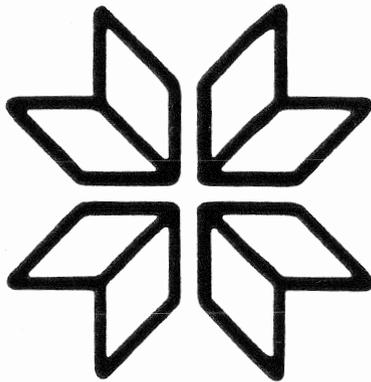


**FRANKLIN H. WILLIAMS
JUDICIAL COMMISSION ON MINORITIES**



1992 Annual Report

Franklin H. Williams
Judicial Commission On Minorities

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New York, New York 10007
(212) 417-2246
Fax No. 212-417-4355



Hon. Lewis L. Douglass, Chair
Judge, Supreme Court

Hon. Nicholas Figueroa, Vice Chair
Justice of the Supreme Court

Hon. William J. Davis
Justice of the Supreme Court

Lenore Kramer, Esq.
Herman & Kramer

Serene K. Nakano, Esq.
Immediate Past President,
Asian American Bar
Association of New York

Hon. Cesar H. Quinones
Court of Claims

Maria Ramirez, Executive Director
Center for Multinational
and Comparative Education
N.Y.S. Department of Education

Robert M. Reaves, Chief Clerk
Surrogate's Court, New York County

Hon. Rose H. Sconiers
Judge of the City Court

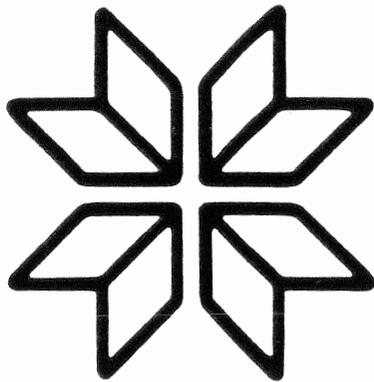
Hon. Peter Tom
Justice of the Supreme Court

Hon. Ivan Warner
Justice of the Supreme Court

Hon. Charles L. Willis
Administrative Judge,
Seventh Judicial District

Joyce Hartsfield, Esq.
Executive Director

**FRANKLIN H. WILLIAMS
JUDICIAL COMMISSION ON MINORITIES**



1992 Annual Report

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ANNUAL REPORT 1992

INTRODUCTION

In January 1988, the New York State Commission on Minorities was created to examine the treatment of minorities in the judicial system. After a two-year study, the Commission found that just as racism persists in society at large, it persists in the judicial system. The Commission then made recommendations to minimize the effect of racism and thereby improve the treatment of minorities within the system.

In January, 1992, a twelve person permanent commission was created to take steps to implement those recommendations. That permanent commission was designated as the Franklin H. Williams Judicial Commission on Minorities in honor of the Chairman of the Judicial Study who died shortly after the study was completed.

ORGANIZATIONAL STRUCTURE

The Commission meets monthly, usually in New York City. One meeting was held in Rochester, New York and the Commission plans to hold meetings in cities throughout the state.

The Commission consists of eight judges, a private practitioner, an Assistant United States Attorney, the Chief Clerk of the Surrogate's Court, and the Executive Director of the Center for Multinational Comparative Education of the New York State Department of Education. (Appendix 1 contains a brief description of the background of each member).

In May of 1992, the first Chairperson, Edith Miller, a Justice of the Supreme Court, New York County, resigned for personal reasons and the present Chairperson, the Hon. Lewis L. Douglass, Court of Claims judge, presiding as a Justice in the Supreme Court, Kings County was appointed in April of 1992. With the new Chairman in place, the Commission set two goals.

First, to identify those recommendations where specific steps could be taken in the first year of operation and second, to identify an Executive Director.

**TO INCREASE THE PERCENTAGE OF MINORITIES IN JURY POOLS SO
THAT THEIR PERCENTAGE IS REASONABLY SIMILAR TO THE
PERCENTAGE OF MINORITIES IN THE SURROUNDING COMMUNITY**

One of the findings of the Study Commission was that minorities were under represented in jury pools outside of New York City, and there is no hard data to determine whether the number of minorities in the New York City pools reasonable reflects the number of minorities in the City. Jury notices are mailed to registered voters, owners and operators of motor vehicles and those whose names appear on tax rolls.

The under representation of minorities results from two causes:

1. The disproportionate number of minorities are low income persons and tend not to participate in the civil processes, such as voting, PTA meetings, etc. at the same rate as middle income persons. Therefore, some of the under representation is due to this general phenomenon of non-participation within these processes.
2. Since jury notices are mailed to those who pay taxes, register to vote or drive automobiles, a significant portion of those who do not receive jury notices are low income people, a group which includes a disproportionate number of minorities.

Increasing the number of minorities in the jury pool, therefore, depends on three strategies:

1. Educating people about the jury service process;
2. Adding additional lists to the lists now used;
3. Legislative changes which would place an affirmative duty on Juror Commissioners to take steps to adjust the pools when minorities appear to be under represented.
4. Legislative changes that would allow for child care fees to be paid for persons that are unemployed, and who have a minor child and are unable to afford child care services.

Speaker's Bureau

The Commission has organized a Speaker's Bureau of judges who are available to visit with minority organizations to discuss the New York State Jury System, including not only the differences in all types of jury services which includes Grand and petit, criminal or civil jury duty, but also the importance of serving on jury duty within the community in which one resides. Moreover, the Commission's speaker bureau has developed an informational brochure about jury duty for distribution in the minority community and among civic organizations.

Additional Lists

The Study Commission has recommended that welfare recipients be added to the present list of people who are notified for jury duty. However, various federal regulations prohibit making the list available to private or governmental agencies. As an alternative, the Commission has made arrangements with the Department of Social Services to place informational posters in various Department of Social Services and County offices for the State of New York.

In addition, the Office of Court Administration (OCA) has an internal task force exploring the possibility of adding utility lists to those lists for potential jurors now used. Although all parties agree that this would be a worthwhile effort, technical problems of meshing the computer generated lists of the utility company with the state computer lists has not yet been resolved.

