NYC Office of The Mayor, Mayor's Office of Midtown Enforcement, New York, New York • February 2001- November 2004

ASSOCIATE ATTORNEY

Tsoi & Associates, New York, New York • 1999-2001

My practice predominantly involves commercial litigation in New York State Supreme Court, commercial landlord tenant proceedings, arbitrations and mediations. It is not limited to plaintiff or defense work. I have represented plaintiffs, defendants, commercial landlords, commercial tenants, claimants/petitioners and respondents. Cases often involve significant monetary claims

and complex and novel legal and factual issues. More specifically, I have handled cases involving, *inter alia*, licensing and royalty disputes, fraud, conversion, unfair competition, anti-trust, misappropriation of trade secrets, deceptive trade practices, professional malpractice, UCC sale and shipment of goods (late, lost, defective, damaged or destroyed products), fraudulent conveyances and judgment avoidance, piercing the corporate veil claims, derivative actions by corporate shareholders and members of limited liability companies, partnership disputes, trademark and copyright infringement, trademark counterfeiting, employment contracts, covenants not to compete and other employment related restrictive covenants, brokerage agreements, warranties, guarantees, construction contracts, co-op offering plans, commercial landlord-tenant non-payment, holdover, and nuisance proceedings, real estate related restrictive covenants, adverse possession, ejectment, illegal or unsafe use, title disputes, boundary disputes, residential foreclosure defense and commercial foreclosure actions.

8. Please list political party affiliation(s) and activities which bear on your selection for judge.

NEW YORK CITY BAR ASSOCIATION, *Member*

TILDEN DEMOCRATIC CLUB, *Executive Board Member*, January 2020-Present.

MANHATTAN COMMUNITY BOARD 6, *Board Member and Officer*, May 2018 – Present

MANHATTAN COMMUNITY BOARD 8, *Board Member*, March 2003 – May 2018

EAST MIDTOWN PARTNERSHIP (a business improvement district), *Ex Officio Board Member*, 2008-Present.

SUTTON PARKS CONSERVANCY, *Member*

EAST SIXTIES NEIGHBORHOOD ASSOCIATION, *Member*

9. Do you understand that, if you become a Civil Court Judge, you may nonetheless be assigned to oversee a Criminal Court or Family Court part, or even assigned as an Acting State Supreme Court judge? Are you willing and/or able to handle those assignments?

Yes.

10. What are the major issues facing our court system, and how would you address them?

Budget cuts are a major issue facing our court system today. In an article published in the New York Law Journal on January 19, 2021, Chief Administrative Judge Lawrence Marks delivered a sobering reminder of what occurred in 2011 when the court system's budget was slashed by \$170 million, resulting in "several years of employee hiring freezes, drastic reductions in discretionary spending, and layoffs of up to 400 employees." He went on to describe how the following years of zero and modest 2% annual increases lead to an ultimate decline of 1500 employees that crippled court operations in the years that followed and made it "that much more difficult to conduct the day-to-day business of the courts in an efficient and timely manner."

The court system is now burdened by budget cuts that are 75% greater than those of 2011. These cuts will invariably lead to staff reductions and backlogs in courts that threaten the fair administration of justice – whether in our civil, criminal, or family courts, and the safety of our

children, our communities, and the viability of our already devastated and struggling businesses. Because of these unprecedented budget cuts, the court system will have to continue to develop and expand upon the efficiencies realized by virtual and remote proceedings, while making sure to protect and provide for parties who lack access to the technology or digital literacy required to take part.

As a Judge, I will propose and engage in ways to improve the court system and help build upon existing programs. Presumptive ADR, mandatory settlement conferences, accelerated adjudication, immediate trial on dispositive issues, uniform case scheduling orders, and limited expedited discovery targeting the factual issue to be tried, are all examples of how working within the bounds of existing capabilities can help serve to bridge the gap.

11. What crimes should be prosecuted as enacted in NY State law, and which decriminalized?

Judges are charged with enforcing the laws as written by the legislature and with upholding the Constitution, which I will faithfully do. I, therefore, respond to this and the next question with trepidation as follows because an answer might give the appearance of compromising the impartial adjudication of the laws that I may be called upon to administer.

