

# *New York State Judicial Committee on Women in the Courts*



25 Beaver Street, Room 878  
New York, New York 10004  
(212) 428-2794

Chair  
Betty Weinberg Ellerin

Counsel  
Jill Laurie Goodman

## MEMORANDUM

TO: Hon. Betty Weinberg Ellerin

FROM: Jill Laurie Goodman

DATE: September 30, 1998

RE: Report of Activities of the New York State Judicial Committee on Women in the Courts for 1997-98

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Activities for the New York State Judicial Committee on Women in the Courts from September 1997 through August 1998 included these projects:

- **Inquiries on UCS Employment Applications Regarding Compliance with Outstanding Support Orders.** Concerned about keeping the Unified Court System's own house in order at time when the New York State courts and legislature have taken firm measures to assure that spousal and child support orders are followed, the Committee suggested to court officials that a question concerning compliance with support orders be added to UCS employment applications. The Committee forwarded the recommendation to the Chief Administrative Judge in March, and it was adopted soon afterwards. (*See Appendix 1* for the Committee's recommendation with the Committee's supporting memo and the Chief Administrative Judge's response to the Committee.)

## MEMORANDUM

TO: Hon. Betty Weinberg Ellerin  
FROM: Jill Laurie Goodman  
DATE: September 30, 1998  
RE: Activities for 1997-98

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- Legislation on the Enforcement of Matrimonial Support Orders.** The Committee proposed and drafted legislation, adopted as part of the Office of Court Administration's Legislative Packet for 1998 (although not passed by the Legislature), providing for more efficient and effective means of enforcing Supreme Court support orders. The legislation would have allowed matrimonial litigants in Supreme Court to use the contempt remedies available in Family Court for securing payments of spousal and child support. The Committee will consider suggesting this measure for the next legislative session. (*See Appendix 2* for a copy of the legislation.)
- Meeting with Chairs of Local Gender Bias and Gender Fairness Committees.** The Committee organized a joint meeting with the chairs of the state's eighteen local gender bias and gender fairness committees appointed by the state's administrative judges at the suggestion of the state-wide Committee. The meeting, the third of what has become an annual event, was held on April 15, 1998, at the House of the Association of the Bar of City New York. Planned to encourage the exchange ideas, the meeting was structured to allow participants to discuss their committees' projects in large and small groups, both formally and informally. Among the most interesting initiatives mentioned were the Suffolk County Committee's plans for clinics to help self-represented litigants in uncontested matrimonial cases, the Eighth Judicial District Committee's subcommittee on User-Friendly Courts, and the New York City Family Court Committee's survey of supervised visitation program. (*See Appendix 3* for a copy of the meeting's agenda. *See Appendix 4* for a list of chairs of local committees.)
- Domestic Violence in the Workplace Day, October 1, 1997.** For the second year, the Committee asked the network of local gender bias and gender fairness committees to organize events for Domestic Violence in the Workplace Day on October 1, and, with the advise and support of the Committee, local committees sponsored dozens of programs. Most of the Committees chose to present morning and lunchtime programs with often-moving speakers, among them court administrators, police, prosecutors, advocates for women, and, perhaps most importantly, survivors of abuse, in some cases survivors who were also court employees. Local committees also screened videotapes, led discussions, staffed tables in courthouse lobbies, and distributed booklets, posters, and fact sheets. Many local committees had programs and events in multiple locations. Two committees followed the day's activities with clothing drives for domestic violence shelters. (*See Appendix 5* for a memo describing the October 1, 1997 activities of local committees.)

- **Newsletter.** The Committee continued to produce a newsletter addressed to judges as well as nonjudicial personnel. Distributed with paychecks, the newsletter has covered such diverse topics as the findings of the Commission on Domestic Violence Fatalities, alternative work schedules for court employees and legislation. (*See Appendix 6* for a copy of the latest edition of the newsletter.)
- **Second Edition of “Fair Speech: Gender Neutral Language in the Courts.”** Responding to the continuing demand for a pamphlet the Committee first published in 1989, the Committee prepared a second edition of “Fair Speech: Gender Neutral Language in the Courts.” Since the new edition became available in April, 1998, the Committee has distributed copies to all state-paid judges and all Town and Village Justices. In addition, the committee has responded to requests for thousands of copies, many of which have come from court managers interested in making the pamphlet available at training sessions for court employers. (*See Appendix 7* for a copy of the text of the pamphlet.)
- **Pamphlet for Judges on Handling Gender Incidents in the Courtroom.** The Committee, with the help of the Deputy Administrative Judges, circulated a draft of a pamphlet, describing troubling scenarios in which gender was an issue, to a number of sitting judges. The judges were asked to comment on how they would respond were they to confront such situations. The Committee intends to incorporate a selection of the judicial responses into a final version of the pamphlet. (*See Appendix 8* for a draft of the pamphlet.)
- **Education for New Judges.** When newly-elected and newly-appointed judges met for orientation in December, the Committee, as it has for many years, presented a program. This year Committee members used scenarios from a civil tort litigation, a domestic violence criminal prosecution and a matrimonial case to introduce participants to approaches for handling gender bias incidents in the courtroom. (*See Appendix 9* for a copy of the scenarios used in the presentation.)
- **Other Educational Efforts.** At the suggestion of the Committee Chair, time was set aside at annual Town and Village Justices training sessions for a program called “Asking for Trouble in Asheville,” which raised issues of gender and sexual harassment. Two committee members made the presentations, first to Town and Village Justices and then to their clerks. The Committee also contributed to the annual Judicial Seminars by suggesting topics and speakers.
- **Data on Women in the New York State Judiciary.** The Committee continued to gather figures on the representation of women on the bench in New York State. This year the number of women serving as judges rose to 272 out of 1184

(23%), up from 253 out of 1173 (22%) a year ago and 145 out of 1124 (13%) ten years ago. (See Appendix 10 for charts showing the representation of women in various courts in New York State.)

- **Complaints.** A number of complaints about judges and lawyers were made to the Committee in the past year, and, in response, the Committee has tried to define more precisely its role vis-a-vis complaints. The Committee also has attempted to provide answers, often in the form of referrals to other agencies, to the complainants who have asked for help.
- **Work with Outside Organizations.** This year the Committee co-sponsored two programs. On April 23, 1998, the Committee and the Association of the Bar of the City of New York presented an evening forum called "To Litigate Matrimonially or Not." The Committee Chair moderated the panel, on which one of the committee members participated.

On April 20-21, the Committee joined the Lawyers Committee Against Domestic Violence, the Appellate Division, First Department, and Fordham University in sponsoring a two-day conference called "Domestic Violence: Taking Stock and Taking Action." The Committee chair again served as a moderator, this time for a panel of judges, which also included a Committee member.

(See Appendix 11 for copies of programs of these events.)

## **Appendix 1**

Committee Resolution with Supporting Memorandum  
Recommending that the Unified Court System Add an  
Inquiry Concerning Compliance with Child and Spousal  
Support Orders to its Applications for Employment

and

Chief Administrative Judge's Response

## RESOLUTION

The New York State Judicial Committee on Women in the Courts requests that the Chief Judge and the Chief Administrative Judge include the following question on all pre-employment or promotional applications (UCS 74):

Are you currently delinquent in the payment  
of court-ordered child or spousal support?

The New York State Judicial Committee on Women in the Court has considered the subject of the non-payment of court-ordered child and spousal support by UCS employees for more than a year. The issue was discussed in light of initiatives by all three branches of government to strengthen New York State's child support collection system, including: 1) the creation of specialized parts of the Supreme Court for the prompt handling of applications for the enforcement of child and spousal support orders; 2) the various New York State statutes that authorize the suspension of drivers licenses and state-issued professional and business licenses as sanctions for the failure to pay child and spousal support; 3) the Appellate Division rulings suspending licenses to practice law pursuant to Judiciary Law § 90 2-(a-c); and 4) State Tax Department authority to seize tax refunds, bank accounts and personal property to enforce support orders (Tax Law § 171-c).

We have been advised that this question is currently asked on the UCS employment and promotion applications in the attorney series and the court security series, as well as the applications for the Hearing Examiner position.

Simply stated, we believe that the UCS, as the institution that creates and enforces support orders, should inquire of its employees if they are following these especially central judicial directives. We recognize that there are many other financial duties that are created by court orders, but none so vital to families. We believe that violations of such orders indicate a disrespect for the process of law, the courts and the judicial

process and thereby significantly impact on the ability of UCS employees to perform their jobs.