Survey of Practices by Juror Commissioners

In discussing the problem of under representation of minorities, several Juror Commissioners throughout the state have developed innovative plans to increase the

number of minorities in jury pools. The Commission, therefore, has initiated a survey among all of the state Juror Commissioners to collect data about these strategies so that this information can be re-distributed to other Juror Commissioners throughout the state. The survey questionnaire, attached as exhibit one was distributed in January 1993.

Legislation

The jury questionnaire distributed by Juror Commissioners in New York State does not ask the ethnicity of the prospective juror and thus, it is impossible to accurately determine whether the percentage of minorities is reasonable similar to the percentage of minorities in the surrounding community.

The Commission will, therefore, propose legislation which would require that the Jurors' Questionnaire sent out to all prospective jurors to ask the race. (Attached as exhibit two) And where minorities in jury pools appear to be under represented, the Juror Commissioner would be required to take steps to correct that under representation. Such steps might include, increased mailings to zip codes with minority population or contact with minority community organizations.

Because the effort to increase the number of minorities in jury pools will increase the number of low income individuals who will be called to jury duty, the Commission has proposed legislation that unemployed parents who incur child care expenses solely because of jury duty, be reimbursed as is done, for example, in the state of Massachusetts.

A copy of the legislation and the memorandum in support of the proposed legislation is attached as exhibit three.

The Commission has included in its proposed legislation, an amendment to the Criminal Procedure Law, which would increase the age of the youthful offender statute from eighteen years to twenty one years (Attached as exhibit four). Further details regarding the youthful offender status is located in the section of the annual report discussing alternatives to incarceration

GREATER ACCESS FOR NON-ENGLISH SPEAKING LITIGANTS

Chinese Language Informational Booklets

The Commission has arranged to prepare informational booklets in Chinese on the procedures in Small Claims Court. These booklets will be published for both the individual and commercial litigants. The booklet's release will occur in February 1993 (Attached as exhibit five).

Spanish Language Informational Pamphlets

One of the Study recommendations was to enhance the quality of interpreters in aspects of the court operation. To this end, the Commission opened discussion with Judge Kathryn McDonald, Chief Administrator of the Family Courts of the City of New York. It was ascertained that several instructions such as serving of the summons, affidavit of services, notice to return to court with required documents, financial disclosure statements were already translated in Spanish. However, the dialogue with Judge McDonald resulted in the "Filing of Objections in Rebuttal" translated in Spanish and distributed to litigants. (Attached as exhibit six).

Study Of Civil Damages Awards

One of the recommendations of the Study Commission was "that the Office of Court Administration collect racial data on litigants in civil cases...to determine whether there is a disparity in civil case outcomes...based on race..."

The Commission has, therefore, initiated a pilot study in New York City and Buffalo (Erie County) to compare civil damage awards to minorities and non-minorities who have similar demographics. (The covering memorandum is attached as Exhibit seven)

Data is presently being collected to determine whether the scope of this project requires that a more intensive study be undertaken by a jury research group with the assistance of a grant from a foundation.

ALTERNATIVES TO INCARCERATION

One of the concerns of the Commission was ways in which to increase awareness among the bench and bar for use of alternatives to incarceration and increasing the eligibility requirements for those youths, that the court deems eligible, for youthful offender status. The Commission, therefore, proposed legislation that the age to which a judge may grant youthful offender treatment be increased from the present limit of eighteen years up to and including twenty one years of age in some limited situations involving non-violent offenses. The Commission's memorandum in support of this legislation is attached as exhibit four).

A copy of a booklet identifying a large range of available alternatives to incarceration programs has been distributed to all judges who preside over criminal matters in Manhattan, The Bronx, Queens and Staten Island. (A copy of the booklet has been previously distributed in Kings County). (Attached as exhibit eight)

The Commission also proposed and the Department of Probation has agreed to consider the feasibility of advising probationers who have satisfactorily completed

their probation of the opportunity to apply for a Certificate of Relief from Civil Disability. In addition, it was suggested to OCA's Education and Training Division, that the judges be encouraged to use the relief from civil disability in appropriate cases. **(See response attached as Exhibit nine)**

Moreover, within the last ten years with the high incidence of the use and sale of the drug known as "crack", an overwhelmingly disproportionate numbers of young men and women, mostly minorities, have found themselves with the status of being a convicted felon. Felony convictions disenfranchises people from availing themselves of many opportunities and privileges, i.e. jury duty, licensing, employment, etc. Many, so situated, will not commit a second felony offense. Therefore, there should exist an outreach program with the various agencies or departments within the criminal justice system to assure that all candidates eligible of relief from civil disability receive the certificate. To this end, dialogue was commenced with the Department of Parole for the State of New York requesting that parole officers advise persons under their supervision, who are eligible, that they make the necessary application for relief from civil disability. The Parole Department indicated that such initiatives had been taken.

WORK FORCE DIVERSITY PLANS

In monitoring the Office of Court Administration's Work Force Diversity plans, the Commission discovered that although the Office of Court Administration requires managers throughout the state to set forth the number of minority employees in various titles and to establish goals to increase minority employees, that the plan did not cover sheriffs who provide security on a contract basis to courts outside of New York City. Accordingly, the Commission recommended, and the Office of Court Administration agreed to initiate a survey of the hiring practices of sheriffs throughout the state. Initial impressions suggest that the employment of minorities by various sheriffs' offices throughout the State is substantially below the employment rate of minorities by OCA.

The Commission will meet with OCA to develop plans for OCA to write to the sheriffs in counties with significant minority population, asking those sheriffs to set minority hiring goals and strategies to achieve those goals.

Sensitivity Training

The Commission has reviewed the multicultural training offered to new court officers. The Commission found the training to be of high quality for incoming court officers. However, it will recommend that OCA schedule sensitivity training programs for court officers, after two (2) years on the job just as a they now do for refresher training course in other aspects of court officers' duties.

