

# EQUAL JUSTICE: A WORK IN PROGRESS

The Franklin H. Williams Judicial Commission on Minorities

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Five Year Report

1991 - 1996

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# I.

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## Message from Chief Judge Judith S. Kaye

**F**or the past five years, the Franklin H. Williams Judicial Commission on Minorities has served the people of New York ably by working to ensure racial and ethnic fairness in our State court system. As this report details, the Commission has pursued its mandate vigorously in all areas of our legal system, including judicial training, the jury system, the legal profession and court workforce diversity. Through these efforts, the reality of our courts' functioning has moved closer to the ideal of equal justice under the law.

The Commission's focus has wisely also included community perceptions of our justice system. Regardless of how fair our courts may be in fact, if segments of the public believe that ethnicity affects outcomes, then we still fall short of complete justice. The task of changing perceptions is particularly hard. Because the Commission has managed to achieve that delicate balance of credibility, authority, substance and trust, the standing of our courts in all the communities of this State has benefitted.

Increasing workforce diversity helps build positive public perceptions. The numbers tell us we have made concrete progress in recent years—yet we know that this is an area that requires ongoing work and attention. I am confident that with the Commission's outstanding leadership and the court system's commitment to this goal, our achievements in this area will continue in the years to come.

As New Yorkers, we can be proud that the Franklin H. Williams Commission was a pioneer among judicial commissions devoted to the issue of racial and ethnic fairness, and proud that it has served as a model for other states pursuing this vital concern. I extend my heartiest congratulations to the Commission for five years of achievements, and look forward to further accomplishments as we continue our mission in the years ahead.



## II.

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# Introduction

We proudly note that this year marks the issuance of the fifth annual report of the Franklin H. Williams Judicial Commission on Minorities. We take this opportunity to issue not only our annual report but to present a brief overview of the progress of minority participation in the courts and the legal profession.

Few would dispute that racism and disparate treatment of minorities have long been at the core of our nation's most intractable problems. Therefore, it would be unrealistic to expect this Commission, given its relatively brief history, to report that parity has been achieved on behalf of minorities. We pause in our efforts, however, both to look back at the ground we have covered, and to look ahead to the road before us.

Today, we have more minority judges, lawyers and jurors—particularly in New York City—than ever before. There has also been a commensurate gain in minority representation in the nonjudicial workforce of the State court system, with improved representation in administrative and supervisory positions.

Notwithstanding the gains made in the number of minority judges and lawyers, the percentages are substantially below the number of minorities enrolled in New York law schools. Of the 1,163 judges throughout the State, there are only 132 minority judges. Unfortunately, no minority judge has ever been appointed as an Associate Justice of the Appellate Division of the Supreme Court, Third Department.

In New York City, progress has been achieved in increasing minority representation in the City's largest law firms. In 1991, the City's major firms pledged to strive to make minorities 10% of the total number of lawyers hired over the following six-year period. Data from 1992-1996 indicates that the City's top 25 firms have achieved and surpassed this goal with minorities comprising 17.5% of the total number of associates hired in this period.<sup>1</sup> This is encouraging progress. The proportion of minority partners, however, lags far behind, with minority partners accounting for just 2.98% of all partners throughout the State.<sup>2</sup>

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<sup>1</sup> Bruce Balestier, *Large Firms Seen Meeting Minority Hiring Goals*, N.Y.L.J., Apr. 1, 1997, at p. 1, col. 3.

<sup>2</sup> National Association of Law Placement, *Women and Minority Representation in Law Offices*, Press Release (1996).

Progress in the public sector has been somewhat encouraging, with over 20% of Assistant District Attorneys in New York City now minorities. However, there is only one minority elected District Attorney in all of New York State, Robert T. Johnson, in Bronx County.

Within the court system, increasing numbers of minorities are holding supervisory judicial and nonjudicial positions. Minorities however, still cluster in the lower job titles. For instance, minorities occupy 29% of all clerical positions in the courts, but only 9% hold positions as a court official or administrator.

In the courtroom, notable progress has been made in increasing minority representation on New York City juries. Unfortunately, the same cannot be said for juries outside New York City, where the composition of venire pools still fails to reflect the racial and ethnic make-up of the surrounding communities.

Within the criminal justice system, progress on the treatment of minorities remains bleak. Members of the bench undoubtedly strive to dispense justice fairly without regard to a defendant's race or ethnicity. Nonetheless, the high volume of minority male defendants who repeatedly appear before criminal judges can and does affect adversely the equal and fair dispensation of justice. A recently released report by the New York State Division of Criminal Justice Services describing racial disparities in criminal sentencing confirms this conclusion.

Overall, minorities have made measured progress in the Judiciary and the profession over the last five years. This measured progress should not lull anyone into believing that our work is near completion. As this report details, progress for minorities in particular areas (e.g., in supervisory and administrative roles, in upstate jury representations, in the criminal justice system) has been slow, oftentimes painstakingly so. Equal justice for minorities, then, will continue to require our ever constant vigilance.

The Commission's office is located at: 270 Broadway, Room 513, New York, New York 10007. The telephone number is (212) 417-2246. The fax number is (212) 417-2299.

## Acknowledgements

This fifth anniversary report of the Franklin H. Williams Judicial Commission on Minorities would not have been possible without the generous contributions and efforts of so many. In addition to Commission members, many selflessly gave their time, effort and shared their insight in the preparation of this report. They include:

Hon. Fritz W. Alexander, II  
Alice M. Chapman  
Hon. Dorothy Chin-Brandt  
Hon. Carmen Beauchamp Ciparick  
Hon. Barry A. Cozier  
William H. Etheridge  
Conrad K. Harper, Esq.  
Hon. Doris Ling-Cohan  
Hon. Jonathan Lippman  
Margaret S. Morton, Esq.  
Carlos M. Otero  
Hon. George Bundy Smith  
Hon. Frank Torres  
Randolph F. Treece, Esq.



Special thanks also goes to Lydia C. Lai and Barbara Mulé who assisted in the preparation of this report.



### III.

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## History of The New York State Judicial Commission on Minorities

The New York State Judicial Commission on Minorities (“Judicial Commission”) was created by former Chief Judge Sol Wachtler in response to surveys indicating a widespread public perception that race played a significant role in the outcome of court cases. In January 1988, Chief Judge Wachtler appointed Franklin H. Williams to chair the Judicial Commission, charging it with three mandates:

- to ascertain how the public and court participants perceive the treatment of minorities in the courts, with a particular emphasis on how minorities are treated in the courtroom and the extent to which minorities voluntarily use the courts;
- to review the representation of minorities in nonjudicial positions, *e.g.*, court clerks, court reporters, court officers, and to recommend ways to increase such representation; and
- to review the selection processes for elected and appointed judges to determine which processes resulted in greater minority representation on the bench.

Over the next three-and-one-half years, the Judicial Commission conferred with judges, court administrators and bar association leaders, conducted surveys, convened numerous focus sessions and held multiple public hearings and meetings to explore and report on the extent of the perception of bias among users and employees of the Unified Court System.

In April 1991, the Judicial Commission released a five-volume report on its findings and recommendations. The first volume was an Executive Summary of its findings. The second volume, “The Public and the Courts,” discussed in depth specific issues faced by the minority court user. The third volume, “Legal Education,” presented the findings of the law school study, and the fourth volume, “The Legal Profession, Nonjudicial Officers, Employees and Minority Contractors,” addressed representation and treatment of minority lawyers, judges and nonjudicial personnel, and the use of minority businesses as contractors with the Unified Court System. Volume Five contained the

appendices to the Judicial Commission's full report, and included reports of the litigators' and judges' surveys, staff working papers, and reports prepared specifically for the Judicial Commission's use by members of Native American communities.

In June 1991, the Judicial Commission was established as a permanent entity and named the Franklin H. Williams Judicial Commission on Minorities ("Commission") in honor of the Chairman of the original study group. Implementation of the recommendations and equal employment goals contained in the Judicial Commission's report commenced under the leadership of Justice Edith Miller who was appointed chair of the Commission.

Today, the Commission consists of 13 members, including nine judges: Judge Lewis L. Douglass (Chair); Justice Nicholas Figueroa (Vice Chair); Justice William J. Davis; Justice Yvonne Lewis; Justice Rose H. Sconiers; Judge Eduardo Padro; Judge Cesar H. Quinones (retired); Justice Charles L. Willis (retired); and Judge Douglas Wong.<sup>3</sup> The private practitioners on the Commission are: Christopher Chang, of Doar, Devorkin & Rieck; Lenore Kramer, of Herman & Kramer; and Renee Myatt, a solo practitioner. The other representative on the Commission is Dr. Maria Ramirez, Executive Director of the International Programs in Academic and Cultural Exchanges in Albany, New York. The Executive Director is Joyce Hartsfield, Esq., and the secretary is Linda Lane.

The Commission today continues its mission of advising, educating and implementing the recommendations of the Judicial Commission. It provides a vehicle through which issues of importance to minorities are brought to the attention of decision makers. The Commission also serves as a model for 17 other states interested in establishing a commission devoted to minority concerns within the Judiciary and the legal profession.

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<sup>3</sup> Justice Peter Tom also served on the Commission from its inception until his elevation to the Appellate Division, First Department, in 1995.

## IV.

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# Highlights of the Commission's Activities

- Operates a Speaker's Bureau, which includes judges and lawyers, to educate high school students and local community groups on the activities of the Commission and minority issues relating to the court system.
- Presents training programs to judges during their annual judicial seminars, and develops sensitivity training programs for new judges and Town and Village justices.
- Creates and distributes brochures and posters promoting increased minority participation as jurors, employees and users of the justice system.
- Publishes a newsletter on Commission activities and minority issues.
- Publishes an instruction booklet in Chinese and Spanish explaining the operation and procedures of Small Claims Court.
- Maintains for judges a qualified list of minority attorneys who are available for fiduciary appointments.
- Holds public hearings in cities throughout New York State on issues of concern to minority users of the court system.
- Surveys and promotes increased minority representation on judicial screening committees, and among prosecutors, public defenders and government attorneys.
- Organizes and serves as liaison for meetings with minority bar associations, the Office of Court Administration, judicial screening committees and other appointing authorities.
- Confers with and supports other states' efforts in establishing Minorities Commissions.
- Participated and provided faculty for the First National Conference on Racial and Ethnic Bias in the Courts in Albuquerque, New Mexico.
- Meets annually with the Chief Judge to discuss issues of concern to the minority legal community.



## V.

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# Pioneers in the Minority Community

At the turn of the century, there were few minorities in the State Judiciary or in the legal profession. Indeed, those who achieved positions of prominence within the profession were viewed as pioneers. Today, we have more minority representation in the State Judiciary and in the legal profession than ever before. The last three decades, in particular, have seen a marked increase in minority representation. This progress is due to the contributions of minority pioneers who, despite the odds, forged ahead with determination and courage, to pave the way for those who followed. In this fifth anniversary report, we look back at the road we have traveled and highlight some of the accomplishments of minority pioneers in the profession.

## A. Pioneers in the Judiciary

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### African Americans

African Americans have long struggled to achieve equality and justice in the Judiciary. One of the first African American pioneers was Hon. James Campbell Matthews, who was appointed to the Albany Recorder's Court in 1884 (and subsequently elected to that position in 1898), becoming the first African American judge ever in New York State.<sup>4</sup> Judge Matthews' election was followed some 32 years later with the judicial appointments of two Democrats, Hon. James Samuel Watson and Hon. Charles Ellis Toney to the Municipal City Court of the City of New York in 1930.<sup>5</sup>

In 1936, Mayor Fiorello LaGuardia appointed the Hon. Myles A. Paige to the New York City Magistrate's Court, making Judge Paige the first African American to sit on that court. Three years later, history was again created when Mayor LaGuardia appointed Hon. Jane M. Bolin to a ten-year term on the Domestic Relations Court (predecessor of the Family Court of the City of New York). The appointment of Judge Bolin (who was also the first African

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<sup>4</sup> J. Clay Smith, Jr., *Emancipation: The Making of the Black Lawyer 1844-1944* 392-393 (1993).

<sup>5</sup> *Id.*, at 402.

American woman to graduate from Yale Law School), made her the first African American woman judge in the United States.<sup>6</sup>

With the Civil Rights movement, appointments and elections of minorities slowly increased. Hon. Harold A. Stevens, for example, was elected to the State Supreme Court, New York County in 1955. No African American was again elected to the Supreme Court until the 1960s when Judge O.D. Williams was elected in Kings County. In 1973, Justice Herbert B. Evans was elected to the Supreme Court, New York County, and Justice William C. Thompson was elected to the Supreme Court, Kings County. They were followed by Hon. Edith Miller and Hon. Mary Johnson Lowe (now a Federal District Court judge). Judges Miller and Lowe were the first African American women elected to the Supreme Court in New York and Bronx Counties, respectively. In 1990, Justice Michelle Weston Patterson became the first African American woman elected to the Supreme Court in Kings County. Notably, only one African American woman, Hon. Rose H. Sconiers, has ever been elected to the Supreme Court outside of New York City. Justice Sconiers has been a Supreme Court Justice in Buffalo since 1994. In 1986, Hon. Yvonne Lewis became the first African American woman elected to the Civil Court of the City of New York.

African American appointments to the appellate courts did not begin until 1958. Justice Harold A. Stevens led the way that year when he was appointed an Associate Justice of the Appellate Division of the Supreme Court, First Department, and subsequently became the first and only African American Presiding Justice in 1969. This achievement was followed by the appointments of Hon. Herbert B. Evans and Hon. Fritz Alexander, II to the First Department in 1977 and 1982, respectively. In 1980, Justice William C. Thompson was appointed to the Appellate Division of the Supreme Court, Second Department, and the late Hon. Charles Lawrence to the Second Department in 1984. Hon. Samuel L. Green and Hon. Reuben K. Davis were appointed to the Fourth Department in 1983 and 1986, respectively. More recently, in 1993, Hon. Daniel W. Joy was elevated to the Second Department while Hon. Milton L. Williams was elevated to the First Department.