We have been advised that placement of this question on all UCS employment applications may raise issues of conflict with Title VII of the Civil Rights Act of 1964, but we do not believe that Title VII was designed to, or has been interpreted as, interfering with the accomplishment of the goal of this resolution.



STATE OF NEW YORK  
UNIFIED COURT SYSTEM  
25 BEAVER STREET  
NEW YORK, NEW YORK 10004  
(212) 428-2120  
FAX (212) 428-2190

JONATHAN LIPPMAN  
Chief Administrative Judge

ANN T. PFAU  
Deputy Chief Administrator

April 22, 1998

Hon. Betty Weinberg Ellerin  
Appellate Division, First Dept.  
27 Madison Avenue  
New York, NY 10010

Dear Justice Ellerin:

Chief Administrative Judge Jonathan Lippman has forwarded your proposal concerning compliance by employment or promotional candidates with court ordered support payments.

Judge Lippman and I are pleased that the Committee on Women in the Courts chose to grapple with the serious problem of nonpayment of child and spousal support orders. We agree with the Committee's assessment that monitoring compliance by attorneys and court security with court ordered financial obligations, without a corresponding inquiry for all employees, sends the wrong message. Indeed, the inclusion of an inquiry within pre-employment and promotional applications reminds candidates of these legal obligations, while suggesting that the failure to make such payments may have detrimental ramifications.

Accordingly, I have advised Margaret Morton and Michael Miller of Human Resources to ensure that the question be incorporated into the appropriate forms as soon as practicable.

Thank you for your continued outstanding work on behalf of the Women in the Courts Committee.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann Pfau".

Ann Pfau

ATP:ms

cc: Hon. Jonathan Lippman  
Margaret S. Morton, Esq.  
Mr. Michael S. Miller

## **Appendix 2**

### Proposed Legislation on Enforcement of Matrimonial Support Orders



JONATHAN LIPPMAN  
Chief Administrative Judge

STATE OF NEW YORK  
UNIFIED COURT SYSTEM  
EMPIRE STATE PLAZA  
4 ESP, SUITE 2001  
ALBANY, NEW YORK 12223-1450  
(518) 474-7469

OCA 98-160

MICHAEL COLODNER  
Counsel

## IN SUPPORT OF

S.

A.

AN ACT to amend the domestic relations law, in relation to enforcement of certain orders in matrimonial proceedings

This measure is being introduced at the request of the Chief Administrative Judge upon the recommendation of the New York State Judicial Committee on Women in the Courts. This measure would change the law relative to enforcement of certain orders issued by Supreme Court in matrimonial cases.

This measure also would amend the Domestic Relations Law to eliminate its present requirement that other enforcement remedies be exhausted before contempt can be sought against a person who fails to pay child support, spousal support or combined child and spousal support in accordance with a court's order in a matrimonial proceeding. This amendment, which was recommended to us by the New York State Judicial Committee on Women in the Courts, reflects recognition of today's financial realities. For a non-monied spouse, or for the children of a dissolving marriage, the availability of sequestration and other procedures by which to enforce judicially-determined financial obligations can be of small comfort where those procedures are costly and time-consuming. In fact, for many such people, resort to an application to hold a defaulting payor in contempt is the only practical way they have to obtain payments needed to support themselves and their dependents, and to continue with their lives.

This measure, which would have no fiscal impact on the State, would take effect on November 1st following its enactment and apply to all actions commenced on or after that date.

1997 Legislative History: None. New proposal.

AN ACT to amend the domestic relations law, in relation to enforcement of certain orders in matrimonial proceedings

The People of the State of New York, represented in Senate and Assembly,  
do enact as follows:

Section 1. Subdivision (a) of section 232 of the domestic relations law, as amended by chapter 528 of the laws of 1978, is amended to read as follows:

a. In an action to annul a marriage or for divorce or for separation, if the complaint is not personally served with the summons, the summons shall have legibly written or printed upon the face thereof: "Action to annul a marriage", "Action to declare the nullity of a void marriage", "Action for a divorce", or "Action for a separation", as the case may be, and shall specify the nature of any ancillary relief demanded. If ancillary relief in the form of a judgment or order for child support, spousal support or combined child and spousal support is sought, the summons shall include on its face, printed or typewritten in a size equal to at least eight point bold type, a notice, warning the respondent that a failure to pay any money required by a judgment or order issued by the court may result in immediate arrest, and that, after an appearance in court, a finding that the respondent willfully failed to obey the order may result in commitment to jail for a term not to exceed six months, for contempt of court. The notice shall also advise the respondent of the right to counsel, and the right to assigned counsel, if indigent. A judgment shall not be rendered in favor of the plaintiff upon the defendant's default in appearing or

pleading, unless either (1) the summons and a copy of the complaint were personally delivered to the defendant; or (2) the copy of the summons (a) personally delivered to the defendant, or (b) served on the defendant pursuant to an order directing the method of service of the summons in accordance with the provisions of section three hundred eight or three hundred fifteen of the civil practice law and rules, shall contain such notice.

§2. Section 245 of the domestic relations law, as amended by chapter 809 of the laws of 1985, is amended to read as follows:

§245. Enforcement by contempt proceedings of judgment or order in action for divorce, separation or annulment. Where a spouse, in an action for divorce, separation, annulment or declaration of nullity of a void marriage, or for the enforcement in this state of a judgment for divorce, separation, annulment or declaration of nullity of a void marriage rendered in another state, makes default in paying any sum of money as required by the judgment or order directing the payment thereof, and, except as to a payment constituting child support, spousal support or combined child and spousal support, it appears presumptively, to the satisfaction of the court, that payment cannot be enforced pursuant to section two hundred forty-three or two hundred forty-four of this chapter or section fifty-two hundred forty-one or fifty-two hundred forty-two of the civil practice law and rules, the aggrieved spouse may make application pursuant to the provisions of section seven hundred fifty-six of

the judiciary law to punish the defaulting spouse for contempt, and where the judgment or order directs the payment to be made in installments, or at stated intervals, failure to make such single payment or installment may be punished as therein provided, and such punishment, either by fine or commitment, shall not be a bar to a subsequent proceeding to punish the defaulting spouse as for a contempt for failure to pay subsequent installments, but for such purpose such spouse may be proceeded against under the said order in the same manner and with the same effect as though such installment payment was directed to be paid by a separate and distinct order, and the provisions of the civil rights law are hereby superseded so far as they are in conflict therewith. Such application may also be made without any previous sequestration or direction to give security where the court is satisfied that they would be ineffectual, or where the default is in a payment constituting child support, spousal support or combined child and spousal support. No demand of any kind upon the defaulting spouse shall be necessary in order that he or she be proceeded against and punished for failure to make any such payment or to pay any such installment; personal service upon the defaulting spouse of an uncertified copy of the judgment or order under which the default has occurred shall be sufficient.

§3. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law and apply to all actions commenced on or after such effective date.

### **Appendix 3**

Agenda for Meeting with Chairs of Local Gender Bias and  
Gender Fairness Committees  
April 15, 1998

MEETING

CHAIRS of the LOCAL GENDER BIAS and GENDER FAIRNESS

COMMITTEES with the

NEW YORK STATE JUDICIAL COMMITTEE on

WOMEN in the COURTS

April 15, 1998

10:30 AM Coffee and Greetings

Hon. Betty Weinberg Ellerin, Chair,  
NYS Judicial Committee on Women in the Courts

10:40 AM Welcome

Hon. Ann Pfau, Deputy Chief Administrator for  
Operations and Support

10:50 AM Projects of the NYS Judicial Committee on Women in the Courts

11:00 AM Local Committee Special Project Reports

Hon. Mary Bednar, Chair, NYC Family Court Committee  
(Supervised Visitation Programs)

Caroline Levy, Esq. Chair, Suffolk County Committee (Clinics for  
Self-Represented Litigants)

11:20 AM Committee Reports on Current Status and Plans

12:15 PM Presentation: "Asking for Trouble in Asheville"

Hon. Marjorie Mix: Introduction

Hon. Vincent Doyle and Alice Chapman: Demonstration

1:00 PM Luncheon

1:30 PM Small Group Discussions: Progress and Problems

2:30 PM Report from Small Group Discussions

2:50 PM Farewell: Hon. Betty Weinberg Ellerin

At the House of the Association of the Bar of the City of New York  
42 West 44th Street, New York, New York 10036

