

THE NYC OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS: FORTY-FIVE YEARS OF DELIVERING IMPARTIAL ADJUDICATIONS AND PROVIDING ACCESS TO JUSTICE

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INTRODUCTION

It was an honor to deliver the 2024 Uri and Caroline Bauer Memorial Lecture at the Benjamin N. Cardozo School of Law, and to follow in the footsteps of the many legal luminaries who have delivered this lecture before.¹ Given their chosen professions, it may be fair to assume that Uri Bauer was a believer in the rule of law and Caroline Bauer was a believer in government. Accordingly, I would like to talk about those two topics as they relate to the work of the New York City Office of Administrative Trials & Hearings (OATH). First, after a general refresher on administrative law in cities and a brief overview of OATH, I would like to detail OATH's fascinating history. Many people know what city agencies do, but how many of us know how they got started? Next, I will explore how, as an agency that is part of the executive branch, OATH remains an impartial tribunal. Lastly, I will examine the various ways that OATH takes steps to level the playing field and promotes access to justice in New York City.

I. ADMINISTRATIVE LAW IN THE MUNICIPAL CONTEXT

Given the wealth of scholarship that already exists on the topic of administrative law, a detailed review is not needed here. In short, administrative law is the area of law that concerns government agencies and public administration. Specifically, administrative law concerns the framework under which government agencies—which are separate from the legislature—carry out the laws passed by the legislature by establishing, enforcing, and making decisions about rules and procedures. In the municipal context, administrative law refers to the legal authority of city agencies that fall under the executive branch to promulgate rules and regulations that impact and create responsibilities for the government and the public, the authority to enforce these rules and regulations, and the authority to commence legal actions against parties that are allegedly in violation of those rules. This legal authority may be granted or delegated by the legislature through local laws and statutes, or it might be established by the municipality's charter, constitution, or core governing document.²

¹ This Article is a modified version of the Uri and Caroline Bauer Memorial Lecture delivered at the Benjamin N. Cardozo School of Law on October 21, 2024.

² See generally NEW YORK STATE UNIFIED COURT SYSTEM LAW LIBRARY, ADMINISTRATIVE AGENCIES AND LAW IN NEW YORK STATE 2, <https://www.nycourts.gov/palawlibraries/ResearchQuestions/AdministrativeMaterials-WestLexisPublic.pdf> [https://perma.cc/KNY8-4RQK].

At the municipal level, administrative law touches on every aspect of our lives. Administrative law covers rules regarding construction site safety, trash collection, conduct in parks, conditions of sidewalks, vehicle parking, cleanliness in restaurants, heating oil disposal, and more.³ Administrative law covers all forms of licensing, including taxi licenses, vendor licenses, press credentials, crane operator licenses, and more.⁴ Administrative law can also cover the rules relating to the conduct, discipline, and possible termination of public employees.⁵

If a municipal agency believes that a rule or regulation has been violated, the alleged violator will typically be informed of the infraction and the potential penalty.⁶ When an individual or business receives such notice, it may be their first confrontational encounter with their local government, and they deserve fair treatment. In certain contexts, the alleged violator is given an opportunity to contest the allegation before an impartial arbiter.⁷ This is where administrative law tribunals come in.

In New York City, there is a small group of tribunals that adjudicate alleged violations of administrative law. OATH is one such place.

II. THE OFFICE OF ADMINISTRATIVE TRIALS & HEARINGS—MISSION & OVERVIEW

A. OATH Today

OATH is New York City’s central, independent administrative law court. Per the New York City Charter, OATH is “the tribunal for the

³ See, e.g., 16 R.C.N.Y. § 1-02.1 (2025) (“Requirements for Receptacles and Bags Containing Solid Waste and Recyclables for Collection.”); 56 R.C.N.Y. § 1-04 (2025) (discussing prohibited conduct in parks); N.Y.C. ADMIN. CODE § 19-152 (2025) (“Duties and obligations of property owner with respect to sidewalks and lots.”); 34 R.C.N.Y. § 4-08 (2025) (“Parking, Stopping, Standing.”); N.Y.C. ADMIN. CODE § 24-519 (2025) (“Volatile, flammable liquids.”).

⁴ See, e.g., N.Y.C. ADMIN. CODE §§ 19-504, 19-505 (2025) (discussing licensing of for-hire drivers and for-hire vehicles including taxis); 6 R.C.N.Y. ch. 2, subch. AA (2025) (dealing with licensing for General Vendors); 43 R.C.N.Y. ch. 16 (2025) (dealing with press credentials); N.Y.C. ADMIN. CODE § 28-405.2 (2025) (regulating crane operator licensing).

⁵ See, e.g., N.Y. CIV. SERV. § 75; N.Y.C. ADMIN. CODE § 16-106 (2025) (discussing discipline and termination of Department of Sanitation employees); N.Y.C. ADMIN. CODE § 15-113 (2025) (discussing discipline and termination of members and officers of the Fire Department); N.Y.C. ADMIN. CODE § 14-115 (2025) (discussing discipline and termination of New York City Police Department officers).

⁶ See, e.g., HELP CTR., OFF. OF ADMIN. TRIALS & HEARINGS, WHAT IS A SUMMONS?, <https://www.nyc.gov/assets/oath/downloads/oath-what-is-a-summons-fs-pdf/en-what-is-a-summons-fs.pdf> [<https://perma.cc/2B6P-DJDZ>].

⁷ See generally David B. Goldin & Martha I. Casey, *New York City Administrative Tribunals*, 49 JUDGES’ J. 20 (2010).

impartial administration and conduct of adjudicatory hearings for violations of th[e] charter, the administrative code of the city of New York, rules promulgated pursuant to th[e] charter or such code and any other laws, rules, regulations or other policies enforced or implemented by the agencies of the city.”⁸ To preserve OATH’s impartiality, OATH was structured as a stand-alone city agency under the Charter and OATH adjudicators are unaffiliated with the agencies that file cases at OATH. OATH’s mission is to ensure that everyone who appears at OATH receives access to justice, a fair opportunity to be heard, and a timely resolution of their case. Today, OATH has an operating budget of over seventy-three million dollars, employs 425 full-time staff along with many part-time adjudicators, and works out of six office locations across New York City’s five boroughs.

OATH is a high-volume tribunal. In 2024 alone, OATH processed almost 660,000 summonses, held close to 250,000 hearings, issued over 2,500 appeals decisions, and conducted over 670 trials. This tremendous volume of work is a testament to the amazing public servants who are part of the OATH team. In each of these thousands of cases, the tireless and committed staff at OATH take great care to ensure that every party who appears at OATH is treated impartially, is accorded due process, and receives access to justice.

OATH has three divisions responsible for adjudicating city matters: the Trials Division, the Hearings Division, and the Special Education Hearings Division (SEHD). The decisions issued by these divisions affect many aspects of everyday life in New York City. The Trials Division adjudicates a wide range of issues that can be referred by any New York City agency, board, or commission. Its caseload includes employee discipline hearings for civil servants, Conflicts of Interest Board cases, proceedings related to the retention of seized vehicles by the police, proceedings related to city-issued license revocation cases, real estate cases (including zoning matters, Loft Law cases, and matters concerning the conditions in low-income housing), city contract disputes, and cases involving violations of paid sick day, fair workweek, and prevailing wage laws, and violations of the New York City Human Rights Law.⁹ Trials are conducted by Administrative Law Judges (“ALJs”) who are appointed to five-year terms.¹⁰

The OATH Hearings Division is comprised of the Adjudications and Appeals units and the Clerk’s Office. The Adjudications unit

⁸ N.Y.C. Charter § 1048(2) (2024).

⁹ See *Case Types & Guides*, N.Y.C. OFF. OF ADMIN. TRIALS & HEARINGS, <https://www.nyc.gov/site/oath/trials/case-types-guides.page> [<https://perma.cc/G2NX-UFRY>] (listing the types of cases heard by OATH’s Trials Division).

¹⁰ N.Y.C. Charter § 1049(1)(a), (3) (2024).

conducts hearings on summonses issued by more than twenty different New York City enforcement agencies for alleged violations of New York City laws and rules. City enforcement agencies issue these summonses. Such agencies include the Department of Buildings (DOB), the New York City Police Department (NYPD), the Department of Sanitation (DSNY), the Department of Environmental Protection (DEP), the Fire Department (FDNY), the Parks Department, the Department of Consumer and Worker Protection (DCWP), the Department of Health and Mental Hygiene (DOHMH), and the Taxi and Limousine Commission (TLC). Cases are heard by full-time adjudicators as well as part-time “per session” Judicial Hearing Officers, many of whom have legal practices or careers outside of their work with OATH.

To support these efforts, OATH’s Clerk’s Office handles all of the administrative steps associated with hearings, from scheduling, to responding to inquiries to mailing out decisions, to processing refunds and accepting payment on penalties imposed. Among other things, for respondents who want to pay outstanding summonses, the Clerk’s Office facilitates the payment of fines and penalties to the city and processes refunds where applicable. The OATH Appeals unit receives and adjudicates matters filed with OATH when a party appeals the decision on a summons.

Lastly, SEHD adjudicates disputes about special education services provided to New York City children. A parent who believes that the New York City Department of Education (DOE) is not providing appropriate services to their child can file a complaint that will ultimately be heard by one of SEHD’s Impartial Hearing Officers (IHOs).¹¹ SEHD is OATH’s newest division.¹²

By virtue of its proven track record for efficient and impartial adjudications, OATH’s jurisdiction has expanded considerably in its almost fifty-year history. Nevertheless, OATH does not handle everything. There are other administrative tribunals in New York City that do very important work that is not part of OATH’s remit. This includes disciplinary hearings for police officers (conducted by the NYPD), parking violations (conducted by the Department of Finance’s Parking Violations Bureau), tax disputes (conducted by the New York

¹¹ See 20 U.S.C. § 1415(e)–(f) (providing assistance where a state provides for free appropriate public education to all children with disabilities); N.Y. EDUC. LAW § 4404(1) (McKinney 2023); 34 C.F.R. §§ 300.151–300.506, 300.511; N.Y. COMP. CODES R. & REGS. tit. 8, § 200.5(h)–(l) (2024).

