

The Future of the Judiciary: Advancing Progressive Goals through New York State Courts

Thursday, **October 10, 2019** | 6:30-8:00 p.m.

Orrick, Herrington & Sutcliffe LLP

51 West 52nd Street, 23rd Floor | New York, NY 10019

1.0 CLE Credit in Areas of Professional Practice

Appropriate for Experienced and Newly Admitted Attorneys

Featuring:

RICHARD SAENZ | *Senior Attorney, Criminal Justice
and Police Misconduct Strategist, Lambda Legal*

DAWN L. SMALLS | *Partner, Boies, Schiller Flexner LLP;
Member, ACS National Board of Directors*

LILIA I. TOSON | *Assistant Attorney General, Office of the
New York State Attorney General*

LIA C. MINKOFF (*Moderator*) | *Diversity Chair,
ACS New York Lawyer Chapter*

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The Future of the Judiciary:
Advancing Progressive Goals through New York State Courts

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CLE Program presented by LeGaL, ACS NY Lawyer Chapter, and the Metropolitan Black Bar Association

AGENDA

This program will provide an overview of how the New York State court system operates, how judges get on the bench in New York City, and the kinds of civil legal issues in state courts that progressive-minded litigants could push in a more just, more equitable direction with directed attention and litigation.

- I. 6:30 - 7:00 p.m. – Welcome and Introduction to Panel** (Matt Shahabian, *Co-Vice Chair of ACS NY Lawyer Chapter*)
- II. 7:00 - 7:10 p.m. – Overview of the New York State court system and selection of judges** (Toson)
- III. 7:10 - 7:45 p.m. – Discussion of structure and legal issues in the New York state court system, including discrimination law, housing and benefits law, and family court** (Saenz, Smalls, Toson)
- IV. 7:45 - 8:00 p.m. – Questions and Answers** (Minkoff)

SPEAKER BIOS

LIA C. MINKOFF, ESQ. is a public interest lawyer and activist. She is outgoing Chair of the New York Lawyer Chapter and current Diversity Chair. She has spent her legal career as an attorney with the New York Legal Assistance Group's LegalHealth Division, providing general civil legal services to clients in hospitals across New York City as part of a medical-legal partnership. She has appeared in housing court, family court, and before ALJs, representing clients on matters including Social Security, Medicaid, home care, and public benefits. She is currently focusing on organizing around the 2020 election and moderating panels for ACS.

RICHARD SAENZ, ESQ. is a Senior Attorney and the Criminal Justice and Police Misconduct Strategist at Lambda Legal, the oldest and largest national legal organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those living with HIV.

He focuses his work on the criminal justice system, coordinating Lambda Legal's litigation and policy work on behalf of incarcerated people. Currently, Richard is leading Lambda Legal's response to the Trump Administration's changes to the federal Bureau of Prisons Transgender Offender Manual. Richard was lead counsel in *Dorn v. Michigan Department of Corrections*, that resulted in substantive changes to a Michigan Department of Corrections policy directive that unlawfully discriminates against incarcerated people living with HIV. In addition, Richard was a lead member of the litigation team in *Hicklin v. Precythe*, a successful challenge to Missouri's Department of Corrections "freeze frame" policy denying appropriate health care to transgender people in its custody, in one of the first court decisions to rule specifically that "freeze-frame" policies are unconstitutional as they are in violation of the Eighth Amendment's prohibition on cruel and unusual punishment. Richard also helped secure a settlement with the City of New York on behalf of a gay man attacked by Rikers Island jail officials while visiting his partner (*Hamm v. City of New York*).

He has filed numerous amicus briefs addressing anti-LGBT biases in the legal system. In *Rhines v. Young*, a capital case in South Dakota, Richard was co-author of an amicus brief urging the U. S. Supreme Court to allow Mr. Rhines to present evidence that anti-gay bias was a factor in some jurors' decisions to sentence him to death. Richard was also co-author of amicus briefs on the right to medically necessary care for incarcerated transgender people, the rights of sex workers and the rights of incarcerated LGBT people to have their cases reviewed.

He is a member of the National LGBT/HIV Criminal Justice Working Group and is a frequent speaker on criminal justice and policing issues at national conferences, law schools, and bar associations. In addition, he served as a panelist on the 2016 White House LGBT/HIV Criminal Justice Briefing.

Richard has been named a Hispanic National Bar Association's Top Lawyers Under 40 and a National LGBT Bar Association's Best LGBT Lawyers Under 40. Richard is also a member of the NYC Anti-Violence Project's Board of Directors.

He received his Juris Doctor from Fordham University School of Law, where he was a Stein Scholar for Public Interest Law and Ethics. He holds a Bachelor of Arts from Georgetown University.

DAWN L. SMALLS, ESQ. is a partner at Boies Schiller Flexner LLP, where she has fought for undocumented immigrants, victims of financial crime, and voters facing intimidation. As one example, in the lead up to the 2016 election, Ms. Smalls served as counsel for several State Parties in a proactive attempt to fight then-candidate Trump's attempts to intimidate voters at the polls prior to the Election.

For the last three and a half years, Ms. Smalls has served as a Commissioner of the Joint Commission on Public Ethics. Ms. Smalls also has extensive experience in the federal government having served two Democratic Administrations, first as Assistant to the White House Chief of Staff and then as Executive Secretary of the Department of Health and Human Services, where she helped improve access to affordable health care.

Ms. Smalls has also worked in philanthropy for the Open Society Foundations and the Ford Foundation, where she managed approximately \$40 million of grants promoting civic engagement, political reform, and grassroots activism.

Ms. Smalls was a candidate for New York City Public Advocate in New York in February 2019.

Ms. Smalls currently serves as an ACS National Board member. She co-founded the student chapter at Stanford Law School, and upon graduation, she co-founded the New York Lawyer Chapter.

LILIA I. TOSON, ESQ. is an incoming Supervising Attorney in the Civil Law Reform Unit of the Legal Aid Society and a former Assistant Attorney General with the New York State Office of the Attorney General.

In her most recent position, Lilia litigated cases implicating health care and civil rights policy, including against the federal government. She argued for summary judgment on behalf of New York State, seven other states, and New York City in a "sanctuary cities" case challenging DOJ's imposition of immigration-related conditions on federal funding for states and localities. The plaintiffs won, receiving an award of \$29.5 million in grant money for 2017. She also argued in a suit challenging HUD's delay of a rule to promote integration that the Obama administration promulgated under the Fair Housing Act. Additionally, earlier this year, she filed a complaint challenging an HHS rule that would make it easier for providers to deny patients medical treatment, services, and information for religious, moral, ethical, or other reasons.

Lilia was previously a Senior Counsel in the Affirmative Litigation Division of the New York City Law Department, a litigation associate at Cleary, Gottlieb, Steen & Hamilton LLP, and a clerk for the Honorable Duane Benton of the United States Court of Appeals for the Eighth Circuit. While at the Law Department, Lilia was first chair for the City in a federal contraband cigarette trafficking trial against common carrier UPS, which resulted in a \$247 million verdict for the City and State of New York. Lilia was also a member of the Law Department's diversity committee. Lilia graduated from the NYU School of Law where she was an Articles Editor of the Law Review, an AnBryce Scholar, and a member of BALSAs. She received her B.A. in political science from William Jewell College. She lives in Brooklyn, New York, with her husband Jamal, son Malcolm, and daughter Naomi.

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Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work.

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