Increase in the Number of African-American, Latino/Hispanic, Asian and Native American Judges

The Commission is currently conducting a survey of the ethnic make-up of the New York State Judicial Screening Committees, in the four Judicial District. The members of these screening committee are selected as follows:

- a) four (4) members are selected by the Governor;
- b) two (2) members are selected by the Chief Judge of the Court of Appeals;
- c) one (1) member is selected by the Presiding Judge in such Department;
- d) two (2) members are selected jointly by the Temporary President of the Senate , the Speaker of the Assembly, the Minority Leader of the Senate, and the Minority Leader of the Assembly;

e) one (1) member is selected by the President of the New York State Bar Association.

In addition, the Commission is also studying the ethnic make-up of the judiciary screening committees for the Court of Claims and Court of Appeals; the judicial screening committees of all major Bar Associations within the state and the Mayor's Judiciary Screening Committee. It is with the intent that the Commission work with the Screening Judicial Committees and the Bar Associations to increase minority participation on the committees that review the judicial candidates.

These conversations and communications are of critical importance, since they serve as a constant reminder of the need for ethnic fairness, and since these communications come from an entity within the Court system, they serve as a reminder of the Court system's commitment to improving the treatment of minorities. **(Attached as Exhibit Ten is a breakdown of all minority judges, their location and title within OCA).**

CONTINUOUS MONITORING OF THE JUDICIAL SYSTEM

Managers of large public organizations are impacted with a variety of competing concerns, budgets, labor-management, public relations, etc.

One of the important functions of the Commission is to keep the concerns about ethnic fairness in the forefront among those competing concerns. Thus, the Commission maintains a continuous dialogue with OCA. This dialogue, has resulted in, for example, favorable resolutions of claims of discrimination and improvement in providing shelter to Family Court litigants when the Court closes between 1:00 p.m. and 2:00 p.m.

The Commission has also urged and thus reminded the Administrative Board of the importance of selecting minority candidates when administrative and supervisory positions become available, as recommended in the original study.

The Commission has submitted testimony to the Facilities Capital Review Board in support of OCA's facilities construction plans.

In addition to the continuing dialogue with OCA, the Commission is involved in similar dialogue with a variety of agencies involved in the justice system. The Commission

has communicated with the Department of General Services about minority hiring practices in connection with the construction of the new courthouse in Queens; has communicated and has been advised by the State Board of Law Examiners, that beginning in February 1993, they will begin to collect ethnic data on candidates for the Bar Examination in accordance with the Commission's recommendation.

OUTREACH

One of the mandates of the Commission is to maintain a continuing dialogue with organizations interested in the operation of the court system. The Chairman has, therefore, spoken before a variety of organizations including:

Westchester County Criminal Justice Advisory Board;

Network of Bar leaders;

Community meeting at Concord Baptist Church on the justice system:

Tribune Society;

Fund for the Modern Courts;

The Bar of the City of New York;

Puerto Rican Bar Association; and

Judicial Friends.

The Chairman has spoken at the training program for newly appointed judges.

Nationwide Outreach

A Commission on Minorities exists in seventeen states, and largely through the leadership of Franklin H. Williams,

the former Chairman of the New York Commission. Those seventeen states have formed a National Consortium of Commissions and Task Forces on Minorities on Racial/Ethnic Bias in the Courts and New York continues as a major participant in the activities of that group.

The Commission has provided advice to the initial organizational efforts in Connecticut and Nova Scotia.

CONCLUSION

The Franklin H. Williams Judicial Commission on Minorities is committed to working to eradicate all forms of bias, perceived or actual, within the New York State Court system. It is the goal and hope of the Commission that with the implementation of the projects slated for 1993 and ongoing programs and with an effective outreach program occurring within the community , not only initiated by the Commission, but with the Office of Court Administration and with the various Bar Associations that the Court system will reflect equality and justice for all.



Franklin H. Williams
Judicial Commission On Minorities

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Hon. Ivan Warner
Justice of the Supreme Court

Hon. Charles L. Willis
Administrative Judge,
Seventh Judicial District

Joyce Hartsfield, Esq.
Executive Director

Dear Commissioner:

In January of 1988, the Chief Judge appointed a commission to study the treatment of minorities in the New York State judicial system. One of the critical findings was that minorities are under represented in jury pools throughout the State.

In conversations with various juror commissioners, I have been impressed by several innovative steps taken by commissioners to increase the number of minorities in the jury pool within their jurisdiction. We are therefore, attempting to collect information on a statewide basis on these initiatives so that the information can be redistributed throughout the State.

Accordingly, we are asking that you complete and return the enclosed questionnaire to Joyce Hartsfield, 270 Broadway, Room 1400, New York, New York 10007 (212) 417-2000.

Very truly yours,

Joyce Hartsfield
Executive Director

JH:eas

Encl.

Exhibit One

QUESTIONNAIRE FOR ALL COMMISSIONERS OF JURORS

1. Are you aware of the present percentage of minorities in the area within your jurisdiction?

Yes ___ No ___

If yes,

African American ___
Asian ___
Hispanic ___
Native American ___

2. If yes to No. 1, do you have an opinion about whether the percentage of minorities in the jury pool in your jurisdiction is reasonable similar to the percentage of minorities in the surrounding community.
3. If no to No. 2, do you take any special steps to increase the number of minorities in the jury pool within your jurisdiction.

4. If no to No. 3, do you believe steps would be appropriate?

Yes ___ No ___

5. Can you estimate the percentage of minorities within your jurisdiction who request to be relieved from jury service _____ %

Exhibit One

6. a) State the reasons given

6. Assuming that the number of minorities in jury pools in your jurisdiction, is a percentage of minorities in the surrounding community, do you believe it would be appropriate to:

a) Increase the number of minority jurors by mailing additional juror questionnaires to aid codes with large minority populations? Yes ___ No ___

b) Prepare special mailing to minority organizations urging their members to volunteer for jury duty? Yes ___ No ___

c) Do you have any suggestions about what steps might be taken to increase the number of minority jurors in the jury pools in your jurisdiction? Yes ___ No ___

d) Set up a Speaker's Bureau of trained individuals who would speak to community groups about the importance of jury duty. Yes ___ No ___

e) Other suggestions:

7. If your suggestions are complicated or lengthy, do you believe it will be helpful for the Executive Director of the New York State Commission on Minorities to arrange to meet with you at your convenience? Yes ___ No ___

Exhibit One

PROPOSED LEGISLATIVE AMENDMENTS

AMENDMENT TO ADD QUESTION OF RACE TO THE JUROR'S QUESTIONNAIRE

QUESTIONNAIRE

1. Name
2. Residence Apt. #.....
Zip Code
3. Date of Birth Place of Birth
4. Sex Race..... Marital Status:
Single Married Widowed
5. Extent of Education: Primary High School
College
6. How long living at present address?
In New York State In this Country
7. Give any other last names you have ever used
.....
8. Occupation Employed at present?
9. Business Address.....
10. Home telephone # ()....-.... Business telephone #
()-....
11. Spouse's Name Spouses's Occupation
.....