¹² See N.Y.C. Exec. Order No. 91 (2021), <https://www.nyc.gov/assets/home/downloads/pdf/executive-orders/2021/eo-91.pdf> [<https://perma.cc/M8LN-T6M6>].

City Tax Appeals Tribunal), and labor disputes (conducted by the Office of Collective Bargaining).¹³

OATH also houses the Center for Creative Conflict Resolution (CCCR), the city government's central resource for conflict resolution services and restorative practices.¹⁴ A primary goal for CCCR since its inception has been to offer city agencies and employees dispute resolution options—like mediation and restorative practices—as an alternative to existing formal adjudicatory processes in both the workplace and in their public-facing work. In 2024, CCCR provided 562 consultations, mediations, coaching sessions, group facilitations, community mediations, trainings in conflict resolution, and other restorative practices across city government, including for non-mayoral offices and City council central Staff. The Administrative Judicial Institute (AJI), a resource center that provides training, continuing education and support services for the city's ALJs and Hearing Officers, is also within OATH.

OATH's adjudicative work is supported by an exceptional team of public servants who work in OATH's legal division, administration division (including human resource, budgetary, data analytics, facilities, and security), legislative and public affairs divisions, information technology division, and OATH's Help Center (which provides nonlegal guidance to unrepresented individuals who have cases at OATH).

B. OATH's Origins

To understand how OATH reached such a size and scope, as well as its strong reputation for being New York City's central, independent, and impartial administrative law tribunal, one must look to OATH's origins. The OATH of today is very different from the OATH of yesteryear, even if its core mission has remained the same.

¹³ See, e.g., *Trials*, N.Y.C. POLICE DEP'T, <https://www.nyc.gov/site/nypd/bureaus/administrative/trials.page> [<https://perma.cc/LJ32-BKEA>]; N.Y.C. ADMIN. CODE tit. 19, ch. 2 (2025); *Request an In-person Hearing*, N.Y.C. DEP'T OF FIN., <https://www.nyc.gov/site/finance/vehicles/dispute-person.page> [<https://perma.cc/ZRV3-PMNJ>]; *About Us*, N.Y.C. TAX APPEALS TRIBUNAL, <https://www.nyc.gov/site/taxappeals/index.page> [<https://perma.cc/UC5Y-5CPH>]; *Disputes Resolution Services*, OFF. OF COLLECTIVE BARGAINING, <https://www.ocb-nyc.org/introduction/disputes-resolution-services> [<https://perma.cc/289G-X2FZ>].

¹⁴ N.Y.C. Exec. Order No. 63 § 1 (2021), <https://www.nyc.gov/assets/home/downloads/pdf/executive-orders/2021/eo-63.pdf> [<https://perma.cc/V8QW-BM8M>].

1. Phase One: Mayor Koch & the Need for Consolidation

In the 1970s, the work of adjudicating administrative law disputes in New York City was left to the agencies. Not unlike administrative law regimes that still exist today at the federal, state, and local levels, city agencies that issued rules concerning their areas of oversight would also be responsible for notifying members of the public when they believed a violation had taken place, and for conducting the hearings to allow the public to contest those allegations. Likewise, when employees of those agencies were accused of misconduct and disputed the allegations, the hearings on those allegations were held at the agencies, presided over by employees of those agencies.¹⁵

This began to change in the late 1970s. In 1978, New York City established the “Office of Administrative Hearings,” naming Richard Failla as its Chief Administrative Law Judge.¹⁶ In the coming months, Judge Failla and officials at City Hall worked on a plan to formalize the tribunal’s role.¹⁷ The result was Executive Order 32 (“E.O. 32”), signed by Mayor Edward Koch on July 25, 1979.¹⁸ E.O. 32 officially created the “Office of Administrative Trials and Hearings,” and situated it within the city’s Department of Personnel.¹⁹ The official purpose of the Office was to “conduct administrative trials and hearings at the direction of the Mayor,” as well as trials at the request of the heads of other city agencies.²⁰ Specifically, the order directed all agency heads in New York City, with certain exceptions, to “delegate to [OATH’s] Chief Administrative Law Judge the authority to conduct disciplinary, disability or other trials and hearings permitted or required by the New York State Civil Service Law and to make written reports and recommendations with respect to such trials and hearings.”²¹ In other words, instead of issuing a final, binding decision, OATH’s ALJs, operating on a delegation of authority from the agency, would adjudicate a matter and then issue a report and

¹⁵ Memorandum from Franklin J. Havelick, Deputy Couns. to the Mayor, City of N.Y., to Justice Richard A. Failla, Chief A.L.J., Off. of Admin. Trials, Stanley N. Lupkin, Commissioner, N.Y.C. Dep’t of Investigation, Ronay Menschel, Deputy Mayor for Intergovernmental Rels., City of N.Y., Robert B. Tierney, Special Assistant & Couns. to the Mayor, City of N.Y. & Phillip R. Trimble, Deputy Mayor for Intergovernmental Rels., City of N.Y. (June 18, 1979) (on file with author); see also James E. Moliterno, *The Administrative Judiciary’s Independence Myth*, 27 J. NAT’L ASS’N ADMIN. L. JUDICIARY 53, 56–57 (2007).

¹⁶ Memorandum from Franklin J. Havelick, *supra* note 15.

¹⁷ *Id.*

¹⁸ N.Y.C. Exec. Order No. 32 (1979), https://www.nyc.gov/assets/records/pdf/executive_orders/1979EO032.PDF [<https://perma.cc/5ZJ3-VMAN>].

¹⁹ *Id.* § 1.

²⁰ *Id.* § 2.

²¹ *Id.* § 2(a).

recommendation to the agency head for final review and action. Agency heads were further permitted to “delegate to [OATH’s] Chief Administrative Law Judge the authority to conduct tr[ia]ls and hearings with respect to a license issued or contract entered into by a City agency or such other matters as to which trials or hearings may be permitted or required by law or contract.”²² Non-mayoral agencies, boards, and commissions could likewise request that OATH conduct their trials and hearings.²³ In addition to articulating OATH’s mandate, E.O. 32 authorized the Chief ALJ to hire an Executive Director, appoint qualified ALJs, establish rules for hearings and trials, and more.²⁴

What was the impetus for centralizing these adjudications? Mayor Koch made the answer quite clear in his memo to agency heads and in related documents that accompanied E.O. 32. First, a “primary purpose[.]” of OATH was to provide agencies with “easy access to a centralized, professional administrative tribunal.”²⁵ This reform was needed because “[d]isciplinary and other City administrative trials have too often been characterized by procedural shortcomings and inconsistent, judicially reversible results.”²⁶ Mayor Koch emphasized the need for “independent and professional Administrative Law Judges,” adding that “[t]he establishment of the Office of Administrative Trials and Hearings will further professionalize this crucially important aspect of the civil service system.”²⁷ E.O. 32 required that OATH’s ALJs maintain the highest standards of, and adhere to, the Canons of the Code of Judicial Conduct of the American Bar Association as promulgated by the New York State Bar Association.²⁸

Another reason for creating OATH was “to provide the appearance of fairness and objectivity, as well as to [e]nsure their application, by removing the administrative trial from within the agency that initiated the proceeding.”²⁹ OATH was intended to function as an independent part of municipal government so that ALJs would not be subordinate to

²² *Id.* § 2(b).

²³ *Id.*

²⁴ *Id.* § 3.

²⁵ STATEMENT OF PURPOSE AND FUNCTION OF THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (1979) (on file with author).

²⁶ Memorandum from Edward I. Koch, Mayor, City of N.Y., to all N.Y.C. Agency & Dep’t Heads 1 (July 25, 1979) [hereinafter July 25, 1979 Memo] (on file with author).

²⁷ *Id.*

²⁸ N.Y.C. Exec. Order No. 32, § 4 (1979), https://www.nyc.gov/assets/records/pdf/executive_orders/1979EO032.PDF [<https://perma.cc/5ZJ3-VMAN>].

²⁹ STATEMENT OF PURPOSE AND FUNCTION OF THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS, *supra* note 25.

the agencies that filed cases before it.³⁰ OATH was seen as an entity that was “fair, impartial and free from political or other outside pressures,” and which served “as a protective barrier to unwarranted or improvident executive action.”³¹

Lastly, OATH would ultimately be larger than each of the individual agency tribunals that it was replacing, and as a result, the consolidation of hearings at OATH would create “economies of scale.”³² Having more efficient adjudication would ultimately be a net cost savings for the city.³³

Staffed by the Chief ALJ, four additional ALJs, and support staff, OATH’s docket grew.³⁴ In 1979, OATH’s first full calendar year after E.O. 32 was signed, OATH took 174 cases through to hearing and the roster of agencies sending their cases to OATH began to increase. In 1980, OATH began to hear license revocation cases from the DOB. In 1981, the Department of Correction and FDNY began referring disciplinary cases to OATH. Other agencies followed. During this time, Chief Judge Failla played a pivotal role in establishing OATH’s reputation for impartiality and independence.³⁵ With these early steps, OATH became the first centralized municipal administrative tribunal in the country.³⁶

2. Phase Two: Charter Status & the Citywide Administrative Procedure Act

While E.O. 32 was an important start, OATH was still simply a mayoral initiative and could have been dissolved as a matter of policy. This changed in 1988, when OATH became an official agency under the New York City Charter.

