

JURY POOL NEWS

A NEW YORK STATE UNIFIED COURT SYSTEM PUBLICATION HIGHLIGHTING THE LATEST COURT INITIATIVES AND RELATED NEWS

IT'S A FAMILY AFFAIR

SINGLE MAN HELPS SIX BOYS REBUILD SHATTERED LIVES

The washing machine runs daily at the Morris household. Keeping five boys in clean clothes is no easy feat, though it doesn't seem to have slowed down single, adoptive dad Jim Morris one bit. "It's not easy, but I manage. Adoption is something I always thought I'd do, but I figured I'd be married first," jests the full-time clinical social worker and Rockland County resident.

Over the past five years, Jim has adopted six boys, all bouncing from foster home to foster home until Mr. Morris walked into their lives, starting with 23-year-old Herman in 1990. "From day one I told all my boys that I intend to be with them for the long haul. I didn't want to be another rejection for them," he explains, attributing his success in raising the boys to the emotional security he's been able

to provide them early on and also to his strong sense of faith, which he says gives him the wisdom, patience and strength to carry on.

From Chaos to Harmony

Whatever his secret, Jim is obviously doing something right. Naturally Jim and the boys have had their share of trials, but watching these brothers interact is truly a magical experience. With their extraordinary love and empathy for one another, it's hard to imagine all the chaos and heartache these youngsters have endured. "I think they're more tolerant than many other kids because they've seen so much," Jim reflects. "They get along great. I'm so impressed when I see them together."

How Jim and the boys make it all work, considering the brothers' varying histories and personalities, is no small miracle. Running the gamut from shy to



The Morris Clan (front row, left to right): Aramis, Darren and Danny; (middle row): Andrew and John; (back row): Jim and Herman

outright gregarious, they're a mix of styles and talents, all with a deep affection for their dad. Jim recounts a highly emotional exchange last Christmas, when some of the boys expressed their love for Dad in writing. "They wrote me these unbelievable

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New Guide Answers Employer-Employee Queries on Jury Service

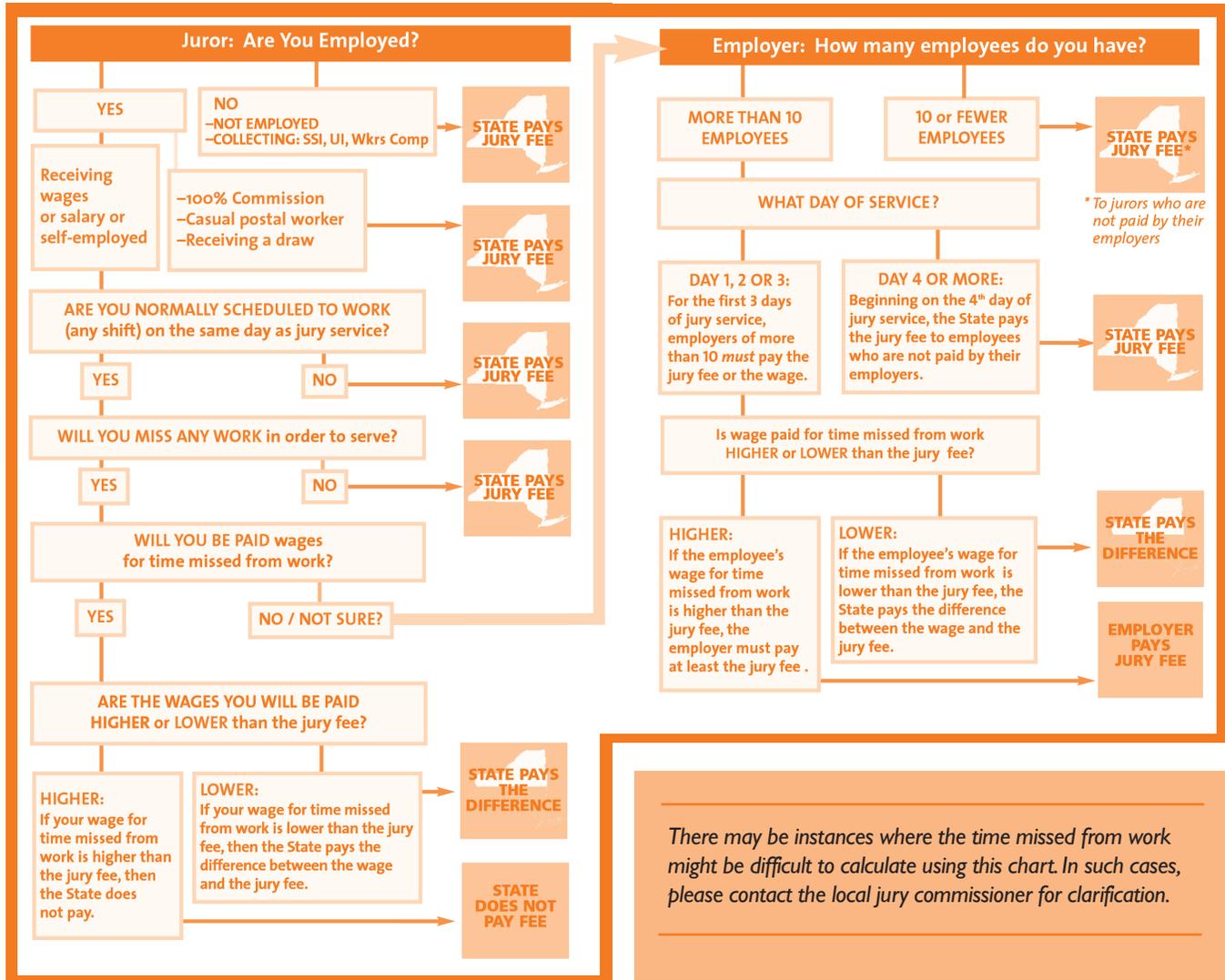
WITH ACTIVE MEMBERS OF THE WORKFORCE COMPRISING THE MAJORITY of those summoned for jury service in New York, a guide explaining employees' rights and responsibilities as jurors—and employers' obligations with regard to their employees' jury service—is now available in courthouses statewide and also accessible via the courts' juror Web site, www.nyjuror.com.