Exhibit Two

12. Spouse's Address
 Spouse Telephone Number ()....-....
13. Name and age of each child residing with you

14. Has your spouse or any other person caring for and
 supervising your child or children claimed an
 exemption from jury service for that reason?
 If answer is yes, give details

15. Are you a citizen of the United States?
 If you are a naturalized citizen, when and where were
 you naturalized

16. Did you register for the last general election?
 Where did you live then?
17. Have you ever been denied listing as a qualified juror
 or been stricken from any list of jurors?
18. Have you ever been convicted of a crime?
 Where? When? What crime?.....
 Have any judgments been entered against you in a civil
 court on allegations of fraud or misconduct?
19. Do you have any mental or physical condition, or a
 combination of these, which prevent you from perform-
 ing a reasonable manner the duties of a juror?
 If answer is yes, please give details

Exhibit Two

20. If there is a certain month during which you do not wish to serve, enter it in this space
 Please give reason

21. If there is a certain month during which you do not wish to serve, enter it in this space
 Please give reason

22. Have you ever filled out a juror qualification questionnaire in this Country?
23. Have you ever served as a juror or grand juror?
 Where and when?

I
 certify: I am not a resident of
 County of
 State of
, and have resided there since
 I certify: I am entitled to and claim exemption because

 I am disqualified from service for the following reason

The foregoing answers are true in all respects.

Signature _____

This act shall take effect immediately.

Exhibit Two

MEMORANDUM IN SUPPORT OF REQUESTING THE RACE OF JURORS

The federal jury system allows on its questionnaire the asking of the national origin and or race of the prospective juror. In the New York State jury system, however, on the same or a similar form, the race of the individual is omitted. In the original recommendations of the Commission, it suggested that minority participation as prospective jurors be increased within the various counties. It is believed that if the County Commissioners of Jurors have this data then the jury list can be expanded if a pool of jurors are selected randomly and the pool is not reflective of the County from which it is drawn.

Exhibit Two

PROPOSED LEGISLATION FOR CHILD CARE FOR UNEMPLOYED JURORS

An act to amend and add a new section to the New York McKinney's Consolidated Laws, Judiciary Act Section 521(b)

§ 521. (b) Reimbursement of unemployed jurors for expenses

Each unemployed trial or grand juror upon application shall be reimbursed by the State for reasonable child-care, and other necessary out-of-pocket expenses, except food, incurred during the first three days, or part thereof, of jury service. The office of jury commissioner, with the approval of the committee, shall establish guidelines for reimbursement of jurors under this section. Each reimbursement award falling outside such guidelines shall be approved by the court prior to such reimbursement. A reimbursement award under this section shall net exceed fifty dollars per day of juror service. Any juror who is not regularly employed, including but not limited to retired persons, homemaker, students, and unemployed persons, shall be entitled to reimbursement upon application under this sections. The application for reimbursement by a juror under this section shall be made prior to or during the judicial discretion hearings on the

Exhibit Three

first morning of the term of service of such juror. An unemployed trial or grand juror receiving benefits under the laws of employment security of this State shall not lose such benefits on account of his performance of the first three days of juror service.

This act shall take effect immediately.

MEMORANDUM IN SUPPORT OF LEGISLATION FOR CHILD CARE FOR UNEMPLOYED JURORS

Presently, jurors who are not paid by their employers are paid \$15.00 a day for jury duty and a travel allowance. It is increasingly difficult for parents that are unemployed to serve on jury duty when they may have to incur child care expenses. In addition, a large number of the single parents are also minorities and therefore, the child care expenses can easily cause a large number of minorities not to participate in jury duty. Therefore, the Commission is proposing that the State allocate child care expenses as outlined in the child care bill.

Exhibit Three

AMENDMENT TO THE YOUTHFUL OFFENDER STATUTE

An act to amend Section 720.10 of the Criminal Procedure Law to the following:

As used in this article, the following terms have the following meanings:

1. "Youth" means a person charged with a crime alleged to have been committed when he was at least sixteen years old and less than (nineteen) twenty two years old or a person charged with being a juvenile offender as defined in subdivision forty-two of section 1.20 of this chapter.

This act shall take effect immediately.

PROPOSAL TO ENDORSE LEGISLATION TO RAISE YOUTHFUL OFFENDER STATUS TO 21 YEARS

Young minority men, because of social circumstances, find themselves in situations where though they have committed a felony, their involvement is so minimal that to permanently label them as a felon, serves no useful purpose other than to diminish their future employment prospects. Although a certificate of relief from disability can be obtained, these individuals must still acknowledge on employment applications that they have felony convictions.

The following are some examples of situations where a

Exhibit Four

permanent felon conviction seems inappropriate:

Drug Infested Neighborhoods

A nineteen or twenty year old in a drug infested neighbor sells and amount of crack so small that the prosecutor offers probation. Placing him in a situation where he must now explain that conviction at every job interview, serves no purpose.

Drugs in An Apartment

A nineteen or twenty year old visits a friend at the same time as a drug raid and is charged with possession of drugs under the provision of law which creates a presumption of possession by everyone in the room. These defendants will plead guilty even if they have a defense, since the mandatory sentencing provisions of drug laws, make it too risky to reject the prosecutor's plea bargain and risk a conviction.

Drugs in a Car

The same considerations apply when a nineteen or twenty year old is stopped in a car and drugs, belonging to his friend are found. All occupants are charged.