In proposing this critical development, the 1988 New York City Charter Revision Commission made clear that the formalization of OATH “in the charter is to establish an independent adjudicative body

³⁰ Charles D. McFaul, Chief A.L.J., Off. of Admin. Trials & Hearings, Statement Before the City Council Committee on Governmental Operations 1 (Nov. 22, 1993) (on file with author).

³¹ STATEMENT OF PURPOSE AND FUNCTION OF THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS, *supra* note 25; Charles D. McFaul, *supra* note 30.

³² Julius J. Marke, *A Modern Revision of Traditional Administrative Law*, 2 N.Y. STATE BAR ASS’N GOV’T, L. & POL’Y J. 25, 25 (2000).

³³ *Id.*

³⁴ Memorandum from Stanley N. Lupkin, Comm’r of the City of N.Y. Dep’t of Investigations, to Edward I. Koch, Mayor of the City of N.Y. 3 (Dec. 14, 1979) (on file with author).

³⁵ As an openly gay individual, Chief Judge Failla was also the first of several OATH Chief ALJs from diverse backgrounds, setting in motion OATH’s strong track record for diversity in its senior leadership. See *About Justice Richard C. Failla*, N.Y. STATE UNIFIED CT. SYS., <https://ww2.nycourts.gov/ip/lgbtq/RichardCFailla.shtml> [<https://web.archive.org/web/20240529055025/https://ww2.nycourts.gov/ip/lgbtq/RichardCFailla.shtml>].

³⁶ Marke, *supra* note 32, at 25.

that can be a resource to agencies in conducting their adjudications, while at the same time establishing an independent structure outside of the agency to provide an unbiased assessment of the matters to be adjudicated.”³⁷ This philosophy would be built into OATH’s structure. Chapter 45-A of the Charter declared that “[t]here shall be an office of administrative trials and hearings which shall conduct adjudicatory hearings for all agencies of the city unless otherwise provided for by executive order, rule, law or pursuant to collective bargaining agreements.”³⁸ The 1988 Charter revisions also codified the Chief ALJ’s authority to appoint ALJs to five-year terms “to enhance their impartiality and the respect accorded to their decisions.”³⁹ These charter revision proposals were adopted by voter referendum, which further demonstrated public support for the idea of a central independent administrative tribunal.⁴⁰ What began as a push by the mayor was now receiving an endorsement from the people.

The inclusion of OATH as a charter agency was accompanied by the enactment of the City Administrative Procedure Act (CAPA).⁴¹ CAPA codified the basic due process requirements for rulemaking and administrative hearings. As noted by the Charter Revision Commission:

Though the rules are promulgated pursuant to authority granted by law, wide discretion is usually given to agencies in implementing the general provisions of law. Because rulemaking significantly affects the lives of city residents, the Charter Revision Commission resolved to establish a rulemaking process which would assure openness, efficiency and accountability

The previous charter also did not provide uniform procedures for adjudicating disputes, but left the establishment of adjudication procedures to the individual agencies.⁴²

³⁷ N.Y.C. CHARTER REVISION COMM’N, AGENCY REORGANIZATION & GOVERNMENT ACCOUNTABILITY: STAFF OPTIONS BRIEFING PAPER 8 (2003) [hereinafter 2003 REPORT] (quoting 2 N.Y.C. CHARTER REVISION COMM’N, REPORT OF THE NEW YORK CITY CHARTER REVISION COMMISSION: DECEMBER 1986–NOVEMBER 1988, at 103–04 (1989) [hereinafter 1988 REPORT VOL. 2], https://www.nyc.gov/assets/charter/downloads/pdf/government_reorganization_report.pdf [<https://perma.cc/QX9D-7FVP>]).

³⁸ See N.Y.C. Charter § 1048(1) (2024).

³⁹ 2003 REPORT, *supra* note 37, at 9 (quoting 1988 REPORT VOL. 2, *supra* note 37, at 104).

⁴⁰ 1 N.Y.C. CHARTER REVISION COMM’N, REPORT OF THE NEW YORK CITY CHARTER REVISION COMMISSION: DECEMBER 1986–NOVEMBER 1988, at 11, 24 (1989) [hereinafter 1988 REPORT VOL. 1], https://www.nyc.gov/assets/charter/downloads/pdf/1986-1988_final_report.pdf [<https://perma.cc/4E3L-RTVF>]; see also N.Y.C. Charter § 1048 at derivation (denoting that the New York City Charter section establishing OATH as a charter agency was added at the November 8, 1988 General Election).

⁴¹ LOCAL LAW 42 OF CITY OF N.Y. (1989); N.Y.C. Charter ch. 45 (2024).

⁴² 1988 REPORT VOL. 1, *supra* note 40, at 32.

Accordingly, under Chapter 45 of the Charter, CAPA outlined the process by which agencies could issue rules and how matters arising under those rules would be adjudicated. These protections and structures included ensuring that there is adequate notice, an opportunity to be heard, “a short and plain statement of the matters to be adjudicated,” an opportunity to appear with counsel, the right to have subpoenas issued for witnesses and documents, the right to call and cross-examine witnesses, the right “to present oral and written arguments on the law and the facts,” the right to a transcript of the record, and the right to a written decision based on the record.⁴³ The Commission made clear that “adjudications must be conducted by trained, impartial law judges acting as part of an Office of Administrative Trials and Hearings (OATH) unless a decision is made that specialized needs require agencies to have their own hearings officers for specific matters.”⁴⁴

In the years that followed the 1988 charter revisions, more and more types of cases were transferred to OATH, and OATH began to assume additional adjudicative responsibilities under the law. As of 1993, OATH was hearing prevailing wage cases referred by the New York City Comptroller’s Office, Conflicts of Interest Board cases, Lobbying Law violations brought by the Office of the City Clerk, DOB cases regarding expediter registration and revocation, and more.⁴⁵

By 1994, OATH’s staff had grown to nine ALJs (including the Chief ALJ), two law clerks, an executive assistant, an office manager, two secretaries, one office associate, and two members of the calendar unit.⁴⁶ At this point, OATH was hearing cases from twenty-two mayoral agencies and ten non-mayoral agencies.⁴⁷ This included hearing Civilian Complaint Review Board cases involving non-supervisory NYPD officers.⁴⁸

In 1995, DSNY discontinued its internal disciplinary tribunal and referred cases to OATH.⁴⁹ Trials involving alleged violations of the New

⁴³ N.Y.C. Charter § 1046.

⁴⁴ 1988 REPORT VOL. 1, *supra* note 40, at 33.

⁴⁵ McFaul, *supra* note 30, at 4, 9.

⁴⁶ Rose Luttan Rubin, Chief A.L.J., N.Y.C. Off. of Admin. Trials & Hearings, Statement Before the City Council Committee on Governmental Operations 3–4 (Dec. 19, 1994) (on file with author).

⁴⁷ *Id.* at 5.

⁴⁸ *Id.* at 6. OATH would hear cases involving police officer discipline until 2003, when the Appellate Division, First Department, ruled that OATH could no longer adjudicate such cases. *Lynch v. Giuliani*, 755 N.Y.S.2d 6, 12, 14 (App. Div. 1st Dep’t 2003). OATH is still authorized to hear cases brought by the New York City Commission on Human Rights involving certain alleged misconduct by police officers. McFaul, *supra* note 30, at 8.

⁴⁹ In addition to these developments, the 1990s would also bring attempts to undo the original vision of OATH as a centralized, independent administrative law tribunal. In 1994, there were discussions around developing a citywide strategy to enhance the collection of penalties, which

York City Human Rights Law were heard at OATH, instead of at the New York City Commission on Human Rights, beginning in 1997. OATH began hearing disputes between the city and contractors in 1999 (via the Contract Dispute Resolution Board (CDRB)), matters involving single-room occupancy landlord harassment in 2001, and denials of domestic partner and marriage licenses in 2008.⁵⁰

As noted, the majority of OATH's decisions were "reports and recommendations" that were sent to the respective agency head for review. Some decisions found that the petitioning agency had met its burden, while other decisions found in favor of the respondent. Nevertheless, OATH would see the vast majority of its decisions adopted in full by the agency heads who received them. As a testament to OATH's independence and the quality of OATH's work, today ninety-nine percent of decisions issued by OATH ALJs are adopted by agency heads (including where the OATH ALJ found against the agency and recommended dismissal of the charges brought by the agency).⁵¹

In 2004, following the Second Circuit's 2002 decision in *Krimstock v. Kelly*, OATH took on the important role of providing administrative hearings to individuals who sought to challenge the NYPD's seizure of vehicles that were alleged to have been used in the course of a crime.⁵² Through these hearings, OATH would determine whether or not the police department could retain custody of a vehicle pending a formal state court forfeiture hearing.⁵³ Unlike disciplinary cases where OATH's decisions were *recommendations* to agency heads, in *Krimstock* cases the decisions were final administrative decisions.

Despite OATH's expanding jurisdiction, administrative justice in New York City was still spread over several different agencies other than

included dissolving several administrative law tribunals—including OATH—and consolidating their functions under one entity within the Department of Finance. In 1999, a plan to fold the city's various administrative tribunals under a new board within the Department of Citywide Administrative Services was also explored. Neither of these plans came to fruition.