Jury Service in New York State: A Guide for Employers & Employees answers a range of questions on juror pay, reporting requirements and other vital aspects of jury service, with this handy, new reference now being mailed to thousands of employers, professional associations, unions and chambers of commerce throughout New York.

The guide is both comprehensive

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WHO PAYS YOUR JURY FEE?



and user-friendly, containing such helpful features as an index categorized by subject and the “Who Pays Your Jury Fee?” chart shown here.

“The chart is a convenient tool for those looking for a quick answer to a question on juror pay, though I hope people will read the guide in its entirety,” says Monroe County Commissioner of Jurors Charles Perreaud, one of several jury commissioners from various parts of the state who played a direct role in guiding the publication’s content and format. The commissioner anticipates that the handbook will make jury service a little easier for

jurors and their employers alike.

Bronx County Supreme Court Judge Phylis Skloot Bamberger voices similar optimism about the new guide. Noting that jurors often have questions about the impact of jury duty on their employment, Judge Bamberger says, “This booklet will help in resolving such concerns, providing important information to both prospective jurors and their employers.”

Copies of the new guide may be obtained by calling 1-800-NY-JUROR (1-800-695-8767) or via the courts’ juror Web site, www.nyjuror.com. ♦

Courthouse Emergency Ends Happily

APRIL 17, 2003: IT'S A DATE SURELY ETCHED IN LAWYER MICHAEL

DIKMAN'S MEMORY. Although the day got off to a normal start for Mr. Dikman—a family law attorney who's a familiar face at both the Queens County Supreme Courthouse and the New York courts' Matrimonial Center on Long Island—things quickly took a turn for the worst as the veteran lawyer entered the Matrimonial Center, around 9:00 a.m.

"He just collapsed," recounts Senior Court Officer Jacqueline Mahon, the first to observe Mr. Dikman in distress. Officer Mahon says Mr. Dikman sat up as she approached him, explaining that he wore a defibrillator—an implanted device that puts the heart back in synch when a chaotic rhythm, or fibrillation, overtakes it—and that this type of thing had occurred once or twice before.

While Officer Mahon radioed for assistance and checked Mr. Dikman's vital signs, his defibrillator appeared to "fire" several more times. At that point, the attorney lost consciousness, and Captain Neil Schloth and Senior Court Officer Randall Meierdierks arrived on the scene with oxygen and an automated external defibrillator, a portable device that automatically recharges the heart during cardiac arrest.

"I was thinking, oh my God, he has no pulse," recalls Officer Mahon, who said instinct quickly took over, with the three officers—all certified emergency medical technicians—

applying the defibrillator's self-adhesive paddles to Mr. Dikman. The lawyer came to after the first and only electric shock was delivered. "It was the most dramatic thing; it all happened so fast," adds Officer Meierdierks, who administered oxygen to Mr. Dikman and also called 911.

Just days after his week-long hospital stay, the family law practitioner returned to the courthouse with a newly fitted defibrillator, eager to meet with the officers who doctors say saved his life. Last June at Nassau County Supreme Court, a grateful Mr. Dikman again stood beside the highly trained, quick-thinking trio, this time to donate a brand-new, portable defibrillator to the courthouse. The lawyer donated another of these miraculous devices to Queens County Supreme Court in Jamaica.