No minority judge, however, has ever been appointed to the Appellate Division, Third Department—a jurisdiction that includes the State's capitol.<sup>7</sup>

African Americans have not only achieved distinction in the State's lower courts but also in the State's highest court. In 1974, Harold A. Stevens became the first African American to sit on the New York State Court of Appeals. Judge

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<sup>6</sup> *Id.*, at 402, 405-06.

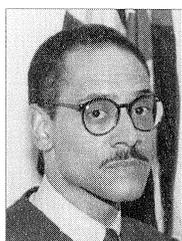
<sup>7</sup> The lack of minority representation in the Third Department is not limited to the Appellate Division. Available information indicates that since the election of Hon. James Campbell Matthews in 1898, no African American has been appointed or elected to any State-paid court within the Third Department.

Stevens' interim appointment to the Court of Appeals was followed by the 1985 appointment of Hon. Fritz Alexander, II, the latter becoming the first African American to be appointed to a full term on the Court of Appeals. Judge Alexander served on the Court of Appeals for seven years until he resigned to become Deputy Mayor of the City of New York in 1992. Judge Alexander's vacancy was filled by the appointment of another African American, Hon. George Bundy Smith.



*Hon. George Bundy Smith*

Judge Amalya L. Kearshe holds the distinction of being the first African American woman ever appointed to the United States Court of Appeals for the Second Circuit. Her achievements include the distinction of having been the first African American partner of a major Wall Street firm.



*Hon. Barry A. Cozier*

There have been several African American judges who have held both Statewide and local administrative positions within the court system. In 1979, Justice Herbert B. Evans became the first African American to hold a Statewide position when he was appointed Chief Administrative Judge of the New York State Unified Court System. In 1985, Justice Milton L. Williams was appointed Deputy Chief Administrative Judge for the New York City Courts, a position he held until his appointment to the Appellate Division in January 1994. In 1994, Justice Barry A. Cozier was appointed Deputy Chief Administrative Judge for the New York City Courts and in 1996, Deputy Chief Administrative Judge for the New York State Courts.



*Hon. Juanita Bing-Newton*

On the local level, Hon. Charles L. Willis was the first African American Administrative Judge to serve outside New York City; in 1991, he was appointed Administrative Judge of the Seventh Judicial District. In 1974, the Hon. Joseph B. Williams was appointed Administrative Judge of the New York City Family Court. Other



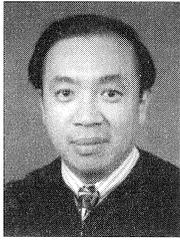
*Hon. Eugene Oliver, Jr.*

appointments include Hon. Juanita Bing-Newton, Administrative Judge of the Supreme Court, New York County, Criminal Term; Hon. Fern Fisher-Brandveen, Administrative Judge of the Civil Court of the City of New York; Hon. Eugene Oliver, Jr., Supervising Judge of the Criminal Court, New York County; and Hon. Joseph K. West, Supervising Judge of the Criminal Term, Ninth Judicial District.

Of the 1,163 judges who sit on the State Judiciary, 87 are African American.

### Asian Americans

Asian Americans have been the newcomers to the State's Judiciary, first appearing on the bench in the 1980s. Since that time only seven additional



*Hon. Randall T. Eng*

members of Asian descent have joined the State's judicial ranks.

In 1983, Hon. Randall T. Eng became the first Asian American judge appointed in all of New York State, sitting on the New York City Criminal Court bench. Four years later, in 1987, Hon. Dorothy K. Chin-Brandt and Hon. Peter



*Hon. Dorothy Chin-Brandt*

Tom made history when they were elected to the New York City Civil Court. Judge Chin-Brandt currently sits in the Criminal Court in Queens County. Judge Tom, who was a New York City Housing Court judge prior to his election to the Civil Court and then the Supreme Court, was appointed an Associate Justice of the Appellate Division of the Supreme Court, First Department, in 1995. In 1992, Hon. Douglas S. Wong (a Commission member) was appointed to the New York City Criminal Court, and more recently, in 1995, Judge Doris Ling-Cohan was elected to the New York City Civil Court. Three Asian American judges currently serve on the New York City Housing Court—Hon. Laurie L. Lau, Hon. Sue Ann Hoahng and Hon. Elizabeth Y. Tao.

Within the federal judiciary, in 1994, Hon. Denny Chin became the first Asian American judge ever appointed to the United States District Court for the Southern District of New York, while Hon. Marilyn Dolan Go became the first Asian American to serve as a federal magistrate in the United States District Court for the Eastern District of New York in 1993.

Of the 1,163 judges sitting on the State Judiciary, eight are Asian American.

### Latinos

Latinos have also experienced historical underrepresentation in the State Judiciary, with only 37 Latinos sitting on the bench today.

Hon. Emilio Nuñez holds the distinction of being the first Hispanic judge in the State of New York, when he was appointed in 1951 to the New York Magistrate's Court. After his election to the Supreme Court in 1968, he became the first Hispanic ever appointed an Associate Justice of the Appellate Division of the Supreme Court, presiding in the First Department. Justice Nuñez later was joined by Justice John Carro in 1979. The second Latino and first Puerto Rican to ascend to the bench was Hon. Manuel A. Gomez, when he was appointed a Criminal Court judge in 1957. Twelve years later, Judge Gomez was elected to the New York Supreme Court, where he served until 1982. Hon. Felipe N. Torres became the third Latino judge upon his appointment to the Family Court in 1963, after serving in the New York State Assembly from 1954 to 1962.

Hon. Carmen Beauchamp Ciparick became the first Latina judge in all of New York State upon her appointment to the Criminal Court in 1978. In 1982,

Hon. Carmen  
Beauchamp Ciparick



Judge Ciparick earned the distinction of the first Latina elected to the Supreme Court. Judge Ciparick broke further ground in 1994 when she was appointed to the Court of Appeals, becoming the first Latino judge ever to sit on New York's highest court, and the second woman to sit on the Court of Appeals.

No consideration of Hispanic judges would be complete without noting the achievement of Hon. Jose Cabranes, who in 1979 became the first Puerto Rican to be appointed to the federal bench in the continental United States. He was joined in 1992 by Hon. Sonia Sotomayor, the first Latina to be thus honored. Equally noteworthy are the accomplishments of Hon. Gilbert Ramirez, who was the first blind judge in New York State.

Presently, there are only two Latino judges in administrative positions within the court system—Hon. Richard Rivera, Supervising Judge of the Civil Court of the City of New York in Kings County, and Hon. Cira A. Martinez, Supervising Judge of the Family Court of the City of New York, Bronx County.

Of the 1,163 judges in the State, there are 37 Latinos.

## B.

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### Pioneering Lawyers

#### African Americans

Despite extremely limited opportunities, a few African Americans gained admittance to law school as early as the 1800s. Apprenticeship was the accepted means of becoming an attorney—but few established attorneys were willing to sponsor African Americans. In the states that recognized slavery, education of any sort for African Americans was prohibited.<sup>8</sup>

The end of the Civil War brought about a movement to formalize legal education, and with this movement, a few African Americans gained admission to law school.<sup>9</sup> In 1870, Hon. James Campbell Matthews graduated from law school, becoming the first African American law school graduate in New York. He was followed by Samuel Warren Gibson in 1882, Albert M. Thomas in 1884 and Charles P. Lee and Thomas McCants Stewart in 1886. The passage of the GI

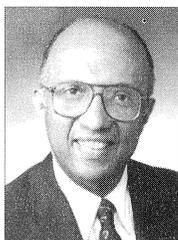
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<sup>8</sup> Vance Knapp & Bonnie Kae Grover, *The Corporate Law Firm - Can it Achieve Diversity?*, 13 Nat'l Black L.J. 298, 299 (1994).

<sup>9</sup> *Id.*

Bill in 1944 served to further increase educational opportunities and more African Americans began entering the legal profession, going on to build distinguished legal careers.

Cora T. Walker, a 1946 graduate of St. John's University School of Law, became one of the first African Americans to establish a major law practice in the metropolitan area. Ms. Walker continues her practice today, with her son. In the 1950s, Dyett, Alexander & Dinkins was established, and is notable as one of the earliest African American law firms in New York. Hon. David Dinkins, the first African American mayor of New York City and Hon. Fritz Alexander, II were early members of that firm. Hon. Percy Sutton, who practiced law in the early 1950s with the firm of Sutton & Sutton, served as Borough President of Manhattan and became one of the City's preeminent African American entrepreneurs.



*Conrad K. Harper*

Other prominent African American lawyers include: Conrad K. Harper, the first African American to serve as president of the Association of the Bar of the City of New York, and who is currently a partner at Simpson Thacher & Bartlett; Basil Paterson, the first African American to hold Statewide

office as Secretary of State; Archibald R. Murray, the first African American lawyer to become President of the New York State Bar Association in 1992; O. Peter Sherwood, the first African American to serve as Corporation Counsel for the City of New York; Zachary Carter, the first African American to be appointed United States Attorney in New York; Haywood Burns, the first African American to be named dean of a New York law school; Elizabeth D. Moore, the first African American counsel to a New York State Governor; Teresa Mason, the first African American ever to serve as Sheriff of the City of New York; and Robert T. Johnson, the first and only African American District Attorney in New York State.



*Teresa Mason*

### Asian Americans

Until the 1970s, Asian Americans rarely pursued a career in the legal profession, choosing instead careers in medicine, engineering and business. There were, however, exceptions.

One of the first Asian American attorneys to practice in New York is Benjamin Gim. Born in 1922 and a 1949 graduate of Columbia University Law School, Mr. Gim is a leading expert in the area of immigration law and a Fellow of the American College of Trial Lawyers. In 1977, Mr. Gim founded Gim & Wong, which is widely recognized as a preeminent firm serving the Asian American community.

Contemporaries of Mr. Gim who continue active practices in the Chinatown area of New York City include Edward Hong, Dai Wah Moy and Norman Lau Kee. In recalling the early days of Asian American attorneys in New York, Mr. Gim noted that Asian American Bar meetings often took place over tea and a game of bridge.

In the 1970s, Asian Americans of the “baby boom” generation expanded their career choices to include the law, and Asian American attorneys soon emerged in the mainstream of the legal profession in New York. The achievements of these baby boomers over the past two decades have been substantial, and many are now partners at some of New York’s most prominent law firms.

### Latinos

Any assessment of Latinos in the legal profession should consider their former paucity within New York’s overall population. As late as 1930, Latinos numbered less than 130,000, of which Puerto Ricans comprised the largest segment. In 1923, Rafael Bosch became the first Puerto Rican, and possibly the first Latino, admitted to the New York State bar. He was followed by Felipe N. Torres in 1927, and Emilio Nuñez in 1929, both of whom later became judges.

The Puerto Rican Bar Association—founded by Oscar Gonzalez Suarez in 1957—was the earliest Latino Bar Association in New York. That association has grown from less than 20 members to more than several hundred.

Oscar Garcia Rivera, admitted in 1934, became the first Puerto Rican elected to public office in the continental United States, upon taking his seat in the State Assembly in 1937. Twenty-four years later, in 1958, he was followed by Bartolomei Ortiz, who was appointed an Assistant District Attorney in Bronx County, becoming the first Latino prosecutor ever. Other prominent Latino lawyers include Herman Badillo, a former congressman who remains active in City government today; Hon. Frank Torres, currently a Bronx Supreme Court Justice, who in 1962 followed in the



*Hon. Frank Torres*

footsteps of his father, Felipe N. Torres, serving in the New York State Assembly; Benito Romano, a partner at Wilkie, Farr & Gallagher; Victor Marrero, Ambassador to the United States Mission and former partner at Brown & Wood; Ninfa Segarra, New York City Deputy Mayor for Education and Human Services; Rubén Franco, Chair of the New York City Housing Authority and former President and General Counsel of the Puerto Rican Legal Defense and Education Fund; and Sally Hernández-Piñero, of counsel to Kalkines, Arky, Zall and Bernstein and former New York City Deputy Mayor.

Overall, there are 21 Latinos serving as elected officials in the City Council, State Legislature and Congress. Of these, seven—Carmen E. Arroyo, Nelson

Antonio Denis, Rubén Díaz, Adriano Espaillat, Felix W. Ortiz, Roberto Ramirez and Peter M. Rivera—currently serve in the New York State Assembly. Former Assemblyman Hector L. Díaz is currently the County Clerk in Bronx County.

### Native Americans

There are approximately 50 Native American lawyers in New York State.  
(For additional information, please refer to page 57.)

## VI.

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# Minorities in the Legal Profession

In its April 1991 report, the Judicial Commission on Minorities concluded that minority representation in both the legal profession and the law schools lagged far behind the representation of minorities in the general population. With regard to the profession, the report found that “[a]lthough minorities accounted for 25% of the [S]tate’s population in 1980, of the 62,032 lawyers in the [S]tate, only 2.7% were Black, 1.6% were Hispanic, 0.7% were Asian-American, and only 0.06% were Native American. The other 96.1% were white.”<sup>10</sup> The report further noted that not only did minority representation lag far behind in the legal profession as a whole, but to the extent minorities made inroads into the profession, they were disproportionately in positions of less prestige, power and remuneration. At the law schools, the Commission found that despite the relatively large number of minorities that applied for admission, minority representation still was a “serious problem.”<sup>11</sup>

Five years later, minority representation in the profession has increased, although only in specific areas. Recent studies indicate that minorities still face tremendous racial barriers to the elite, more powerful positions in both the private and public sectors. In the area of legal education, the situation is quite parallel. While progress has been made, barriers still exist that limit minority representation in the law schools, both as students and faculty. Moreover, for those able to obtain faculty positions, the attainment of tenure remains elusive. Realistically, there is little expectation that these obstacles will be removed anytime in the near future.