## **Appendix 4**

### List of Chairs of Local Gender Bias and Gender Fairness Committees

# LOCAL BIAS AND GENDER FAIRNESS COMMITTEES

## COURTS OUTSIDE OF NEW YORK CITY

### Third Judicial District

#### *THIRD JUDICIAL DISTRICT GENDER FAIRNESS COMMITTEE*

**Hon. Thomas Keegan**  
**Administrative Judge**  
Third Judicial District  
125 State Street  
Albany, New York 11207

Telephone: (518) 445-5160  
Fax: (518) 487-5166

**Hon. George Ceresia, Jr.,**  
**Chair**  
Justice, Supreme Court  
Rensselaer County Courthouse  
Troy, New York 12180

Telephone: (518) 270-3728  
Fax: (518) 270-3788

### Fourth Judicial District

#### *GENDER BIAS COMMITTEE OF THE WOMEN IN THE COURTS OF THE FOURTH JUDICIAL DISTRICT*

**Hon. Jan Plumadore**  
**Administrative Judge**  
Fourth Judicial District  
64 Congress Street, P.O. Box 4370  
Saratoga, New York 12866

Telephone: (518) 587-3019  
Fax: (518) 587-3179

**Hon. Kathleen M. Rogers, Chair**  
St. Lawrence County Surrogate  
Surrogate Building  
Court Street  
Canton, NY 13617-1199

Telephone: (315) 379-2217  
Fax: (315) 379-2372

**Chris Kopec, Esq., Co-Chair**  
c/o Hon. Gordon Hemmett  
383 Broadway  
Fort Edwards, NY 12828

Telephone: 518-746-2506

## **Fifth Judicial District**

### ***FIFTH JUDICIAL DISTRICT COMMITTEE***

**Hon. William R. Roy**  
Administrative Judge  
Fifth Judicial District  
Onondaga County Courthouse  
Syracuse, New York 13202

Telephone: (315) 435-2009  
Fax: (315) 435-3394

**Hon. John W. Grow, Chair**  
Justice, Supreme Court  
Court House  
300 N. James Street  
Rome, New York 13440

Telephone: (315) 336-0772  
Fax: (315) 337-0846

## **Sixth Judicial District**

### ***SIXTH JUDICIAL DISTRICT COMMITTEE***

**Hon. Patrick Monserrate**  
Administrative Judge  
Sixth Judicial District  
c/o State Office Building  
44 Hawley Street, Suite 1501  
Binghamton, New York 13902-4466

Telephone: (607) 721-8541  
Fax: (607) 778-2398

**Hon. Mary Anne Lehmann**  
Binghamton City Court  
Governmental Plaza  
Binghamton, New York 13901

Telephone: (607) 772-7006  
Fax: (607) 772-7041

## **Seventh Judicial District**

### ***SEVENTH JUDICIAL DISTRICT COMMITTEE***

**Hon. L. Paul Kehoe**  
Administrative Judge  
437 Hall of Justice  
Civic Center Plaza  
Rochester, New York 14614-2185

Telephone: (716) 428-5271  
Fax: (716) 428-2059

**Hon. Ann Marie Taddeo**  
Suprevising Judge  
Monroe Family court  
300 Hall of Justice  
Rochester, NY 14614-2187

Telephone: (716) 428- 5488  
Fax:

## **Eighth Judicial District**

### ***EIGHTH JUDICIAL DISTRICT COMMITTEE***

**Hon. Vincent Doyle**  
**Administrative Judge**  
Eighth Judicial District  
Erie County Hall  
92 Franklin St.  
Buffalo, New York 14202

Telephone: (716) 851-3273  
Fax: (716) 855-1611

**Hon. Marjorie C. Mix, Chair**  
Judge, Family Court  
25 Delaware Avenue  
Buffalo, New York 14202

Telephone: (716) 858-8188  
Fax: (716) 858-8432

## **Ninth Judicial District**

### ***COMMITTEE TO PROMOTE GENDER FAIRNESS IN THE COURTS NINTH JUDICIAL DISTRICT***

**Hon. Angelo J. Ingrassia**  
**Administrative Judge**  
Ninth Judicial District  
Westchester County Court House  
111 Grove Street, 11th Floor  
White Plains, New York 10601

Telephone: (914) 285-4100  
Fax: (914) 285-4111

**Hon. Terry Jane Ruderman**  
Judge, Court of Claims  
140 Grand Street, 9th Floor  
White Plains, NY 10601

Telephone: (914) 428-6888  
Fax: (914) 428-1306

## **Nassau County**

### ***NASSAU COUNTY JUDICIAL COMMITTEE ON WOMEN IN THE COURTS***

**Hon. Edward G. McCabe**  
**Administrative Judge**  
Courts Within Nassau County  
Supreme Court Building  
Supreme Court Drive  
Mineola, New York 11501

Telephone: (516) 535-2684  
Fax: (516) 571-3713

**Hon. Denise Sher, Chair**  
Nassau County District Court  
99 Main Street  
Hempstead, NY 11550

Telephone: (516) 572-2159  
Fax: (516) 572-2507

## **Suffolk County**

### ***SUFFOLK COUNTY WOMEN IN THE COURTS COMMITTEE***

**Hon. Mary Werner**  
**Administrative Judge**  
Courts within Suffolk County  
400 Carleton Avenue  
P.O. Box 9070  
Central Islip, New York 11722-9070

Telephone: (516) 853-5368  
Fax: (516) 853-7741

**Caroline Levy, Esq., Chair**  
Hofstra University  
School of Law  
Office of Career Services  
108 Hofstra University  
Hempstead, NY 11549-1080

Telephone: (516) 463-5861  
Fax: (516) 463-6371

**COURTS WITHIN NEW YORK CITY**

**New York City Civil Court**

***NEW YORK CITY CIVIL COURT  
GENDER FAIRNESS COMMITTEE***

**Hon. Fern Fisher-Brandveen**  
**Administrative Judge**  
Civil Court, City of New York  
111 Centre , Room 1240  
New York, New York 10013

Telephone: (212) 374-8082  
Fax: (212) 374-5709

**Hon. Sara Lee Evans, Co-Chair**  
Civil Court Judge  
111 Centre Street  
New York, New York 10013

Telephone: (212) 374-8156  
Fax: (212) 374-

**Hon. Maria Millin, Co-Chair**  
111 Centre Street  
New York, New York 10013

Telephone: (212) 364-8070

**New York City Criminal Court**

***NEW YORK CITY CRIMINAL COURT  
ANTI-BIAS COMMITTEE***

**Hon. Judith Harris Kluger**  
**Administrative Judge**  
Criminal Courts, City of New York  
100 Centre Street, Room 538  
New York, New York 10014

Telephone: (212) 374-3200  
Fax: (212) 374-3004

**Hon. Douglas Wong, Chair**  
Queens Criminal Court  
125-01 Queens Boulevard  
Kew Gardens, NY 11415

Telephone: (718) 520-2221  
Fax: (718) 520-4712

**New York City Family Courts**

***GENDER BIAS COMMITTEE OF THE  
FAMILY COURTS OF THE CITY OF NEW YORK***

**Hon. Michael Gage**  
**Administrative Judge**  
60 Lafayette Street  
New York, New York 10013

Telephone: (212) 374-3711  
Fax: (212) 374-2721

**Hon. Mary Bednar, Chair**  
Judge, NYC Family Court  
60 Lafayette Street  
New York, New York 10013

Telephone: (212) 374-8999  
Fax: (212) 374-2623

**New York County, Supreme Court, Civil Term**

***ANTI-BIAS COMMITTEE,  
NEW YORK COUNTY, SUPREME COURT, CIVIL TERM***

**Hon. Stephen Crane**  
**Administrative Judge**  
Supreme Court, Civil Term  
60 Centre Street  
New York, New York 10007

Telephone: (212) 374-8515  
Fax: (212) 374-7256

**Hon. Alice Schlesinger, Chair**  
Justice, Supreme Court  
111 Centre Street, Room 568  
New York, New York 10007

Telephone: (212) 374-8468  
Fax: - (212) 374-3907

**New York County, Supreme Court, Criminal Term**

***GENDER BIAS COMMITTEE  
NEW YORK COUNTY, SUPREME COURT, CRIMINAL TERM***

**Hon. Juanita Bing Newton**  
**Administrative Judge**  
Supreme Court, Criminal Term  
100 Centre Street  
New York, New York 10013

Telephone: (212) 374-4972  
Fax: (212) 374-3003

**Hon. Colleen McMahon,**  
**Chair**  
Acting Justice, Supreme Court  
111 Centre Street, Room 1146  
New York, New York 10013

Telephone: (212) 374-8067  
Fax: (212) 748-519

**Bronx County, Supreme Court**

***BRONX COUNTY SUPREME COURT COMMITTEE***

**Hon. Burton B. Roberts**  
**Administrative Judge**  
Supreme Court, 12th Judicial District  
851 Grand Concourse, Room 832  
Bronx, New York 10451