Commercial Burglary

When a nineteen or twenty year old enters a vacant

Exhibit Four

commercial building and is offered probation, no purpose is served by imposing a permanent felony conviction.

Guns

There is no question that guns are a national problem. But, since the nation is unwilling to adopt effective gun control legislation, it seems unfair to label every nineteen or twenty year old caught with a gun with a permanent criminal record.

Acting in Concert Robberies

Because young men, minority or otherwise, tend to move about in groups, they sometimes end up in a group where one or two persons of that group decide to commit a robbery. Being in the group, they face the dilemma of abandoning the group or standing there while the robbery takes place. It might be more noble to leave, or even intercede, but that may not be a decision that every nineteen or twenty year old can make. Those who are there but do not participate cannot risk a trial, because of the mandatory sentencing system. Some punishment may be appropriate, but a judge ought to have the discretion to grant youthful offender to those not directly involved in violence rather than to encumber them with permanent felony records.

Exhibit Four

Youthful offender status does not prevent the imposition of punishment. The question is, what purpose is served by placing non-violent offenders in situations where they must forever explain these criminal convictions.

It is, therefore, proposed that a new category of youthful offenders for defendants between ages nineteen and twenty-one be granted in the court's discretion, wherever the sentence is probation or less than a year in jail, and the episode does not involve serious physical violence toward another person by the defendant; or the episode does not involve a residential burglary with a weapon.

This would be somewhat similar to section 720.10(3) CPL, which provides that a defendant may not be granted youthful offender treatment when the defendant has been convicted of an armed robbery, except that youthful offender status may be granted when the defendant was not "the sole participant in the crime" and his participation was "relatively minor."

Exhibit Four

商業賠款法庭手冊



紐約州統一法院印發

RICHARD D. SIMONS

推事長 (暫代)

MATTHEW T. CROSSON

行政主任

(一九九〇年十一月修正本)

Exhibit Five

小額賠款法庭手冊



紐約州統一法院印發

RICHARD D. SIMONS
推事長 (暫代)

MATTHEW T. CROSSON
行政主任

(一九九一年十月修正本)

Exhibit Five



UNIFIED COURT SYSTEM
NEW YORK CITY FAMILY COURT
OFFICE OF COURT ADMINISTRATION
100 WALL STREET
NEW YORK, NEW YORK 10038
212 312 3000

MATTHEW T. CROSSON
JUDGE

MILTON L. WILLIAMS
JUDGE

KATHRYN A. McDONALD
CLERK

October 14, 1992

Hon. Lewis L. Douglass
Chair, Judicial Commission on Minorities
360 Adams Street
Brooklyn, New York 11201

Dear Judge Douglass:

Enclosed are copies of five instructions that have been given to Spanish-speaking litigants for some time:

Serving of Summonses
Affidavit of Services
Notice to Return to Court with Required Documents
Payment Instructions
Financial Disclosure Statements

When Judge Quinones advised me last August that the information concerning the "Filing of Objections in Rebuttal" in a proceeding before a Hearing Examiner was still being distributed in English only, we immediately had that translated and a copy is included as enclosure #6.

I enjoyed speaking with you yesterday and hope you will call me if there is anything further I can do to be useful.

Sincerely,

Kathryn A. McDonald

KAM/rd
Enclosures
cc: Hon. Cesar H. Quinones

Exhibit Six



STATE OF NEW YORK
UNIFIED COURT SYSTEM
OFFICE OF COURT ADMINISTRATION
370 BROADWAY
NEW YORK, NEW YORK 10007
(212) 417-2007

MATTHEW T. CROSSON
Chief Administrator of the Court

JONATHAN LIPPMAN
Deputy Chief Administrator

August 25, 1992

To: Hon. Ronald J. Aiello
Hon. James B. Kane
Hon. Alfred D. Lerner
Hon. Stanley S. Ostrau
Hon. Burton B. Roberts
Hon. Jacqueline W. Silbermann

From: Jonathan Lippman *JL*

Subject: Williams Commission Study on Civil Jury Awards

The Franklin H. Williams Judicial Commission on Minorities would like to implement one of the recommendations of its predecessor Minority Commission and conduct a study in pilot locations to determine whether there is a significant difference between jury awards to minority plaintiffs and non-minority plaintiffs. The selected pilot locations are the Civil Term of the Supreme Court in New York City and the Erie County Supreme Court.

Attached please find a survey form prepared by the Williams Commission. The Commission has requested that the form be distributed to appropriate part clerks where civil jury awards are made. Please note that the Commission's study includes only jury verdicts and not all civil judgments.

The study will cover a three-month period, from September 1 to December 1, 1992. On December 1, the forms should be retrieved from the part clerk, batched, and sent to my office for transmittal to Judge Douglass, Chair of the Commission.

Any questions concerning the study should be referred to Lenore Kramer, Esq., a member of the Commission, 350 Broadway, New York, NY 10013 [212-226-6662].

Thank you for your cooperation.

Exhibit Seven

JURY VERDICT TORT DAMAGES SURVEY

COURT _____

COUNTY _____

PLAINTIFF:

INFANT TO 18 _____
 19-25 _____
 26-40 _____
 40-65 _____
 65&OVER _____
 MALE _____
 FEMALE _____

AFRICAN AMERICAN _____
 AFRICAN CARRIBEAN _____
 ASIAN _____
 CAUCASIAN _____
 HISPANIC _____
 NATIVE AMERICAN _____
 OTHER (SPECIFY) _____

TYPE OF CASE (CIRCLE ONE): SLIP & FALL MED MAL AUTO FALSE ARREST
 PRODUCTS LIABILITY POLICE BRUTALITY OTHER _____

LIABILITY APPORTIONED: PLAINTIFF _____% DEFENDANT(S) _____%

DAMAGES: PAST PAIN/SUFFERING \$ _____ FUTURE PAIN/SUFFERING \$ _____

PLEASE INDICATE BY NUMBER IF MORE THAN ONE PERSON IS IN A CATEGORY

JUDGE

ATTORNEYS

DEFENDANT(S)

JURY

MALE				
FEMALE				
AFRICAN AMERICAN				
AFRICAN CARRIBEAN				
ASIAN				
CAUCASIAN				
HISPANIC				
NATIVE AMERICAN				
OTHER				