⁵⁰ Rebecca Baker, *Q&A with Fidel Del Valle, Head of the NYC Office of Administrative Trials and Hearings*, N.Y.L.J. (June 29, 2017), <https://www.nyc.gov/assets/oath/downloads/pdf/NYLawJournal-063017.pdf> [<https://perma.cc/F4EW-TVWE>]. In 1999, OATH was designated to administer the CDRB, a three-person panel that hears disputes between contractors and the city. See, e.g., Marke, *supra* note 32, at 26. The panel consists of an OATH ALJ, a representative from the New York City Mayor's Office of Contract Services, and a third individual who the ALJ selects from a roster of experts unaffiliated with the city. See 9 R.C.N.Y. § 4-09(f) (2025).

⁵¹ CITY OF N.Y., MAYOR'S MANAGEMENT REPORT 135 tbl. (2024), <https://www.nyc.gov/assets/operations/downloads/pdf/mmr2024/MMR-2024-Cover.pdf> [<https://perma.cc/6QZZ-U8YD>]

⁵² *Krimstock v. Kelly*, No. 99 Civ. 12041, 2007 U.S. Dist. LEXIS 82612 (S.D.N.Y. Oct. 1, 2007), *enforcing* 306 F.3d 40 (2d Cir. 2002).

⁵³ HELP CTR., OFF. OF ADMIN. TRIALS & HEARINGS, VEHICLE SEIZURE ("KRIMSTOCK") TRIALS AT OATH, <https://www.nyc.gov/assets/oath/downloads/pdf/Krimstock-OnePager-EN.pdf> [<https://perma.cc/SUY9-XTCA>].

OATH. Accordingly, in 2006, Mayor Michael Bloomberg issued Executive Order No. 84 and established the position of Coordinator of Administrative Justice.⁵⁴ Among the Coordinator's many duties was to help facilitate the creation of rules of conduct for ALJs, an initiative that voters previously approved in a 2005 New York City Charter Revision Commission referendum.⁵⁵ With a team of ALJs from various tribunals as well as senior attorneys from the New York City Law Department, the Coordinator drafted what would ultimately be named the "Rules of Conduct for Administrative Law Judges and Hearing Officers of the City of New York."⁵⁶ The rules mirrored the code applicable to state court judges.⁵⁷ These rules remain binding on OATH's adjudicators today.⁵⁸

During this time, OATH also established the Administrative Judicial Institute. Today, the AJI continues to serve as a training center for city and state ALJs and practitioners, providing Continuing Legal Education programs on a variety of administrative law topics. In addition, in 2003, OATH established the Center for Mediation Services, an early precursor to CCCR.⁵⁹ This Center provided early intervention mediation services to agencies as an alternative for resolving workplace conflicts.⁶⁰ As the work grew, a full-time director was hired in March 2005.⁶¹

⁵⁴ N.Y.C. Exec. Order No. 84 (2006), https://www.nyc.gov/assets/home/downloads/pdf/executive-orders/2006/eo_84.pdf [<https://perma.cc/B9QV-M2MA>].

⁵⁵ *Id.* § 4; N.Y.C. CHARTER REVISION COMM'N, ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS FINAL REPORT OF THE 2004-2005 NEW YORK CITY CHARTER REVISION COMMISSION: EXECUTIVE SUMMARY 9 (2005), https://www.nyc.gov/assets/charter/downloads/pdf/final_report_exec_summary_august2.pdf [<https://perma.cc/PCK4-SSX4>]; see also Sherry M. Cohen & Joanna Weiss, *Know Your Audience: How NYC Tribunals Have Addressed Self-Represented Litigants and Increased Access to Justice*, 29 J. NAT'L ASS'N ADMIN. L. JUDICIARY 485, 496-97 (2009).

⁵⁶ 48 R.C.N.Y. ch. 4, app. A (2025); see Cohen & Weiss, *supra* note 55, at 497 & n.53-54.

⁵⁷ N.Y. COMP. CODES R. & REGS. tit. 22, subtit. A, ch. I, subch. C, pt. 100 (2024).

⁵⁸ As noted above, OATH ALJs were already bound by the state's Code of Judicial Conduct. The adoption of these new rules created a similar code at the municipal level and extended these ethical obligations to hearing officers and to non-OATH administrative law tribunals in New York City. OATH ALJs continue to be bound by the rules applicable to state court judges. See 48 R.C.N.Y. ch. 4, app. A, § 101 (2025) (noting the duty of OATH ALJs to comply with the Code of Judicial Conduct as set forth in N.Y. COMP. CODES R. & REGS. tit. 22, pt. 100 (2024)).

⁵⁹ *Description*, OFF. OF ADMIN. TRIALS & HEARINGS (Dec. 19, 2008), <http://www.nyc.gov/html/oath/html/description.html> [<https://web.archive.org/web/20081219071550/http://www.nyc.gov/html/oath/html/description.html>].

⁶⁰ *Id.*

⁶¹ *Id.*

3. Phase Three: The Environmental Control Board & OATH's Hearings Division

Until this point, all of OATH's cases were heard before ALJs in what was then called the OATH Tribunal. As a general matter, the cases at OATH had the basic hallmarks of traditional litigation: pleadings and responses; pre-trial settlement conferences; discovery and the exchange of proposed evidence before trial; motion practice; a hearing with opening statements, witness examination, documentary evidence, and closing statements; and an appropriately complex written decision.

A monumental shift came in 2008. With the New York City Council's unanimous passage of Local Law 35 of 2008, the Environmental Control Board (ECB) was transferred from the Department of Environmental Protection to OATH.⁶² At the time, ECB was an administrative tribunal that heard cases involving violations of New York City's health, safety, and quality-of-life laws.⁶³ ECB had the authority to make factual findings and issue monetary penalties if a violation was found. ECB handled a massive volume of work—processing over 700,000 notices of violation and conducting over 175,000 hearings each year involving alleged violations issued by a dozen New York City enforcement agencies including DEP itself.⁶⁴ The cases ranged from relatively simple public cleanliness cases to complex DOB violations. ECB's board included representatives from the DEP, DSNY, DOB, DOHMH, NYPD, and FDNY, as well as six members “appointed by the mayor[] with the advice and consent of the [C]ity [C]ouncil.”⁶⁵ Parties who disagreed with a ruling by an ECB adjudicator could request appellate review within ECB.

The structure of ECB raised the same type of concerns that prompted the creation of OATH in 1978. Specifically, ECB staff were employed by DEP, and ECB fell under the auspices of DEP. At the same time, DEP was an agency that brought cases before ECB. This presented a risk that the public would view ECB as partial to DEP and the other enforcement agencies. Moving ECB to OATH removed this risk. Noting that “more efficient . . . procedures [at ECB] would enhance fair enforcement of the city's laws,” seeing the potential for the improvements in ECB's procedures and practices, recognizing that OATH “has the greatest institutional expertise of any city agency in administrative tribunal management,” and concluding that consolidating ECB into

⁶² LOCAL LAW 35 OF CITY OF N.Y. (2008).

⁶³ OFF. OF ADMIN. TRIALS & HEARINGS, *supra* note 59.

⁶⁴ LOCAL LAW 35 OF CITY OF N.Y. § 1.

⁶⁵ N.Y.C. Charter ch. 45-A, § 1049-a(a) (2024).

OATH would promote “efficiency, fairness, and professionalism” within ECB, the City Council amended the charter and transferred the administration of ECB to OATH on July 23, 2008.⁶⁶

The City Council’s strategy bore fruit. OATH eliminated ECB’s prior backlog of 7,000 cases and reduced the decision issuance time from an average of ninety-six days in 2007 to six days in 2010.⁶⁷ What was previously a small pool of ALJs and staff working from one office in lower Manhattan was now a sprawling agency with more than 370 individuals operating out of six locations, with at least one office in each borough.

In contrast to the work of the OATH Tribunal, the cases heard at ECB were higher in volume and, at times, less intricate. While some ECB cases were quite complex and involved high-stakes penalties, in many other cases a hearing on a summons issued by an enforcement agency could be completed in less than an hour. In such cases, the petitioning agency might “rest on the papers” instead of physically appearing to plead their case, and there were rarely written motions. Whereas cases in the OATH Tribunal commenced with complaints and petitions, cases in ECB commenced with summonses (then called “notices of violation”). The nature and process of the cases in ECB and in the OATH Tribunal were quite different.

With both the OATH Tribunal and ECB, OATH now handled a sizeable volume of administrative hearings in New York City. However, other administrative tribunals were still held “in-house” at various agencies across the city. After the ECB consolidation, the 2010 New York City Charter Revision Commission took note:

Because administrative tribunals are located in, and operated by, many of the agencies whose determinations the public may wish to challenge, they are sometimes said to lack the appearance of impartiality and independence. In addition, sharing various back-office administration and using a standardized set of processes, to the extent practicable, would result in greater efficiencies and less confusion – and thus a greater sense of fairness.⁶⁸

Accordingly, the 2010 New York City Charter Revision Commission proposed further amending the charter to allow the mayor to transfer, by executive order, the adjudicatory functions of various tribunals to a single tribunal—OATH.⁶⁹ The Commission acknowledged the promising

⁶⁶ LOCAL LAW 35 OF CITY OF N.Y. § 1.

⁶⁷ Baker, *supra* note 50.

⁶⁸ N.Y.C. CHARTER REVISION COMM’N, FINAL REPORT OF THE 2010 NEW YORK CITY CHARTER REVISION COMMISSION 36 (2010), https://www.nyc.gov/assets/charter/downloads/pdf/final_report_of_the_2010_charter_revision_commission_9-1-10.pdf [<https://perma.cc/7QGT-XKX8>].

