

A Recommitment to Civic Engagement
Hon. Hector D. LaSalle
Presiding Justice of the Appellate Division, Second Department

"Dialogue is born from a respectful attitude toward the other person, from a conviction that the other person has something good to say. It supposes that we can make room in our heart for their point of view, their opinion and their proposals. Dialogue entails a warm reception and not a preemptive condemnation" (Jorge Mario Bergoglio [Pope Francis], in Jorge Mario Bergoglio & Abraham Skorka, *Sobre el Cielo y la Tierra*, Translated by Alejandro Bermudez & Howard Goodman, in *On Heaven and Earth*, Image, 2013, at XIV).

This year's Law Day theme "Voices of Democracy" provides an opportunity for New Yorkers to recommit to the exercise of our constitutional right to assemble peacefully and engage on issues of the day. These rights both protect the individual and strengthen our nation by allowing a communal free exchange of ideas, which can benefit all aspects of society. The New York legal community has traditionally led in providing platforms and forums for many of these interactions to take place. These efforts are more important than ever.

The creation of the "information superhighway," coupled with the emergence of digital platforms, promised to transform the speed and ability of people to communicate with each other. In September 1996, Jim Barksdale, then the CEO of Netscape Communications Corporation, stated, "the Internet is the printing press of the technology era" (Quoted in Joshua Cooper Ramo, *Time*, September 16, 1996, available at <https://www.cnn.com/ALLPOLITICS/1996/analysis/time/9609/16/main.shtml>).

Those promises have proven to be true. The ability to exchange ideas with others around the globe in real time is a technological marvel that has provided the world with considerable positive outcomes. Conversely, the digital world has also provided society with situations not immediately apparent in 1996. Disinformation, illusions, and patently inflammatory content are widely disseminated through the internet, with little if any safeguards to minimize their impact. The internet and digital platforms allow individuals the opportunity to access information specifically tailored to their interests. The dizzying proliferation of "news" platforms which provide consumers with "facts" that support their current view has an effect on the New York landscape. The digital world with all of its positive attributes, has contributed to a society where our exposure to news, social commentary and, in turn, each other, is increasingly "siloed." One may argue that a collateral consequence of the digital era has been that a technology intended to tighten our social ecosystem may be contributing to its division. While the internet was thought to bring societies closer together, in some ways, it has separated us from one another. With all of its benefits, nothing compares to person-to-person interaction, the energy of a room, and the importance of a collective discussion.

The New York State courts and their partners in the legal community have historically provided open public forums where a wide array of subject matter have been discussed and debated. A quick, but not comprehensive, review of several events that have taken place over the last seven months exemplifies this tradition.

On October 25, 2023, the Queens County Bar Association sponsored a virtual conversation with Associate Justice of the United States Supreme Court Sonia Sotomayor which was moderated by Appellate Division Justice Valerie Brathwaite Nelson. Attendees were afforded the rare opportunity to engage with a member of our nation's highest court and to hear her unfiltered thoughts on a range of topics. This was an excellent example of New York attorneys contributing to the public discourse in our great state.

On March 4, 2024, the Historical Society of the New York Courts, Sullivan and Cromwell, LLP and The Fund for Modern Courts presented “Judicial Independence: The Israeli Experience” which was sponsored by the New York State Bar Association. The event was presented in a hybrid format and allowed attendees to hear from several speakers including Hon. Yoram Danziger, former Judge of the Israel Supreme Court and Hon. Avichai Mandelblit, immediate past Attorney General of the State of Israel. Each speaker remained after the formal event concluded, graciously answered questions, offered opinions on issues affecting the judiciary in Israel, and presented comprehensive comparisons to circumstances affecting judicial independence in New York State.

Most recently, on April 16, 2024, the Suffolk County Bar Association, in conjunction with the Long Island Hispanic Bar Association, sponsored an in-person conversation with Kings County District Attorney Eric Gonzalez. The event was moderated by Rudy Carmenaty, Esq., Deputy Commissioner of the Nassau County Department of Social Service. The speakers included Oscar Michelen, Esq. of Cuomo, Inc. and two individuals who had served considerable terms of imprisonment before being exonerated by the Kings County District Attorney’s Conviction Integrity Unit. This insightful event provided an opportunity for the community to consider the factors that led to the wrongful convictions at issue and to propose suggestions aimed at ensuring that such devastating errors would not be repeated. Again, the discussion among the attendees generated an enlightening and fruitful engagement.

The Justices of the Appellate Division, Second Department recognize that we have a collective responsibility to use our court as a platform for civic engagement. While we are cognizant that the primary purpose of the historic “cathedral of justice” located at 45 Monroe Place is to impartially hear and adjudicate intermediate appellate matters in the ten counties within our jurisdiction, we maintain a collateral responsibility to provide opportunities for community discourse. To that end, the Appellate Division, Second Department recently sponsored public events on the topics of artificial intelligence, the importance of Latina leadership in New York and, most recently, in conjunction with the Columbian Lawyers Association of Kings County, a discussion on the history of Italian-Americans in New York. Each event was filled to capacity and was punctuated by a robust (yet cordial) exchange between attendees, demonstrating the appetite New Yorkers have for open, in-person forums where we can learn and engage communally.

New York's legal community continues to be at the forefront of providing accessible platforms for civic discourse. Our community has positively contributed to New York's long, enduring reputation as a reservoir for incisive and forward-leaning commentary and thought. However, as new technologies continue to emerge, we may be faced with challenges threatening to further isolate us both physically and intellectually from one other. A recommitment and “doubling down” by New York legal institutions to providing opportunities for civic engagement may be our small contribution to protecting our democracy- a contribution New Yorkers desperately need.