Exhibit Seven

A GUIDE TO
ALTERNATIVE
TO
INCARCERATION
PROGRAMS



SPONSORED BY
THE OFFICE OF THE DEPUTY MAYOR
FOR PUBLIC SAFETY

David N. Dinkins
Mayor

Fritz W. Alexander II
Deputy Mayor for Public Safety

November 1992

Exhibit Eight

Supreme Court
of the
State of New York



EDWARD J. MCLAUGHLIN
ACTING SUPREME COURT JUSTICE

JUSTICE'S CHAMBERS
100 CENTRE STREET
NEW YORK, NEW YORK 10013

March 2, 1993

Joyce Hartsfield, Esq.
New York State Judicial Commission on Minorities
270 Broadway
New York, NY 10007

Dear Ms. Hartsfield:

Your suggestion, made on behalf of the New York State Judicial Commission on Minorities to the Education and Training Office, that persons be told of their rights regarding applications for relief from civil disabilities was forwarded to the Criminal Law and Procedure Curriculum Committee. The Committee addressed your suggestion, contained in your memorandum to Helen Johnson dated November 5, 1992, during our meeting on February 26, 1993.

The Committee agreed to the following: (1) We will distribute, to all judges at the summer training seminar, a memorandum suggesting that judges, at sentencing, be alert in appropriate cases to informing defendants of their right to apply for certificates of relief from civil disabilities; (2) we would explore the possibility of including a statement about such rights at the bottom of the notice of the right to appeal; (3) the chair would write to the Attorney-in-Charge of The Legal Aid Society, Criminal Defense Division, and to the Executive Director of the New York State Defenders Association to suggest that their attorneys advise clients fully regarding certificates of relief from civil disabilities; and (4) the chair would write to New York State Department of Probation to suggest that meetings with probationers and pre-sentence investigation interviews include information about the right to apply for relief from civil disabilities.

Very truly yours,

Chair, Criminal Law & Procedure
Curriculum Committee

EJMCL:ds

EXHIBIT NINE

UNIFIED COURT SYSTEM
 MINORITY JUDGES
 JANUARY 1983

TITLE	COST CENTER	RACE	NUMBER OF JUDGES
ACT SUP CT JUS	CIVIL NEW YORK	B	1
ACT SUP CT JUS	CIVIL NEW YORK	H	1
ACT SUP CT JUS	CRIMINAL NEW YORK	B	1
ADMNV JGE	JUSTICES 7TH DIST	B	1
ASC JGE. CT APL	COURT OF APPEALS	B	1
ASC JUS. AP DIV	APP DIV 1ST DEPT JUSTICE	H	1
ASC JUS. AP DIV	APP DIV 2ND DEPT JUSTICE	B	1
ASC JUS. AP DIV	APP DIV 4TH DEPT JUSTICE	B	1
ASC JUS. AP DIV. TPCT	APP DIV 4TH DEPT JUSTICE	B	1
CNTY JGE	ROCKLAND CO SUPREME & CO	B	1
CNTY JGE	WESTCHESTER CO SUPREME & CO	B	1
CRIM CT JGE NYC	CRIMINAL BRONX	A	1
CRIM CT JGE NYC	CRIMINAL BRONX	B	2
CRIM CT JGE NYC	CRIMINAL NEW YORK	B	1
CRIM CT JGE NYC	CRIMINAL NEW YORK	H	1
CRIM CT JGE NYC	CRIMINAL QUEENS	B	3
CRIM CT JGE NYC	CRIMINAL QUEENS	H	1
CT CLAIMS JGE	SUPREME BRONX	B	1
CT CLAIMS JGE	SUPREME BRONX	H	1
CT CLAIMS JGE	SUPREME KINGS	B	2
CT CLAIMS JGE	SUPREME KINGS	H	2
CT CLAIMS JGE	SUPREME NEW YORK CIVIL	B	1
CT CLAIMS JGE	SUPREME NEW YORK CRIMINAL	B	1
CT CLAIMS JGE	SUPREME NEW YORK CRIMINAL	H	1
CTY CT JGE	BUFFALO CITY	B	3
CTY CT JGE	BUFFALO CITY	H	1
CTY CT JGE	MT VERNON CITY	B	1
CTY CT JGE	ROCHESTER CITY	B	1
CTY CT JGE	SYRACUSE CITY	B	2
CVL CT JGE NYC	CIVIL BRONX	B	5
CVL CT JGE NYC	CIVIL BRONX	H	1
CVL CT JGE NYC	CIVIL KINGS	B	4
CVL CT JGE NYC	CIVIL KINGS	H	2
CVL CT JGE NYC	CIVIL NEW YORK	A	1
CVL CT JGE NYC	CIVIL NEW YORK	B	5
CVL CT JGE NYC	CIVIL QUEENS	B	3
DEP CHFADMNVJGECTSNYC	SUPREME NEW YORK CIVIL	B	1
DST CT JGE NASSAU	NASSAU CO DISTRICT	B	1
DST CT JGE SUFFOLK	SUFFOLK CO DISTRICT	B	1
FAM CT JGE	WESTCHESTER CO FAMILY	B	1
FAM CT JGE NYC	FAMILY KINGS	B	1
FAM CT JGE NYC	FAMILY KINGS	H	1
FAM CT JGE NYC	FAMILY NEW YORK	H	1
FAM CT JGE NYC	FAMILY QUEENS	B	2
FAM CT JGE NYC	FAMILY QUEENS	H	1
HSNG CT JGE	HOUSING COURT BRONX	B	2
HSNG CT JGE	HOUSING COURT BRONX	H	1
HSNG CT JGE	HOUSING COURT KINGS	B	2
HSNG CT JGE	HOUSING COURT NEW YORK	H	1
HSNG CT JGE	HOUSING COURT QUEENS	H	1
SUP CT JUS. CERT	JUSTICES 8TH DIST	B	1
SUP CT JUS. CERT	SUPREME BRONX	B	2
SUP CT JUS. CERT	SUPREME KINGS	B	1
SUP CT JUS. CERT	SUPREME KINGS	H	1
SUP CT JUS. CERT	SUPREME NEW YORK CIVIL	B	1
SUP CT JUS. CERT	SUPREME NEW YORK CRIMINAL	B	2
SUP CT JUS. CERT	SUPREME QUEENS	B	3
SUP CT JUS. DST 1	SUPREME NEW YORK CIVIL	B	3
SUP CT JUS. DST 1	SUPREME NEW YORK CIVIL	H	2
SUP CT JUS. DST 1	SUPREME NEW YORK CRIMINAL	A	1
SUP CT JUS. DST 1	SUPREME NEW YORK CRIMINAL	B	2
SUP CT JUS. DST 1 AT	SUPREME NEW YORK CRIMINAL	B	1
SUP CT JUS. DST 10	JUSTICES NASSAU CO	B	1
SUP CT JUS. DST 10	JUSTICES SUFFOLK CO	B	1
SUP CT JUS. DST 11	SUPREME QUEENS	A	2
SUP CT JUS. DST 11	SUPREME QUEENS	B	1
SUP CT JUS. DST 11 AT	SUPREME QUEENS	B	1
SUP CT JUS. DST 2	SUPREME KINGS	B	7
SUP CT JUS. DST 2	SUPREME KINGS	H	1
SUP CT JUS. DST 2	SUPREME RICHMOND	B	1
SUP CT JUS. DIST 12	SUPREME BRONX	B	1
SUP CT JUS. DIST 12	SUPREME BRONX	H	5