⁶⁹ *Id.* at 37.

evolution of administrative justice in New York City—from the charter developments of 1988, to the creation of the Administrative Justice Coordinator, to the rules of conduct for ALJs and hearing officers, to the consolidation efforts thus far—and believed that further consolidation would build upon this progress.⁷⁰

New York City voters overwhelmingly approved the Charter ballot provision in November 2010.⁷¹ Because of the 2010 Charter amendments, the mayor could now transfer all or part of existing tribunals within other agencies to OATH, with OATH serving as “the tribunal for the impartial administration and conduct of adjudicatory hearings for violations of this charter, the administrative code of the city of New York, rules promulgated pursuant to this charter or such code and any other laws, rules, regulations or other policies enforced or implemented by the agencies of the city through the conduct of adjudications.”⁷²

Further consolidations quickly followed. In June 2011, on the recommendation of the recently formed Committee on Consolidation of Administrative Tribunals, Mayor Bloomberg signed Executive Order No. 148, which transferred the administrative tribunals of the DOHMH and TLC to OATH.⁷³ The transfer of these tribunals was a complex, multi-agency process that ultimately resulted in the tribunal staff, budget, resources, and space moving from the enforcement agencies to OATH.

By then, OATH was effectively one agency with four different tribunals: the original OATH Tribunal, the ECB, the Taxi Tribunal, and

⁷⁰ *Id.* at 36.

⁷¹ BD. OF ELECTIONS IN THE CITY OF N.Y., STATEMENT AND RETURN REPORT FOR CERTIFICATION (2010), <https://www.vote.nyc/sites/default/files/downloads/pdf/results/2010/General/24.6CitywideElectionsAndGovAdminQuestionRecap.pdf> [<https://perma.cc/5MC3-X6SR>].

⁷² N.Y.C. Charter § 1048(2); see *id.* at hist. n.; see also LOCAL LAW 60 OF CITY OF N.Y. (2010). In 2010, OATH also became a fully standalone agency, having previously been housed for budgetary purposes under the Department of Citywide Administrative Services. See CITY OF N.Y., DEP'T OF CITYWIDE ADMIN. SERVS., HEARING ON THE MAYOR'S FISCAL YEAR 2011 EXECUTIVE BUDGET 1, 3 (2010), https://council.nyc.gov/budget/wp-content/uploads/sites/54/2017/01/fy2011-dcas_exec_rpt_2011.pdf [<https://perma.cc/9AEX-5JFL>].

Of note, the Charter amendments that expanded OATH's jurisdiction, the move out from under the Department of Citywide Administrative Services, and the recent and forthcoming consolidation of other tribunals under OATH (including ECB) were ideas that were at least a decade in the making. See N.Y.C. CHARTER REVISION COMM'N, FINAL REPORT: KEEPING OUR CITY'S PROGRESS GOING INTO THE NEXT CENTURY § V, at V-30-V-34 (1999), https://www.nyc.gov/assets/charter/downloads/pdf/reports-ballot-issues/crc_final_report_9.1.1999.pdf [<https://perma.cc/P9NM-WZ58>] (reviewing but declining to advance similar proposals made in 1999).

⁷³ N.Y.C. Exec. Order No. 148, § 1 (2011), https://www.nyc.gov/assets/records/pdf/executive_orders/2011EO148.pdf [<https://perma.cc/4WBB-BSHM>]. The order also transferred to OATH certain hearings related to the Department of Housing Preservation and Development and the Business Integrity Commission. *Id.* §§ 2, 3.

the Health Tribunal. Although technically and legally under one agency, each of these tribunals was in its own silo with its own rules, procedures, staff, documents, locations, and more. This meant that if a business received a summons from the DSNY and a summons from the DOHMH, the business would have to attend two different hearings at OATH, following two very different processes and likely at two different locations. “The result [wa]s an inconvenient and confusing process for small businesses who receive violations.”⁷⁴

As part of a 2015 citywide “Small Business First” initiative that sought to make New York City more effective and efficient for businesses, the city endeavored to establish “One-Stop Hearing Centers” in each borough.⁷⁵ Per the *Small Business First* report,

OATH locations will be transformed into hearing offices that can handle any type of case from any agency all in one site. The One-Stop Hearing Centers will provide individuals and small businesses with the opportunity to deal with summonses and violations issued by any City agency before an independent and impartial tribunal with one uniform procedure.⁷⁶

OATH set out to consolidate its disparate tribunals into a more streamlined structure. For summonses-based cases, the work of ECB, the Health Tribunal, and the Taxi Tribunal would be combined into a single unit called OATH’s “Hearings Division.” The silos that separated these three tribunals were broken down, the staff were consolidated, a universal summons was adopted, forms were harmonized, websites were updated, and a set of Hearings Division rules of procedure was adopted through the CAPA process.⁷⁷ Previously specialized hearing officers were trained to take on all types of summonses, regardless of the issuing agency. This consolidation was a massive endeavor that took over a year to complete and involved virtually all aspects of the agency. A centralized Appeals unit was established, and the administrative support staff from the various tribunals were merged into a single team known as the OATH Clerk’s Office.⁷⁸ The end result was a more efficient system.⁷⁹ Consistent with this paradigm, when Mayor Bill de Blasio issued an executive order in 2016

⁷⁴ CITY OF N.Y., SMALL BUSINESS FIRST: BETTER GOVERNMENT. STRONGER BUSINESSES 23 (2015), <https://www.nyc.gov/assets/smallbizfirst/downloads/pdf/small-business-first-report.pdf> [<https://perma.cc/G6FZ-Q2Z9>].

⁷⁵ *Id.* at 23–24.

⁷⁶ *Id.* at 24.

⁷⁷ 48 R.C.N.Y. ch. 6 (2025); OFF. OF ADMIN. TRIALS & HEARINGS, ANNUAL REPORT 2016 22 (2016), <https://a860-gpp.nyc.gov/downloads/cv43nx390?locale=en> [<https://perma.cc/8PRU-ED3J>].

⁷⁸ See OFF. OF ADMIN. TRIALS & HEARINGS, *supra* note 77, at 11.

⁷⁹ *Id.* at 22.

regarding OATH and the Department of Consumer Affairs' tribunal, the executive order only transferred *the cases* to OATH; it did not transfer to OATH the entire Department of Consumer Affairs' tribunal.⁸⁰

Along with the creation of the Hearings Division, the OATH Tribunal was renamed as the "Trials Division." The Trials Division's rules were similarly amended through the CAPA process in 2016.⁸¹ OATH was now an agency with two adjudicative divisions—the Trials Division and the Hearings Division.

As OATH grew, so did New York City's appreciation for administrative justice as a solution to broader societal challenges. In 2016, the New York City Council passed the Criminal Justice Reform Act (CJRA).⁸² Among other things, the CJRA sought to have more quality-of-life cases resolved in a civil tribunal, i.e., OATH, rather than in criminal court.⁸³ These quality-of-life summonses included "open container" alcoholic beverage violations, violations concerning unlawful urination in a park, failures to comply with certain directions and signs, unlawful vending, and more.⁸⁴ Notably, the CJRA also created a community service option that respondents found in violation of certain charges could elect in lieu of a monetary penalty.⁸⁵ In addition to further diversifying OATH's caseload, the passage of the CJRA also prompted the creation of OATH's Help Center. In the Help Center, a team of Procedural Justice Coordinators would provide nonlegal guidance to unrepresented individuals who needed assistance understanding OATH's processes. One collateral impact of shifting these cases from criminal court to OATH was that the respondent no longer had a legal right to counsel, and the Help Center's work—while not legal advice—mitigated that impact. Over the years, the Help Center team would grow, as would their scope of work.

At the time, the majority of cases at OATH were heard in the agency's offices located in each borough. OATH's offices were active places, buzzing with movement. Members of the public came to OATH to have hearings, pay fines, or simply make inquiries about a summons. ALJs and hearing officers conducted in-person trials, conferences, and

⁸⁰ N.Y.C. Exec. Order No. 18 (2016), https://www.nyc.gov/assets/home/downloads/pdf/executive-orders/2016/eo_18.pdf [<https://perma.cc/N36S-M653>]. The Department of Consumer Affairs is now the DWCP. See LOCAL LAW 80 OF CITY OF N.Y. (2020).

⁸¹ 48 R.C.N.Y. ch. 1 (2025); see *id.* § 1-01 n.1.

⁸² See generally *Criminal Justice Reform Act*, N.Y.C. COUNCIL, <https://council.nyc.gov/legislation/criminal-justice-reform> [<https://perma.cc/XU4T-3DAA>].

⁸³ OFF. OF ADMIN. TRIALS & HEARINGS, CRIMINAL JUSTICE REFORM ACT QUARTERLY REPORT VOL. 1 (2017), <https://www.nyc.gov/assets/oath/downloads/pdf/OATH-CJRAQtrReportVol1.pdf> [<https://perma.cc/2UF7-A9E4>].

⁸⁴ *Id.*

⁸⁵ *Id.*

hearings. Representatives from enforcement agencies would regularly appear to present cases, and lawyers and non-attorney representatives would circulate through the hearings defending their clients. In addition, for respondents who did not want to come for an in-person hearing, the Hearings Division developed a system for remote hearings through which respondents could contest many types of summonses by mail, by phone, or online.

This all changed in 2020 when the COVID-19 pandemic engulfed New York City. OATH had to quickly determine whether and how hearings and services could be delivered at a safe distance. In a matter of days, OATH did a comprehensive pivot towards remote hearings. In the Trials Division, conferences and trials were held via videoconference. In the Hearings Division, hearings were conducted by telephone. The staff quickly mastered the new processes and platforms so that OATH could continue conducting several hundred hearings per day and issuing just as many decisions. Although in-person trials and hearings would return after the pandemic subsided, the number of in-person proceedings remained relatively low. Remote proceedings became “the new normal” for OATH, and for good reason. Respondents could now attend hearings remotely without having to travel to an OATH office and wait to be called. Petitioning agencies could multi-task from their agency locations while waiting for hearings to begin. OATH staff could ultimately be offered work-from-home options once remote work options became available to city workers.

