

## **E. Deronn Bowen**

### **Answers to The Village Reform Democratic Club Questionnaire (Page 1)**

#### *1) What are your qualifications for the position of Civil Court Judge?*

I possess the legal acumen necessary to handle the huge learning curve that comes with entering the judiciary. As an attorney with The Legal Aid Society (December 2010 – April 2017), I represented indigent clients accused of committing crimes in trial courts, and advocated for those convicted of crimes in appellate courts. My understanding of the law was further cemented by my work as a court attorney for a Criminal Court judge (April 2017 – November 2018) and, currently, an intermediate appellate court (November 2018 – present), as well as my work as a volunteer arbitrator for the Small Claims Courts of Manhattan and the Bronx (June 2019– present).

More broadly, I am an intellectual. As a mathematician and mathematics educator over the past 25 years, I study and teach how to think and analyze logically and objectively. I therefore can offer greater assurance than many when I say that I can and will always apply sound logic and reason to the analysis of the legal issues before me.

However, litigants are not robots. They are human beings with vastly diverse emotional triggers and degrees of emotional intelligence. Recognizing and understanding the emotional undertones that drive many court controversies, and often are more important to the litigants than the strictly legal issues, is therefore necessary to ensuring truly just outcomes. Sympathy and empathy have strong roles to play in the discretionary decisions judges must make. I am a product of my diverse past—from, for example, growing up in public housing to experiencing parental drug addiction in the home to being bullied to earning a full scholarship to attend the University of Michigan (GO BLUE!!) to coming out of the closet after meeting my first boyfriend and wanting to never hide my love for him to teaching and learning from so many amazing students to losing my grandmother to a stroke to my vast emotional and intellectual growth while serving my community as a Legal Aid Society public defender.

These are but glimpses of the infinite personal experiences—some fleeting moments, others long-term adventures—that have opened my eyes to the wonderful diversity of all our overlapping lived experiences. Having learned so much while traveling my life's path, I am sympathetic to large swaths of litigants who come from backgrounds that may make them distrustful, or even outright terrified, of judicial authority. My experiences allow me to bring a great deal of cultural competence to the art of judging and mediating just resolutions. Furthermore, as a judge, I will be better positioned to influence my judicial peers with my stories, so that, in turn, they may come to view the stories of the litigants before them through more enlightened eyes . . . and I from them.

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### Answers to The Village Reform Democratic Club Questionnaire (Page 2)

2) *If elected, what reforms, if any, would you make in civil court rules and/or procedures?*

Unfortunately, I do not believe that I can answer this question in an intellectually honest way for two major reasons. First, if I am so fortunate as to be elected to the open countywide Civil Court seat, that does not mean I will be assigned to Civil Court. I could also be assigned to Criminal or Family Court. It would be of little use for me to speak about possible Civil Court-specific reforms I support, only to be assigned to, say, Family Court. Further, suggested reforms must take into account the county of the court, too. For example, Criminal Court operations are not identical in Manhattan and Queens. Because I could be assigned to any of three different possible courts located in any of the five boroughs, we begin with an unwieldy 15 combinations of court/location considerations.

Second, the Law of Unintended Consequences counsels wisely against going into a new judicial office, “guns blazing,” so to speak, with mandatory reforms at the outset. Devising, implementing and getting what may at times be obstinate stakeholder support for reforms requires first taking the time to listen and truly understand the micro- and macro-Unified Court System under which my courtroom will operate. So, it would be shortsighted at best, and hubristic at worst, for me, at this moment in time, to declare with certainty that particular reforms **must** be made, no matter the court or jurisdiction.

One thought I do have, although I do not see it as constituting a “reform” *per se*, is this: In my time both as a public defender with The Legal Aid Society and as a court attorney, I have noticed that, pretty universally in NYC courts (and probably the overwhelming majority of state and federal courts throughout the United States), written judicial decisions and orders are usually printed in triplicate, with the originally-signed decision remaining in the court file and the copies distributed to the parties, meaning to the attorneys. I cannot begin to count the number of times I stood on a case for a colleague as a favor or, as a court attorney, spoke with an attorney and their client, only to realize that the litigant never saw the written decision! Sit in any NYC Criminal Court calendar part (COVID-19 permitting) long enough, and you will invariably hear a defendant complaining that counsel is not sharing information about the case, including court decisions.

Having this in mind while a court attorney for a Criminal Court judge, I made a habit of adding a fourth copy of all my judge’s decisions, with a Post-It note asking that this copy be handed directly to the defendant. This way, I could make certain that defendants received their own copies of decisions. I would like to continue this tradition, if I am so blessed to be elected, in whatever court I sit. I believe that so doing demonstrates judicial respect for the individual litigants who come before the court.

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### Answers to The Village Reform Democratic Club Questionnaire (Page 3)

- 3) *In certain circumstances the law gives judges:*
- a. *the discretion to act in the interest of justice to achieve an outcome which would otherwise not happen*
  - b. *the power to sanction parties for frivolous conduct*
  - c. *the discretion to correct technical defects*
- Do you believe that these powers should be exercised often or sparingly, and can you give examples of some circumstances in which you anticipate using any or all of these powers?*

***and***

- 4) *Some judges are more lenient than others when it comes to granting adjournments. What do you expect your policy to be with respect to granting adjournments?*

I must decline to answer these questions as presented, which bring up some of the most powerful discretionary tools judges have in their arsenal when confronting thorny issues of law or fact. Merriam Webster Online defines “discretion” as “the right to choose what should be done in a particular situation” (<https://www.merriam-webster.com/dictionary/discretion>). Thus, the operative point of discretion is that it must reflect the particularity of the situation. No two cases are exactly identical. So—to borrow a phrase I used in my previous answer that is just as apropos here—“it would be shortsighted at best, and hubristic at worst, for me, at this moment in time, to declare with certainty” how I would wield judicial discretion. Further, should candidates provide examples as requested, and should their questionnaire answers ever become public knowledge after they are elected and don their robes, they could find themselves in a quagmire of their own making of recusal motions and ethics complaints.

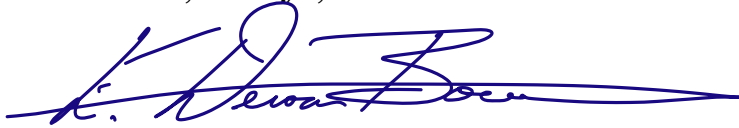
That being said, I am committed, as a judge, to utilizing my discretionary authority justly and within the bounds of statutory and constitutional law. I intend to be a thoughtful, objective jurist who is sympathetic and sensitive to the particularities that inform each unique matter and litigant before me. As such, I will **not** establish fixed, across-the-board procedural or statutory prerequisites to the implementation of my discretionary authority. To establish such prerequisites would contradict both the definition and the spirit of “judicial discretion.”

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**Answers to The Village Reform Democratic Club Questionnaire (Page 4)**

**Thank you so much for this opportunity to share a little more about myself and my candidacy! And, as I say in the valediction of every formal letter or email . . . .**

**Be kind, always,**

A handwritten signature in blue ink, appearing to read "E. Deronn Bowen", with a long horizontal flourish extending to the right.

**E. Deronn Bowen**

**Candidate, Countywide Civil Court**

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