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## A.

### The Judiciary

No other factor so affects minority attitudes toward the legitimacy of the justice system than a diverse Judiciary fully representative of society. The presence of minority judges increases the perception of fairness and eliminates

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<sup>10</sup> Report of the New York State Judicial Commission on Minorities, Volume 1, Executive Summary at 81 (1991).

<sup>11</sup> *Id.*, at 65.

the view that minorities have no place within the justice system. Importantly, diversity brings individuals to the bench who may have a special sensitivity and unique perspective on issues, particularly as they involve race. In recent years, there has been significant progress both at the federal and state level in increasing the representation of minority judges.

Over the last five years, we have experienced a “revolutionary” change in the appointment of judges to the federal bench. Since his election in 1992, President William J. Clinton has sought to diversify the federal bench with women and minorities—to create a Judiciary that reflects the composition of the United States. Through July 1994, more than three-fifths of the President’s appointees were women and minorities, significantly changing the face of the federal courts.<sup>12</sup> In his first 17 months, the percentage of African American and Latino judges increased, respectively, from 5.4% to 7.8% and 4.0% to 4.6%; one Asian American and one Native American were also appointed.<sup>13</sup> Notwithstanding this success, however, minority judges still constitute a relatively small proportion of the federal bench, with certain circuits and districts courts lacking any minority jurists.

In New York State, since 1991 progress has been made toward increasing the overall representation of minority judges. The number of State minority judges increased from 93 to 132, representing a percentage increase from 8.2% to 11.4%. The increases are broken down as follows:

	African Americans	Latinos	Asian Americans
1991	71	19	3
1997	87	37	8
Change	+22.5%	+95%	+166.7%

These increases have occurred at every level of the court system—from the Court of Appeals down to the local courts. While greater diversity is necessary, New York has begun moving in the right direction, with more minority judges on the State bench than ever before.<sup>14</sup>

<sup>12</sup> Sheldon Goldman & Matthew D. Saronson, *Clinton’s Nontraditional Judges: Creating a More Representative Bench*, 78 *Judicature* 68 (1994).

<sup>13</sup> *Id.*

<sup>14</sup> For a breakdown of “Minority Participation in the Judicial Workforce,” see chart “A” of the Appendix.

## B.

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### The Private Sector

Recent statistics indicate that as of late 1995, minorities constituted approximately 16.6% of the law school population,<sup>15</sup> and 12.97% of all associates in New York's largest firms.<sup>16</sup> This increase from an 8.4% minority associate percentage rate in 1992 to 12.97% in 1996 is encouraging.<sup>17</sup>

Efforts by local, state and national bar associations to increase minority representation at the nation's elite firms have been partly responsible for this increase. For example, in New York City, minority representation at the associate level was given a boost when the Association of the Bar of the City of New York adopted a hiring goals program six years ago.<sup>18</sup> Under this program, the City Bar obtained commitments from the City's largest law firms, all of whom pledged to strive to make minorities 10% of the total number of lawyers hired from 1992-1996.<sup>19</sup> The program has led to an increase of five percentage points over the 1992-1996 period with minorities today comprising 17.5% of the total number of associates at the City's 25 largest firms.<sup>20</sup>

The picture is much bleaker for minority advancement to the partner level. A 1992 survey of the nation's top 250 law firms indicates that minority partners constituted 2.4% of all partners across the country.<sup>21</sup> In real numbers, this has meant that on average, the nation's top 250 law firms had fewer than one African American, Latino, Asian American or Native American in their partnership ranks,<sup>22</sup> or approximately 0.9% Asian and Native Americans, 0.9% Latino and 1.2% African American partners nationwide over the last five years.<sup>23</sup>

In 1996, the number of minority partners has remained fairly static—comprising 2.98% of all partners throughout New York State.<sup>24</sup> Over the last five years, the number of minority partners nationwide has increased from 614 to 889, an increase representing just one-ninth of the total number of minority associates in 1991.<sup>25</sup>

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<sup>15</sup> Valerie Fontaine, *Progress Report: Women and People of Color in Legal Education and the Legal Profession*, 6 *Hastings L.J.* 27, 29 (1995).

<sup>16</sup> National Association of Law Placement, *supra* note 2.

<sup>17</sup> Balestier, *supra* note 1; National Association of Law Placement, *supra* note 16.

<sup>18</sup> Balestier, *supra* note 1.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Fontaine, *supra* note 15, at 34.

<sup>22</sup> *Id.*

<sup>23</sup> Ann Davis, *Big Jump in Minority Associates, But . . .*, *Nat'l L.J.*, Apr. 29, 1996, at p. 1.

<sup>24</sup> National Association of Law Placement, *supra* note 2.

<sup>25</sup> Davis, *supra* note 23.

Progress at the partnership level has not only been glacial, but what progress has been made may be in name only. A 1996 National Law Journal survey of the nation's 250 largest firms has documented disparities in race and gender between equity and nonequity partners.<sup>26</sup> The study found that the tiny number of minorities who do make partner often do so in name only—with 46.2% of all minority partners of the nonequity variety, drawing salaries rather than sharing in firm profits.<sup>27</sup> In contrast, only 30% of all white partners are of the nonequity variety.<sup>28</sup>

## C.

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### The Public Sector

As the number of minorities graduating from law schools has increased, more and more of them are choosing to enter the public sector,<sup>29</sup> avoiding the private sector altogether. Many minority lawyers believe that greater opportunities for career advancement exist in the public sector. This has been true historically. During the Depression, professional discrimination and job retrenchment left minority lawyers with little or no access to the more lucrative sectors of the profession—regardless of their qualifications.<sup>30</sup> The public sector workforce traditionally has been more diverse than the private sector, with role models and mentors readily available for young and experienced attorneys alike.

In the private sector, minority lawyers often feel unwelcome. In the interview process, recruiters may ask minority applicants about matters not routinely asked of nonminority applicants, and express concern over how a candidate will get along with white clients, how they will fit into the firm's social structure or how they will tolerate racial insults.<sup>31</sup> Additionally, minority lawyers oftentimes must first overcome a presumption of being unqualified before receiving assignments and advancing in the private firms.<sup>32</sup>

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<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Knapp & Grover, *supra* note 8, at 303; Davis, *supra* note 23.

<sup>30</sup> Jerold S. Auerbach, *Unequal Justice—Lawyers and Social Change in Modern America* 185 (1976).

<sup>31</sup> Knapp & Grover, *supra* note 8, at 303; Ronald A. Gray, *Companies Aim for Diversity*, N.Y.L.J., July 26, 1993, at p. 1, col. 5.

<sup>32</sup> *Id.*

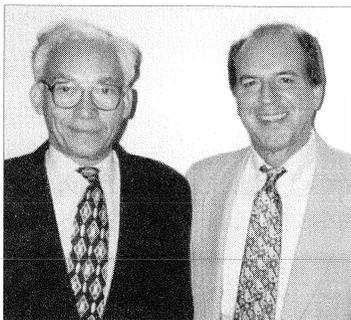
A recent study conducted by two professors at New York University School of Law supports this trend, finding minorities in general to be “over-represented” in the public sector when compared to the available pool of minorities in the population.<sup>33</sup> In 1993, minorities nationwide constituted 35.9% of the attorneys employed by the executive branch of the federal government,<sup>34</sup> while comprising only 12.11% of law school enrollments. Of the 1995 law graduates, over one-fifth of African Americans and 28% of Native Americans accepted government positions.<sup>35</sup> In New York City, we observe this trend in the District Attorney’s Offices, where over 20% of the Assistant District Attorneys are minorities. While the government provides an environment where minority attorneys can flourish, it too has its limitations. As with the private sector, minorities are channeled into lower level positions rather than the more powerful policy level posts.<sup>36</sup>

## D.

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### Fiduciary Appointments

Throughout its history, the Commission has sought to increase minority representation in the Judiciary and legal profession. To this end, the Commission has met with various Bar Associations regarding issues that affect minority attorneys. One issue that has repeatedly been raised is whether minority attorneys are receiving an equitable distribution of fiduciary assignments.



Judge Lewis L. Douglass  
with Surrogate  
Albert J. Emanuelli

After receiving numerous complaints, the Commission undertook a survey of fiduciary appointments made within New York City. The results of the survey established that minority attorneys were receiving assignments, but they were usually for small estates. To understand why inequity existed in the distribution, the Commission turned to the Judiciary for answers. Based upon numerous conversations with

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<sup>33</sup> Lewis A. Kornhauser & Richard L. Revesz, *Legal Education and Entry into the Legal Profession: The Role of Race, Gender, and Educational Debt*, 70 N.Y.U. L. Rev. 829, 863-64 (1995).

<sup>34</sup> As defined in the N.Y.U. study, federal attorneys include law clerks (as distinguished from judicial clerks), general attorneys and Administrative Law Judges.

<sup>35</sup> National Association of Law Placement, *Class of 1995 Employment Report and Salary Survey* at 64 (1996).

<sup>36</sup> J. Clay Smith, *Career Patterns of Black Lawyers in the 1980's*, 7 Black L.J. 75, 77-78 (1982).



*The Commission meeting with the Macon B. Allen Bar Association, Surrogate Robert L. Nahman and Chief Clerk Alicemarie E. Rice.*

attorneys who were available for fiduciary appointments.

Over the past two years, the Commission has met with the Black Bar Association of Westchester County, Surrogate Albert J. Emanuelli and his Deputy Chief Clerk, Frank Pezzella. In Queens County, the Commission met with the Macon B. Allen Bar Association, Surrogate Robert L. Nahman and his Chief Clerk, Alicemarie E. Rice. The Commission's Executive Director also was



*The Commission meeting with the Association of Black Lawyers of Westchester County, Surrogate Albert J. Emanuelli and Deputy Chief Clerk Frank S. Pezzella.*

invited to participate in a panel discussion on the qualifications of fiduciaries. From these meetings and discussions, the Commission has gained insight into the judges' expectations of fiduciary appointments while informing them of the great number of private practitioners who are available to accept assignment.

continues to meet regularly with appointing judges and representatives of minority Bar Associations to ensure that minority practitioners are considered for appointments for which they are qualified.

Surrogate's Court judges, it was ascertained that judges were unaware of qualified minority attorneys who could handle large assignments. The Commission then began to meet with Surrogates throughout the State to apprise them of the pool of qualified minority

invited to participate in a panel discussion on the qualifications of fiduciaries. From these meetings and discussions, the Commission has gained insight into the judges' expectations of fiduciary appointments while informing them of the great number of private practitioners who are available to accept assignment.

The Commission today maintains a list of qualified minority practitioners for fiduciary appointments and

## E. Minority Representation in the Law Schools

Increasing racial diversity at the law school level is essential to fostering diversity in the profession as it increases the number of minority attorneys in the profession and sensitizes those in law school to issues of bias before they enter the profession. Over the last 25 years, there has been significant progress in the number of minorities entering the nation's law schools. In 1979, when the

American Bar Association required its approved schools to adopt affirmative action plans, minorities comprised only 8% of all law students.<sup>37</sup> Ten years later, in 1989, that number increased to 13%, and in 1995, to 16.6% of all law school enrollments.<sup>38</sup> The figures in New York State are comparable to the national average, as the following chart establishes:

Minority Graduates of Select Law Schools <sup>39</sup>					
Law School		1994	1995	1996	Change
Albany Law School	Minorities	26	24	30	+8.66%
	Total Class	239	272	262	
	Minority %	10.87%	8.82%	11.45%	
Cardozo School of Law		27	36	34	+11.14%
		302	316	305	
		8.94%	11.39%	11.14%	
Cornell Law School		37	38	28	+6.66%
		185	189	181	
		20.0%	20.10%	15.46%	
Fordham Law School		68	82	121	+12.33%
		439	459	562	
		15.48%	17.86%	21.53%	
New York Law School		64	67	78	+10.33%
		402	408	369	
		15.92%	16.42%	21.13%	
Pace University		34	43	39	+11.74%
		237	245	221	
		14.34%	17.55%	19.64%	
Syracuse University College of Law		66	72	65	+19.50%
		264	253	273	
		25.0%	28.45%	23.80%	

Despite these substantial increases, however, minorities are still underrepresented among law students relative to their share of the national population.<sup>40</sup>

<sup>37</sup> Fontaine, *supra* note 15, at 29.

<sup>38</sup> *Id.*

<sup>39</sup> The chart shows the number and percentage of minority graduates for the years 1994-1996 as well as the percentage change in minority graduates from 1982 to 1996.

<sup>40</sup> Kornhauser & Revesz, *supra* note 33, at 860-61.

A number of factors may account for the lower minority representation in law schools, including educational requirements for law school admission, reliance on the Law School Aptitude Test for admission purposes and the admission process itself.<sup>41</sup> While African Americans and Latinos apply to law schools in greater numbers than their college graduation rate, their acceptance rate is lower than that of nonminorities. The substantially lower acceptance rate for minorities—based upon the factors listed above—accounts in large part for the underrepresentation of minorities in law schools. Another significant factor is the substantially higher rate of attrition for minority students. While speculation exists as to the reason for this higher rate, little has been done to study the matter and to devise a workable solution.