Throughout the pandemic, the work of OATH not only continued; it expanded. Recognizing the important work that OATH was doing in the conflict resolution space, in February 2021, Mayor de Blasio signed Executive Order 63, which formally established the Center for Creative Conflict Resolution at OATH. Building on the Center’s success thus far, the order designated CCCR “as the City’s central resource for Alternative Dispute Resolution (‘ADR’) processes and conflict resolution services, including restorative justice practices.”⁸⁶ Per the order, CCCR would, among other things, be led by an Executive Director, “provide ADR and conflict resolution services . . . to all City agencies and City employees to address workplace conflicts,” train city employees on ADR and restorative justice practices, and liaise with ADR Coordinators who would be designated at each city agency.⁸⁷ Over the years, city agencies would continue to avail themselves of CCCR’s programs, and CCCR would also begin providing mediation services in disputes between city

⁸⁶ N.Y.C. Exec. Order No. 63 § 1 (2021), <https://www.nyc.gov/assets/home/downloads/pdf/executive-orders/2021/eo-63.pdf> [<https://perma.cc/V8QW-BM8M>].

⁸⁷ *Id.* §§ 1–3.

residents and local businesses via CCCR's first public-facing program called Mediating Establishment and Neighborhood Disputes ("MEND").⁸⁸

During this third phase, OATH also began conducting outreach and engaging in public education about adjudications at OATH. As the variety of case types continued to grow, the likelihood that New Yorkers would encounter OATH increased. Promoting access to justice meant that OATH would need to get out of its offices and into the field, sharing information about the agency and what individuals and businesses can do if they receive a summons. The agency provided educational programs to particular communities—including neighborhoods with large immigrant populations and areas that lacked easy access to public transportation—as well as to small business associations, chambers of commerce, and community-based organizations. State and local elected officials began working alongside OATH, promoting OATH outreach events to their constituents so that members of the public could ask questions about the OATH process. OATH even set up "neighborhood pop-up courts" where hearings on summonses could be held in local neighborhoods as opposed to the OATH borough offices. Many of these efforts continue today, and OATH is unaware of any other administrative law tribunal in the country that conducts such outreach efforts at this scale.

4. Phase Four: Special Education Hearings Division

OATH's proven track record with taking on new types of matters and improving efficiency would form the basis for OATH's next chapter. Federal law provides that students with disabilities are entitled to a free and appropriate public education.⁸⁹ A parent who believes that DOE is not providing the appropriate services for their child may file a due process complaint.⁹⁰ The due process complaint is assigned to an Impartial Hearing Officer who must adjudicate the matter in a fair and timely manner.⁹¹ In New York City, these hearings were heard by a pool of private attorneys contracted as IHOs.⁹² In recent years, these hearings

⁸⁸ See generally *Mediating Establishment and Neighborhood Disputes (MEND)* NYC, OFF. OF ADMIN. TRIALS & HEARINGS, <https://www.nyc.gov/site/oath/conflict-resolution/mend-establishment-neighborhood-disputes.page> [<https://perma.cc/HD4N-AA3V>].

⁸⁹ 20 U.S.C. § 1412(a)(1)(A).

⁹⁰ See 20 U.S.C. § 1415(a), (b)(6), (b)(7)(A)–(B).

⁹¹ See generally 20 U.S.C. § 1415(f); 34 C.F.R. §§ 300.511, 300.515 (2006).

⁹² *The Right Place to Resolve Education Complaints*, N.Y. DAILY NEWS (May 31, 2022, 9:00 AM), <https://www.nydailynews.com/2022/05/31/the-right-place-to-resolve-special-education-complaints> [<https://perma.cc/Y2KV-A6WD>].

experienced significant delays.⁹³ During the 2019 to 2020 school year, for example, the average case length for impartial hearings in New York City was 259 days, compared to 135 days in the rest of the state.⁹⁴ The contracted IHOs who conducted the hearings had discretion to choose when to work, to decline case assignments, and to operate at their own pace, with compensation linked to their volume of activities, rather than adherence to timeliness.⁹⁵ There also were not enough IHOs accepting cases to keep up with demand.⁹⁶ In order to comply with the federal adjudication timeline required for special education cases, the state and city had to find a solution that would resolve these disputes promptly and fairly.⁹⁷

The answer was OATH. On December 27, 2021, following a December 1, 2021 Memorandum of Agreement among OATH, DOE, and the New York State Education Department, Mayor de Blasio signed Executive Order 91, which transferred the adjudications of special education due process complaints filed in New York City to OATH.⁹⁸ The view was that sending these cases to OATH would eliminate backlogs and improve case processing times.⁹⁹

OATH's newest division, the SEHD, opened its doors in early 2022 and began accepting cases in March.¹⁰⁰ The transition was gradual, with both OATH IHOs and the contracted IHOs taking new cases from DOE.¹⁰¹ What began as just a few full-time SEHD IHOs is now more than eighty-five full-time IHOs and twenty support professionals. As SEHD grew in size, so did its success. "Prior to OATH's involvement . . . , the backlog of cases waiting to be assigned to a [contracted IHO] had grown to 11,000 cases and it took an average of 282 days for cases to resolve."¹⁰² However, after the establishment of SEHD, "the backlog was eliminated" and, for the 2022 to 2023 school year, OATH IHOs "resolved cases in an

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ N.Y.C. Exec. Order No. 91 (2021), <https://www.nyc.gov/assets/home/downloads/pdf/executive-orders/2021/eo-91.pdf> [<https://perma.cc/M8LN-T6M6>].

⁹⁹ Press Release, N.Y.C. Off. of Admin. Trials & Hearings, New York City Office of Administrative Trials and Hearings (OATH) Granted Authority to Oversee All Special Education Due Process Hearings Involving NYC Department of Education Schools and Parents of Students with Special Education Needs (Jan. 4, 2024), <https://www.nyc.gov/assets/oath/downloads/pdf/SEHD-Transition-Announcement-142024.pdf> [<https://perma.cc/WCV9-2HL6>].

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

average of 119 days.”¹⁰³ By January 1, 2024, the transition was complete and all new cases were exclusively assigned to OATH.¹⁰⁴ During the 2023 to 2024 school year, approximately 90% of cases handled by SEHD were completed within the applicable compliance deadlines, and overall case length had been reduced by over 50%. This is a notable improvement from the prior system.

Meanwhile, the work of OATH’s other teams continued to grow and evolve. The popularity of CCCR’s work meant an increased number of requests for services, such as conflict resolution trainings at multiple city agencies and offices (including the New York City Council and the Borough Presidents’ offices). CCCR also worked on specific initiatives, such as helping agencies launch internal workplace conflict resolution programs and incorporate restorative practices into their work culture, and a program with DCWP to help mediate disputes between domestic workers and their employers.¹⁰⁵ The Trials Division saw a considerable increase in disciplinary cases from the Department of Correction in connection with the *Nunez v. City of New York* federal consent decree.¹⁰⁶ The jurisdiction of the Trials Division also expanded. For example, the passage of Local Law 46 of 2021 established OATH as the home for disputes relating to New York City press credentials.¹⁰⁷ In the past few years, the Hearings Division received a sudden surge of cases brought under a city law that allowed citizen complainants to file summonses and receive financial rewards relating to vehicle idling and noise violations.¹⁰⁸ Most recently, OATH saw a significant wave of time-sensitive and high-profile cases brought by the New York City Sheriff against businesses believed to have engaged in the unlicensed sale of cannabis products.¹⁰⁹ OATH’s teams navigated all of these changes with skill and grace,

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ See, e.g., Press Release, N.Y.C. Off. of the Mayor, Mayor Adams Announces Mediation Program to Help Domestic Workers and Employers Resolve Workplace Disputes (Dec. 6, 2022), <https://www.nyc.gov/office-of-the-mayor/news/883-22/mayor-adams-mediation-program-help-domestic-workers-employers-resolve-workplace> [<https://perma.cc/KA6B-5Y7D>].

¹⁰⁶ See Remedial Consent Order Addressing Non-Compliance, *Nunez v. City of New York*, No. 11-cv-05845 (S.D.N.Y. Aug. 14, 2020), ECF No. 350, *modified by* Third Remedial Order, No. 11-cv-05845 (S.D.N.Y. Nov. 22, 2021), ECF No. 424.

¹⁰⁷ LOCAL LAW 46 OF CITY OF N.Y. (2021).

¹⁰⁸ *Citizens Air Complaint Program*, N.Y.C. ENVIRONMENTAL PROTECTION, <https://www.nyc.gov/site/dep/environment/idling-citizens-air-complaint-program.page> [<https://perma.cc/GJU2-FFDQ>].

¹⁰⁹ See N.Y. Consol. Laws Adv. Legis. Serv. ch. 55, pt. G, §§ 11, 18 (2024) (codified at N.Y.C. ADMIN. CODE tit. 7, ch. 5-A (2025)).

notwithstanding the significant budget cuts that New York City agencies faced in 2022 and 2023.¹¹⁰

None of the work and success of the Trials Division, the Hearings Division, the SEHD, or CCCR would be possible without the support of OATH's various internal teams. As described above, this includes a robust and multi-disciplinary group of professionals in OATH's legal, legislative, public affairs, human resources, budget, procurement, information technology, security, and facilities teams, as well as a critical pool of professionals in each of the dispute resolution divisions who handle the daily administrative work of scheduling and processing hearings and decisions. Moreover, OATH's skilled staff expended tremendous time and effort when OATH engaged in the complicated legal, technological, and logistical tasks associated with taking over new tribunals, caseloads, or case types.

