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Appellate Division Justice Jeffrey Oing, Candidate for Chief Judge, Viewed as Highly Personable Consensus-Builder

If Oing gets the position, he will at once become New York's first Asian-American Court of Appeals justice and first Asian-American chief judge.

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Court Administration



Jason Grant
Staff reporter

In 2021, when veteran commercial litigator Mark Zauderer submitted an emergency temporary restraining order application to Appellate Division, First Department Justice Jeffrey Oing in a \$100 million case, he found the judge's handling of the petition to be remarkable.

It also was emblematic, he said, of Oing's diligent, often open-minded way of working through issues.

"In addition to being willing to meet with the lawyers on these [emergency] applications," which some justices won't do, said Zauderer, "he in one instance heard the lawyers on two or three occasions on the same application over the course of 24 hours."

"That's highly unusual," Zauderer said.

He added, "I thought it was very welcome to the lawyers, because lawyers on both sides of a case are grateful and appreciate this kind of extra effort to pay attention to the issues, which are often difficult and complicated."

Oing, 59 and almost a state court system careerist—he began work as a court system principal attorney in 1993 and has served as a judge on three different courts (though one was a New York City court) for the last 19 years—is one of seven candidates vying to be New York state's next chief judge.

If he gets the position, he will become New York's first Asian-American Court of Appeals justice and its first Asian-American chief judge.

A Commission on Judicial Nominations on Nov. 28 released its "shortlist" of seven chief judge candidates. And by Dec. 23, Gov. Kathy Hochul must nominate her choice to the state's Senate.

The example given by Zauderer of the extra lengths and open forum Oing gave to lawyers during an emergency-application push in a \$100 million case, exemplified a characteristic of Oing's that several people interviewed about him in recent days drummed home: He's known as a hard-working, highly personable jurist and a person who likes to listen carefully, and then—outside of the courtroom, and sometimes in it—works to build consensus.

Those interviewed, including a former Oing law clerk, a longtime friend, and attorneys who've appeared before him, said they believe Oing's warm, social nature and thoughtfulness may be his biggest attribute if he does become the state's next chief judge.

It's a role that encompasses administrative control over what some say is the busiest and most complex court system in the country. The system contains 12 distinct trial and appellate courts, employs more than 1,300 state-paid judges and 15,000 nonjudicial staff in more than 300 locations, and receives more than 3 million legal filings a year, according to the state's budget division. For fiscal year 2022, its budget was \$3.3 billion.

And the chief-judge role further includes leading New York's highest court as a jurist. Seven justices sit on the court, ruling on far-reaching appellate issues while sometimes setting precedents.

In a recent interview with The New York Law Journal, Oing noted that his way of dealing with issues is to hear people out patiently, whether it's a legal issue or one of the myriad unexpected administrative issues that he'll likely face if he becomes chief judge.

"To be a good leader, you have to know that you don't know the answer to everything," he said.

Just last month, Acting Chief Judge Anthony Cannataro was confronted dramatically by tenants-rights protestors in the moments before he was going to speak on commercial litigation and related topics at a law firm-held event in Manhattan.

Pleading with Cannataro to "Save these families!", several protestors peppered the judge with questions about whether he would pause eviction proceedings for thousands of indigent tenants in New York City housing court who don't have appointed counsel because of a legal-services lawyer shortage, and who may find themselves homeless.

Asked in the recent interview how he'd deal with such a situation if were chief judge, Oing said, "If the protestors were there, coming at me, I'd tell them, 'I've got to look at the issue,' not placate them, but I have look at it.

"There's nothing to stop from me saying to them, 'I want to meet with you folks tomorrow,'" he added. "I'd tell them I'd clear my calendar and meet with them, to hear their grievances. Sometimes people don't have that outlet. They want to be heard."

Bruce Lederman, a litigator for 45 years who's been friends with Oing since the two met in 2001 as members of the Jewish Lawyers Guild (Oing is not Jewish, but according to Lederman, Oing has long been a voracious joiner of groups and associations), said of Oing, "I personally think he's perfect for the job" of chief judge.

"He was the supervising judge for the New York City Civil court for about a year and a half," said Lederman. "People forget that."

"He's outgoing. He's personable. He gets people to cooperate, to pull in the same direction," Lederman also said. "It's like trying to herd cats. Everybody's got their own agenda.... Jeff's not going to sit in an Ivory Tower and wait for people to pay homage to him. He's going to go talk to people."

Tracey Dunn, a former principal law clerk to Oing for nearly 18 years, recalled during a phone interview on Tuesday watching Oing in 2009 and 2010, when he served on the city civil court, run the court's pro se part.

She described the part's courtroom as "very challenging," a place where litigants were "unfamiliar with the law," and where "their cases were very personal to them."

"I was so impressed with the way he handled that part," she said of Oing. "He made them [pro se litigants] feel comfortable.... Even if he didn't think the case was going their way, he made them feel their cases were heard."

Oing himself, when asked when and why he first decided to pursue law, quickly recalled during the video interview that as an undergraduate at Columbia College in Manhattan he realized, "I had the gift of gab."

"I'm just a very social guy," he said.

Meanwhile, his parents, immigrants from Hong Kong who had brought him to the United States at age 4 and raised him in East Harlem, wanted him to attend medical school. But "I enjoyed the debating, too," he recalled, and he felt strongly that he wanted to use his verbal skills and cut his own path.

Then, when asked why he aspires today to oversee New York's sprawling and challenging court system as chief judge, Oing, who was talkative and upbeat throughout the interview, grew more circumspect.

And he soon gave two central reasons.

"The court system is my second love," he said, after his family. "I want to do this because I think I can help the court face the challenges that are coming fast and furious."

He said, for example, he'd want to dig into the inner-workings of Family Court, which "deals with really tough issues—abuse issues, domestic violence issues," so he could implement needed reforms.

And he pointed to the issue of New York's "18B" lawyers, who represent the indigent, and their longstanding, passionate calls for increased pay. "I think it's gotta be done," he said of a significant pay hike. "It's just an equity argument at this point."

Oing also said that he thinks his wide range of experience, having worked as a jurist for Manhattan's Supreme Court Commercial Division, the First Department appellate court, and the city civil court, as well as legislative experience as a deputy general counsel to the New York City Council and executive branch experience as an assistant counsel to New Jersey's governor's office, has prepared him for all aspects of the chief judge role.

Then, in talking about his second reason for wanting the chief-judge job, Oing spoke passionately about the fact that if he attains the position, he'll become both New York's first Asian-American Court of Appeals justice and first Asian-American chief judge.

"This would be a bold statement," he said of being appointed and breaking such ground. "And I think it's very important," he added. "The anti-Asian sentiment in the last few years has been so, so off the charts. I think we've come to a point in this country's life to really do a reset."

"I want to be the example for Asian American children," said Oing. "The old stereotype is we're not good litigators," and that we're "complacent."

"If I get this, it's going to shatter so many stereotypes."

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