



NYLJ / RICK KOPSTEIN (3)

STATE COURT WORKERS, from left, **Charles Small**, **Orestes Rodriguez** and **Tamara Kersh** filled vacancies in high-ranking court positions.

## More Minorities Were Promoted to Top Positions In New York City Courts After Early Retirements

BY JEFF STOREY

CHARLES SMALL was working at a bank when a court employee who was one of his regular customers told him he would be “set for life” if he went to work for the courts.

Twenty years after he followed that advice, Mr. Small is the chief clerk of the Brooklyn Supreme Court Civil Part, one of a large group of minority group members promoted late last year to fill high-ranking non-judicial positions after a wave of early retirements.

“We were fortunate in that we had a large number of outstanding minority employees in second- and third-level supervisory positions,” said Judge Lawrence Marks, director of administrative services for the courts. “So when we learned that a number of our top-level court managers were retiring, we realized we would have the potential to promote some of these people to the top positions. And that is exactly what happened.”

According to court statistics, 12 of 21 vacant positions filled at the level of chief clerk or first deputy chief clerk in the New York City trial courts went to minority group members in November and December, immediately following the early retirements. Another was promoted in March.

This surge in promotions has driven the percentage of upper-level court positions in the city held by minorities to 45.5 percent—20 of 44—from 28 percent. Ten of those managers are black, nine are Hispanic and one Asian-American.

Now the court system is depending on those minority group managers, along with their colleagues, to help steer it through the choppy waters in the wake of a budget crisis in which hundreds of nonjudicial employees were laid off and still more jobs left vacant.

The growing prominence of minorities in the upper ranks of the court system represents a striking change from the 1980s.

In 1989, a Judicial Commission on Minorities—since made permanent as the Franklin H. Williams Judicial Commission on Minorities—concluded in an

interim report that the “overwhelming white complexion” of the courts had created “an

**45.5%**

**Of upper-level court positions in New York City are now held by minorities**

**28%**

**Were minorities a year ago**

appearance [among minorities] that the system is unjust because minorities seem to be barred from within.” Minorities were “less likely than whites to receive jobs in the court system commensurate to their qualifications,” the commission concluded in its final report, released in 1991.

Judge Marks said the courts reacted to the criticism with a more concerted approach to attracting minority job candidates. Those included extensive outreach to community groups and schools, and diverse representation on panels to interview job candidates.

In fact, the commission’s final report credited the Office of Court Administration for the steps it took in response to its interim report.

“Attitudes have definitely changed,” said Nicholas Figueroa, the commission’s co-chairman, who retired as a Supreme Court justice in 2009.

He said minorities are treated better than they were 20 years ago. However, Mr. Figueroa said a manpower utilization study is needed to assess the impact of court initiatives on the representation of minorities in supervisory titles.

Of all the nonjudicial employees in New York City trial courts, Judge Marks said whites account for 54.2 percent, blacks 27.6 percent, Hispanics 14.1 percent and Asian-Americans 2.8 percent.

And, according to Judge Marks, the percentage of minorities in the courts’ workforce statewide has held steady at 27.8 percent despite recent personnel cutbacks.

The minority group members hired in the 1980s and 1990s, formed the seedbed for the recent

promotions.

“It’s taken a few years for people to get experience and work their way up,” said Judge Marks.

### ‘Best Decision I Ever Made’

Looking for stability for his family, Orestes Rodriguez, 57, was hired as a court officer in 1982 after working as a diamond polisher and a state prison guard. After the early retirements last year, he was promoted to executive chief clerk in the city, a new liaison position.

Mr. Rodriguez, who earns about \$129,000, said he always had “a good feel for helping people,” a talent that had been going to waste because working in a prison “there isn’t much you can do to help.”

There were few minorities among court officers when he started. Nevertheless, Mr. Rodriguez said that he was accepted by his colleagues, although they did tease him because he took the trouble to talk with confused litigants and visitors.

“It’s disorienting the first time you enter a courthouse, and there’s not a lot of explanation,” he said.

Mr. Small, the former bank employee, today supervises several hundred workers for a salary of \$130,000 a year. Joining the courts “was the best decision I ever made,” he said.

When he started, Mr. Small had few black coworkers, but says he has generally been treated well. He has welcomed being able “to take a [civil service] test and move up based on my ability rather than being subject to the whims of supervisors.”

Along the way, Mr. Small changed his education direction and earned a law degree rather than the MBA he previously had settled on.

Tamara Kersh, 46, the new first deputy chief clerk in the Queens Supreme Court civil part, has been working in the courts for 22 years. She signed up after hearing a recruiter who visited her college.

“I just thought it was interesting,” she said. That has proven true: “It’s something different every day,” she said.

Mr. Kersh said that she passed

every test for promotion and earned a master’s degree in urban affairs during her time with the courts.

“You do the best you can,” she said. “You go to all the classes, read the books and know the law.”

She makes \$118,000 a year, but she did not receive a raise with her promotion due to a pay freeze for many high-level non-judicial employees instituted several years ago while judges were going without a raise.

Raise or not, the new jobs for minorities have come with unprecedented challenges.

“We’ve lost a lot of talent” from the retirements and layoffs said Mr. Small, who added that the courts are “grossly understaffed.”

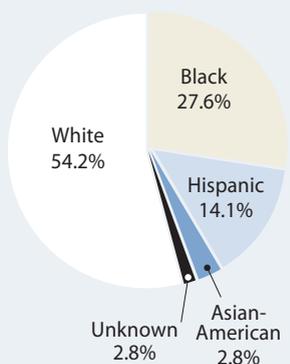
To cope, administrators must keep reassessing the workload and cross-training workers to go where they are most needed, he said.

“Everybody has to do more,” said Mr. Rodriguez.

Ms. Kersh said that she and many of her colleagues have been taking work home. She observed that the courts deal with people’s lives, and “you can’t just tell them that you can’t get the work done.”

@ Jeff Storey can be contacted at [jstorey@alm.com](mailto:jstorey@alm.com).

### Nonjudicial Employees In New York City Trial Courts



SOURCE: Office of Court Administration