EXHIBIT TEN

**BIOGRAPHICAL DATA OF THE MEMBERS OF THE
FRANKLIN H. WILLIAMS JUDICIAL COMMISSION ON MINORITIES**

APPENDIX ONE

MEMBERS OF THE FRANKLIN H. WILLIAMS JUDICIAL
COMMISSION ON MINORITIES

Judge Lewis L. Douglass was appointed to the Criminal Court in May of 1978.

In January 1982, he was appointed by the Governor as a Judge of the Court of Claims and then assigned to the Criminal Term of the Supreme Court, Kings County.

Immediately prior to his appointment as a Judge, he served as First Deputy to the N.Y.S. Department of Correctional Services, and has also served as Vice President of Black Enterprise Magazine, and as Executive Deputy Director of the Bedford Stuyvesant Restoration Program. He has taught at John Jay College of Crime Justice, St. John University and currently teaches at York College.

Justice Nicholas Figueora, obtained his BBA from CUNY in 1956; LLB, Brooklyn Law School in 1964 and was admitted the New York bar in 1964. Judge Figueora was an assistant district attorney, Borough of Bronx, New York from 1966 -1969; Assoc. Counsel, Knapp Commn., New York City 1970 -1971; Assistant U.S. attorney U.S. Justice Department (Southern Dist.) New York City, 1972 -1975; Deputy Police Commissioner, City of New York, 1977 - 1980; Criminal Court Judge State of New York, Bronx, 1980 -1985.

He has served in the Bronx, as a member of the Mayor's Committee on Judiciary, New York City, 1976 - 1977; Trustee Board of Higher Education, New York City 1976 -1977 and he is currently the Vice-Chair of the Franklin H. Williams Judicial Commission on Minorities.

He now serves as a Justice of the Supreme Court, State of New York, New York City.

Justice Charles L. Willis, Administrative Judge of the Seventh Judicial District was born and educated in New York City. He received his Juris Doctorate from St. John's University in 1955.

Justice Willis served as a private practitioner, public defender and assistant district attorney in the County of Monroe, City of Rochester. In 1970, Justice Willis was the Chief legal officer of the City of Rochester. In 1971, he was elected to the City Court Bench in Rochester and served in 1972 on the New York State Special Commission on Attica as the Deputy General Counsel.

In 1980, he was appointed to the Monroe Family Court Bench and in 1987 he was that Court's supervising Judge. In 1988, he was elected to the New York State Supreme Court.

Justice Willis has been Administrative Judge in the Seventh Judicial District since January 1991.

Justice Ivan Warner, born in New York City he attended the College of the City of New York; American University, Washington, D.C., and New York Law School, from which he his LL.B degree.

In 1958, Justice Ivan Warner was elected to the New York State Assembly. In 1960, he was elected to the New York State Senate, the first African-American from Bronx County. During the 1965 session of the legislature he served as a Chairman of the Important Senate Committee on Education, and at the same time, as Chairman of the Joint Legislative Committee on Housing and Urban Development. He served in the legislature until 1968.

He has served as Chairman of the Bronx County Democratic Committee and he was the first African-American District Leader in the Bronx County.

In November 1968, he was elected as Justice of the Supreme Court, First Department, and in November 1982, he was re-elected with the endorsement of all major political parties. He presently serves in this capacity as a Senior

Certified Member of the Court.

In January 1988, Chief Judge of the State of New York, Hon. Sol Wachtler, appointed Justice Warner to the New York State Judicial Commission on Minorities. In January 1992, he was also appointed to the Implementation Commission.

Over the years, he has been significantly active with most of the reputable civic and legal associations of the Bronx County, including Life Member of the National Association for the Advancement of Colored People; Urban League of Greater New York; a founding member of 100 Black Men, Inc.; Member of the Bronx County Bar Association; member of the New York State Bar Association; Founder of Black Bar Association of the Bronx County; and the Supreme Court Justices' Association of the State of New York.

Judge Cesar H. Quinones, graduated from City College of New York and Brooklyn Law School. He is an adjunct Professor of Law at St. John's University School of Law.

Judge Quinones was a partner in the law firm of Erazo & Quinones. Judge Quinones was appointed to the New York City Family Court by Mayor John V. Lindsay in 1970, reassigned by Mayor Abraham D. Beame in 1976 and reassigned by Mayor Edward I. Koch in 1986. He is a former Chairman of the Board of the Bedford Stuyvesant Community Legal Services Corporation and past President of the Puerto Rican Lawyer's Association of Kings County.

Judge Quinones was appointed to the Court of Claims in January 1987. He is presently assigned to Kings County Supreme Court, Criminal Term.

