

VID Candidate Survey: Civil Court Judge

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Jeffrey Zellan

Civil Court Judge • Questions

Why do you want to be a judge? *

When I was 11 years old, I learned firsthand the significant impact judges can have on the everyday lives of ordinary people. My family, living paycheck to paycheck, was facing eviction because we could not pay our rent. I still vividly recall my parents crying the night before they went to court. Rather than a warrant of eviction, my family was given a second chance by an empathetic judge. The judge helped us stay in our home and avoid a life-changing catastrophe. This judge showed me that resolving cases with compassion and creativity, rather than robotic application of the law, can have a positive influence on people's lives. This event had a profound effect on me. It was an underlying reason I went to law school in the first place, and it is why I am seeking your support for my candidacy as Civil Court Judge today.

What are some of the ways a civil court judge can advance progressive ideals in their rulings? *

As Dr. Martin Luther King, Jr. said, “[t]he arc of the moral universe is long, but it bends towards justice.” But as U.S. Attorney General Eric Holder pointed out, “[t]he arc only bends towards justice because people pull it towards justice; it doesn’t happen on its own.”

A judge who has demonstrated progressive ideals in his/her/their life, is a judge who will hold to those ideals when making rulings. Whether I was representing a Muslim woman of color, pro bono, in a discrimination case against a public event space, or serving on Community Board Six’s Housing, Homeless and Civil Rights Committee, where I helped organize a panel discussion at Baruch College on “Combatting Hate Crimes,” and drafted a resolution in support of the repeal of the “Walking While Trans Ban,” I have been guided by deeply held progressive ideals, and fought for fairness and leveling the playing field to help, as much as I could, pull the arc of the universe towards justice. I will continue to believe in those ideals on the bench.

What are some of the ways a civil court judge can create a courtroom that reflects progressive ideals? *

To me, progressive ideals require that society moves in the direction of inclusion, and in the direction of diversity. It is important that a courtroom reflect the diversity of the community it represents. To the fullest extent possible, I will make sure that diversity and inclusion is reflected in both the hiring of the court’s legal and non-legal staff, and the environment in which the court staff works.

The courtroom must also be a safe space for everyone. There will be no tolerance of any discriminatory, derogatory, demeaning, harassing, or bullying conduct or language by any judicial or non-judicial employees in my courtroom. All employees in my courtroom will be expected to treat all people with respect and dignity, as will I. To this end, as an example, all employees in my courtroom will fully understand and appreciate that any person who wishes to be addressed by a certain pronoun will be so addressed.

What are some concrete ways you would make your courtroom more accessible for pro se plaintiffs and defendants? *

In several of my prior positions, I wore a second hat as the head of employee relations, where the focus of my job was resolving workplace disputes, and helping employees solve problems. Working with, and being sensitive to, the needs of self-represented litigants is perhaps the area of my current job as a court attorney in which my prior years of employee relations training (in addition to my personal experiences) becomes most relevant.

Flexibility with scheduling and adhering to specific court times would help make the court experience easier and less burdensome to the self-represented litigant. For instance, in my courtroom, appearances would be scheduled with a sensitivity to work, child care, dependent care, and other significant life-related scheduling needs. Self-represented litigants with such needs would be encouraged to bring such accommodation needs to the Court's attention immediately, which would then be accommodated to the fullest extent feasible.

Additionally, appearance times would be staggered so that an appearance commences at or very close to the scheduled start time. It is a significant hardship for a self-represented litigant to show up in court, and wait for hours to be called. Such negative experiences also serve to diminish faith in the court system generally, which must be avoided.

Each judge is able to create certain personal court rules governing procedure in their courtroom. What are some personal court rules that you plan to adopt, and why? *

Courtrooms should be as user friendly as possible. As such, I do not believe in having multiple additional part rules that might make it even more difficult to litigate cases before me, particularly if the party does not have counsel.

However, I would be amenable to adopting rules making it easier for litigants. For instance, as we learned during the pandemic, there are many court functions that can occur remotely by telephone. I would adopt a rule that would permit routine status, discovery and other conferences to be conducted by telephone, or by video conference if visual contact is necessary. To the extent possible, I would reduce the necessity of a litigant to take a half or full day off from work and spend the day at a courthouse.

Is there anything else you would like us to know about you?

Having represented both plaintiffs and defendants in litigation from inception through trial and appeal, at law firms and as in-house counsel, in both the private and public sectors, my diverse 25-year legal career has provided me a broad range of perspectives from which I have viewed litigation from virtually every vantage point. Now, as Principal Law Clerk for Justice James d'Auguste, State Supreme Court, New York County, I am responsible for managing the caseload of the busiest general IAS part in New York County with over 1300 active litigations. Additionally, in several of my prior positions, I wore a second hat as the head of employee relations, where the focus of my job was resolving workplace disputes, and helping employees solve problems.

My current position as a court attorney has been particularly helpful in preparing me to assume the role of Civil Court Judge. In addition to resolving discovery disputes, conducting motion and pre-trial conferences, leading mediations, assisting during jury and bench trials, and drafting jury instructions for Justice d'Auguste, my responsibilities include drafting hundreds of decisions on his behalf, which have included decisions protecting tenants' rights, civil rights, and victims of construction accidents. For instance, a recent decision in which the Court granted a grandson successorship rights to his deceased grandfather's rent stabilized apartment over the landlord's objections (which was affirmed unanimously on appeal), and another in which the Court denied the dismissal of a woman's claims under the NYC Human Rights Law finding that it was not necessary for her to have been terminated in order for her to maintain her retaliation cause of action. I would be happy to send copies of such decisions via email as requested - jeffreyzellan@gmail.com

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