

FORMER APPELLATE JUSTICE ACOSTA UNVEILED AND UNLEASHED



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Retired Presiding Justice of the Appellate Court, First Department Rolando Acosta recently had his portrait unveiled under the First Department's glass dome.

BY MAX PARROTT

When retired Justice Rolando Acosta reflects on why he left the bench two years ago, a comment from another former judge comes to mind.

"Sometimes a robe can turn into a straitjacket," he said, referencing a statement that Justice Bernard Botein gave as he was retiring from New York's Appellate Courts in the late '60s.

Acosta, who like Botein served as the presiding justice of the First Department, followed his commitment to public interest law into a 25-year career on the bench that took him to the coveted top position of the Bronx and Man-

hattan's appellate court — a preeminent role in the realm of commercial litigation. In January the court system honored Acosta by unveiling his portrait in the First Department courthouse where he served.

Two years ago Acosta retired from the bench to join Pillsbury Winthrop Shaw Pittman, a corporate law firm with a focus on energy, technology and commercial litigation.

A driving reason for his retirement, he said, besides the opportunity for a change of pace at Pillsbury, was to voice his concerns on judicial independence both at the federal and state level — especially after the state senate's rejection of Appellate Justice Hector LaSalle as the Chief

of the Court of Appeals in 2023 after Democratic leaders raised questions over whether his judicial record was too conservative.

"Frankly, one of the things that led to my retirement was that I wanted to speak more about the rule of law and some of the things that were happening in '22 and '23," Acosta told amNY Law.

Acosta's call to action came as he watched Democrats turn on LaSalle. Democratic legislators and advocates deemed LaSalle's rulings too right-leaning on a swathe of cases ranging from labor to criminal justice issues and reproductive rights to lead the court in the direction they favored.



Justice Acosta makes remarks at his portrait unveiling ceremony, pointing up at the First Department's glass dome, where his name was recently inscribed.

Acosta, who characterized himself as “a progressive and I’m very proud of it,” called the process a “travesty” that he felt mischaracterized LaSalle’s record.

“We need judges willing to stand up for the rule of law, not mere political ideologues but individuals with integrity who know they are constrained by constitutional provisions, stare decisis, and legislative policy choices reflected in statutes,” he wrote in a Newsday column about the process shortly after he officially left the bench.

His new job at Pillsbury involves an “incredible variety” of cases, mostly in commercial litigation ranging from Major League Baseball disputes to an eminent domain case at Hudson Yards. But it’s also given him leeway and support to publish legal papers and offer his opinions and participate in legal panels.

“Making sure that the system dispenses justice appropriately — that’s God’s work. That’s how Pillsbury feels, and that’s how it has been conveyed to me. And it’s been wonderful,” Acosta said.

Acosta’s career has paralleled several reformist threads of public interest law and the judiciary. After law school he joined the Legal Aid Society, served as a commissioner of human rights under Mayor David Dinkins where he authored the city’s civil rights law. Later he

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— Justice Rolando Acosta

oversaw the creation of the Harlem Community Justice Center, a pioneering community court program that was designed to address root causes for a variety of legal jurisdictions.

Though LaSalle’s nomination failed, Acosta told amNY Law that he has no issue with the end result which culminated in the successful

appointment of Chief Judge Rowan Wilson, who progressive Democrats ultimately rallied around.

“Wilson is a fantastic chief judge. He’s been a friend. He’s a friend now. He was a friend before this whole thing happened,” Acosta said.

But for him the event served as a wake-up call that there were changes in attitudes on politics and the judiciary that were moving too fast for him to stay silent about as a judge.

“I’m now 69, and I’m not going to be forever on this earth. I want to make sure that what I want to say — and what I haven’t been able to say in 25 years — that I can say it,” Acosta said.

Limitations aside, Acosta expressed his great pride in what he accomplished as a presiding judge in the First Department.

“I impacted people’s lives. That’s what I want to be remembered as having done, whether I was in a role as an advocate or in my role as a judge or as an administrator,” he said.

His values stem from his experience immigrating from the Dominican Republic to Upper Manhattan as a teenager where he saw that some people, particularly Black and brown defendants, didn’t always have equal treatment in the court system. That’s why he said that under his tenure the efficiency of the court became a central goal. In fact, during his entire tenure as a jurist, Acosta claimed that he never had a late



Justice Acosta's name was recently inscribed in the First Department glass dome.

case. "And the reason for that is because I was a real believer in justice delayed, justice denied.

When he left the First Department, he said that the time between oral argument and a decision had come down to 29.7 days, with zero pending cases.

Though the judiciary is not the typical route of a dyed-in-the-wool community advocate in the first place. Acosta said he pursued it because friends who were on the bench told him it would give him an unparalleled opportunity "to impact the law."

"I mean, the first department is the preeminent appellate court in the country. We deal with every issue that you can think of and it gives you a platform to really do justice," he said.

In one way, the move was a departure

City Human Rights Commissioner during the Dinkins Administration.

"Most of the precedent, if not all of the precedent, decided in this area of the law — I've written," he said.

When Acosta's judicial career began in 1997, then-Chief Judge Judith Kaye delegated him in charge of spearheading the Harlem Community Justice Center with the goal of stopping the "revolving door" of incarceration for young men in Harlem and Washington Heights.

"It was basically dealing with the underlying conduct and non-legal issues so that you can prevent further encounters with the legal system," Acosta said. The court was directly connected to wraparound services like drug treatment, psychologists, community organizations and local churches. Though he had support from the state court system, city law enforcement was a different story. The court needed to work very closely with Manhattan District Attorney Robert Morgenthau's office, but Morgenthau refused to meet with him.

The situation is not totally dissimilar from the diverging views that the left and right have on crime in the city today, he said, "There are many others who have reacted very negatively to Chief Judge Wilson's state of the judiciary dealing with over-incarceration in a different [way] — what he calls a problem-solving approach."

Acosta framed his path into private practice as a return to the public interest law that shaped the beginning of his career: Pillsbury allocates 200 hours of pro bono work to him per year. He's representing a woman who was a victim of domestic violence who ended up killing her abuser, and challenging the privatization of a public airport in East Hampton.

"All of the things that I used to do as an advocate, a legal aid lawyer, on the Commission of Human Rights, I'm able to do now and more," he said.

He's also able to contribute to the board of the Fund for Modern Courts, which advocates for judicial reform, and the Juan Pablo Duarte Foundation, which advocates for the educational needs of the Dominican community.

But apart from his trial or volunteer work, Acosta vowed to continue speaking out on issues he cares passionately about. As the Trump administration sets off alarms from court watchdogs about the separation of powers, Acosta plans to make his voice heard about the rule of law.

"All it is, is a gentleman's agreement, which is the scary part. I think that we tend... to think about our democracy as very robust — and it is. We have one of the best systems in the world — but having grown up in the Dominican Republic and seeing how easy it is to allow justice to be corrupted by the caprice of those in power, it is a scary thing,"

200 HRS

The amount of pro bono work allocated to him annually at Pillsbury.

from the policy and trial work that the judge had done in his legal career up to that point. But there were connections to his record. For instance, as an appellate judge he actually got to issue opinions expanding the scope of New York City's Civil rights Law that he had previously authored when he was serving as the



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