That said, I believe that poverty should not be criminalized. I fully understand the devastating and perpetual impact and consequences that charges for drug offenses and petty or seemingly victimless crimes can carry, and how they disproportionately affect people in lower socio-economic communities and communities of color. Convictions for these offenses create an often insurmountable and unjust obstacle to housing, jobs, and other opportunities, including education. They perpetuate a cycle of incarceration, addiction and recidivism that does not serve the societal interest of rehabilitation and re-entry. I firmly believe in drug, community, mental health, veterans and domestic violence courts, and diversion programs that seek to address the underlying reasons an individual finds himself or herself ensnared in the judicial system. I feel strongly that these courts should be expanded and hope to one day sit in such a court and have an opportunity to effect direct and meaningful change in helping to break cycles and provide people with the help, hope, and opportunity they need and deserve. This can only serve to build a safer, more just and more inclusive society.

12. What if any penalties should be changed (raised or lowered), and with what civil consequences in the long term?

Please refer to my answer above.

13. What is your opinion of the bail reform laws enacted in recent years. Which, if any, would you change, amend, or repeal?

I believe that bail should be used for its intended purpose of ensuring the return of an accused to court and that nobody should be held in jail because they cannot afford to pay it. In my opinion, the current bail reform law is laudable for seeking to accomplish those ends and for striking a balance providing for judicial discretion in instances mandating cash bail, alternatives to cash bail, and remand where appropriate and warranted. It will be interesting to see what the

data collection aspects of the current law reveal, as opposed to anecdotal public relations campaigns, and whether further changes may be necessary. I am also of the opinion that a shortcoming of both the original and revised bail reform laws is that there is no specific funding to implement services or programs for the people who will be released before trial. That is something that I would like to see change.

14. Have New York's attempts to eliminate racial and religious hatred and discrimination made us safer and more just as a City? If not, what needs fixing?

Our City's strength derives from its diversity and with our mosaic of different nationalities, religions, backgrounds, genders, gender identities, sexual orientation, and colors, we are more tolerant and accepting than most other places in the world. However, although they are admirable in intent, and a recognition of our efforts to make a safer and more just City, laws aimed at protecting against discrimination based on these and other classes, and those aimed at providing protections in employment and housing, such as those related to arrest and conviction records, credit history, sexual and reproductive health decisions, salary history, and status as a victim of domestic violence, to name a few, have only gone and can only go so far. They cannot address the root cause of racial and religious hatred and discrimination. In the words of Nelson Mandela "[n]o one is born hating another person because of the color of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite." Until the day comes when everyone is taught and accepts that we are more alike than different and that everyone deserves to be treated with respect and kindness, we will not be able to eliminate racial and religious hatred and discrimination, but we have a duty to always work towards that end.

15. Who are the best jurists, and what characterizes true judicial temperament?

A judge should have the intellectual ability to interpret and apply established legal principles to factual situations and to effectively communicate in a clear and concise manner both orally, and in writing, the basis for a legal conclusion. A judge should be diligent and efficient in administering his or her docket, and in reaching decisions quickly. A judge should have experience with trials, in arguing cases, good negotiation and mediation skills, and other similar experience with courtroom procedures.

A judge must be fair and impartial, set aside personal prejudices, personalities, and political influences, and have the integrity to be independent and to make decisions based on the facts of a case and the law. A judge should have a good reputation, morale character, be fiscally responsible, and possess good work habits. A judge must effectively manage priorities, meet deadlines, be on time, and understand the demands on and respect the time of others. A judge should have a record of community involvement, public service and pro bono activities and propose and take part in ways to improve the system.

A judge's temperament should be patient, calm, courteous, even keeled yet firm, understanding, humble and compassionate. A good judge also needs to be confident, learned, willing to hear all sides of an argument, and capable of making decisions, and of administering justice fairly and evenly; treating every person who walks into the courtroom – from the messenger delivering papers, to the pro bono litigant, to the big firm attorney, and the independent practitioner

with dignity and respect (and the same dignity and respect). A judge must be able to temper justice with mercy.

THANK YOU FOR YOUR CONSIDERATION. PLEASE FEEL FREE TO REACH OUT TO ME WITH ANY FURTHER QUESTIONS.