The underrepresentation of minority faculty members may be a factor in the high attrition rate, as minority students find little diversity among professors and very few role models. While there has been progress in minority faculty hiring, minority representation still lags far behind. During the 1987-1988 academic year, out of the 11,713 total faculty at ABA-accredited schools, minorities held 719 positions. By the 1990-91 school year, that number grew to 1,560 out of 12,562 positions.<sup>42</sup> Since efforts on the part of law schools to increase minority faculty members have been half-hearted, minorities have taken it upon themselves to increase their representation. Concerted efforts by Latinos resulted in 22 law professors being hired in 1991, resulting in a 25% expansion of full-time Latino professors nationwide.<sup>43</sup> Despite these gains, minority faculty members tend to be concentrated at the lower echelons of the academic hierarchy, thus making tenure a somewhat unattainable goal.<sup>44</sup>

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<sup>41</sup> Dannye Holley & Thomas Kleven, *Minorities in the Legal Profession: Current Platitudes, Current Barriers*, 12 T. Marshall L. Rev. 299, 303-18 (1987), cited in Kornhauser & Revesz, *supra* note 33, at note 88.

<sup>42</sup> Fontaine, *supra* note 15, at 31-32.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*, at 27.

## VII.

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# The Nonjudicial Workforce

While the existence of significant racial and ethnic disparities between the bench and the population at large is worrisome for public perceptions of justice, the public is far more likely to have day-to-day dealings with nonjudicial employees than with judges. Ensuring that the court system's workforce is representative of the population it serves has a salutary effect on public confidence in the justice system. The value of a racially diverse nonjudicial workforce needs no argument—inclusiveness promotes public trust in justice. Thanks to its Workforce Diversity Program, the Unified Court System has made significant progress in creating a justice system that is representative of the many constituencies it serves. Nonetheless, while the percentage of minority employees in the system today is higher than ever before, continued vigilance is necessary if the Unified Court System is to achieve a truly representative nonjudicial workforce.

### A.

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## Pioneers in the Nonjudicial Workforce

In the early years, there were few minority nonjudicial employees within the workforce. Among the early pioneers were Robert M. Reaves, Ray Allman and Edward Bussey, all of whom eventually rose to occupy the position of Chief



*Edward Bussey*

Clerk. The first of these individuals, Robert M. Reaves, was the first African American to be appointed Chief Clerk of the Surrogate's Court, New York County, in 1980; later that year, Ray Allman became the first African American appointed Chief Clerk of the Family Court of the City of New York; and in 1984, Edward Bussey became the first African American appointed Chief Clerk of the Supreme Court, Criminal Term. It is believed that Beatrice Tomlinson was the first African American clerk; Demostere Rogue, the first Latino court officer; and Roy Moy, the first Asian American court officer.

Currently, high ranking African Americans in the court system include Margaret S. Morton, Director of Human Resources, Office of Court Administration, Alice M. Chapman, Deputy Director of the EEO Division, Human Resources,



Jayne Coleman

Office of Court Administration, William H. Etheridge, Chief Clerk of the New York City Criminal Court, and Jayne Coleman, Chief Clerk of Supreme Court, Richmond County. High ranking Latinos include Carol Robles-Román, Executive Assistant to Deputy Chief Administrative Judge Barry A. Cozier, and Hector L. Díaz, County Clerk for Bronx County.

## B.

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### The Unified Court System's Workforce Diversity Program

The Unified Court System formally began its program to increase the diversity of its workforce in 1989, when it undertook a comprehensive utilization analysis encompassing racial/ethnic and gender analyses of specific job groups and court locations. The study identified specific job groups and locations in which minorities and women, or both, were underrepresented, and conducted a system-wide comparison of the State labor force to the UCS nonjudicial workforce. The findings of the 1989 utilization study led to the appointment of a court system committee charged with recommending management strategies and initiatives to increase the participation of minorities and women in the job groups and locations in which underutilization was identified. Based on the committee's study and review of strategies in use in public and private sector organizations, the Workforce Diversity Program was announced in December 1989.

The UCS Workforce Diversity Program consists of a two-pronged strategy to improve the diversity of the nonjudicial workforce within the court system as a whole, and to improve minority and female participation in specific geographic locations and high level job titles. In 1990, with the cooperation of local managers, locally-based employment and promotional goals and timetables were established for each Judicial District outside of New York City, for the Court of Claims, for each Supreme and city-wide court in New York City, for the Office of Court Administration, and for the New York City Surrogate's Courts and the New York City County Clerk Offices. EEO liaisons were appointed to facilitate the efforts of local managers in meeting these diversity initiatives by coordinating outreach and recruitment activities. The standards for annual performance evaluations of local managers were revised to include achievements in meeting the goals for courts and districts. In addition, managers were required to submit

nominations of appointments to jobs for which there were hiring goals and a statement of efforts to recruit women or minorities for the position. Interview panels were required to be diverse and include at least one woman and one member of a minority group.

In 1993, updated diversity goals and timetables were established in collaboration with local Administrative Judges and managers in response to the occupational data from the 1990 census. During the first year following the update, 56% of the goals and timetables for minority hiring and promotion were achieved on a Statewide basis, and a total of 76% of the goals were met within New York City. As of September 1996, the third year of the updated goals and timetables, and despite recent reductions made in the nonjudicial workforce, a total of 65% of these benchmarks were achieved on a Statewide basis, with an achievement rate of 81% in New York City and 53% in the judicial districts outside New York City. The specific job titles for which goals were met include high level job titles such as Chief Clerk, Deputy Chief Clerk, Assistant Deputy Chief Clerk, Principal Court Clerk, Associate Court Clerk, Senior Court Clerk, Senior Court Reporter, Senior Court Attorney, Court Reporter, Attorney-Entry Level, Senior Court Officer, Sergeant, and Court Officer, Sergeant.

The Program also addressed the issue of employment bias, which affects hiring and promotion and public perception of the courts. Cultural sensitivity training for all employees, including managers, was included in the program as a vital tool for employees. A law student intern program was begun in 1990 on a pilot basis in New York City, Buffalo, Albany and Nassau County to introduce first and second year law students to the court system. The program was particularly successful, providing the students, approximately one-half of whom were minorities, with an inner view of the workings of the courts and of possible career opportunities in the courts.

As a result of the Workforce Diversity Program, the total number of minority employees in the UCS nonjudicial workforce has increased substantially over the past decade. In 1986, there were 2,119 minority employees comprising 17.9% of the total workforce; today, the number has reached 2,926 employees, accounting for 22% of the total workforce, a percentage consistent with the qualified civilian labor pool. Moreover, this increase took place over a period of time when hiring in the UCS decreased gradually and there were even reductions in the number of individuals occupying particular job titles. Indeed, for the period 1986-1997, while the overall UCS workforce increased by only 12.9%, the minority workforce increased by 38.1%. These significant increases demonstrate that the Workforce Diversity Program has been instrumental in the progress that has been made toward a diverse nonjudicial workforce.

Minority Employment in the New York State Unified Court System <sup>45</sup>			
	1986	1997	Percent Change
Total Workforce	11,808	13,329	+12.9%
Total Minorities Employed	2,119 (17.9%)	2,969 (22.0%)	+38.1%
Total Nonminorities Employed	9,689 (82.1%)	10,403 (78.0%)	+7.4%
Black	1,581 (13.4%)	1,998 (15.0%)	+26.4%
Hispanic	470 (4.0%)	783 (5.9%)	+66.6%
Asian	57 (0.5%)	130 (1.0%)	+128.1%
Native American	11 (0.1%)	15 (0.1%)	+36.4%

HR Division: Workforce data as of June 1986 and February 1997

The Workforce Diversity Program also has resulted in gains in minority appointments to the high level policy making and supervisory job titles designated "Officials and Administrators."<sup>46</sup> This progress is evidenced by the following chart.

Minority Participation in Officials and Administrators Job Titles			
Dates	Total Positions	Minority Employees	Percentage of Minority Employees
June 1989	521	17	3.3%
October 1993	585	33	5.7%
February 1995	619	50	8.1%
March 1997	626	61	9.2%

<sup>45</sup> For a breakdown of "Minority Participation in the Nonjudicial Workforce" and "Minority Participation in the Court Security Series," see charts "B" & "C" of the Appendix.

<sup>46</sup> Job titles include: Chief Clerks, Chief Court Attorney, Commissioners of Jurors, Deputy Chief Clerks (I-IV) and OCA Directors, Deputy Directors and Assistant Directors.

Slow but steady advances have been made with regard to minority participation in the category of jobs designated “Officials and Administrators” since 1989.<sup>47</sup> These gains are even more significant in view of the fact that such openings generally occur only upon the retirement of the incumbent. These increases are to some extent attributable to the goals and timetables fixed pursuant to the Workforce Diversity Program.

Despite recent achievements, underrepresentation persists in key groups and particular geographic locations within the court system, particularly in the Third and Fourth Judicial Districts, where the demographics create greater challenges. The Unified Court System and its Equal Employment Opportunity Office must continue to devise and pursue effective strategies and initiatives to ensure diversity.

## C.

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### The Equal Employment Opportunity Division

Pursuant to the Judicial Commission’s recommendation that the UCS Equal Employment Opportunity Office’s status and scope of authority be strengthened, the Workforce Diversity Program called for the revamping of the UCS Equal Employment Opportunity Office to make it a more visible and meaningful management presence. The EEO Office was redesigned as a central resource for court managers, providing them with the most up-to-date information and expertise in the field of equal employment opportunity. The EEO Deputy Director reports to the Chief Administrative Judge and Deputy Chief Administrative Judge for Management Support. In addition, the EEO Deputy Director consults with the respective Deputy Chief Administrative Judges and Office of Court Administration administrators on EEO issues, such as outreach, recruitment, hiring, training, promotion, record keeping and bias-claim resolution.

The EEO Office has gained new leadership and is now a division of the Department of Human Resources of the Unified Court System. Individuals with extensive knowledge of EEO issues and practices, and with knowledge of the courts, were hired to run the office. From the outset, there has been a clearly established pattern of direct and regular dialogue with the Chief Administrative Judge and the Deputy Chief Administrative Judge for Management Support concerning issues affecting workforce diversity. The EEO Division has, among

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<sup>47</sup> For a breakdown of “Minority Participation Among Officials and Administrators,” see chart “D” of the Appendix.

its accomplishments, sponsored anti-bias training for managers and supervisors, coordinated the annual Summer Judicial Internship program and the New York City Board of Education's Summer Youth Employment Program, and participated in outreach programs throughout the State. With the restructuring of the EEO Division, a dedicated toll-free telephone line was established to handle discrimination complaints. Under the successive auspices of Chief Administrative Judges E. Leo Milonas and Jonathan Lippman, the EEO Division has become a partner in the process of evaluating local managers in their diversity efforts and progress.<sup>48</sup>

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<sup>48</sup> For a breakdown of "Minority Employment in the New York State Unified Court System," see chart "E" of the Appendix.

## VIII.

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# Minorities in the Courts

Each day, thousands of minorities come face to face with the justice system in New York State. They may go to the courts, either voluntarily or involuntarily, to seek legal redress, to defend an action or proceeding or to respond to a summons for jury service. Regardless of why they come to court, minorities often perceive unequal treatment when they are there. In many instances, that perception is formed well before they enter the courthouse; however, once inside, based upon a myriad of factors, including the conditions of the facilities, the attitudes of court personnel and the underrepresentation of minorities on juries, that perception is reinforced. In its April 1991 report, the Judicial Commission made numerous recommendations to eliminate bias or the perception of bias against minorities in the court system. While there has been some progress, particularly with regard to facilities and jury service, there is still a long way to go. Nowhere is this more evident than in the criminal justice system.

### A.

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## The Criminal Justice System

In its initial report, the Judicial Commission found disparities in all aspects of the criminal justice system—from the bail stage, through plea bargaining, to sentencing. Since then, some steps have been taken to remedy the situation, including further education of the Judiciary about various aspects of the criminal process. Despite these endeavors, however, little progress has been made. While members of the Judiciary faithfully strive to dispense justice evenhandedly and without regard to a defendant's race or ethnicity, the significant number of minority male defendants that come before the criminal courts negatively impacts on how justice is dispensed.

Although minorities make up only a small percentage of the nation's population, close to half the prisoners nationally are African American.<sup>49</sup> Most

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<sup>49</sup> Latinos also make up a significant percentage of the jail population throughout the United States. Statistics, however, are not ready available. See Robert Garcia, *Latinos and Criminal Justice*, 14 Chicano-Latino L. Rev. 6 (1994).

troubling is that nearly one in four African American men in the United States between the ages of 20 and 29 is involved in some stage of the criminal justice system. The difference in incarceration rates for these minority men and white men is astonishing.<sup>50</sup>

The situation is no better in New York State. A recent study undertaken by the New York State Division of Criminal Justice Services (DCJS) found that, while African Americans and Latinos represented less than 25% of the general population, they made up more than three-quarters of the prison population (or 83%) in New York State.<sup>51</sup> Moreover, with respect to the processing of felony arrests, between 1990-1992, minorities were held in jail at indictment and sentenced to incarceration considerably more often than comparably situated whites, and a disproportionate number received harsher sentences than comparably situated whites.<sup>52</sup> According to the report, one in three minorities sentenced to jail would have received a different sentence if they were processed as comparably situated whites.<sup>53</sup>

This is bleak news, indeed. Five years later, rampant racism still infects our criminal justice system, disproportionately impacting the lives of minority male defendants and their families. Judicial education and enhancement of the profession's sensitivities to these issues must be stepped up if we are to achieve any semblance of equal justice.

## B.

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### Jury Representation

The principle that all citizens who are capable of serving on a jury should serve is enshrined in the State's Judiciary Law as well as the federal Constitution. However, it was not so long ago that this right was denied to many New Yorkers; the State excluded African Americans from jury service until 1895 and women until 1937. Despite this guaranteed right, there is a perception, particularly in areas outside of New York City, that minority members of the community are excluded from the jury process. This exclusion of minorities undermines the credibility of the legal system. Juries that fail to reflect the racial and ethnic composition of the surrounding communities

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<sup>50</sup> David C. Leven, *Curing America's Addiction to Prisons*, 20 Fordham Urb. L.J. 641, 645 (1993) and authorities cited therein.