Telephone: (718) 590-3786  
Fax: (718) 590-8899

**Hon. Richard Lee Price, Chair**  
Acting Justice, Supreme Court  
851 Grand Concourse  
Bronx, New York 10451

Telephone: (718) 590-3590  
Fax: (718) 590-8914

## Queens County, Supreme Court

### *QUEENS COUNTY SUPREME COURT GENDER FAIRNESS COMMITTEE*

**Hon. Steven Fisher**  
**Administrative Judge**  
Supreme Court, 11th Judicial District  
88-11 Sutphin Boulevard, 3rd Floor  
Jamaica, New York 11435

Telephone: (718) 520-3763  
Fax: (718) 520-4689

**Hon. Sheri Roman**  
**Justice, Supreme Court**  
125-01 Queens Blvd.  
Kew Gardens, NY 11415

Telephone: (718) 520-4416  
Fax: (718) 520-2236

## Brooklyn Supreme Court

### *BROOKLYN GENDER FAIRNESS COMMITTEE*

**Hon. Michael Pesce**  
**Administrative Judge**  
Supreme Court, Second Judicial District  
360 Adams Street  
Brooklyn, New York 11201

Telephone: (718) 643-7086  
Fax: (718) 643-2095

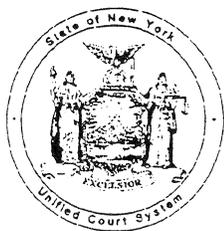
**Hon. Michelle Patterson, Chair**  
Justice, Supreme Court  
360 Adams Street - Room 726D  
Brooklyn, New York 11201

Telephone: (718) 643-7074  
Fax: (718) 643-7250

## **Appendix 5**

### **Description of October 1, 1997 Activities for Domestic Violence in the Workplace Day**

*New York State Judicial Committee on Women in the Courts*



25 Beaver Street, Room 878  
New York, New York 10004  
(212) 428-2794

*Chair*  
Betty Weinberg Ellerin

*Counsel*  
Jill Laurie Goodman

MEMORANDUM

TO: Hon. Betty Weinberg Ellerin

FROM: Jill Laurie Goodman

DATE: June 15, 1998

RE: Domestic Violence in the Workplace Day

---

Here is a summary of activities for Domestic Violence in the Workplace Day, October 1, 1997:

**Third Judicial District** (Hon. Thomas Keegan, Administrative Judge; Hon. George Ceresia, Chair)

**Fourth Judicial District** (Hon. Jan Plumadore, Administrative Judge, Hon. Kathleen Rogers and Chris Kopec, Esq., Co-Chair) – The Chair of the Fourth District Gender Bias Committee distributed materials to the committee members throughout the district, and Chief Clerks received copies of Guidelines for Supervisors and Guidelines for Co-Workers.

**Fifth Judicial District** (Hon. William Roy, Administrative Judge; Hon. John Grow, Chair) – The Fifth Judicial District's chair provided a detailed account of programs, meetings, and events touching on domestic violence throughout the district for the months of September, October and November.

**Sixth Judicial District** (Hon. Patrick Monserrate, Administrative Judge; Hon. Mary Anne Lehmann, Chair)

**Seventh Judicial District** (Hon. L. Paul Kehoe, Administrative Judge; Hon. Evelyn Frazee, Chair)

**Eighth Judicial District** (Hon. Vincent Doyle, Administrative Judge; Hon. Marjorie Mix, Chair) – The Gender and Racial Fairness Committee of the Eighth Judicial District organized two kinds of programs. The first was a series of four meetings to acquaint staff with changes in the new law and societal attitudes towards domestic violence. At each meeting the video “Defending Our Lives” was shown and a discussion followed that touched on recognizing that fellow workers themselves may be victims. In two locations these meetings elicited personal stories of abuse that had not been discussed in the workplace before. The second kind of program was a series of training sessions for City, Family, County and Supreme Matrimonial Judges about the domestic violence protocols that the committee’s Subcommittee on User-Friendly courts had developed to coordinate efforts between and among the various courts in which domestic violence victims and abusers appear.

**Ninth Judicial District** (Hon. Angelo Ingrassia, Administrative Judge; Hon. Terry Jane Ruderman, Chair)

**Suffolk County** (Hon. Mary Werner, Administrative Judge; Caroline Levy, Esq., Chair) – The Suffolk County Women in the Courts Committee organized two programs: one on October 1, 1997, at the Central Islip courthouse, which was attended by 150 people, and another in the Criminal Court Building on October 15, 1997, attended by 60. At each location representatives from advocates for women and the Employee Assistance Program spoke and literature was made available.

**Nassau County** (Hon. Edward McCabe, Administrative Judge; Hon. Denise Scher, Chair) – The Nassau County Judicial Committee on Women in the Courts placed informational tables at all four Nassau County courthouses with materials on resources and referral services available within the county. The committee’s efforts encouraged the bar association and the county executive to make arrangements for similar tables.

**New York City Civil Court** (Hon. Fern Fisher-Brandveen, Administrative Judge; Hon. Sara Lee Evans, Chair)

**New York City Criminal Court** (Hon. Judith Kluger, Administrative Judge; Hon. Douglas Wong, Chair) – The Criminal Court Gender Bias Committee organized morning programs in all five boroughs. Judges, prosecutors, defense attorneys, police officers, advocates for women, and survivors of domestic violence were among the speakers. Videos were shown as well.

**New York City Family Court** (Hon. Michael Gage, Administrative Judge; Hon. Mary Bednar, Chair)

**New York County, Supreme Court, Civil Term** (Hon. Stephen Crane, Administrative Judge; Hon. Alice Schlesinger, Chair)

**New York County, Supreme Court, Criminal Term --**

(Hon. Juanita Bing Newton, Administrative Judge; Hon. Colleen McMahon, Chair) – The Gender Bias Task Force of New York County’s Supreme court, Criminal Term organized a lunchtime program with speakers from the District Attorney’s Office, a local shelter, and the Employee Assistance programs, as well as victim of domestic violence speaking about her own experiences.

**Bronx Supreme Court** (Hon. Burton Roberts, Administrative Judge; Hon. Richard Lee Price, Chair) – The Bronx County Gender Bias Committee presented a lunchtime program on October 1, 1997. Cosponsored by seven bar associations, the program featured addresses by two Bronx court employees who discussed their personal experiences with domestic violence. Other speakers were an Employee’s Assistance Program coordinator, the director of the Pace University Battered women’s Justice Center, Bronx County’s Administrative Judge, Hon. Burton Roberts, and the chair of the local committee, Hon. Richard Lee Price. About 110 people attended.

**Queens Supreme Court** (Hon. Steven Fisher, Administrative Judge; Hon. Sheri Roman, Chair) – The Queens County Gender Fairness Committee organized programs at three separate courthouses. Each program had a speaker from a victims’ service agency to discuss the experiences of victims and explain how victims can get help; a representative from a batterers’ program, who talked about the dynamics of battering and the types of assistance available for batterers; and a member of the district attorney’s staff who spoke about the prosecution of cases and behavior that may signal abuse of a fellow employee.

**Kings and Richmond Supreme Court** (Hon. Michael Pesce, Administrative Judge; Hon. Michelle Patterson, Chair) – The Gender Fairness Committee of the Second Judicial District sponsored a number of different kinds activities. A film workshop was organized in which five videos were shown and discussed under the leadership of committee members. A drive to collect clothes and household items for battered women’s shelters was conducted. A pamphlet entitled “Staying Safe: Preventing Family Violence” was distributed to the public at courthouse entrances and to employees through the payroll division. Displays were designed for two locations within the Brooklyn courthouse, and posters were hung throughout the building.

**New York City Family Court** (Hon. Michael Gage, Administrative Judge; Hon. Mary Bednar, Chair)

**New York County, Supreme Court, Civil Term** (Hon. Stephen Crane, Administrative Judge; Hon. Alice Schlesinger, Chair)

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## **Appendix 6**

### **Newsletter**

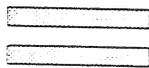
New York State Judicial Committee on Women in the Courts

# NEWSLETTER

## **New Edition of Gender-Neutral Language Pamphlet Published**

The New York State Judicial Committee on Women in the Courts recently issued a second edition of its pamphlet *Fair Speech: Gender-Neutral Language in the Courts*. It is available by writing the Committee at 25 Beaver Street, Room 878, New York, New York 10004.

The second edition was printed, according to the introduction, to meet continuing demand as well as "to keep before the court community a standard for language that speaks fairly of -- and to -- us all."



