

## **VRDC Questionnaire Response – Civil Court Judicial Candidate – Allison R. Greenfield**

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

**Following graduation from New York University (BA, Economics, Political Science) and the Benjamin N. Cardozo School of Law (JD), I have served in the private sector; in the public sector representing the City of New York; and, finally, in the public sector in a quasi-judicial capacity (as Principal Law Clerk to the Hon. Justice F. Engoron). I believe this diverse legal background has prepared me to preside over the broad range of issues and cases that regularly appear in Civil Court.**

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

**I believe that every judge is obligated to establish Part Rules that promote fairness, transparency, and accessibility. In my capacity as Justice Arthur F. Engoron’s Principal Law Clerk we have implemented Part Rules that allow all litigants before us to access his two law Clerks via email, which makes it easier for attorneys and, in particular, unrepresented litigants, to get prompt responses to questions that they may have about their cases. If afforded the opportunity to establish my own Part Rules, I would also mirror Justice Engoron’s commitment to an “open courtroom,” in which community members with an interest in the outcome of the case are welcome to attend (either in-person or remotely).**

**I would also encourage the Civil Court system to adopt the IAS system, present in Supreme Court, in which one judge is assigned to a case from commencement of the case up until the trial (as opposed to the case transferring from one judge to another). This system would allow judges to become completely familiar with the facts of each case before them, which would not only lead to a more efficient and fair result, but would also increase judicial accountability.**

- 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?

- (a) I would often exercise my discretion to act in the interest of justice to achieve an outcome that would not otherwise happen, as I believe that that should be the judiciary’s most important function and goal. If following precedent and established common law does not achieve an outcome that comports with justice, then the system has failed.**

**VRDC Questionnaire Response – Civil Court Judicial Candidate – Allison R. Greenfield**

**(b) Although an important tool available to the judiciary, I would be reluctant to impose sanctions as they generate an enormous amount of ill will, they can discourage attorneys from making creative arguments, and the monetary amounts are usually so low that, in practice, they fail to deter attorneys whose conduct may actually be sanctionable. Moreover, appeals of sanctions further delay cases and drive-up costs.**

**(c) Pursuant to CPLR 2001, and in the interest of justice, I would liberally use my discretion to correct technical defects. In my capacity as Justice Engoron’s Principal Law Clerk, I often state that this is not a “ha-ha, gotcha” Part; I do not believe that any litigant should be deprived of a right because of a technical mistake or defect that could be cured by the Court.**

- 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?

**Although I firmly believe that “justice delayed is justice denied,” I also understand that sometimes adjournments are necessary because of unforeseen circumstances (such as illness, death in the family, global pandemic, etc.). When an adjournment request is challenged, the presiding Judge must carefully weigh the competing interests on an individual case basis, including assessing whether the request is a delay-tactic in disguise.**