<sup>51</sup> New York State Division of Criminal Justice Services, *Disparities in Processing Felony Arrests in New York State, 1990-1992* at 1 (1995).

<sup>52</sup> *Id.*, at 1.

<sup>53</sup> *Id.*

necessarily infringe on the right to a fair trial by a jury of one's peers.

Most judges seek to ensure that minority jurors are not excluded by carefully scrutinizing how peremptory challenges are used. However, elimination of minorities from juries may occur well before the voir dire process. A March 1994 study of the State's jury system noted that while New York was at the forefront in the use of procedures to maximize the inclusiveness of the jury pool, more needed to be done.<sup>54</sup> Since then, the Unified Court System has taken affirmative steps to ensure that juries more accurately reflect their local communities. Initiatives such as the elimination of the "permanent qualified list" system of summoning jurors, expansion of the master source list to include unemployment and public assistance rosters, reduction in the term of service and increased juror compensation, are all aimed at increasing the pool of available jurors and reducing the burdens of service. Additionally, the jury qualification form now contains a space for prospective jurors to identify their racial or ethnic origin (on a voluntary basis) so that the court system can monitor minority representation on the master juror source list. Data on minority representation from the juror pool in three counties—Kings, Albany and Monroe—are now being collected.

While significant progress has been made in increasing the racial mix of New York City juries, the Commission has learned through public hearings that upstate juries do not reflect the racial make-up of some upstate cities. Commissioners of Jurors throughout the State have made extraordinary efforts within their counties to try to rectify the situation. However, the problem, as noted by the Jury Project, stems from jury pools drawn from county-wide residents rather than from limited geographic locations.<sup>55</sup> Therefore, no matter how diligently the trial judge enforces race neutral jury challenges, the resulting jury pool oftentimes represents only a small segment of the minority community.

One remedy to this problem, of course, is to change existing jury pool procedures and draw juries from smaller geographic locales in upstate New York regions. The Jury Project, however, was reluctant to recommend this change as it would dilute the number of minority jurors on felony prosecutions heard in Supreme Court. This is indeed a difficult decision but one that needs to be made. The Commission believes that the problem of minority dilution can be resolved by drawing pools from either the city or the county depending on where the indictment alleges the crime occurred. Where the indictment alleges the crime occurred in the city, the pool should be drawn from the city. Where the indictment alleges the crime occurred outside of the city, the pool

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<sup>54</sup> The Jury Project, A Report to the Chief Judge of the State of New York at 2 (1994).

<sup>55</sup> *Id.*, at 22.

should be drawn from the county. The legitimacy of the criminal justice system can be maintained only if these legislative and administrative changes are implemented.

The Commission urges that these necessary administrative or legislative changes be adopted to ensure that upstate juries more accurately reflect the racial make-up of both the defendant's community and the crime victim's community.

## C.

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### Court Facilities

Adequate and properly maintained facilities are essential to promoting respect for the law. However, in many of the courts where large numbers of minorities appear, the conditions are deplorable. In some of the courts, particularly those in New York City, the conditions are so abominable that they are frequently referred to as "ghetto courts." Minorities who encounter the dilapidated, crowded and ill-maintained court facilities within their communities cannot help but perceive a bias against them within the court system. This perception undermines any notion that the courts are the purveyors of fair and equal treatment for all citizens. The "ghetto-ization" of courts also serves as a deterrent to minorities to use the courts to seek legal redress. Decent and well-maintained facilities are essential.

Since late 1995, significant improvement has been made in the cleaning and maintenance of courts in New York City. Particular attention has been paid to the juror areas, where rooms have been painted and signage, ventilation and security were improved. Under recent legislation, which will be phased in beginning in 1998, the State will assume 100 percent of the responsibility for the cost of cleaning and making minor repairs within the courthouses. The new funding responsibility will give the Judiciary greater control over the maintenance of the courts, and should result in further improvements in court facilities. The new legislation hopefully will serve to "de-ghetto-ize" the courts that serve the minority community.

The capital building program has also moved forward, albeit with its share of problems and delays. Two major facilities in New York City that have been under design and construction for many years are nearing completion and are expected to open this Fall—the Bronx Housing Court and the Queens County Civil Court. The Bronx Housing Court is currently in cramped quarters in the basement of the Bronx County Courthouse. The courtrooms are so small that only one case at a time can be called. The hallways and lobby are crammed

with people, often sitting on the floor, waiting for cases to be heard. The new courthouse, just a few blocks further north on the Grand Concourse, is an 11-story building with 13 attractive and properly-sized courtrooms, and a variety of other resources, including a Children's Center, court-related City agencies, legal aid/legal service offices and a computer network center to support case management automation.

The Queens Civil Courthouse, which will open in Jamaica, will house the Civil Court and Housing Court, both of which are now in inadequate quarters in Borough Hall in Kew Gardens. The new building will contain 20 courtrooms, including two calendar/small claims parts, as well as space for a Children's Center, court-related City agencies and legal aid/legal services offices.

These developments are positive steps toward the "de-ghetto-ization" of the State courts serving the minority community, promoting respect and facilitating the delivery of justice for minority court users.



## IX.

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# Judicial Education

**M**inorities' perceptions of bias within the judicial system come from many sources. Judges, however, shoulder the paramount responsibility to ensure that justice is dispensed fairly and impartially—not only in the decisions they render but also in how they manage their courtrooms and treat those appearing before them. Judicial education thus is vital to ensure that judges are aware of and sensitive to bias or perceived bias that may exist within the court system. Over the past three years, the Commission has worked with the court system to develop valuable educational programs which provide both information and a forum where these sensitive issues can be discussed.

## A.

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### Annual Judicial Seminars

Each year, the court system offers educational seminars for judges to update them on issues that shape their work. These seminars, which are at the core of judicial education in the State and attended by nearly every State judge, provide the perfect forum in which to speak about issues relating to bias in the court system. Presentations by the Commission on various bias-related issues are now a regular part of the annual Judicial Seminars.

During the 1994 Judicial Seminars, the Commission presented a highly successful play—"Play for the Living"—that was specifically written for the seminar by a nonprofit group. "Play for the Living" focused on educating and sensitizing judges to workplace diversity issues. Following the performance, judges entered into a dialogue, discussing the applicability of the issues raised in the play to issues presented in the courtroom.

The 1995 Judicial Seminars included a panel discussion on the treatment of minority attorneys within the justice system. Six minority attorneys related their experiences of inequitable treatment



*Christopher E. Chang  
participating in the 1995  
Judicial Seminars.*

by both judges and nonjudicial personnel within the courtroom. For example, the attorneys noted they frequently were presumed to be defendants or litigants rather than attorneys when they entered a courtroom, while their nonminority counterparts were not. The attorneys discussed how such perceptions adversely impact their ability to effectively represent clients, and undermine credibility and client confidence in the justice system. The ensuing discussion raised an awareness of these and other bias-related issues for the judges with the expectation that the judges would impart the knowledge to their court personnel.

During the 1996 Judicial Seminars, the Commission organized a panel discussion on the role of minority jurors in criminal trials. Professor Paul D. Butler of George Washington University Law School, Randall Kennedy of Harvard Law School, and Jeffrey Abramson of Brandeis University moderated the panel discussion. The seminar focused on the importance of diversity on a jury panel, and proved to be an excellent opportunity in which to gain insight on the implications of race in the jury process.

## B.

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### New Judges Orientation

Newly-elected and newly-appointed judges attend introductory educational sessions in December of each calendar year. These orientations provide a unique opportunity to educate new judges on bias issues in the early stages of their judicial careers.

One of the most successful programs presented by the Commission to new judges was a panel discussion led by young lawyers of diverse ethnic backgrounds who described insensitive and embarrassing situations encountered in court. After the judges had the opportunity to hear each of the lawyers, a discussion followed focusing on how judges could avoid potentially hurtful situations. All of the programs have been well received.

## C.

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### Town and Village Justices Diversity Program

In addition to full-time judges, there are approximately 2,000 part-time Town and Village justices throughout the State. These justices have broad duties, both in criminal and civil matters, and therefore, education and heightened awareness of bias issues play a critical role in the administration of their daily responsibilities.

At the 1996 annual meeting of Town and Village justices, the Commission developed an educational program to increase the justices' sensitivity to race and cultural differences. The program's theme—"Step into the Shoes of a Minority"—required the justices to assume for the session that they were a minority who might appear in their court. Two examples were provided to initiate the discussion: a Latino whose ten-year old son has to act as an interpreter when appearing in court and an African American attorney who is told, "you know we're having problems with your people" when the attorney comes to court to inquire about a cousin who was recently arrested. The ensuing discussion enabled the Town and Village justices to imagine the experience of minorities in the justice system and to understand the barriers and attitudes that exist within the system.



## X.

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### Minority Organizations in the Court System<sup>56</sup>

#### A.

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#### Association of Black Shorthand Reporters, Inc.

The Association of Black Shorthand Reporters was founded in 1973 with the objective of promoting understanding, friendship, cooperation and the sharing of ideas. In 1996, the Association of Black Shorthand Reporters continued in that tradition with a roster of mentor and scholarship programs for student reporters, celebrations for retiring reporters, Black History Month programs and association newsletters. Each activity provided an opportunity to network and remain current on events of interest to the profession.

The President of the Association of Black Shorthand Reporters is Cynthia V. Frett. Ms. Frett can be reached at (212) 962-2836.

#### B.

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#### Association of Judges of Hispanic Heritage

The Association of Judges of Hispanic Heritage was established in 1985. Its membership consists of judges from all levels of the State and Federal Judiciary, with the largest percentage from New York State. The Association believes that the legal community should reflect the diversity of our great democracy. Consequently, the Association encourages and recognizes individuals and groups that have made a commitment to diversity and seeks to promote greater representation of qualified Hispanics at all levels of the Judiciary. The Association also seeks to enhance the effectiveness of our courts in the Hispanic community by reaching out and working with court administrators, judicial organizations, bar associations, community groups, and governmental agencies and commissions to promote understanding of the courts and their operations.

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<sup>56</sup> These descriptions have been prepared by the individual organizations.

When the Association was formed, its membership included all 13 Hispanic judges serving in the New York State Unified Court System; Hon. John Carro, then Associate Justice of the Appellate Division, First Department, was elected its first president. Today, the Association has well over 50 Hispanic judges, approximately two-thirds of whom serve in New York State.

For more information on the Association, please contact the Association's President, Hon. Charles J. Tejada, at (212) 374-5897.

## C.

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### The Cervantes Society

The Cervantes Society was formed in 1996 as the fraternal organization of court attorneys, clerks, officers, interpreters, judges, reporters, secretaries and other members of the Unified Court System. The organization's goal is to promote friendly relations for Hispanics within the Unified Court System, and to assist members in the promotion of and participation in cultural, social, educational and recreational activities for their personal and professional benefit. The Society's first official function was an inaugural ceremony held on September 30, 1996, in commemoration of Hispanic Heritage Month.

Recent initiatives of the Cervantes Society include:

- In collaboration with the Puerto Rican Bar Association and the Office of Court Administration, the "We the Jury" Program was released—a program designed to educate young people about the justice system by encouraging their active participation as jurors in mock criminal trials, from voir dire to verdict, with actual judges, court staff and practicing attorneys.
- Quarterly publication of "The Cervantes Society Newsletter," to keep members informed of the Society's activities and upcoming events.
- Hosting a retirement ceremony honoring Justice Gilbert Ramirez, the first blind judge in the history of the State court system and former New York State Assemblyman.

The creation of the Cervantes Society was a source of great pride for its founding members. For further information, please contact Luz Bryan at (718) 643-8502 or Nelson S. Román at (212) 374-8072, members of the Society's Steering Committee.

## D.

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### Coalition of Blacks in the Courts (COBIC)

The Coalition of Blacks in the Courts (COBIC) is a consortium of Black organizations representing court personnel and legal professionals whose goal is to ensure fairness and equality in the court system as it pertains to people of the African Diaspora.

Founded in 1986, COBIC is an umbrella organization which includes the Judicial Friends, the Association of Black Shorthand Reporters, Inc., the Macon B. Allen Black Bar Association, the Metropolitan Black Bar Association, the Black Bar Association of the Bronx County, the Tribune Society, Inc., the Guardians Association of the New York State Courts, Inc., and the Association of Black Women Attorneys, Inc.

COBIC activities include frequent contact with the Chief Judge of the State of New York regarding appointments made throughout the court system; community outreach to fill open positions in the courts with qualified African American candidates, including working with “Square Business,” an African American professional head hunting firm; and community seminars to help self-represented litigants navigate the court system.

For additional information, please contact COBIC President, Renee Myatt, Esq., at (212) 566-2917.

## E.

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### Guardians Association of the New York State Courts, Inc.

The Guardians Association of the New York State Courts, Inc., founded in 1986, is a nonprofit fraternal organization of African Americans in law enforcement. The Association membership includes court officers and court clerks who were former court officers.

The organization is affiliated with the Grand Council of Guardians, the Federation of African American Civil Service Organizations, the National Black Police Association, the Coalition of Blacks in the Courts and the National Organization of Black Law Executives.

The Guardians realized many of its objectives and goals in 1996. Activities included: participation in two parades—the annual Martin Luther King, Jr. Parade and the 28th annual African American Day Parade—which helped

promote a spirit of brotherhood and good fellowship amongst the Guardians' membership; sponsoring the hugely successful family-day picnic at Rye Playland; and conducting the annual toy drive, where 15 newly-retired members were honored with medals and certificates.