## **THE COMMISSION ON DOMESTIC VIOLENCE FATALITIES Issues Findings**

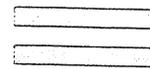
The Commission on Domestic Violence Fatalities, in its report issued last fall, made a series of findings about domestic violence in New York State. It found that:

○ "While the rate of violent crimes in New York decreased steadily in the years 1991 through 1995, the rates of domestic violence offenses and domestic violence homicides have not followed the same pattern.

○ "In most of the cases reviewed by the Commission, a pattern of domestic violence preceded the homicide. In 40 of the 57 cases reviewed the offender had a history of physical abuse of the victim.

○ "In 21 of the 57 domestic violence homicide cases reviewed by the Commission, there was at least one current order of protection."

Copies of the full Commission Report are available from the New York State Office for the Prevention of Domestic Violence by calling 518-486-6262.



## **Uniform Uncontested Divorce Packets Distributed**

The Office of Court Administration has issued a uniform set of forms for uncontested divorces that may be used anywhere in New York State. This set of forms replaces the diverse assortment of papers previously required by various courts throughout the state.

The forms and instructions, accompanied by detailed instructions, were written for self-represented litigants as well as for lawyers.

They are intended for use by people with straightforward cases who do not expect their spouses to oppose the request for divorce, but not for litigants with property, child custody or support issues.

The offices of Supreme Court Clerks have copies of these uniform uncontested divorce packets on hand, ready for distribution to the public.

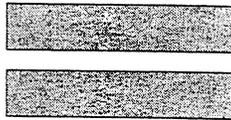
The forms are also available on the internet at <http://ucs.njx.com/toc-ud.htm>.

**Chair: Hon. Betty Weinberg Ellerin; Newsletter Editor: Jill Laurie Goodman**  
25 Beaver Street, Rm 878, New York, NY 10004; (212) 428-2794; Fax (212) 428-2793

## **Appendix 7**

**Text of  
"Fair Speech: Gender Neutral Language in the Courts"**

# *Fair Speech*



*Gender-Neutral  
Language in  
the Courts*

The New York State Judicial Committee  
on Women in the Courts

This pamphlet has been prepared by the New York State Judicial Committee on Women in the Courts, a committee appointed by the Chief Judge of New York to assure equal justice, equal treatment, and equal opportunity. Originally established in 1986 in response to a task force report detailing the effects of gender bias in New York State courts, the Committee addresses concerns of women as litigants, attorneys, and employees within the court system.



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## *Introduction to the Second Edition*

Advocating the use of gender-neutral language, New York State Chief Judge Judith S. Kaye has said, "It's simply the right thing to do." *Fair Speech: Gender-Neutral Language in the Courts* was an effort to make doing this "right thing" easy and comfortable. Widely distributed when it originally appeared in 1991, the pamphlet remains in demand, both within the state and without.

This second edition has been published by the New York State Judicial Committee on Women in the Courts to answer the continuing interest in the pamphlet's concise suggestions as well as to keep before the court community a standard for language that speaks fairly of—and to—us all.



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## *Fair Speech: Gender-Neutral Language in the Courts*

In recent years, the formal language of the courts has changed in response to efforts to make, in the words of the New York Task Force on Women in the Courts, “a justice system more fully committed to fairness and equality.” Forms, regulations, and statutes have been reviewed to eliminate words and expressions that exclude women or perpetuate the notion that men are the norm. Regulations no longer say *he* when they mean *he* or *she*, and official letters are not addressed to *Dear Sir* when the recipients are judges, lawyers, or any other group that may include both men and women.

Spoken language is equally important. In courts people communicate great quantities of critical information, not just on paper, but face to face. On any weekday, our courts are filled with clerks and court

officers addressing litigants, lawyers talking with each other, and judges making rulings from the bench. All of them are conveying not only data and facts but subtle messages about the status of the participants in the exchanges and their relations to each other.

At stake are not just claims for equality. Clarity is another victim of language that inappropriately incorporates gender. The ambiguous use, for example, of male terms to refer to both men and women can create confusion, sometimes with profound effects. In one notorious case, the Supreme Court of the State of Washington reversed a murder conviction in part because a jury was instructed on the “reasonable man” standard for a claim of self-defense on behalf of a 5’4” woman attacked by a 6’2” man. In its opinion the Court faulted the “persistent use of the masculine gender” that left the impression that the measure for reasonableness was an altercation between two men. *State v. Wanrow*, 599 P.2d 548, 558 (1977).

Acknowledging the critical role that words play in the climate of courthouses and courtrooms, the New York State Judicial Committee on Women in the

Courts has written this pamphlet. Its purpose is to suggest a few fairly simple rules that will help all of us who use the courts or work in the court system to avoid unintended slights or compromises to the ideal of equal justice.



**Use inclusive terms, rather than masculine forms.** Many forms of address exclude women. Good substitutes, however, are easy to find:

**USE** chair  
members of the jury  
colleagues

**AVOID** chairman  
gentlemen of the jury  
brethren

Designations for professionals or categories of workers often are a source of lingering problems. Since job segregation has been a great barrier to women's equality in the past, using gendered terms may have the effect of implying women still cannot

rightfully hold certain jobs. Again, substitutes are now commonly used:

**USE** police officer  
fire fighter  
worker  
homemaker  
nurse  
executive  
journalists  
representative  
Member of the Assembly  
Member of Congress  
Representative

**AVOID** policeman  
fireman  
workman  
housewife  
male nurse  
businessman  
gentlemen of the press  
spokesman  
Assemblyman  
Congressman

Expressions with the words *man* or *men* may be changed so that women too are included:

**USE** reasonable person  
artificial  
staff  
a one-person operation  
high ranking officials  
diplomacy

**AVOID** reasonable man  
man-made  
manpower  
one-man operation  
men in high places  
statesmanship



**Avoid using *he* as a generic pronoun.** *He* should not be used to refer to a group of people that may include men and women or an individual whose gender is unknown. To avoid the generic *he*, you might:

1. Eliminate the pronoun altogether. For example, “A court clerk can give you advice on that form,” may replace “A court clerk can give you *his* advice on that form.”
2. Find a neutral article or pronoun, such as *a*, *the*, or *his*. “A judge may always make *the* ruling orally,” may replace “A judge may always make *his* ruling orally.”
3. Rearrange the sentence to use *who* as the pronoun. “A person *who* wants an adjournment should ask for it during the calendar call,” may replace “If someone wants an adjournment, *he* should ask for it during the calendar call.”
4. Replace the pronoun with a synonym. “You should find a court officer. That is the *official* who can help you,” may replace “You should find a court officer. *He* is the one who can help you.”
5. Use plural nouns. “Jurors must make *their* own assessments of the credibility of each witness,” may replace “A juror must make *his* own assessment of the credibility of each witness.”



**Use consistent forms of address.** When no other title is appropriate, *Ms.* and *Mr.* are usually the correct forms of address, not *Miss* or *Mrs.* and *Mr.* While *Miss* or *Mrs.* may be acceptable when a woman specifically asks for such a designation, in general these forms should be avoided because, unlike *Mr.*, they gratuitously call attention to a person's marital status.

Often you can use exactly the same form of address for men and women by calling them by their professional titles. Of course, these titles should be used consistently for both men and women. All physicians are *Doctor* (not Dr. and Ms.), police personnel are *Officer* (not Officer and Ma'am), and lawyers are *Counselor* (not Counselor and Ms.).



**Use formal rather than informal forms of address.** Using first names to refer to litigants and witnesses should be avoided not only because the informality is inappropriate to the courtroom setting,

but also because it is patronizing. The motives for calling someone Maria or Jeanette may be habit on the part of a court official or an attempt by a woman's own lawyer to put her at ease. However, all litigants, including defendants in criminal cases, deserve a proper form of address, and the dignity conferred by the formal designation may do more to make a witness comfortable than the intimacy implied by the use of a first name.



Altering speech habits may require conscious thought for a period of time, but change is part of any living language, and English, which is an unusually rich tongue, is still evolving. What was considered questionable usage a decade ago may be commonly accepted now. What feels awkward today may seem eminently natural tomorrow. The term *chair*, now the preferred designation for the person in charge of a meeting, predates *chairman*, although *chair* fell into disuse until its recent revival. Indeed, grammarians settled on the use of *he* as a generic pronoun less than

three hundred years ago. Even the *New York Times* has changed. It now uses *Ms.*, a term it staunchly eschewed for many years.

The goal is worth the effort it takes to reach it. After all, as an essay by Wendy Martyna, a scholar studying language and gender, has suggested, when we change old habits of speech we are doing nothing less than creating "a language that speaks more fairly and clearly of us all."

