

L. AUSTIN D'SOUZA

(HE/HIM)

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February 8, 2022

Mr. Raymond W. Cline
President
Village Reform Democratic Club (VRDC)
VIA EMAIL: dems@vrdc-nyc.com

Dear Mr. Cline:

Thank you for the opportunity to address VRDC's questions for Civil Court judge candidates. Below are answers to VRDC's written questionnaire. I look forward to seeing you again and answering any additional questions VRDC's members may have.

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

Enclosed is my resume explaining my background, skills, and qualifications for Civil Court judge. I look forward to elaborating on my specific qualifications for this office, if given the opportunity to do so.

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

The Rules Governing Judicial Conduct apply to judicial candidate and prohibit me from making a pledge, promise, and express or implied commitment related to how court rules and procedures are applied. However, if elected, I will make sure that court rules or procedures are applied impartially to all litigants and are used to promote fair participation in every case brought before me. If given the opportunity by court administrators to suggest changes to court rules and procedures, I would do so thoughtfully and my suggestions would reflect my steadfast commitment to equal justice.

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?

Judges use discretion in virtually every situation that they are confronted with. When it comes to using discretion in decision making as a judge, I will evaluate situations on a case-by-case basis to make sure that each issue was resolved through a fair and impartial process. Given the wide variety of matters that Civil Court judges deal with and taking into account my obligation to abide by the Rules Governing Judicial Conduct, it would be inappropriate for me to set hard rules on what situations require use of discretion or how that discretion would be used. Regarding sanctions, I would follow the applicable guidelines on whether sanctions are appropriate under a given circumstance.

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?

When it comes to deciding whether to grant an adjournment, I will ask the party requesting the adjournment why they are requesting the adjournment. After considering their response and the specific circumstances of the matter, I would make a decision that I believe fairly addresses the situation and produces the fairest result for all parties involved.

Sincerely,
L. Austin D'Souza

Phone: 917.405.3146

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PROFESSIONAL EXPERIENCE

New York Court of Claims, Chambers of Hon. Faviola A. Soto • New York, NY

Principal Law Clerk – March 2017 to Present

Draft judicial decisions and orders on trials, motions, petitions, orders to show cause, and special proceedings in civil actions involving the State of New York and state-related entities. Mediate settlements on pre-trial and trial-ready cases. Assist with bench trials in the Court of Claims and jury trials in Supreme Court, Bronx County. Supervise discovery conferences and resolve discovery disputes. Manage entire pre-trial inventory of cases involving personal injury (medical malpractice, Labor Law, Child Victims Act, civil rights, etc.), property damage, and commercial contracts.

New York City Law Department, Tort Division • New York, NY

Senior Counsel, Assistant Corporation Counsel

- *Trial Attorney, Manhattan Trial Unit, Sept. 2014-Feb. 2017*

Served as lead trial counsel responsible for handling back-to-back jury trials in Supreme Court, New York County on high exposure cases with multimillion dollar demands. Selected juries, delivered opening statements and summations, prepared witnesses for trial, cross-examined experts and fact witnesses. Drafted trial abstracts to assess liability and damages and advise the New York City Comptroller's Office on settlement posture. Negotiated and secured settlements at all phases of trial. Trained and supervised junior trial attorneys.

- *Pretrial Attorney and IAS Part Leader, Brooklyn Tort Unit, Aug. 2011-Sept. 2014*

Supervised three pre-trial attorneys at discovery conferences and oral arguments on motions in Supreme Court, Kings County. Researched, wrote, and argued dispositive and discovery motions. Conducted over 150 depositions of plaintiffs, defendants, and City witnesses. Served as trial counsel in a case with a \$900K jury demand and handled the case from jury selection to verdict.

- *Member, Committee on Diversity Recruitment and Retention, May 2013-Feb. 2017.*

LEADERSHIP EXPERIENCE

Franklin H. Williams Judicial Commission, Unified Court System • New York

Commissioner – May 2018 to Present

Appointed by Chief Judge Janet DiFiore to fight for racial justice in the New York State Court System. Help organize events to foster understanding on important legal and policy issues affecting underrepresented communities. Participate in oversight meetings with Administrative Judges to monitor and encourage inclusion. Serve on subcommittees handling the Commission's mentorship program and diversity awards.

South Asian Bar Association of New York • New York

President – November 2021 to Present; *Executive Board* – October 2019 to Present

Lead the Association's strategic planning, relationship management, advocacy, and public interest events planning. Serve as a fiduciary in overseeing the budget and fundraising efforts. Increased the visibility of South Asian attorneys by spearheading innovative public relations campaigns. Helped increase the organization's membership by 30% and sponsorship by over \$100,000.

New York County Lawyers Association • New York

Director, Board of Directors – July 2021 to Present

Oversee and manage the leadership of one of the largest, oldest, and most impactful bar associations in the United States. Review and vote on budgets; programs and policies; authorize contracts; and make rules and regulations impacting over 8,000 members.

Special Masters Program Coordinator – December 2020 to Present

Tasked with relaunching NYCLA's Special Masters Program with a focus on increasing diversity in the court system. Duties include strategic planning, managing the Program, and serving a liaison to affinity bar associations and other stakeholders.

New York Law School Alumni Association Board of Directors • New York

Board Member – October 2019 to Present

Provide advice, support, and feedback to the Law School on implementation of the Strategic Plan and on other matters related to increasing Alumni engagement and enhancing the Law School's visibility and reputation. Oversee and advise Executive Officers and school staff on alumni outreach and fundraising.

EDUCATION

New York Law School (NYLS) • New York, NY

Juris Doctor, May 2011

London School of Economics (LSE) • London, England

Master of Arts, History of International Relations, 2003

Stony Brook University (SUNY) • Stony Brook, NY

Bachelor of Arts, *cum laude*, Political Science, 2001 (*Phi Beta Kappa*)

PROFESSIONAL AFFILIATIONS

AFSCME, CSEA Judiciary, Local 694, Member

Asian American Bar Association of New York, Member of Judiciary Committee

New York City Bar Association, Member of Disability Law Committee

Metropolitan Black Bar Association of New York, Member

NY Women's Bar Association, Member of Diversity, Equity, & Inclusion Committee

COMMUNITY SERVICE

New York County Democratic Committee (Manhattan Dems) • New York, NY

County Committee Member 65th AD, 2019 to Present

Judicial Delegate 65th AD, 2019 to Present

Member of Downtown Independent Democrats (DID)

Center for Court Innovations – Midtown Community Court • New York, NY

Presenter, UpNext Workforce Program, April to May 2021

Legal Outreach, Inc. • New York, NY

Attorney Mentor, Sept. 2012 to May 2020

Small Claims Arbitrators Association • New York, NY

Small Claims Arbitrator, Oct. 2018 to Present

BAR ADMISSION: New York, 2012