The Guardians participated in a community outreach program during the last day of Harlem Week, promoting good will within the community by providing information on upcoming exams in the New York State Unified Court System and conducting voter registration. Last summer, the Guardians Association developed a mentoring and tutorial program for candidates who applied for the October 1996 Court Officer exam. In conjunction with other organizations, a database will be maintained to track candidates.

The Guardians Association also played a leading role in last year's survival seminars given by the Federation of African American Civil Service Organizations. Program workshops included "Youth Under Siege," "Challenges for the Future," "Avoiding Police Brutality," "Police and Citizen Responsibility," and "Securing Citizens Rights After Conviction."

The Guardians Association of the New York State Courts, Inc. will continue in the coming years to serve its community and become a role model for youth.

For additional information please contact the President of the Guardians Association, Eugene Jordan, at (718) 590-3657 or (917) 738-2673.

## F

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### Hispanic Court Officers Society

The Hispanic Court Officers Society (HCOS) was organized in 1986. At its inception, it was a male-dominated Bronx-based organization with little or no representation from the other boroughs. In May 1993, however, a new Board of Directors took over. The Board now consists of both Supreme Court Officers, including female officers representing Brooklyn, Queens and the Bronx. Because of this enhanced diversity in rank, gender and geography, the Society has been able to reach out to more Latino court officers, thus increasing its membership. There are presently 125 active members representing every borough as well as Westchester, Putnam, Rockland, Nassau and Suffolk Counties.

In December, the Society sponsored its 11th annual "Toys for Tots" fundraiser, which raised sufficient funds to visit seven hospitals, AIDS centers, and two homeless shelters in Bronx, New York, Brooklyn, Queens and Nassau Counties. Three visits were planned for Christmas week, with approximately 350 toys distributed.

With increases in membership, there has been an increase in HCOS's activities and accomplishments. This Spring, HCOS will hold its 3rd annual scholarship fundraiser. At its first fundraiser in 1994, HCOS was able to award seven scholarships, totaling \$2,500.00, to deserving students to help defray college costs. These awards were a source of pride to the HCOS members as well as to the recipients.

One of HCOS's goals is to increase the participation of Latinos in the court system, so that Latinos constitute a more equitable representation relative to their members in the city's population. The underrepresentation of Latino court officers, in particular, is a major concern for HCOS. The Board has met with Deputy Chief Administrative Judge Barry A. Cozier and the Director of the Office of Court Security Services, John Perno, to discuss this underrepresentation. Both have acknowledged their commitment toward expanding the opportunities of minority court officers throughout the Unified Court System. HCOS has also worked to enhance its members' promotional opportunities. Last year, in preparation for the Sergeants exam, the HCOS hosted complimentary classes to all dues-paying members taking the test. The results were gratifying. Twenty-five percent of the enrollees scored in the top 100 and have already received their stripes. Classes have also been given to members for the Senior Court Officer exam and also for the Uniformed Court Officer exam.

The President of the Hispanic Court Officers Society is Sgt. Frank Arce, who can be reached at (718) 590-3709.

## G.

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### Judicial Friends

Over 100 active and retired judges from the State and Federal courts are members of the Judicial Friends, an informal association of African American judges. The Judicial Friends was started in 1976 as an affiliate of the Judicial Council of the National Bar Association (NBA). The NBA was founded in the 1920s as an alternative to the American Bar Association which would not accept African Americans at that time.

The Friends, as they warmly refer to themselves, was formed to provide African American judges with an opportunity to meet informally to discuss mutual problems and concerns, including administrative rules and policies. In addition, the Judicial Friends seek equal access for African Americans to nonjudicial positions; to eliminate disparate treatment of African Americans in

the courts; and, given the paucity of African American judges on the bench, to identify and encourage African American lawyers to consider service in the Judiciary.

Most of the judges serve as mentors in an extended program that now includes Asian American, Latino and other minority lawyers interested in becoming judges. An undergraduate African American student internship program was started in 1983, in which students are assigned to judges during the summer months.

Each year, the Friends sponsors the Black, Asian American and Latino Students Association (BALSA) law school reception at a law school in the metropolitan area. These receptions give students the opportunity to develop contacts for future internships in the metropolitan area, explore employment opportunities and informally meet with the judges.

Justice William J. Davis is the Chief convener. He can be reached at (212) 374-4502.

## H.

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### Tribune Society, Inc.

The Tribune Society, Inc. of the Courts of New York is a fraternal organization of African American and other minority court personnel. Founded in 1968 by a group of peace officers, its chief objectives are to consistently improve the administration of justice, and to ensure equal opportunity for all who work in or are served by the New York Unified Court System.

The Tribune Society provides forums, many of which are geared for young people. Tribune members are actively involved in programs that contribute to the growth of their communities. In September 1995, the Tribune Society's executive board members instituted a mentor program. The focus of this program is to equip freshmen high school students with the skills and knowledge to assist them in completing a four-year comprehensive academic program. A support core curriculum has been developed, which includes improving self-esteem, providing positive role models, understanding basic civil rights and liberties, and providing scholarship and financial aid information. To insure a cooperative working relationship, parental participation is mandatory. The academic component of the program includes math and English tutoring for eight weeks. This will be an ongoing program open to high school students in grades 10 through 12.

In celebration of Black History Month and the promotion of education, the Tribune Society sponsors two significant annual programs, the Alphonso B. Deal Scholarship Dance and a Black History Month Program. The Alphonso B. Deal Scholarship Award was established in 1992 to honor Mr. Deal, a Senior Court Clerk and Tribune member who lost his life while attempting to protect his community. Each year, three students are selected by the screening committee to receive a scholarship at the annual Alphonso B. Deal Award Dance. The Black History program features prominent guest speakers and is open to the general public.



*Hon. Juanita Bing-Newton and Chief Clerk of NYC Criminal Court William H. Etheridge attending the 1996 Black History Month Program.*

Fundraising drives conducted by the Society have benefitted many charities, including the Cancer Foundation, the United Negro College Fund, the Lupus Foundation, the Sickle Cell Anemia Foundation, Africare, Feed the Children, the Black United Fund and Exploring New Options Youth Program.

During the year-end holidays, the Tribune Society's annual Christmas Toy Drive contributes to children's centers, local churches, individual needy families and homeless shelters throughout the City. The Tribune Society is in the forefront of the effort to attain the constitutional ideal of equality and justice for all.

Ms. Sandra Martin-Smith is the President and she can be reached at (212) 374-8038.



*Chief Judge Judith S. Kaye and the Hon. Fern Fisher-Brandveen at the 1996 Black History Month Program.*



## XI.

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# Minority Bar Associations<sup>57</sup>

Membership in professional organizations has long paved the way for advancement opportunities in the legal profession. Unfortunately, during the 1800s and as recently as the 1960s, minorities routinely were discouraged from membership in national, state and local bar associations. This pervasive closed-door policy led to the establishment of minority bar associations to help fulfill the social and professional needs of its members. Today's minority organizations and bar associations serve the professional and social needs of the minority community.

### A.

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## Asian American Bar Association

The Asian American Bar Association (AABANY) was formed in 1989, and is affiliated with the National Asian Pacific American Bar Association, an organization comprised of approximately 4,600 members. Today, AABANY has an active membership of over 200 members in the metropolitan area.

AABANY's primary objective is to encourage the professional growth of its members. Toward that end, AABANY engages in a wide range of activities for its members including the sponsorship of professional development seminars and events, an annual awards banquet and the publication of a monthly newsletter. In addition, AABANY has a standing Judiciary Committee which seeks to increase the number of Asian American judges in New York and the appointment of Asian American attorneys to the various judicial screening panels.

From its inception, AABANY has also dedicated itself to addressing the issues affecting the Asian American community and to serve its community through advocacy. In 1993, AABANY formed the AABANY Foundation. Organized exclusively for charitable and education purposes, the AABANY Foundation promotes projects and programs to inform the public on issues of concern to Asian Americans, to eliminate prejudice and discrimination and

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<sup>57</sup> These descriptions have been prepared by the individual organizations.

promote understanding among and between different ethnic groups, to provide assistance to Asian American victims of crime, and to encourage better community understanding of government and legal processes. Among the projects funded by the AABANY Foundation is the Asian Crime Victims Project and public interest summer internship program.

Ben Q. Limb, Esq. is the President of the Asian American Bar Association. Mr. Limb can be reached at (212) 768-7060.

## B.

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### Black Bar Association of Bronx County

In 1983, through the impetus and initiative of the late Hon. Ivan Warner, a group of young and seasoned practitioners joined together to form the Black Bar Association of Bronx County to serve the needs of Black attorneys in Bronx County.

The rationale for a Black Bar Association in the Bronx was to serve as a resource for the community lawyers, providing seminars, referral services, legal education programs and other activities designed to aid minority attorneys in developing their private practices and in developing the skills required to become judges. The Association also sought to provide a forum in which attorneys could meet and exchange ideas.

The activities of the Black Bar Association of Bronx County include: annual banquets featuring outstanding speakers and honoring noted lawyers, jurists and community leaders; sponsorship of numerous legal seminars on topics such as Surrogate's Court Practice, Entertainment Law, Real Estate, Civil Procedure and General Practice of Law; the establishment of a scholarship fund in which each year deserving students are granted financial aid to assist with their legal education; and co-sponsorship with the NAACP of Community Law Forums.

1996 Highlights of the Black Bar Association of Bronx County include:

- Annual installation of officers and directors;
- Co-sponsored Blacks, Jews and Latinos in Conversation;
- \$2,000.00 donation to the United Negro College Fund;
- Sponsored training course for certified guardians and court evaluators;
- Sponsored first Neighborhood Law program, a public service program taught by judges and lawyers to provide Bronx residents with an understanding of their rights and responsibilities within the legal

system and to explain the role of lawyers and judges in the justice system;

- Hosted 15 Judges from Ghana;
- Awarded three \$1,000.00 scholarships to New York area law students.

Marc Whiten, Esq. is the President of the Black Bar Association of Bronx County. He can be reached at (212) 809-7074.

## C.

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### The Association of Black Lawyers of Westchester County, Inc.

The Association of Black Lawyers of Westchester County, Inc. was informally founded in 1964 by a group of Black lawyers practicing in New Rochelle, New York—Arthur L. Pulley, J. Hollogan Callender, Daniel W. Boddie, Rudolph D. Raiford and H. Hawthorne. Meetings initially were held once a month in the offices of members, or over dinner at founder Arthur Pulley's home, the first elected president.

Five years later, this group formally organized and adopted a name: The Association of Black Lawyers of Westchester County. Its membership is comprised of over 100 lawyers county-wide. Eight years later, the Association of Black Lawyers became incorporated with the help of legal counsel.

Past presidents include: Arthur L. Pulley, Sam D. Walker, Eric L. Harris and J. Rodger Rice.

Association events include an annual Law Day event, annual picnic and an annual dinner, luncheon or boat ride. The public always is invited and welcome at these events.

The current President is Lynette V. Spaulding. She can be reached at (914) 286-3400.

## D.

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### Association of Black Women Attorneys, Inc.

Founded in 1976, the Association of Black Women Attorneys, Inc. (ABWA) is a non-profit corporation formed to encourage African American women attorneys in the development and expression of their professional skills and talents.

Through the years, ABWA has offered a forum through which African American women can share insights on career and personal issues relating to the challenges of working in the legal profession. ABWA maintains outreach to some 350 professionals. ABWA women are active in law firms, at all levels of government, in private practice, finance, advertising, clerkships, the Judiciary, teaching and other areas.

ABWA has sponsored events to gain exposure for activities and to raise money for the organization and the development of its scholarship fund. It also conducts skill sessions for its members to provide continuing professional enrichment.

ABWA instituted "The Ruth Whitehead Whaley Award" in May 1990, to honor the achievements of leading African American women. Some of the past Award recipients are Cora T. Walker, Esq., Bethsheba Cooper, Flo Kennedy, Esq., Dr. Rita Webb Smith, Dr. Lorraine Hale, Hon. L. Priscilla Hall, Hon. Yvonne Lewis, Hon. Betty Staton and Hon. C. Virginia Fields.

On October 5, 1996, ABWA commemorated its 20th anniversary with a gala celebration at the New York Historical Society. During the celebration, ABWA saluted the contributions of the founders and incorporators of the organization and recognized the achievements of three distinguished African Americans. As part of its 20th Anniversary Gala, ABWA presented its Ruth Whitehead Whaley Award for Professional Achievement to Hon. Eleanor Holmes Norton, Congresswoman for the District of Columbia and its Ruth Whitehead Award for Community Service to the renowned film and theater producer Voza Rivers. ABWA also honored Hon. Constance Baker Motley with a special 20th Anniversary Award in recognition of her 50 years of service to the legal profession.

For further information about ABWA and its activities and programs, please contact Marjorie A. Cadogan, its President at (212) 560-0136.

## E.

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### Macon B. Allen Bar Association

The Macon B. Allen Bar Association was organized to advance the interests of African American attorneys who primarily practice or live in Queens County. The Association's primary goals are professional enhancement and diversification of the legal profession.

The Association regularly conducts skills workshops for its members as well as plans professional and social activities where members can interact and learn from each other.

To encourage greater diversity in the legal profession, the Association has developed a mentoring program with various high schools in Queens County. Additionally, the Association has established relationships with the local law schools and assists students of color in pursuing their goals in the legal profession.

The President is Christopher Renfroe, Esq. and he can be reached at (718) 575-8552.