*The New York State Judicial  
Committee on Women in the Court  
July 1997*



*Reprinted from the New York Law Journal, May 21, 1991*

A Brief for  
Gender-Neutral  
Brief-Writing by  
Hon. Judith S. Kaye

*Chief Judge of the State of New York*

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My argument to the bar for gender-neutral brief-writing rests on four points.

I.

First, it's simply the right thing to do. It is a continuing source of wonder to me that lawyers who spend such time and effort searching out precisely the right word to embody and communicate their ideas, would so often deliberately settle for precisely the wrong word in matters involving gender. Bad habits and lack of care must account for that. Surely no one today would consciously choose a male noun or pronoun

### A Brief for Gender-Neutral Brief-Writing

where the intention was to include women as well as men. “*He*” definitionally, is not a female person; nor is “*himself*”; nor is “*man*” in just about all of its combinations (*e.g., chairman, foreman, gentlemen, reasonable man*). Even going beyond the dictionary definitions of those terms, researchers have amply established that readers encountering masculine words think of men; common sense tells us that would be so.

Doing what is right and correct should itself make the case for gender-neutral writing, but there are three additional points.

#### II.

Second is that gender-neutral writing serves the sheer self-interest of the brief-writer. However one may personally rank the importance of language in the quest to eradicate gender bias, the fact remains that many brief-readers—male and female judges and their staffs—do notice and do care. If

*Hon. Judith S. Kaye*

once prized, and then tolerated, gendered writing is today genuinely disagreeable to many readers. They cannot overlook, or read by, distinctly masculine words and attitudes in sentences addressing gender-neutral situations. Invariably, that sort of prose catches the eye, like a cinder.

I can well recall from my own days as a litigator the attention paid to learning all we could about the court or judge to whom a brief was addressed, so that the argument might be framed most appealingly for that decision-maker. I now know that it is impossible to learn all there is to know about the decision-maker, and even more impossible to know all there is to know about the law clerks and others who may read a submitted brief and contribute their own impressions.

Obviously, it is decidedly in the brief-writer's self-interest to eliminate the cinders. With so much in a brief that is beyond a lawyer's control—like the facts and

*A Brief for Gender-Neutral Brief-Writing*

law—why risk alienating or even discomforting the reader with a matter that is wholly within a lawyer's control?

III.

My third point ties into the other two: gender-neutral writing is not only a good habit but also an easy one to acquire and internalize. Like so many things in life, when we are mindful of a goal, and make the initial effort required to attain it, it can quickly become second-nature. If what is right and correct and in one's self-interest is also easy to do, what can be the counter-vailing argument?

In October 1989, the Committee to Implement Recommendations of the New York Task Force on Women in the Courts, through Judge Kathryn McDonald (its chair), issued a memorandum to all Office of Court Administration speakers and panelists, reminding them of the need "to present material in a manner that does not

Hon. Judith S. Kaye

unwittingly support offensive stereotypes about men and women," and illustrating how that might be accomplished. In place of "he" or "she," for example, a neutral pronoun might be used; the noun repeated or pluralized; the pronoun eliminated, pluralized or even randomly alternated. "Policeman" easily becomes "police officer"; "fireman," "firefighter"; "brethren," "colleagues"; "workmen," "workers"; "reasonable man," "reasonable person."

The Committee (now the New York Judicial Committee on Women in the Courts) will shortly mark its fifth anniversary with a pamphlet containing a similar message, this time addressed to people who work in the courts or use them regularly. Again, the numerous examples given show how easy it is to avoid writing that ignores and demeans women. As Judge McDonald's Committee points out, "[a]ltering speech habits may require conscious thought for a period of time, but change is part of any

*A Brief for Gender-Neutral Brief-Writing*

living language and English, which is an unusually rich tongue, is still evolving. What was considered questionable usage a decade ago may be commonly accepted now. What feels awkward today may seem eminently natural tomorrow.”

It is not my intention here to repeat all of the examples given in these and other publications, or to set out mechanics. For a ready illustration, just compare the new Code of Professional Responsibility and the bylaws of the Association of the Bar of the City of New York with their predecessors. I believe that the opinions of the Court of Appeals are another example of gender-neutral writing, and I know for sure that every effort is made to see that that is so.

IV.

Fourth and finally, that which is right and correct, and in lawyers' self-interest, and easy to do, has the additional advantage that it offers an example of appropriate

*Hon. Judith S. Kaye*

behavior to the bar generally, as well as to clients and others in society. And why shouldn't lawyers lead others in promoting equality in every way possible?

It is the evolution of society and the evolution of the English language that have brought us to the realization that gendered writing is no longer tolerable. We can immediately recognize certain ancient court writings as stilted, bombastic, archaic, sometimes even comical today, though once they were held up as beautiful, indeed exemplary. I believe that gendered writing also will one day be immediately recognized as archaic and ludicrous. My only message to brief-writers is that, to many brief-readers today, it already is.

#### Conclusion

Based upon the foregoing, I would urge upon the bar a practice of gender-neutral brief-writing.

*The New York State Judicial Committee on  
Women in the Courts*

*Chair* Hon. Betty Weinberg Ellerin  
*Chair Emeritus* Hon. Kathryn McDonald  
*Vice Chair* Fern Schair  
*Members* Susan Bender  
Patricia Bucklin  
Hon. Joan B. Carey  
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James T. Curry  
Hon. Zelda Jonas  
Hon. David G. Klim  
Hon. S. Michael Nadel  
Hon. Juanita Bing Newton  
Barbara Berger Opatowsky  
Carol Robles-Roman  
Peter Ryan  
Adrienne White  
*Counsel* Jill Laurie Goodman

*November 1997*

## **Appendix 8**

### **Draft Pamphlet on Judicial Responses to Gender Incidents in the Courtroom**

August 5, 1998

DRAFT

“A judge ... is more than a moderator; [a judge] is affirmatively charged with securing a fair trial, and [a judge] must intervene *sua sponte* to that end, when necessary. It is not always enough that the other side does not protest; often the protest will only serve to emphasize the evil. **Justice does not depend upon legal dialectics so much as upon the atmosphere of the courtroom, and that in the end depends primarily upon the judge.**”

**Hon. Learned Hand**

*Brown v. Walter*

62 F.2d 798, 800 (2d Cir. 1933)

Judges, no matter how sophisticated they may be on issues of gender or how great their stores of good will, may find themselves at some point unsure about how to react to a courtroom incident in which gender is implicated. The fault may lie with the overheated words of attorneys or the unmindful actions of court employees. The answer may be neither obvious nor easily discerned. Yet, as Judge Learned Hand's so acutely observed six decades ago, it is the job of judges to respond definitively, set matters straight, and so secure the fairness of the proceedings before them.

In an attempt to prepare judges for these occasions, the New York State Judicial Committee on Women in the Courts has written this pamphlet. It presents a series of scenarios, all of which have been taken from real life examples of gender bias that have come to the attention of Committee within the past year. Some of these scenarios draw on the very words that so recently have given offense. None is ancient history. The scenarios are followed by suggestions, supplied by New York State trial judges, for ways of responding. They are offered in the hope that exploring these dilemmas away from the heat of courtrooms will provide a chance for judges to hone the instincts on which they must rely if they are to respond with verve, grace, and authority to difficult situations.

The New York State Judicial  
Committee on Women in the Courts

## SCENARIO I

During a calendar call, an attorney, who has been negotiating a complicated settlement with an insurance company's lawyer, asks to be heard. She is visibly angry. She tells you that, while discussing the case in the hallway outside the courtroom, her adversary has treated her, she says, "in a degrading and demanding fashion." Before she has a chance to expound on the incident -- and before you have an opportunity to respond in any way -- the opposing lawyer interjects, "Your honor, I am sorry if I have *offended* counsel -- or should I say counselette -- but, hey, she should know, if you can't stand the heat, you'd better get out of the kitchen."

### Judicial Responses

## SCENARIO II

You are in the middle of a long and complicated criminal jury trial and you can feel the jury becoming impatient with the defense attorney. After asking each woman -- and no men -- during voir dire about child care arrangements and whether they would be disturbed by pictures of blood, things have gone from bad to worse. You are afraid that the attorney will create grounds for a mistrial or the jurors will vote to convict out of sheer pique.

### Judicial Responses

## SCENARIO III

As you are leaving the bench for lunch, an attorney with several cases before you -- let's call her Attorney A -- approaches you and tells you this story:

Attorney A says that she arrived a few minutes before the clerk's office was open because she had a busy schedule and wanted to be get through filing papers early.