Justice William J. Davis received his bachelor's degree from City College of New York in 1955 and his law degree from Brooklyn Law School in 1957. He was appointed to the Criminal Court in March 1981 and became a Justice of the Supreme Court in January 1987. He served as the supervising Judge, New York County Criminal Court from 1983 to 1985.

Prior to his election to the bench, Justice Davis served as the Assistant Regional Administrator for Community Development for the United States Department of

Housing and Urban Development from 1968 to 1981. From 1966 to 1968, Justice Davis was the Executive Director of the Bronx Small Business Development Corporation.

Justice Davis is a member of the Association of the Bar of the City of New York, the Metropolitan Black Bar Association and the Metropolitan Women's Bar Association. He also served as a member of the American Arbitrator Association Panel from 1961 to 1981. Presently, he is a member of the Board of Justices of the Supreme Court; Anti Bias Committee of Supreme Court -Chair, Membership Committee.

Justice Peter Tom was a Judge of the Housing Part of the Civil Court of the City of New York from February 1985 through December 1987. In 1987, Justice Tom became one of the first Judges of Asian descent to be elected as a Civil Court Judge of the City of New York. Justice Tom was the presiding Judge of the Narcotics Eviction Part of the Civil Court from 1988 to 1990.

Prior to becoming a Judge, Justice Tom served as a legal advisor volunteering his services to different family and benevolent associations in the Asian community which were involved in various programs and projects for the elderly and indigent members of the community.

Justice Tom is active in several Bar Associations and special committees including the New York State Judicial Commission on Minorities, the Asian Bar Association of New York, the Anti-Bias Committee of the Supreme Court of New York County and New York State Bar Association Subcommittee on Courts and the Community.

In 1990, Justice Tom became one of the first Justices of Asian descent to be elected to the Supreme Court of the State of New York.

Justice Rose H. Sconiers, of the City Court of Buffalo, is the former Executive Attorney of the Legal Aid Bureau of Buffalo, Inc., former Assistant Corporation Council for the City of Buffalo and a 1973 graduate of the State University of New York at Buffalo School of Law. She was admitted to the State Bar in 1974 and to the U.S. Federal District Court in 1975. In addition, she is

admitted to the U.S. Court of Appeals for the Second Circuit and the U.S. Supreme Court. In May 1978, Judge Sconiers was named by Governor Carey to serve on the University of Buffalo Council and is a past President of the New York State Association of Council Members and college Trustees. She is a former member of the Grievance Committee and past Chairman of the Law Referral Service Committee and Law Day Committee for the Erie County Bar Association. In addition, she is a former member of the New York State Bar Association and served on the Committee on Legal Aid.

Judge Sconiers is past President of the Buffalo Chapter, National Bar Association.

Lenore Kramer is a senior partner in the firm of Herman & Kramer located in New York City. Ms. Kramer specializes in plaintiffs' personal injury and medical malpractice litigation. Ms. Kramer is a past president of the Women's Bar Association of the State of New York, the Bronx County Bar Association and the Metropolitan Women's Bar Association. She currently serves as a member of the Board of Directors of the New York State Trial Lawyers Association and has served that organization as Chairperson of various committees.

Ms. Kramer serves as one of the only two attorney members of the Office of Court Administration Committee to study the IAS System and a commissioner on the Franklin Williams Judicial Commission on Minorities. She is also a member of the Office of Court Administration Advisory Committee on Civil Practice and the Mayor's Committee on The Judiciary.

Serene K. Nakano, presently an Assistant United States Attorney in the Southern District of New York, has served as President of the Asian American Bar Association of New York and Secretary of the National Asian Pacific American Bar Association of New York. She has also served as a Commissioner to the New York State Judicial Commission on Minorities and as law clerk to former Chief Judge Sol Wachtler.

Maria Ramirez, Executive Director for the Center for Multinational and Comparative Education, was appointed to the newly created Cabinet-level position of Executive Director for the Center for Multinational and Comparative Education on November 8, 1985. She served as the Assistant Commissioner for General Education from 1977 to 1985 where she was responsible for six divisions and thirty-two programs and subject areas in elementary and secondary education governing 3,942 public, and 2,345 non-public elementary and secondary schools in New York State. She was previously Chief of the Bureau of Bilingual Education and joined the Education Department in 1971 as an Associate in Bilingual Education. Under her leadership, the first State policy on bilingual education was developed in 1972. Ms. Ramirez has been a teacher, administrator, and advisor at elementary, secondary higher education, State national and international levels.

In 1987, Ms. Ramirez was appointed to the Interstate Migrant Education Council of the Education Commission of the States. She was also appointed to the Scholastic Aptitude Test Committee and Precollege Guidance and Counseling Commission of the College Board. Ms. Ramirez is a member of the board of Trustees of the National Association for Hispanic Elderly, a member of the Board of Directors for Proctor's Theater in Schenectady, New York and in January 1988, was appointed to the New York State Judicial Commission on Minorities, and the New York State Committee on Mentoring.

Robert M. Reaves, was appointed Chief Clerk of the Surrogate's Court of the County of New York in April 1980. He is the state's first African-American Chief Clerk.

A career court employee, Mr. Reaves had been a principal court clerk in the criminal branch of the Supreme Court for the First Judicial District (Manhattan and the Bronx) since May 1979.

Mr. Reaves is a graduate of the Oakwood College Academy in Huntsville, Alabama, and of the New York Institute of Technology (Magna Cum Laude) in criminal justice. Mr. Reaves is a member of and past president of the Tribune Society, an organization of African-American and Hispanic court employees. He is also a 1980 recipient of the Bernard Botein Award presented by the Association of the Bar of the City of New York for outstanding contributions to the administration of the courts.

JOYCE HARTSFIELD - EXECUTIVE DIRECTOR

In September of 1992, after interviewing eighty candidates, the Commission selected Joyce Hartsfield, a private practitioner who also has degrees in journalism and education, and who has experience working with the New York State Legislature. Because of budgetary constraints, Ms. Hartsfield is only available to the Commission for the equivalent of three days per week.

Ms, Hartsfield is a graduate of Syracuse University, School of Law and is currently the Vice-President of the Black Bar Association of Bronx County.