

**Anna Mikhaleva**

10 East End Avenue, Apt. 12F

New York New York 10075

917-531-4600

[Amikhaleva@outlook.com](mailto:Amikhaleva@outlook.com)

The Village Reform Democratic Club Questionnaire

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

I am currently the Principal Law Clerk to the Hon. Jeffrey K. Oing, J.S.C., in the Appellate Division, First Department, where I work on criminal, civil, and family court matters, including many cases of the kind that I would encounter as a Civil Court Judge.

Prior to coming to Appellate Division, First Department, I spent more than 12 years working as a Court Attorney in New York County Supreme Court, both in Chambers (with the Hon. Ira Gammerman, the Hon. Jeffrey Oing, and, most recently, the Hon. Andrew Borrok) and in the Supreme Court's Law Department. Serving as a Court Attorney has given me a unique experience that will be invaluable if I become a Judge. Beyond being able to hone my skills in legal research, writing, and the rules of evidence and procedure, which are essential to the position of Civil Court Judge, I learned how to skillfully manage a busy inventory of cases to ensure that all litigants have a fair and expedient resolution of their issues.

For example, as the Principal Court Attorney to Justice Borrok in Part 53, I helped manage an inventory of over 500 active cases from commencement to final judgment. I am pleased to report that during my three years in Part 53, we were able to clear a substantial backlog of cases that we inherited in that Part (going from more than 700 cases in 2019 to under 500 cases in 2021) as a result of our collective efforts to expeditiously resolve cases through motion decisions, trial, and settlement.

In my time at Supreme Court, I have drafted countless motion decisions, supervised thousands of discovery conferences, participated in multiple settlements, and assisted in dozens of bench and

jury trials (including bench virtual bench trials during the Covid-19 Pandemic). By way of another example, the statistics from my time in Part 53, show that we issued over 2100 motion decisions, which the most of any Commercial Division Part at New York County Supreme Court for this time period. I am proud to say that I participated in some aspect of almost all of these cases.

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

As a newly elected Civil Court Judge I would be limited in my ability to change the broader civil court rules. However, my experience working in the court system has given me insight into many ways in which I could run my courtroom to improve the experience of being there for lawyers and litigants.

For example, I would stagger court appearances so that lawyers and litigants would not have to show up all at once only to have to spend hours waiting for their case to be called. I would also utilize technology as much as possible to make it easier to communicate with the court by having a dedicated courtroom email address that parties could direct their questions or communications to, and by permitting virtual appearances whenever appropriate. I believe this would be particularly helpful to self-represented individuals who may not be able to always take time off work or obtain child-care to come to court during regular business hours. It is also beneficial to lawyers when they have a routine and non-controversial court appearance as it will save time that is otherwise spent commuting and waiting.

When appropriate, I would also encourage settlement because an amicable resolution is in the best interest of all parties. The courts currently offer a number of mediation and settlement resources. I would utilize and build on those to ensure that all sides walk away satisfied with the outcome of their case whenever possible.

**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?**

I would not hesitate to act in the interest of justice where a case cried out for fundamental justice beyond the confines of conventional considerations. I am always open to hearing why a certain result would be warranted in a particular case to avoid an unjust outcome. One example where this may come up would be in extending the time to do something, such as, for example, to effect service or to appear in court. As another example, I would also look to judicial diversion programs or other alternatives to serve the interest of justice in criminal cases when suitable.

The power to sanction parties for frivolous conduct can be an important tool in the administration of justice. However, in my experience, it should be used very sparingly and only in extraordinary circumstances where such a penalty is truly called for. I strongly believe that everyone is entitled to their day in court and that litigants should not be punished for enthusiastically advancing their positions. I am also mindful of the demands on individual lawyers by their clients and by the nature of law practice, generally; lawyers should not fear judicial sanction for being zealous advocates on behalf of their clients or for, for example, being unable to be in two places at once on behalf of different clients.

As concerns technical defects, I am always mindful of our State's public policy towards resolving all disputes on the merits whenever possible. Therefore, when possible, I would permit cases to go forward notwithstanding any technical defects, or allow for amendment and/or correction of any technical defects. Doing so is essential to the fair administration of justice, particularly when it comes to self-represented litigants. Cases should be decided on the merits, not on a technicality. Some examples of this may be to permit someone to complete discovery even if certain deadlines are technically missed if there is no prejudice or surprise to the other side, or to permit an amendment of the pleadings to conform to the proof where reasonable at trial.

**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 think adjournment requests should be handled on a case-by-case basis. Reasonable requests for adjournment, particularly when all sides consent, should in most cases be granted. Too many adjournments over the course of a case, however, may unduly prolong a case in a way that may be prejudicial to one or more parties. I have had to address many adjournment requests in my time as a Court Attorney. As a result, I think I am well-equipped handle such requests equitably and efficiently as a Civil Court Judge.