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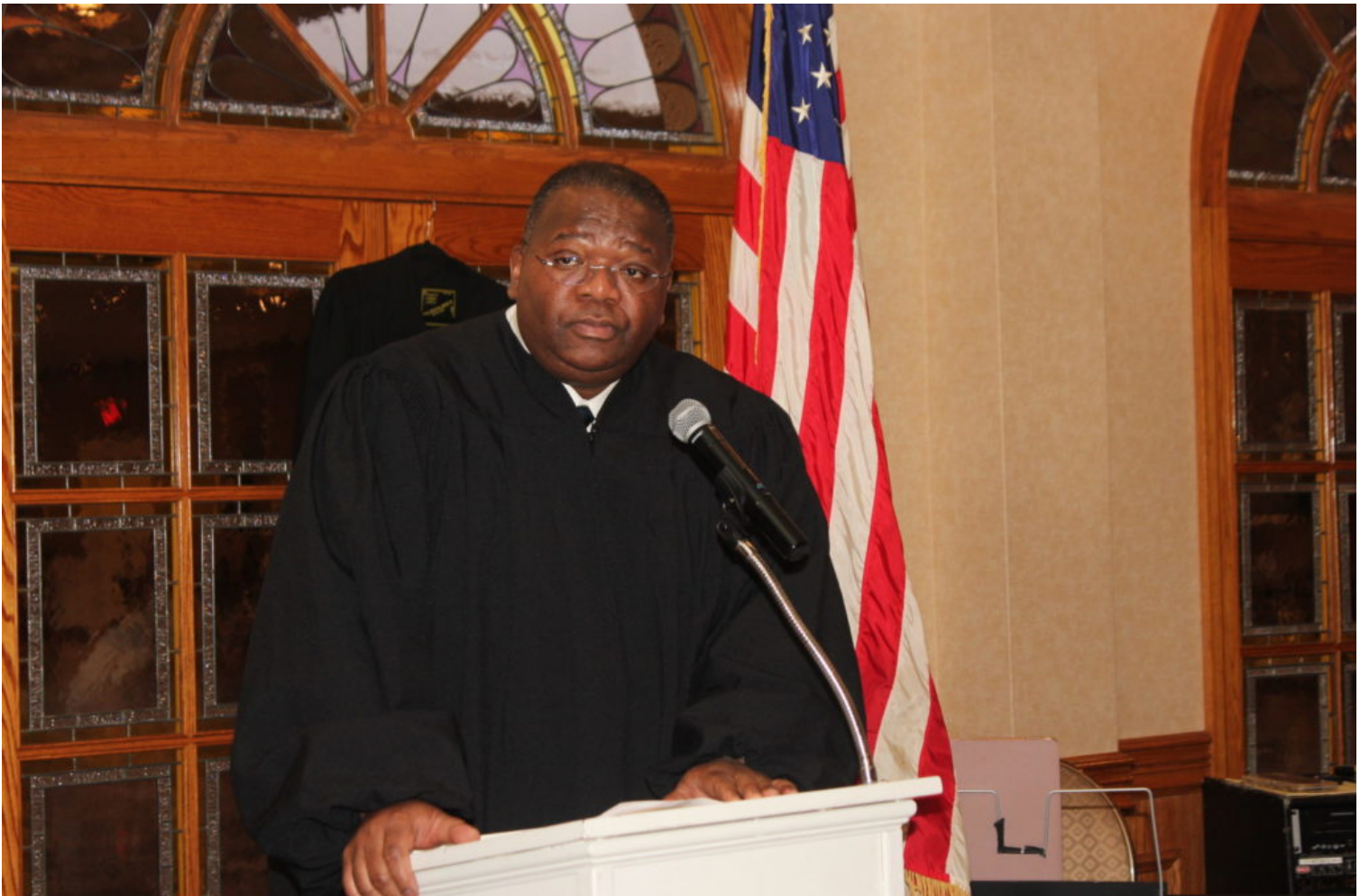
Brooklyn Daily Eagle

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Justice Johnny Lee Baynes has died at 64 from COVID-19 complications

He's remembered as a 'gentle giant' by the legal community

March 31, 2020 Rob Abruzzese and Mary Frost



Brooklyn Justice Hon. Johnny Lee Baynes died on Thursday due to complications related to coronavirus. He is remembered by the legal community as a gentle giant for his size and demeanor in the courtroom. Photo: Mario Belluomo/Brooklyn Eagle

Hon. Johnny Lee Baynes, a judge in Brooklyn since 2005, died on Thursday of pneumonia related to the novel coronavirus outbreak that has plagued New York City and the world. He was 64 years old.

“He was a great man, he was great to work for,” said Hon. Jill Epstein, who served as Justice Baynes’ law clerk for nine years. “He pushed me, supported me and he was just the most gentle bear and lovely person. When people came into his courtroom, he wanted them to leave knowing they were treated with dignity and respect whether they were from a big firm or just some unrepresented pro se litigant. He tried to treat everybody fairly.”

Justice Baynes was born in a small town in Georgia and moved to New York with his family at a young age. When he was eight years old, his mother died, and he was raised largely by his sisters.

Justice Baynes attended Fordham University as an undergraduate student and went on to Howard University School of Law. Those close to him said he became a lawyer and eventually a judge in response to the injustice he saw in his community.