## F

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### Metropolitan Black Bar Association

Founded on July 5, 1984, the Metropolitan Black Bar Association (MBBA) was created when two of the nation's oldest African American bar associations, the Harlem Lawyers Association and the Bedford-Stuyvesant Lawyers Association, merged. For more than 60 years, the MBBA has proudly continued the rich legacy of these constituent organizations, providing a voice for the African American community and profession.

Today, MBBA is comprised of African American attorneys in both the public and private sectors, including judges. The MBBA is an affiliate of the National Bar Association and is governed by a 22-member Board of Directors. Its day-to-day operations are managed by its President and six other elected officers

MBBA seeks to facilitate the progress of the legal profession in general and, in particular, to facilitate the progress of African American and other attorneys of color in the New York metropolitan area. Its activities include: analyzing and commenting upon legislation and providing testimony at public hearings; interviewing and screening prospective judicial candidates through its Committee on the Judiciary; sponsoring lectures and seminars on tax amnesty, affirmative action, immigration law, attorney disciplinary procedures, criminal justice, jury selection, entertainment law, guardian\receivership training, surrogate court practice and procedure law, and estate planning. Members may also qualify for scholarships to continuing legal education courses.

MBBA also coordinates educational programs for potential and current law students and provides mentors for high school students. The Metropolitan Black Bar Association Scholarship Fund, Inc., an independent nonprofit corporation, also raises funds and grants scholarships to minority law students.

Claude Trahan, Esq. is the President of the Metropolitan Black Bar Association. Mr Trahan can be reached at (212) 330-0387.

## G.

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### Minority Bar Association of Western New York

The Minority Bar Association was organized in 1970 as the Buffalo Chapter of the National Bar Association, Inc. The founding members were attorneys Will Gibson, William Purks, William Robinson, Barbara Sims and William Sims. In addition to the founding members, other practicing minority attorneys in Buffalo involved in the organization included the Hon. Samuel L. Green, who is currently an Associate Justice of the Appellate Division, and former Chief City Court Judge Wilbur P. Trammell. In 1981, the organization officially changed its name to the Minority Bar Association of Western New York to link its identity within the inner city and within the legal community as an organization of minority attorneys.

The Association was formed to further the goals of the National Bar Association in the Buffalo area. Objectives include the improvement of the administration of justice, the protection of political and civil rights of all citizens, and to provide social interaction among minority attorneys.

Today, the Association continues as an affiliate chapter of the National Bar Association with a membership of over 70 lawyers.

The President of the Minority Bar Association of Western New York is Terrence D. McKelvey. He can be reached at (716) 847-2606.

## H.

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### The Puerto Rican Bar Association, Inc.

The Puerto Rican Bar Association, Inc. (PRBA) was founded in 1957 in an era when it was difficult for minority lawyers to gain access to established bar associations. Today, the Puerto Rican Bar Association is an organization of judges, attorneys, law professors, law students and many others who share a common interest in promoting professionalism and opportunity within the legal community, and in empowering the Latino community at large through the effective use of our legal system. The Association recognizes the need for greater participation of its membership in the legal, judicial and governmental structures of our society. The Association therefore seeks to increase the number of Latinos serving the public in the Judiciary, in law schools, both as students and professors, and in bringing together the far flung constellation of individuals that make up the Latino legal community in the New York City and tri-state area.

Association activities include organizing and conducting seminars and lectures in the practice of law, and a scholarship fund, which has generated thousands of dollars in scholarships and bar review course stipends to help aspiring Latino law students through school. The Association has also created a Capital Fund to generate funds which will be used for a permanent home for the Association.

### Scholarship Fund

The Puerto Rican Bar Association Scholarship Fund, Inc. is a separate corporate entity, created for the purpose of raising funds to award financial scholarships to deserving law students. Donations to the Scholarship Fund, an IRS 501(c)(3) corporation, are fully tax deductible as charitable contributions. Each year, the Scholarship Fund holds a fund-raising banquet, the proceeds of which are used to grant scholarships to the students selected by the Scholarship Committee. One hundred percent of all non-banquet related contributions made to the Fund are given to student scholarship recipients.

### Capital Fund

The Puerto Rican Bar Association, Inc. Capital Fund was established in 1994 to address the long-standing need for a permanent home for the PRBA. Investment income from the capital account funds will be used for maintaining a permanent office within the City of New York when appropriate.

Nelson S. Román, Esq. is the President of the Puerto Rican Bar Association. He can be reached at (212) 374-8072.

## I.

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## American Indian Law Alliance

Although not a formal Bar Association, the American Indian Law Alliance is the single organization within the State whose programs address the concerns of Native American lawyers. The Alliance was founded in 1989, with the stated purpose of service to Native American nations, communities and individuals. The Alliance's mandate, to hear the voices of our people and to carry and defend the message for the seventh generation yet unborn, guides its highly qualified and dedicated professional staff and ensures the pursuit of the organization's goals.

Looking to the future, the Alliance works with the traditional leaders of the Native nations. The American Indian Law Alliance believes that it is precisely because the Native American people have strongly asserted their specific

cultures and followed the lessons of their elders that their nations have survived for over 500 years against overwhelming odds of poverty and neglect. In New York City, with its population of more than 30,000 Native people (half of the state population estimated to be around 60,000 individuals), the Alliance is of service to the local community by providing free legal services, including advice, representation and referral. Because of the unique role as a Native American legal service project, expertise is available to handle areas of the law that few lawyers, firms or legal service agencies can handle, including the Indian Child Welfare Act, the Jay Treaty and tribal enrollment. Native Americans are the only group of people in the United States that has an entire body of law specifically addressing their status, rights and place within our society.

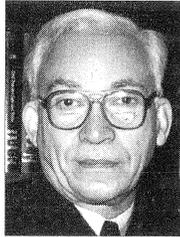
There are probably less than 50 Native American attorneys in New York State. It is therefore important that the legal community support efforts to recruit young Native American people willing to work within the legal profession. It is even more important that the members of the bar fully support law school public interest programs that encourage law students to serve their communities, their Native nations and their people.

The President of the American Indian Law Alliance is Tonya Gonnella Frichner. She can be reached at (212) 598-0100.

## XII.

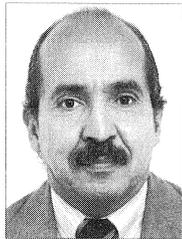
### Commission Members

**Judge Lewis L. Douglass** was appointed to the Criminal Court of the City of New York in May 1978. In January 1982, he was appointed by the Governor to the Court of Claims and then was assigned to the Criminal Term of the Supreme Court, Kings County.



Immediately prior to his appointment as a judge, Judge Douglass served as First Deputy to the New York State Department of Correctional Services. He 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 Criminal Justice and St. John's University, and currently teaches at Medgar Evers and York Colleges. In 1992, Judge Douglass became Chair of the Franklin H. Williams Judicial Commission on Minorities.

**Justice Nicholas Figueroa** obtained his B.B.A. from CUNY in 1956, his LL.B. from Brooklyn Law School in 1964, and was admitted to the New York bar in 1964. Judge Figueroa was an Assistant District Attorney in Bronx County, from 1966 to 1969; Associate Counsel, Knapp Committee, New York City, from 1970 to 1971; Assistant United States Attorney, Southern District of New York, from 1972 to 1975; Deputy Police Commissioner, City of New York, from 1977 to 1980; and Criminal Court Judge, State of New York, Bronx County, from 1980 to 1985.



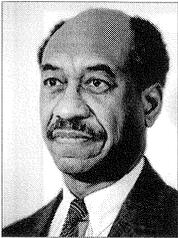
Justice Figueroa has served as a member of the Mayor's Committee on the Judiciary; Trustee to the Board of Higher Education, New York City; and is currently the Vice-Chair of the Franklin H. Williams Judicial Commission on Minorities, a position he also held with the predecessor commission.

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

**Christopher E. Chang** is a partner in the litigation firm of Doar, Devorkin & Rieck located in New York City. A 1978 graduate of Cornell Law School, Mr. Chang was formerly an Assistant District Attorney in Manhattan and is currently Chair of the Judiciary Committee of the Asian American Bar Association of New York and a member of the Board of Directors of The Legal Aid Society of New York City. More recently, Mr. Chang served as a member of the Committee on the Profession and the Courts (Craco Committee).



**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 of the 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. He also served as a member of the American Arbitration Association Panel from 1961 to 1981.

Justice Davis is a member of the Association of the Bar of the City of New York and the Metropolitan Black Bar Association. He is also a member of the Board of Directors of the New York County Lawyers' Association and the New York State Bar Association. Presently, he serves on the Board of Justices of the Supreme Court and the Anti-Bias Committee of the Supreme Court.

**Lenore Kramer** is a partner in the firm of Herman and 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 Chair of the Committee on Tort Litigation of the Association of the Bar of the City of New York. She is a Director Emeritus of the New York State Trial Lawyers Association and has served that organization as Chairperson of various committees.



Ms. Kramer is a member of the Office of Court Administration's Advisory Committee on Civil Practice and its Committee on Case Management. She previously served as a member of the Mayor's Committee on the Judiciary and as one of only two attorney members of the Office of Court Administration's Committee to study the IAS System.

Ms. Kramer has lectured frequently on trial practice and related topics for the New York State Trial Lawyers Associations, the Association of the Bar of the City of New York, the New York County Lawyers' Association and the Women's Bar Association of the State of New York, and is a frequent commentator on the Court Television Network.

**Justice Yvonne Lewis** graduated from the State University of New York College at Geneseo with a Bachelor of Science in Education in Secondary Social Studies. Following college, she taught in the Buffalo high schools and worked for the Erie County Welfare Department. She subsequently received her Juris Doctor from the University of Buffalo School of Law.



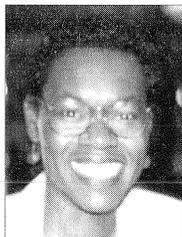
Justice Lewis was awarded a Reginald Herbert Smith Fellowship and therewith ‘landed’ in New York City. She worked with Legal Services in several offices as a Staff Attorney, Unit Director, Director of Litigation and Managing Attorney. Additionally, she served with the Legal Services Corporation to assist legal services offices with compliance and technical issues in the provision of services.

Prior to her election, Justice Lewis taught as a Charles H. Revson Fellow at City University of New York and City College, and as an Associate Professor at Hofstra Law School.

Justice Lewis was elected to the Civil Court in 1986, the first African American woman to sit in that Court, and subsequently was elected to the Supreme Court in 1991. She is currently a member of the Advisory Committee of Judicial Ethics, the Committee on Automation & Technology for Judges, the Board of Directors of the Metropolitan Black Bar Association, the Association of the Bar of the City of New York’s Steering Committee, and the New York County Lawyers’ Association Drug Policy Task Force.

She presently sits in Kings County Supreme Court, Criminal Term.

**Rene Myatt** is an attorney in private practice and of counsel to the law firm of Dunn & Smith. Ms. Myatt practiced law in the prestigious firm of Bower & Gardner and taught as an adjunct professor at the College of New Rochelle. She worked for the Bronx County District Attorney’s Office for six years, first as an Assistant District Attorney and then as Acting Supervisor of the Domestic Violence, Juvenile Homicide and Child Abuse Unit.



In 1991, she was appointed Chairperson of the Coalition of Blacks in the Courts (COBIC). Ms. Myatt is a former board member and secretary of the Women’s Survival Space, a center that houses and counsels abused women and their families. She is a legal advisor to “What It Takes”, a non-profit organization that empowers and enlightens young kids and their parents to careers in math and science.

Ms. Myatt also lectures on various legal issues.

**Judge Eduardo Padro** was born of Puerto Rican parentage and raised in the housing projects in East Harlem. Upon graduation from the local public elementary school in 1965, he was awarded a scholarship to attend the Dalton School. In 1975, Judge Padro graduated from Yale University with a B.A. in Latin American Studies and a Provisional Certificate from the Teacher Preparation Program. He received his J.D. from New York University School of Law in 1980.



Upon graduation from law school, Judge Padro worked as a staff attorney for five and a half years with the Bronx Criminal Defense Division of the Legal Aid Society. For seven and a half years, he served as the Law Clerk to the Hon. Frank Torres, Justice of the Supreme Court of the State of New York, in Bronx County. In November of 1993, Mayor Dinkins appointed Judge Padro to an interim term on the Civil Court of the City of New York, and in January 1994, Mayor Giuliani re-appointed him to a second interim term on the Civil Court. In November of 1994, the citizens of New York County elected Judge Padro to a full ten-year term on the Civil Court. Judge Padro is currently assigned to the Bronx Criminal Court.

Judge Padro is an active member of numerous civic and community organizations and bar associations. He is the immediate past Chairman of the Board of Directors of Aspira of New York, Inc. and a former member of the Board of Directors of the Aspira Association, Inc., the national organization. He is currently serving a second term on the Board of Directors of the New York University School of Law Alumni Association and is a past president of the Law School's Black, Latino, Asian-Pacific American Law Alumni Association. Judge Padro is a member of various bar associations, among them, the New York County Lawyers' Association and the Puerto Rican Bar Association. He is also a member of numerous civic and community organizations including the National Puerto Rican Coalition and the National Congress for Puerto Rican Rights.

**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, reappointed by Mayor Abraham D. Beame in 1976 and by Mayor Edward I. Koch in 1986. He is a former Chairperson 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 retired in December, 1996 and currently serves as a judicial hearing officer.

**Maria Ramirez** served as Executive Director for Multinational and



Comparative Education in the New York State Education Department from 1985 to 1995. During those years, she worked with ministries, embassies, cultural, linguistic and educational attaches from 22 countries world-wide. She has received scholarships from Germany, France and China. She was awarded the French Palmes Academiques in 1990 and received an honorary Doctorate of Letters and Humanities from

Hartwick College in 1994. In 1993, the Council of Chief State Officers recognized her international achievements by granting New York State the first International Education award for meeting the goals of the Council's International Dimensions of Education policy statement. She was honored as Outstanding Leader in Education by the United States Commissioner of Education in 1976. Dr. Ramirez was the Assistant Commissioner for General Education and Curricular Services from 1977 to 1985, and was responsible for six divisions, thirty-two programs and supervisory bureaus governing elementary and secondary schools in New York State.