Two women joined her and a short line formed. A male attorney -- let's call him Attorney B -- then arrived and went directly to the front of the line. Attorney A politely told him that there were others there before him and suggested that he take his place in the queue. Attorney B refused. Another attorney, also male, joined Attorney B at the front before the clerk's office was ready to do business. When the clerk arrived, the clerk turned to Attorney B and asked how she could help him. Attorney A said that she had arrived before Attorney B and that she would like to conduct her business so that she could leave. The clerk ignored her and helped not only Attorney B but the second male attorney before attending to the papers Attorney A had come to file.

Attorney A says that this is one more example of the gender bias she has experienced in the clerk's office, that she is regularly asked if she is an attorney, and even occasionally called "Hon." She says she is turning to you for help.

You know the clerk fairly well, and you think it is possible that she is an equal opportunity offender, i.e., that she finds ways to offend people in general, men as well as women.

### **Judicial Responses**

## **SCENARIO IV**

In the midst of insistent but gentle cross-examination in litigation over a automobile collision the defense lawyer addresses the plaintiff (a woman) by her first name although all the other witnesses up until now have been addressed last names and appropriate titles. Cross-examination of the next witness, the physician (also a woman) who treated the plaintiff at the hospital emergency room following the crash, begins with the attorney addressing the witness as Dr. but, when the questioning moves to the physician's professional judgment, the defense attorney again slips into use of the first name.

### **Judicial Responses**

## SCENARIO V

During a break in the proceedings, while the jury is out and you are leafing through papers on the bench, you overhear two court officers telling sexually offensive jokes. They are talking quietly and to each other, but you nonetheless you hear enough to know the general drift of the conversation.

### Judicial Responses

## SCENARIO VI

During a side bar discussion about setting a date for sentencing, a Legal Aid attorney mentions that she is planning a long weekend with her husband and child. Her opponent says, "I didn't know you were married. With the way you've been handling this case, I thought you were a lesbian."

### Judicial Responses

## SCENARIO VII

An attorney enters your chambers for a preliminary conference in a matrimonial case. The opposing counsel, who arrived five minutes earlier, says, "Where have you been? I saw you downstairs when I was coming in." She responds, "I was arguing with the sheriff's deputy. He wanted me to wait outside because he didn't believe I was an attorney. I can't believe this is still happening, after all of these years."

### Judicial Responses

## Appendix

**“A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials and others subject to the judge’s direction and control.”**

**“A judge shall perform judicial duties without bias or prejudice against or in favor of any person. A judge in the performance of judicial duties shall not, by words or conduct, manifest bias or prejudice based upon age, race, creed, color, sex, sexual orientation, religion, national origin, disability, marital status or socioeconomic status, and shall require staff, court officials and others subject to the judge’s direction and control to refrain from such words or conduct.”**

**“ A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon age, race, creed, color, sex, sexual orientation, religion, national origin, disability, marital status or socioeconomic status, against parties, witnesses, counsel or others.”**

Code of Judicial Conduct  
22 NYCRR Part 100.3 (B)

## **Appendix 9**

**Scenarios Used for Educational Program for New Judges  
December 1997**

Presentation by the New York State Judicial Committee  
on Women in the Courts

Hon. Donald J. Corbett, Jr.  
Hon. Juanita Bing Newton

December 10, 1997

Scenarios

I.

A few minutes into the cross examination of a psychologist in a malpractice action, you notice that the attorney is calling the witness "Ms. Welby," not "Dr. Welby," although the other experts -- all male -- have been called "Dr." Five minutes later the attorney who presented the witness asks you to instruct the opposing attorney to refer to the witness as "Dr. Welby." As both attorneys move towards the bench to discuss the matter, the opposing attorney puts his arm around his adversary and says, "Oh come on, Susi. Don't you think this is just plain silly?" He has spoken loudly enough for the jury to hear him.

When the two attorneys reach the bench, what do you do? Should you have done something earlier?

II.

At a routine calendar appearance in the trial part, the assistant district attorney makes an oral motion to have the defendant remanded for violating a temporary order of protection. The defendant had been indicted for allegedly assaulting the woman with whom he lives, who is the mother of his child. A temporary order of protection had been issued at his arraignment and had been extended at each court appearance.

The prosecutor says the defendant has made several threatening phone calls to the complainant. The defendant, in denying the accusations, says he only called

to speak to his child, never threatened the complainant and, further, never received a copy of the order of protection. The defense attorney asserts the complaining witness is "one of those women who hates men and is trying to get over on his client by having him jailed." And, he adds, "The Court should recognize this and instruct madame prosecutor about the facts of life." The prosecutor has not filed contempt charges and has no witnesses in court.

How do you respond to the assistant district attorney's application? Should the defendant be remanded? Has the temporary order of protection been violated? What procedures would you follow? How would you handle the defense attorney's comments?

### III.

At the preliminary conference in a divorce case the wife's attorney presents an order to show cause asking for *pendente lite* relief. The wife's papers rely on facts in her net worth statement, which was filed ten days before the conference as required by the rules of the Chief Administrative Judge. The papers state that the wife's only income is the five thousand dollars a year she earns teaching a course as a part-time instructor at a local community college. Her expenses include maintaining a house and providing for the needs of three school-age children. Since her husband moved out, she has used money from her only bank account to keep the household going, and the account is nearly depleted. Her husband failed to file his net worth statement so the wife's attorney used income tax returns as a basis for claiming that the husband, who is a prominent lawyer, is in a position to pay support.

The wife has asked for a temporary order directing the husband to pay child support, maintenance, and attorneys fees until her *pendente lite* motion is decided. The wife's attorney says the wife is on the brink of financial ruin and her net worth statement bears her out. The husband's attorney says his client's income has gone down since the tax returns were filed, and he doesn't have any money.

Do you issue the temporary order? What do you do about the husband's missing net worth statement?

**Appendix 10**

**Charts on the  
Representation of Women in the  
New York State Judiciary**

# Women in the New York State Judiciary 1998

**September 1998**

Compiled by  
The New York State Judicial Committee  
on Women in the Courts

## Women in New York State Judiciary 1998 (August)

Court	Women	Men	Total	Percent Women
Court of Appeals	2	5	7	29%
Appellate Division	10	42	52	19%
Administrative Judges	8	15	23	35%
Supreme Court	46	276	322	14%
Acting Supreme Court*	42	82	124	34%
Surrogates Court	4	21	25	16%
Court of Claims	7	50	57	12%
County Court (Outside NYC)**	8	112	120	7%
Family Court (Outside NYC)	19	51	70	27%
District Court (Nassau and Suffolk)	12	32	44	27%
City Court (Outside NYC)***	26	128	154	17%
NYC Family	19	18	37	51%
NYC Civil Court	38	41	79	48%
NYC Criminal Court	17	19	36	47%
Housing Court	14	20	34	41%
<b>Totals</b>	<b>272</b>	<b>912</b>	<b>1184</b>	<b>23%</b>

\* Judges from other trial level courts who are designated to sit in Supreme Court and Supervising Judges from New York's Civil, Family and Criminal Courts.

\*\* Judges who sit in County Court only and judges who combine service on the County Court with service on Family and/or Surrogates Court.

\*\*\* City Court Judges, Acting City Court Judges, and Chief Judges of the City Court.

## Women in New York State Judiciary 1997

Court	Women	Men	Total	Percent Women
Court of Appeals	2	5	7	29%
Appellate Division	10	40	50	20%
Administrative Judges	7	16	23	30%
Supreme Court	42	276	318	13%
Acting Supreme Court*	41	87	128	32%
Surrogates Court	4	22	26	15%
Court of Claims	7	53	60	12%
County Court (Outside NYC)**	7	110	117	6%
Family Court (Outside NYC)	16	53	69	23%
District Court (Nassau and Suffolk)	9	33	42	21%
City Court (Outside NYC)***	23	132	155	15%
NYC Family	21	17	38	55%
NYC Civil Court	35	42	77	46%
NYC Criminal Court	15	13	28	54%
Housing Court	14	21	35	40%
<b>Totals</b>	<b>253</b>	<b>920</b>	<b>1173</b>	<b>22%</b>

\* Judges from other trial level courts who are designated to sit in Supreme Court and Supervising Judges from New York's Civil, Family and Criminal Courts.

\*\* Judges who sit in County Court only and judges who combine service on the County Court with service on Family and/or Surrogates Court.

\*\*\* City Court Judges, Acting City Court Judges, and Chief Judges of the City Court.