Hon. Baynes became a Housing Court judge in 1993 and joined the bench in Brooklyn after he was elected to the New York City Civil Court in 2005. He was named an acting Supreme Court justice in Kings County, and in 2011 he won an election for a 14-year term to the Kings County Supreme Court. Prior to joining the bench, he was a staff attorney for the NYC Housing Authority as well as District Council 37 and the Municipal Employees Legal Services Plan.

Nearly everyone who spoke to the *Brooklyn Eagle* about Justice Baynes used the phrase “gentle giant,” since he was a physically large person but never seemed to lose his cool. Judge Epstein said that in the nine years that she worked for him, she never heard him raise his voice in the courtroom.

“He was the person who taught me how to run a courtroom,” Epstein said. “And he ran his courtroom better than anybody I’ve ever met. He knew that he couldn’t let people walk all over him as a judge so he always kept a firm hand, but he never

raised his voice. Even when things irked him, he never lost control over that room. He would say, once you've raised your voice you've lost the room."

Judge Lisa Ottley said that she met Judge Baynes when she was a court attorney for Justice Alice Fisher Rubin, and that Baynes quickly became a mentor figure for her.

"He was a gentle giant and we talked about the law, our community and life," Judge Ottley said. "He always had a smile, and we'd always have something to laugh about. Whenever he called me, his greeting began with 'I was just calling to check on my buddy,' and it ended with "Take care, my friend, JB out!"



Justice Johnny Lee Baynes (center) at Judiciary Night at the Brooklyn Bar Association with (pictured from left): Hon. Barry Kamins, Steve Cohn, Hon. Cheryl Chambers and Hon. Robin Garson. Photo: Rob Abruzzese/Brooklyn Eagle

Justice Baynes is survived by his daughter Jolie and his ex-wife Pamela Thomas.

Those close to him say that his legacy will live on through their own hard work, which he passed on to them, and through his daughter Jolie, who interned in the Brooklyn court system and is currently attending law school.

“His legacy is his daughter, his clerks and all of the people who worked for him,” Epstein said. “He taught us all so much. When I’m on the bench, I hear myself using his words. He taught us all that there is no shame in not knowing something on the spot, you can always do research, you can always look into it. You don’t have to get it done quickly. Although quick is good, it is better to get things right.”

Justice Baynes oversaw one of Brooklyn’s most epic legal battles: SUNY Downstate’s closure and sale of Long Island College Hospital, a 156-year-old institution in Cobble Hill, in the face of vehement opposition from the community, workers and elected officials.

In a saga lasting more than three years, the “Save LICH” legal fight, accompanied by frequent protests, community activism, arrests and the involvement of then-Public Advocate Bill de Blasio, galvanized northwest Brooklyn and made almost daily headlines. Baynes’ hearings, where he frequently urged all involved to consider “any possibility of a settlement,” became a must-see drama, and spectators arrived early in order to get a seat.

On April 1, 2013, Baynes issued the first of seven orders requiring the state to maintain services at LICH and temporarily restrained SUNY from taking “any action in furtherance of the closure plan” while the lawsuits worked their way through court. SUNY allegedly violated all seven orders, and Baynes sometimes remonstrated with SUNY’s lawyers, including Frank Carone of Abrams Fensterman, who is currently president of the Brooklyn Bar Association.

“I am just really not happy,” Justice Baynes told Carone and fellow attorney Susan Mauro during one hearing in June 2013. “On a day when you know you are coming to see me, I expect to hear good [things,] not someone coming into this courtroom saying, ‘Judge, they are closing the emergency room.’”

As SUNY’s frequent closures of LICH’s emergency department caused havoc at ERs across western Brooklyn, Baynes worked to broker some continuity of health care in the face of enormous pressure from the state to sell the 20-acre campus to a developer.

In September 2013, he wrote in a decision that the state’s regulations for closing hospitals were “unconstitutionally vague” and that the state Department of Health did not take the needs of the community into consideration when it approved SUNY

Downstate's plan to close LICH. His ruling not only affected LICH but had implications for other hospitals, including Interfaith Medical Center in Bedford-Stuyvesant.

A troubled RFP process wracked by irregularities resulted in further legal skirmishes. Baynes ruled against the first-place winner of the state's RFP bidding process, and also the second place finisher, both of whom had been rejected by SUNY on financial grounds. Eventually Baynes approved a settlement that led to the hospital's sale to real estate developer Fortis, which had been the state's first choice all along. While the hospital was lost, the negotiations did accomplish some continuity of care in the form of a walk-in clinic operated by NYU Langone on the site.



Justice Johnny Lee Baynes with Hon. Lisa Ottley. Photo: Rob Abruzzese/Brooklyn Eagle

The loss of the hospital is felt keenly even today, but advocates on both sides felt that Baynes had tried mightily to achieve an outcome as just as possible under the circumstances.

“I was fortunate to have bumped into, and exchanged pleasantries with Justice Baynes, after not seeing him for quite a while about two weeks ago,” said Carone. “He had a larger-than-life persona, deep faith, and without question the judiciary

has lost one of its purest servants. Justice Baynes knew how to set the tone with the litigants before him with a sense of objectivity, and at the same time insist that all parties put their best foot forward and settle. He really knew how to settle a case. He will be missed.”

Jim Walden, formerly with Gibson, Dunn & Crutcher and now with Walden, Macht & Haran, represented groups that tried to preserve LICH as a full-service hospital. Upon hearing the news of Baynes’ death, Walden said, “His death is a huge blow to the bench and bar. He was a judge of deep integrity and keen instincts for justice. There are few like him.”