III. MAINTAINING IMPARTIALITY AT OATH—STRUCTURE, HISTORY, & CULTURE

Fundamental to procedural due process is the need for a judicial proceeding to be fair and for the adjudicator to be impartial. Not only must the actual process be impartial, but the participants must *feel* that the process is impartial. In the administrative law context, an individual or entity should be able to challenge a government action or defend against an accusation by government, and the government must meet its burden of proving that the individual or entity engaged in the alleged violation. Ensuring that this process is impartial not only serves the interests of the individual litigants, but it promotes overall trust in government.

Judicial impartiality is also fundamental to our system of government. Ours is a participatory democracy that is governed by the rule of law. Conveying to litigants that that they can challenge their government's action and that the court's decision will be fair and guided by the facts and the law strengthens democracy. Consistent with this, our federal and state court systems are structured so that they are independent from the executive and legislative branches. Administrative courts, however, are not a separate branch of government.

If an administrative court is part of the executive branch, how does it maintain its impartiality from the administration? How does OATH

¹¹⁰ See, e.g., Press Release, N.Y.C. Off. of the Mayor, Amid Deepening Asylum Seeker Crisis, Mayor Adams Announces New Steps to Stabilize City's Budget as Required by Law (Sept. 9, 2023), <https://www.nyc.gov/office-of-the-mayor/news/650-23/amid-deepening-asylum-seeker-crisis-mayor-adams-new-steps-stabilize-city-s-budget-as> [<https://perma.cc/R5BL-FSK4>].

preserve the goal of “fairness and objectivity” that was set when Mayor Koch issued E.O. 32 in 1979?¹¹¹ The answer is a combination of structure, history, and culture.

First, OATH’s structure within city government establishes its impartiality. As discussed, unlike many federal, state, and municipal administrative law tribunals that exist *within and under* the agency that brings cases to the tribunal, OATH is a separate, standalone agency under the Charter.¹¹² This structure enhances OATH’s impartiality. As a central administrative tribunal, OATH’s adjudicators and staff do not report to and are not controlled by the agencies that appear before them. By design, OATH is at arm’s length from other agencies. The Charter itself charges OATH with “the impartial administration and conduct of adjudicatory hearings” and the Charter empowers the Chief ALJ to appoint ALJs for five-year terms so they are free from political influence or changes in administrations.

Second, OATH’s history reinforces this impartiality. As outlined, the very establishment of OATH was based on the need to remove tribunals from inside of the agencies and have cases heard by a separate entity staffed by impartial and professional adjudicators.¹¹³ The fact that the city transferred so many tribunals and case types to OATH over the decades demonstrates OATH’s proven track record as a place where hearings are fair and impartial. After all, it was the people of New York City who, through Charter referendums, supported the expansion of OATH’s jurisdiction in 2010.¹¹⁴

Third, the structure of the hearings themselves fosters impartiality. Like state and federal courts, OATH’s adjudicative divisions have rules of process that govern the proceedings and establish the roles of the parties.¹¹⁵ By having procedural rules regarding pleadings, legal representation, discovery obligations, burdens, motions, evidence, conferences, trials, and more, a structure is established that maintains order, fairness, and separation between the parties and the tribunal. The rules, as written and as applied, govern the rights and responsibilities of both respondents and petitioners, thereby showing the parties and the public that government agencies do not get special treatment at OATH just because they are also part of city government. In fact, in most of the cases before OATH, the burden of proof is on the agency, not on the

¹¹¹ STATEMENT OF PURPOSE AND FUNCTION OF THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS, *supra* note 25.

¹¹² See *supra* Sections II.B.1–2.

¹¹³ See *supra* Section II.B.1.

¹¹⁴ BD. OF ELECTIONS IN THE CITY OF N.Y., *supra* note 71.

¹¹⁵ 48 R.C.N.Y. ch. 1, 2, 6 (2025).

respondent.¹¹⁶ The rules also govern the conduct of the hearings. At OATH, both sides are given the opportunity to present evidence and arguments before the adjudicator reaches a decision.¹¹⁷

Fourth, all of OATH’s adjudicators are bound by the “Rules of Conduct for Administrative Law Judges and Hearing Officers of the City of New York.”¹¹⁸ These rules provide uniform ethical standards for all of OATH’s adjudicators, thereby enhancing their professionalism and increasing their accountability to the public. Recognizing that “appearance before a City tribunal may be one of the most significant occasions on which a City resident directly encounters government authority,” the rules require “that the process of adjudication be fair, impartial and free of improper influences.”¹¹⁹ Among other things, the rules state:

A City Administrative Law Judge Shall Uphold the Integrity of the Tribunal on Which He or She Serves. The administration of justice in our City depends on tribunals that adjudicate fairly, without partiality, prejudgment or impropriety. A City administrative law judge should participate in establishing, maintaining and enforcing high standards of conduct, and shall personally observe those standards so that the integrity of the tribunal on which he or she serves will be preserved.¹²⁰

A City Administrative Law Judge Shall Avoid Impropriety and the Appearance of Impropriety in All of His or Her Activities. . . . A City administrative law judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of City tribunals.¹²¹

A City Administrative Law Judge Shall Perform His or Her Judicial Duties Impartially and Diligently. . . . A City administrative law judge shall be faithful to the law and maintain professional competence in it. A City administrative law judge shall not be swayed by partisan interests, public clamor or fear of public criticism. . . . A City administrative law judge shall take appropriate steps to ensure that any party not represented by an attorney or other relevant professional has

¹¹⁶ See, e.g., N.Y. CIV. SERV. LAW § 75(2) (McKinney 2023) (providing that in disciplinary matters, “[t]he burden of proving incompetency or misconduct shall be upon the person alleging the same”); 48 R.C.N.Y. § 6-12(a) (2025) (“The Petitioner has the burden of proving the factual allegations contained in the summons by a preponderance of the evidence.”). In certain instances, respondents shoulder burdens of proof, such as with affirmative defenses in particular kinds of cases.

¹¹⁷ See *generally* 48 R.C.N.Y. ch. 1 (2025) (“Rules of Practice Applicable to Cases at the OATH Trials Division”); 48 R.C.N.Y. ch. 6 (2025) (“OATH Hearings Division Rules of Practice”).

¹¹⁸ 48 R.C.N.Y. ch. 4, app. A (2025).

¹¹⁹ *Id.* p.mbl.

¹²⁰ 48 R.C.N.Y. ch. 4, app. A, § 101.

¹²¹ 48 R.C.N.Y. ch. 4, app. A, § 102.

the opportunity to have his or her case fully heard on all relevant points.¹²²

Fifth, once the hearing is complete, the OATH adjudicator issues a decision, in writing, which is governed by the factual findings and the applicable law. The release of an evidence-driven, legally sound, well-written decision helps demonstrate to the public that those who appear at OATH will get a fair shake. Virtually all of OATH's decisions or case outcomes are published online or available by request, thereby increasing transparency and accountability. In October 2024, the New York Law Journal began publishing OATH's Trials Division reports and recommendations in the journal's widely read "Decisions of Interest" section.¹²³

Sixth, OATH's decisions are on the record and subject to review once issued. In the Hearings Division, OATH decisions can be appealed to OATH's internal appeals unit, and then are subject to further review if the aggrieved party seeks action in state court via a Civil Practice Law and Rules Article 78 action under the "substantial evidence" standard.¹²⁴ In the Trials Division, the majority of the decisions are reports and recommendations that can be rejected or adopted by agency heads, and final agency determinations are reviewable under Article 78 in the state courts or by the Civil Service Commission.¹²⁵ In SEHD, decisions are appealable to the New York State Education Department Office of State Review, and then to state or federal court.¹²⁶

Seventh, even with all of the structural and rule-based controls articulated above, a tribunal cannot maintain impartiality unless there is a culture of impartiality and the vigilance to ensure it. Vigilance requires that OATH's professionals understand the duty to remain impartial. For example, OATH adjudicators hold steadfast to prohibitions against ex parte communications and to the principle that neither side has special access to the judge.¹²⁷ It is incumbent upon OATH to maintain these bright lines, and doing so is very much part of OATH's culture. One of

¹²² 48 R.C.N.Y. ch. 4, app. A, § 103.

¹²³ Asim Rehman, Commentary, *Rulings from NYC's Administrative Law Court to Be Published in the Law Journal*, N.Y.L.J. (Sept. 25, 2024, 1:00 PM), <https://www.law.com/newyorklawjournal/2024/09/25/rulings-from-nycs-administrative-law-court-to-be-published-in-the-law-journal> [https://perma.cc/V6RU-LE75].

¹²⁴ See N.Y. C.P.L.R. 7803(4) (McKinney 2024); *Pell v. Bd. of Educ.*, 313 N.E.2d 321, 325 (N.Y. 1974); 48 R.C.N.Y. § 6-19 (2025).

¹²⁵ Memorandum, *supra* note 26 (providing sample designation letter); N.Y. C.P.L.R. § 7803(4) (McKinney 2024); see also discussion at footnote 51.

¹²⁶ *Due Process Hearings*, OFF. OF ADMIN. TRIALS & HEARINGS, <https://www.nyc.gov/site/oath/special-ed/due-process-hearings.page> [https://perma.cc/FNL9-DJDE].