## Women in New York State Judiciary 1988

Court	Women	Men	Total	Percent Women
Court of Appeals	1	5	6	14%
Appellate Division	6	41	47	13%
Administrative Judges	1	21	22	5%
Supreme Court	27	273	300	9%
Acting Supreme Court*	18	95	113	16%
Surrogates Court	2	25	27	7%
Court of Claims	7	45	52	14%
County Court (Outside NYC)**	5	103	108	5%
Family Court (Outside NYC)	9	60	69	13%
District Court (Nassau and Suffolk)	4	43	47	9%
City Court (Outside NYC)***	11	133	144	8%
NYC Family	15	18	33	45%
NYC Civil Court	18	56	74	24%
NYC Criminal Court	13	39	52	25%
Housing Court	8	22	30	27%
<b>Totals</b>	<b>145</b>	<b>979</b>	<b>1124</b>	<b>13%</b>

\* Judges from other trial level courts who are designated to sit in Supreme Court and Supervising Judges from New York's Civil, Family and Criminal Courts.

\*\* Judges who sit in County Court only and judges who combine service on the County Court with service on Family and/or Surrogates Court.

\*\*\* City Court Judges, Acting City Court Judges, and Chief Judges of the City Court.

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**Women Serving As Elected Supreme Court Justices 1998 (August)**

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	Women	Men	Total	Percent Women
Third Judicial District	3	14	17	18%
Fourth Judicial District	0	14	14	0%
Fifth Judicial District	0	17	17	0%
Sixth Judicial District	0	11	11	0%
Seventh Judicial District	3	16	19	16%
Eighth Judicial District	7	23	30	23%
Ninth Judicial District	3	24	27	11%
Tenth Judicial District	4	51	55	7%
<b>Subtotal Outside NYC</b>	<b>20</b>	<b>170</b>	<b>190</b>	<b>11%</b>
First Judicial District	17	23	40	43%
Second Judicial District	12	60	72	17%
Eleventh Judicial District	6	40	46	13%
Twelfth Judicial District	4	23	27	15%
<b>Subtotal for NYC</b>	<b>39</b>	<b>146</b>	<b>185</b>	<b>21%</b>
<b>Totals for New York State</b>	<b>59</b>	<b>316</b>	<b>375</b>	<b>16%</b>

**Appendix 11**

**Co-Sponsored Programs**

***“To Litigate or Not Matrimonially”***

**and**

***“Domestic Violence: Taking Stock and Taking Action”***

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**DOMESTIC  
VIOLENCE**

---

**TAKING STOCK**

---

**AND**

---

**TAKING ACTION**

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April 20th and 21st, 1998

**Fordham University  
School of Law**

*Sponsored by*

Appellate Division, First Department  
Hon. Alfred D. Lerner, Presiding Justice

Fordham University School of Law  
John D. Feerick, Dean

New York State Judicial Committee  
on Women in the Courts

Lawyers Committee  
on Domestic Violence

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Sanctuary for Families Center  
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Victim Services

Sakhi for South Asian Women  
Network for Women's Services  
Brooklyn Legal Service's Corp. B  
Battered Women's Justice Center  
Pace University Law School  
New York Legal Assistance Group  
My Sisters' Place  
Queens Legal Services

# DOMESTIC VIOLENCE: TAKING STOCK AND TAKING ACTION

**Monday, April 20**

**8:30-9:00 Registration and Breakfast**

**9:15-10:00 Welcome** by John D. Feerick, *Denn Fordham University School of Law*

**Address** by Hon. Catherine M. Abate  
*State Senator, 27th District*

**10:00-1:00 POOR, WORKING AND IMMIGRANT SURVIVORS: OBSTACLES TO ESCAPE**

Martha Davis, *Litigation Director*  
*NOW Legal Defense and Education Fund*

Patti Jo Newell, *Coordinator*  
*NYS Coalition Against Domestic Violence, Inc.*

Sujata Warriner, *Director*  
*The NYC Program of the NYS Office for the Prevention of Domestic Violence*

Catherine Ruckelhaus, *Staff Attorney*  
*National Employment Law Project*

Gail Pendleton, *Coordinator*  
*National Immigration Project,*  
*National Lawyers Guild*

Donna Edwards, *Executive Director*  
*National Network to End Domestic Violence,*  
*Moderator*

**1:00-2:15 Lunch**

**2:15-5:00 CUSTODY, VISITATION AND RELOCATION**

Amy Saltzman, *Director*  
*Family Law Unit, Rockland Legal Aid Society*  
Michael Stutman, *Private Practitioner*  
Unger and Stutman, LLP

Adria S.Hillman, *Attorney at Law*  
Tracy Bing-Hampson, *Iola Fellow*  
*Harlem Legal Services, Inc.*

Hon. Sherry Klein Heitler, *Judge*  
*Supreme Court, New York County, Moderator*

Mock Trial: Cross of an Expert Witness

**2:00-4:30 PROTECTING THE SAFETY OF BATTERED WOMEN**

Ian Fink, *Deputy Counsel*  
*Office of Court Administration*

Kim Susser, *Supervising Attorney*

*Family Law Unit, New York Legal Assistance Group*

Jessica Vasquez, *Student, Co-chair*

*Law School Courtyard Advocates Project*

Sally Goldfarb, *Associate Professor*

*Rutgers University School of Law—Camden*

Vickie Lutz, *Director*

*Battered Women's Justice Center,*

*Pace Law School*

Kerry Lawrence, *Assistant United States Attorney*  
*Southern District*

Leah Hill, *Professor*

*Fordham University School of Law, Moderator*

**5:00-5:30 Break**

**5:30-6:30 INNOVATION IN THE COURT ROOM: OVERVIEW FROM THE BENCH**

Hon. La Tia Martin, *Judge*

*Domestic Violence Part, Bronx Criminal Court*

Hon. John M. Levanthal, *Judge*

*Domestic Violence Part, Kings County Supreme Court*

Hon. Juanita Bing-Newton, *Administrative Judge*

*(Criminal), Supreme Court, New York County*

Hon. Richard Ross, *Supervising Judge*

*New York County Family Court*

Hon. Joan B. Carey, *Deputy Chief Administrative*

*Judge, New York City Courts*

Hon. Betty Weinberg Ellerin, *Appellate Division*

*First Department, Moderator*

**Tuesday, April 21**

**8:30-9:00 Registration and Breakfast**

**9:00-9:30 Welcome** by Hon. Alfred D. Lerner

*Presiding Justice, Appellate Division, First Department*

**Address** by Linda Fairstein, *Chief, Sex Crimes Unit*

*New York County District Attorney's Office*

**9:30-11:00 POLICE RESPONSE TO DOMESTIC VIOLENCE**

Louis Anemone, *Chief*

*New York City Police Department*

Patrick Devlin, *Deputy Chief*

*Housing Bureau, NYC Police Department*

Mary Haviland, *Director*

*Criminal Justice Programs of the Family Violence Project, Urban Justice Center*

Patricia Eng, *Executive Director*

*New York Asian Women's Center*

Shirley Taylor, *Chief Counsel/Executive Director*  
*Harlem Legal Services, Inc.*

Wanda Lucibello, *Chief*

*Domestic Violence Bureau, Kings County District Attorney's Office*

Jeanne E. Thelwell, *Executive Director*

*Lawyers' Committee on Violence, Inc., Moderator*

**11:30-1:00 SUING THE SYSTEM AND THE ABUSER**

Judith Mauzaka, *Attorney at Law*

*Weinstein, Welner and Shapiro*

Betty Levinson, *Private Practitioner*

*Levinson and Kaplan*

Judith Goldiner, *Staff Attorney*

*Civil Appeals and Law Reform Unit,*

*The Legal Aid Society*

Julie Goldschild, *Senior Staff Attorney*

*NOW Legal Defense and Education Fund*

Elizabeth Schneider, *Professor of Law*

*Brooklyn Law School, Moderator*

**1:00-2:00 Lunch Address** by Charles J. Hynes  
*District Attorney, Kings County*

**2:00-5:30 WHEN VICTIMS GET TARGETED IN THE CRIMINAL JUSTICE SYSTEM**

Jill M. Zuccardy, *Senior Attorney*

*Network for Women's Services*

Michael Dowd, *Attorney at Law*

Lisa Smith, *Deputy District Attorney for*

*Domestic Violence, Kings County District*

*Attorney's Office; Professor, Brooklyn Law School*

Sister Mary Nerney, *Executive Director*

*Steps to End Family Violence*

Lucia Davis Ralford, *Director*

*Domestic Violence Unit, NYC Police Department*

Hon. Cheryl E. Chambers, *Judge*

*Criminal Court of the City of New York*

Charlotte Watson, *Executive Director*

*My Sister's Place, Moderator*