The former Captain Schloth, now a clerk at Nassau County

District Court, calls the attorney's speedy recovery "a very happy ending to our training program," and his generous gift to the New York State courts "the icing on the cake." Mr. Schloth, an emergency medical technician since 1985 who's trained many a court officer in the use of the defibrillator—such training has been mandatory for officer recruits since 1999—says this incident underscores the value of having these lifesaving machines close at hand.

"The key is getting to the victim as soon as possible," he emphasizes, explaining that the chance of surviving a cardiac arrest declines by approximately ten percent for each minute without defibrillation. Beyond 12 minutes, the rate of survival is between two and five percent.

As for Mr. Dikman, his energy and resilience continue to astound those who witnessed his collapse. The 66-year-old chairman of the

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Attorney Michael Dikman donates automated external defibrillator to Long Island courthouse in gratitude of the lifesaving efforts of (left to right) Captain Neil Schloth and Senior Court Officers Randall Meierdierks and Jacqueline Mahon. Standing beside Mr. Dikman are wife, Harriet, and (left to right) Nassau County Supervising Matrimonial Judge Anthony Marano and Nassau County Administrative Judge Edward McCabe.

VETERAN JURY COMMISSIONER FACES NEW KIND OF TRIAL WITH MACGYVER-LIKE FLAIR

The following is an excerpt of a column that appeared this past spring in The Press-Republican, a Plattsburgh, New York-based newspaper serving several counties in the northeastern part of the state. The piece was written by managing editor Bob Grady.



CLINTON COUNTY COMMISSIONER OF JURORS DATUS CLARK woke up one morning to find a skunk paddling around in his swimming pool. What prompted the skunk to drop in for a dip remains to this day anybody's guess. You don't often find a skunk in a residential swimming pool, which is one of those facts of life we probably take pretty much for granted and for which we don't give proper thanks.

You might be wondering how a commissioner of jurors would respond to this unusual and, frankly, confounding predicament. Jumping into the pool, throwing a lifesaving hold on it and swimming to the shallow end was out of the question. Even a commissioner of jurors knows that. After all, if the skunk were altogether unfamiliar with recommended YMCA procedures, it might be inclined to interpret the sudden assault as a sign of hostility. I think we're all acquainted with the consequences of actions that run counter to what a skunk sees as its best interests.

Yet Datus was characteristically intrepid. That will come as no surprise to anybody who knows him. More than once, he has stared down a prospective juror with a good excuse. He also used to be circulation manager at *The Press-Republican*, and if you don't think he fielded some angry calls in that position, you've never had your paper wind up in the bushes.

Still, Datus knew that barging into the pool wasn't the best strategy for that particular occasion. Even a skunk flat on its back is equipped with

an arsenal you don't want to witness close up.

Working to his advantage—but not the skunk's—was the fact that the critter appeared to have been swimming around for quite some time.

Skunks are nocturnal creatures, which means this post-dawn marathon probably started out as a moonlight swim. From where Datus stood—which was not shoulder to shoulder, by any means—it was obvious that the skunk had had its fill of treading water. Datus was appropriately sympathetic to the skunk's predicament, although it would be an overstatement to say he reeked with compassion. Not yet, anyway.

Nevertheless, he wanted to get that skunk out of the pool for the skunk's sake as well as his own. And if the skunk's stroke was any indication, it was commencing to run out of time. Datus didn't know what stroke the skunk was using last night, but

this morning it was a tired dog paddle, and dead man's float wasn't far off.

It was early in the morning, but Datus still came up with an idea. If he could get a board—a long board—and slip it under the skunk, maybe he could lift it out of the water like a long lever and deliver the skunk to dry land. That's exactly what he did. Before long, the skunk was meandering around poolside, and as long as it wasn't in the mood to bask a while, the crisis seemed to be averted.

I thought it would be informational for Clinton County residents to know your commissioner of jurors combines in generous measure the qualities you seek in your judicial system—mercy, justice and wisdom—even when dealing with a skunk. It just goes to show that even a commissioner of jurors has a trial every now and then. ♦

POSTSCRIPT:

Recalling that fateful day, Clinton County Commissioner of Jurors Datus Clark explains that he sprung into action immediately upon noticing the skunk was barely able to stay afloat. No doubt Commissioner Clark's good common sense and compassionate nature also serve him well in the jury room.

The county's jury commissioner for over a decade, Datus reports seeing a lot more smiling faces around the jury room these days than when he first started out, thanks to shorter terms of service and other jury reforms implemented throughout the state in recent years.

The commissioner tells us some 8,000 Clinton County residents are summoned for service each year, inviting anyone who's never been to the county to visit this scenic area 35 miles south of Montreal. "It's the most beautiful place in the state," boasts the Clinton County native.