Throughout her 42 years in education, Dr. Ramirez has served on many boards, including: the Golub Foundation, Siena College, the Accreditation Committee of the American Bar Association, the Interstate Migrant Council, the National Coalition of Children's Justice, the Reading Rainbow series, President Carter's Hispanic Advisory Board, the Scholastic Aptitude Test Committee and the Pre-guidance and Counseling Commission of the College Board.

Dr. Ramirez received her undergraduate degree from St. John's University, her M.A. from Middlebury College, Vermont, and a graduate certificate from the State University at Albany's School of Public Administration. In 1997, she was awarded an Honorary Doctorate in Law Degree from St. John's University. She has been a teacher, administrator, advisor and consultant at all levels of education throughout the United States and abroad, and has been on educational TV for NBC, ABC and PBS. Dr. Ramirez is the Executive Director of International P.A.C.E. which promotes programs in academic and cultural exchanges. Dr. Ramirez resides in Clifton Park, New York.

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



Mr. Reaves is a graduate of the Oakwood College Academy in Huntsville, Alabama, and the New York Institute of Technology (Magna Cum Laude). Mr. Reaves is a member and past president of the Tribune Society, an organization of African American and Latino 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. In January 1988, he was appointed to the New York State Judicial Commission on Minorities and, in January 1992, he was appointed to the Implementation Commission.

On October 14, 1994, Mr. Reaves was appointed to the Surrogate's Court Advisory Committee by Chief Administrative Judge E. Leo Milonas.

Robert Reaves retired from the Surrogate's Court in December, 1996 but is still an active member of the Commission.

**Hon. Rose H. Sconiers**, New York State Supreme Court Justice, Eighth Judicial District, is a former Judge of the City Court of Buffalo; former Executive Attorney of the Legal Aid Bureau of Buffalo, Inc., former Assistant Corporation Counsel for the City of Buffalo; and a 1973 graduate of the State University of New York at Buffalo School of Law.



Justice Sconiers is the Vice President of the Supreme Court Justices Association, Eighth Judicial District; Member of the Board of Directors of the New York State Association of Women Judges and Co-Chair of the 1997 Annual Conference of the Association of Justices of the Supreme Court of the State of New York.

Justice Sconiers is an emeritus member of the University of Buffalo Council and past President of the New York State Association of Council Members and College Trustees. She was appointed by the Chief Judge of New York State to the Unified Court System Advisory Committee on Criminal Law and Procedure and the Jury Project. Justice Sconiers is past President of the University of Buffalo Law School Alumni Association, former member of the Board of Directors of the New York State Defenders Association, and a current member of the Board of Directors of the Erie County Bar Foundation and Children's Hospital.

**Justice Charles L. Willis** was born and educated in New York City. He received his LL.B. from St. John's University in 1955 and has engaged in the private practice of law in both New York and in Rochester, New York. In Rochester, he served in public office as a Monroe County Assistant District Attorney, the Monroe County's first Public Defender and as Corporation Counsel for the City of Rochester. In 1971, he sat on the Rochester City Court and in 1972, he served as First Deputy Counsel to the New York State Special Commission on Attica (the McKay Commission).



In 1979, Justice Willis was elected to the Monroe County Family Court and became Supervising Judge of that Court in 1984. In 1987, he was elected to the New York State Supreme Court and in 1991, was appointed as Administrative Judge of the Seventh Judicial District. Justice Willis retired in 1996, and now practices law in the Rochester area.

**Hon. Douglas S. Wong** was appointed to the Criminal Court in August 1992. He is only the second judge of Asian descent to be appointed to the Criminal Court in New York City.



Immediately prior to his appointment as a judge, he served as a Principal Court Attorney to a Supreme Court Justice. He was a member of the Supreme Court Law Department in the Bronx for many years and previously served as union representative for the city-wide Association of Court Attorneys.

Judge Wong is currently on the Board of Directors of the Network of Bar Leaders and is the Secretary of the Criminal Court Judges Association. He is also the Chair of the Anti-Bias Committee for the Criminal Courts in New York City.

Judge Wong is a member of the Asian American Bar Association of New York, and is a past member of the Board of Directors. He is a member of the Association of the Bar of the City of New York and the New York County Lawyers' Association. He has served on a number of committees of both groups.

He is a member of the Criminal Law Planning Committee for the annual Judicial Seminars for judges in New York State. In October 1996, Judge Wong organized a city-wide program on domestic violence. He has served as the President of the Association of Arbitrators (1992), and Vice President of that group (1991-1992).

**Joyce Y. Hartsfield** has served as the Executive Director for the Franklin H. Williams Judicial Commission on Minorities since October 1992. Ms. Hartsfield is a graduate of Syracuse University School of Law and is a member of the Board of Directors of the Black Bar Association of Bronx County, the Bar Association of Bronx County and the Judicial Screening Committee for the Bronx Bar Association.



Ms. Hartsfield is a partner in the law firm of Hartsfield and McFarlane Vaughn, located in Bronx County.

**Linda Lane** has been secretary to the Franklin H. Williams Judicial Commission on Minorities since April 1993.



Ms. Lane teaches adult education classes at the Murray Bergtraum Business and Adult Education Center located at 411 Pearl Street, New York, New York.



# XIII.

## Appendix

### A.

### Minority Participation in the Judicial Workforce New York State Unified Court System, 1997

	Total	White	Minority
Court of Appeals	7 (100.0%)	5 (71.4%)	2 (28.6%)
Appellate Division	50 (100.0%)	45 (90.0%)	5 (10.0%)
Administrative Judges <sup>1</sup>	22 (100.0%)	19 (86.4%)	3 (13.6%)
Supreme Court	315 (100.0%)	270 (85.7%)	45 (14.3%)
Acting Supreme Court <sup>2</sup>	120 (100.0%)	112 (93.3%)	8 (6.7%)
Surrogates' Court	26 (100.0%)	26 (100.0%)	0 (0.0%)
Court of Claims	56 (100.0%)	52 (92.9%)	4 (7.1%)
County Court <sup>3</sup>	116 (100.0%)	114 (98.3%)	2 (1.7%)
Family Court - Outside NYC	71 (100.0%)	69 (97.2%)	2 (2.8%)
District Court (Nassau & Suffolk)	44 (100.0%)	42 (95.5%)	2 (4.5%)
City Court - Outside NYC <sup>4</sup>	152 (100.0%)	141 (92.8%)	11 (7.2%)
NYC Family Court	38 (100.0%)	31 (81.6%)	7 (18.4%)
NYC Civil Court <sup>5</sup>	112 (100.0%)	77 (68.8%)	35 (31.3%)
NYC Criminal Court	34 (100.0%)	29 (85.3%)	5 (14.7%)
<b>TOTAL</b>	<b>1163</b> (100.0%)	<b>1032</b> (88.7%)	<b>131</b> (11.3%)

<sup>1</sup>Full-time administrators and administrative judges who do not act as sitting judges on a regular basis.

<sup>2</sup>Judges from other trial level courts who are designated to sit in Supreme Court and supervising judges from New York City's Civil, Family, and Criminal Courts.

<sup>3</sup>Judges who sit in County Court only and judges who combine service on the County Court with service on the Family and/or Surrogates' Court.

<sup>4</sup>City Court Judges, Acting City Court Judges, and Chief Judges of the City Courts.

<sup>5</sup>Civil Court Judges and Housing Court Judges.

B.

Minority Participation in the Nonjudicial Workforce  
New York State Unified Court System, 1997

Occupational Group	% of Non-Judicial Workforce 1997	% Minorities Employed	Black	Hispanic	Asian	Native American
All Non-Judicial Employees	100.0%	22.0%	15.0%	5.9%	1.0%	0.1%
Office Clerical	26.9%	29.5%	22.4%	5.6%	1.3%	0.1%
Court Security	21.2%	19.8%	12.6%	6.6%	0.4%	0.2%
Court Clerks	13.7%	22.3%	16.0%	5.4%	1.0%	--
Attorneys	11.6%	9.0%	5.7%	2.2%	0.9%	0.1%
Court Reporters	7.9%	14.5%	11.3%	2.4%	0.7%	0.1%
Officials & Administrators	5.1%	9.2%	5.7%	2.5%	0.9%	0.1%
Court Assistants	4.0%	26.0%	20.7%	4.7%	0.4%	0.2%
Analysts	3.2%	26.0%	19.2%	5.3%	1.8%	--
Court Interpreters	1.2%	88.7%	2.5%	84.9%	0.7%	0.7%
Data Processing	1.1%	20.8%	8.7%	4.0%	8.1%	--
Paraprofessionals	0.7%	21.1%	16.8%	3.2%	1.1%	--
Other Occupational Groups & Positions	3.3%	23.3%	16.5%	6.0%	0.7%	--

HR Division: Data as of February 1997-Total UCS Workforce

C.

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Minority Participation in the Court Security Series  
New York State Unified Court System, 1997

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Job Group	Total Employees	All Minorities	Black	Hispanic	Asian	Native American
Court Officers & CO Sergeants	1358	277 20.4%	180 13.3%	88 6.5%	5 0.4%	4 0.3%
Senior Court Officers & SCO Sergeants	1408	275 19.5%	170 12.1%	97 6.9%	7 0.5%	1 0.1%
CO/SCO - Supervisors	85	12 14.1%	8 9.4%	4 4.7%	--	--

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HR Division: Data as of February 1997  
Excludes Court of Appeals and Appellate Divisions

## D.

## Minority Participation Among Officials and Administrators New York State Unified Court System, 1997

Location	Total Employees	Non-Minorities	All Minorities	Black	Hispanic	Asian	Native American
OCA	55	45 81.0%	10 18.2%	5 9.1%	3 5.5%	2 3.6%	0 -
NYC Civil	12	10 83.3%	2 16.7%	1 8.3%	1 8.3%	0 -	0 -
NYC Criminal	22	17 77.3%	5 22.7%	4 18.2%	1 4.5%	0 -	0 -
NYC Family	44	34 77.3%	10 22.7%	6 13.6%	4 9.1%	0 -	0 -
First Judicial District	14	10 71.4%	4 28.6%	3 21.4%	1 7.1%	0 -	0 -
Second Judicial District	8	7 87.5%	1 12.5%	1 12.5%	0 -	0 -	0 -
Third Judicial District	51	51 100%	0 -	0 -	0 -	0 -	0 -
Fourth Judicial District	64	64 100%	0 -	0 -	0 -	0 -	0 -
Fifth Judicial District	46	44 95.7%	2 4.3%	0 -	0 -	1 2.2%	1 2.2%
Sixth Judicial District	57	56 98.2%	1 1.8%	1 1.8%	0 -	0 -	0 -
Seventh Judicial District	49	47 95.9%	2 4.1%	0 -	1 2.0%	1 2.0%	0 -
Eighth Judicial District	59	57 96.6%	2 3.4%	2 3.4%	0 -	0 -	0 -
Ninth Judicial District	57	51 89.5%	6 10.5%	4 7.0%	2 3.5%	0 -	0 -
Nassau (10th J.D.)	23	20 87.0%	3 13.0%	2 8.7%	0 -	1 4.3%	0 -
Suffolk (10th J.D.)	20	17 85.0%	3 15.0%	1 5.0%	2 10.0%	0 -	0 -

Continued on next page

D. (continued from previous page)

## Minority Participation Among Officials and Administrators New York State Unified Court System, 1997

Location	Total Employees	Non-Minorities	All Minorities	Black	Hispanic	Asian	Native American
Eleventh Judicial District	9	6 66.7%	3 33.3%	2 22.2%	1 11.1%	0 -	0 -
Twelfth Judicial District	6	4 66.7%	2 33.3%	1 16.7%	1 16.7%	0 -	0 -
Surrogates	19	15 78.9%	4 21.0%	3 15.8%	0 -	1 5.3%	0 -
NYC County Clerks	11	10 90.9%	1 9.1%	1 9.1%	0 -	0 -	0 -

HR Division: Data as of February 1997

Following is a list of titles which are classified as Officials and Administrators:

Administrator (New York City Family Court)  
 Chief Budget Analyst  
 Chief Clerks  
 Chief Internal Audit Services  
 Chief Court Attorneys  
 Chief Management Analyst  
 Commissioner of Jurors  
 Coordinator - Children's Centers  
 Coordinator - Women & Minority Business Enterprises  
 Counsel  
 Counsel to the Chief Judge  
 Court Clerk Specialist  
 Deputy Chief Clerks I-VI  
 Deputy Counsel  
 Executive Assistants  
 First Deputy Chief Clerks  
 Hearing Examiners  
 Supervising Court Reporters  
 OCA Directors, Deputy Directors, Assistant Directors

E.

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## Minority Employment in the New York State Unified Court System, 1986 - 1997

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	<u>1986</u>	<u>1997</u>	<u>Percent change</u>
Total Workforce	11,808	13,329	+12.9%
Total Minorities Employed	2,119 (17.9%)	2,926 (22.0%)	+38.1%
Total Non-Minorities Employed	9,689 (82.1%)	10,403 (78.0%)	+7.4%
Black	1,581 (13.4%)	1,998 (15.0%)	+26.4%
Hispanic	470 (4.0%)	783 (5.9%)	+66.6%
Asian	57 (0.5%)	130 (1.0%)	+128.1%
Native American	11 (0.1%)	15 (0.1%)	+36.4%

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HR Division: Workforce data as of June 1986 and February 1997