¹²⁷ 48 R.C.N.Y. ch. 4, app. A, § 103(A)(7) (2025); 48 R.C.N.Y. § 1-14(a) (2025); 48 R.C.N.Y. § 6-25(f) (2025).

the most important responsibilities of the Commissioner and Chief ALJ is to set the tone—internally and externally—that OATH is independent and there shall be no interference whatsoever with the adjudicative process. Richard Failla, OATH’s first Chief ALJ, cemented this culture in the early days of the agency. The responsibility of preserving and promoting a culture of impartiality and independence has now been handed down to me, as OATH’s eighth Chief ALJ.¹²⁸

By doing all of the above for decades, OATH has been able to maintain a high standard of impartiality that has been regularly applauded by those who know OATH’s work, including the courts. For example, when faced with a challenge to OATH’s impartiality—specifically that OATH adjudicators are biased because they are employed by the city—a federal district court judge recently held that “[c]ourts have long acknowledged OATH’s status as an independent administrative tribunal,” and that ALJs, such as those at OATH, must be presumed as unbiased unless there is specific evidence to the contrary.¹²⁹ As noted by the court:

The Second Circuit has also rejected the “argument that the City of New York’s Office of Administrative Trials and Hearings is itself unconstitutional (at the state and federal levels)...because it performs a judicial function but is part of the executive branch” as “baseless” as it “does not in and of itself violate the federal constitution[.]”¹³⁰

IV. ENSURING ACCESS TO JUSTICE

Justice is meaningless if it is not available to everyone. In addition to remaining impartial, part of OATH’s mission is also to ensure that everyone receives access to justice. There are several ways that OATH does this.

First, the value of promoting equal access to justice is enshrined in the ethical rules that guide OATH’s adjudicators. For example, the

¹²⁸ To date, OATH’s Chief ALJs have been (in sequential order): Richard C. Failla (1978–1985); Charles McFaul (1985–1994); Rose Luttan Rubin (1994–2001); Roberto Velez (2002–2010); Suzanne Beddoe (2010–2014); Fidel Del Valle (2014–2019); Joni Kletter (2020–2022); and Asim Rehman (2022–present). This list does not include interim or acting Chief ALJs. Beginning with Suzanne Beddoe, the OATH agency head had the dual title of Chief ALJ and Commissioner.

¹²⁹ *J.F. v. Adams*, No. 21-cv-11150, 2024 WL 1348524, at *8–9 (S.D.N.Y. Mar. 29, 2024); see also *Bd. of Health Pub. Review Comm. v. N.Y.C., Bd. of Health*, No. 100847/2013, 2014 N.Y. Misc. LEXIS 3970, at *22–23 (N.Y. Sup. Ct. 2014) (“OATH, established under the Charter, and serving under the direction of the chief administrative law judge, enjoys a coextensive presumption [that is it unbiased.]”).

¹³⁰ *J.F.*, 2024 WL 1348524, at *24 (alteration in original).

forementioned “Rules of Conduct for Administrative Law Judges and Hearing Officers of the City of New York” contain the following text, which is worth presenting in full:

A City administrative law judge shall take appropriate steps to ensure that any party not represented by an attorney or other relevant professional has the opportunity to have his or her case fully heard on all relevant points.

(a) Among the practices that a City administrative law judge may appropriately follow and may find helpful in advancing the ability of a litigant not represented by an attorney or other relevant professional to be fully heard are the following: (i) liberally construing and allowing amendment of papers that a party not represented by an attorney has prepared; (ii) providing brief information about the nature of the hearing, who else is participating in the hearing and how the hearing will be conducted; (iii) providing brief information about what types of evidence may be presented; (iv) being attentive to language barriers that may affect parties or witnesses; (v) questioning witnesses to elicit general information and to obtain clarification; (vi) modifying the traditional order of taking evidence; (vii) minimizing the use of complex legal terms; (viii) explaining the basis for a ruling when made during the hearing or when made after the hearing in writing; (ix) making referrals to resources that may be available to assist the party in the preparation of the case.

(b) A City administrative law judge shall ensure that any steps taken in fulfillment of the obligations of this paragraph are reflected in the record of the proceeding. A communication between a City administrative law judge and a litigant made in fulfillment of the obligations of this paragraph remains subject to the restrictions on *ex parte* communications contained in the preceding paragraph.¹³¹

The details outlined in this rule—including the ALJ’s affirmative duty, an ALJ has to ensure fairness, the specific steps an ALJ may take in this regard, and the importance of documenting such steps in the record—reflect the high priority that OATH places on leveling the playing field for parties.¹³² When there is an unrepresented party appearing in the OATH Trials Division, the ALJs take great care to ensure that the party understands the rules and process, while still remaining impartial. The “Rules of Conduct for Administrative Law Judges and Hearing Officers of the City of New York” may have been the first judicial ethics code in the country to enshrine such principles, and similar language can now be found in the New York State Model Code for

¹³¹ 48 R.C.N.Y. ch. 6, app. A, § 103(A)(8)(b) (2025).

¹³² 48 R.C.N.Y. ch. 6, app. A, § 103 (2025).

Judicial Conduct for State Administrative Law Judges. In keeping with the spirit of this rule, several years ago, OATH engaged in a comprehensive “plain language” review project to review, assess, and revise a broad variety of public-facing materials (including forms, guides, etc.) so that they were written in simple terms as opposed to complex legal jargon.

Second, OATH ensures information is accessible by providing it in plain language that the reader can understand. Everyone has access to free interpreter services for help sessions, trials, hearings, community service, and mediations. OATH also makes all forms and applications available in the top ten languages spoken in New York City. In addition, when a respondent has a matter heard by OATH’s Hearings Division or Trials Division, the respondent may request that a copy of the decision be sent to them in their preferred language.

Third, not having a lawyer should not limit one’s ability to navigate OATH’s processes. As mentioned, OATH has a Help Center that ensures that unrepresented respondents receive nonlegal answers to their questions, are aware of their rights, and understand the hearing process. The Help Center’s response time to requests for help sessions is less than one calendar day on average, and in 2024, OATH’s Help Center staff conducted over 55,000 help sessions and assisted close to 59,000 individuals who came to the windows at our various locations or contacted the Help Center by text message or phone.

Fourth, even though respondents do not need a lawyer or representative to fight their case at OATH, the agency understands the benefits that come with having a lawyer. OATH has a pro bono program with a full-time staff member who helps pair third-party legal assistance organizations with unrepresented respondents who have cases involving DOB violations in Brooklyn and TLC violations.¹³³ OATH has undertaken similar efforts to secure volunteer representatives to help respondents in vehicle seizure and marriage license cases.¹³⁴ OATH’s pro bono program has since grown and has inspired the creation of law student advocacy groups on law school campuses.¹³⁵

Fifth, OATH leverages technology to make our adjudications more accessible to parties. In the Hearings Division, a text message reminder

¹³³ *Pro Bono Legal Help*, OFF. OF ADMIN. HEARINGS & TRIALS, <https://www.nyc.gov/site/oath/help-center/pro-bono-legal-help.page> [<https://perma.cc/YDV9-WWVX>].

¹³⁴ *Id.*

¹³⁵ One example is the Driver Protection Project (DPP) at New York University School of Law. See *Courtyard Conversations with NYU Law’s Direct Services Organizations*, N.Y.U. LAW, <https://www.law.nyu.edu/events/courtyard-conversations-nyu-laws-direct-services-organizations> [<https://perma.cc/MD7P-UTB7>]; *Economic Justice Welcome Picnic*, N.Y.U. LAW, <https://www.law.nyu.edu/events/economic-justice-welcome-picnic> [<https://perma.cc/F6XU-3SGW>].

system is available to all OATH respondents to help ensure that people never miss a hearing and get real-time updates about the status of their case. Since the inception of the text message reminder system in September 2020, over ten thousand respondents have registered for these reminders. The text message reminder system can also be utilized to initiate contact with our Help Center. In addition, during the pandemic, OATH added a callback option to the Hearings Division remote hearings system, allowing respondents to avoid waiting on hold and instead request a callback when their hearing is ready to go forward. Since this option was launched, around 82% of respondents have taken advantage of it. Additionally, respondents at the Hearings Division can find the status of their case, their hearing date, and a PDF copy of their summons using OATH's Summons Finder on the OATH website.

Sixth, OATH recognizes that even with the technological advances and conveniences that I outlined above, there are New Yorkers who want to engage with the city in person. OATH meets people where they are. We have offices in every borough where people can come in person to ask questions and take care of OATH business. Each year, thousands of respondents come to our borough offices to get work done.

Lastly, as discussed, OATH does outreach. OATH's team gets out of the office and into New York City's neighborhoods to teach people about OATH and what to do if they have a case at OATH. Through outreach and public education work, OATH helps inform people and businesses about the tribunal's processes, the free resources available to them, and how to get more information if they have a case at OATH.¹³⁶

These are just some of the measures that OATH has put in place to ensure that its operations are fair and transparent and that everyone has equal access to justice.

CONCLUSION

Over forty-five years ago, Mayor Koch saw a problem and an opportunity. It was a chance to build a new tribunal for administrative law disputes that would be centralized, independent from the agencies that appeared before it, and committed to judicial expertise, legal ethics, and the highest degree of professionalism. What started with just a small team of judges and staff handling a relatively narrow scope of cases has now evolved into a New York City Charter agency with well over 250 full-time and part-time adjudicators handling an incredibly diverse variety of matters affecting the lives of countless New Yorkers. A model institution,

¹³⁶ See, e.g., *Help Center*, OFF. OF ADMIN. TRIALS & HEARINGS, <https://www.nyc.gov/site/oath/help-center/help-center.page> [<https://perma.cc/8TT8-24HU>].

it is no surprise that adjudicators, public officials, and academics from all over the country and various parts of the world visit OATH to learn more about our work.

Despite the change and growth, OATH has always remained true to its mission: providing fair and impartial hearings, timely decisions, and access to justice. So long as there is an unwavering and vigilant commitment to these principles, the hardworking staff at OATH will be prepared to meet any new challenges on the road ahead.