IT'S A FAMILY AFFAIR- *continued from page 1*

letters, thanking me for sticking by them . . . It blew me away," he says, trying to keep his feelings in check. Another example of this strong father-son bond: Herman, though he now lives on his own, remains extremely close with Jim and is a frequent visitor at the Morris home in Airmont, New York, where he still lends Dad a hand with the younger boys.

Stability, Humor and Love Unlimited

Theirs is a hectic household, to say the least, but Jim is careful that each boy follows a routine and regularly pitches in with the chores. "I try to keep things as structured as possible. Children need predictability in their lives," he emphasizes. Then, underscoring the importance of positive reinforcement and humor, Jim adds, "We laugh a lot at our house."

Jim admits learning a lot from the boys through the years, including the value of being flexible and thinking outside the box. "But most importantly, I've learned that I can make a difference, which is what inspires me and keeps me doing what I'm doing," he says.

Taking Center Stage at Unveiling of Adoption Reforms

Last May, Jim shared his family's inspirational story at a news conference announcing a statewide initiative aimed at reducing the average time it takes to finalize adoptions for foster children in New York. The project, dubbed "Adoption Now," is a joint effort of the courts, the state's Office of Children and Family Services, New York City's Administration for Children's Service and numerous child welfare agencies that kicked off with an intensive review of the 6,000-plus cases lingering in the system, to identify what was behind the delays.

For the Morrises, it's a problem that, unfortunately, hits close to home. Three of the boys' adoptions dragged on for years, causing the family immeasurable agony. "Something needs to be done to expedite the process. I'm eager to see how these much-needed reforms will play out," says Jim, alluding to procedural changes already in place as well as those in the planning.

Such modifications include assigning adoption cases to one judge to handle from start to finish to the extent possible, expediting termination-of-parental rights orders as well as the appeals process for these cases, and reducing the time it takes to conduct background checks on prospective adoptive parents. Among this year's goals: providing permanent, nurturing homes for 5,000 foster children currently freed for adoption statewide.

Though Jim and his family shared the stage at the May press conference with Governor George Pataki, Chief Judge Judith Kaye and other dignitaries, it was the remarkable Morris clan who brought the standing-room-only crowd to their feet. "Our family is rich in love as a result of these adoptions. I'm so happy to be the father of these tremendous young men," said the exultant dad as his sons looked on proudly. ♦

For more information on becoming a foster or adoptive parent, or to review information on children currently free for adoption, visit the **State Office for Children and Family Services or the New York City Administration for Children's Services** online at www.ocfs.state.ny.us or www.nyc.gov/acs, respectively. New York City residents can also call 311.

INTERESTED IN SHARING YOUR JURY EXPERIENCE WITH OUR READERS?

We'd like to hear from you. We also welcome any comments about the newsletter as well as story ideas for future issues. Please send juror anecdotes, newsletter suggestions and story ideas to:

Arlene Hackel
 Jury Pool News Editor
 New York State Unified Court System
 25 Beaver Street, Suite 867
 New York, NY 10004
 E-mail address: ahackel@courts.state.ny.us

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For a virtual tour, a lesson in the evolution of our court system or to learn more about the New York State courts' educational and community outreach programs, visit us on the Web at: www.courts.state.ny.us/community_outreach



JUROR MAILBOX

The following editorial, written by Tonawanda resident Lois Burch O'Brian, appeared in the March 25, 2003 edition of The Buffalo News.

Jury duty is a great thing, although not at first, when you realize all of the things you will need to rearrange and all of the inconveniences you will suffer to spend your days in court. In the end, however, when you and your fellow jurors walk out of that jury room with a verdict, you will know it was worth it.

A sense of humor kept us going in the hours and days awaiting our deliberations. So did the fresh rolls with real butter and the doughnuts and chocolates a couple of the jurors brought to share. All of these things, but especially our sense of humor, kept us from coming to blows during deliberations.

Juror No. 1 was appointed our foreman, and proceeded to do a great job. This juror looked as ordinary as the rest of us. Does that mean any of us could have done the job as well? Since his selection was, to a large degree, random, it implies that we could have. How did our founding fathers know this? Does the expression "a rising tide lifts all boats" apply here? Should we

apply this principle in our schools more often by teaching to the top of the class?

Led by Juror No. 1, we quickly funneled our loud, disorganized shouting of opinions into a system of calm discourse. We decided to examine, in order, each charge against the defendant, and to carefully analyze each segment and word of the charge.

This meant making sense of legal language that just a few minutes earlier had sounded like gobbledygook to us. With an amazing show of support, we took tiny bites of the law and miraculously molded this strange new talk into sense. Again, I think of the founding fathers. Their foresight in setting up a judicial system that still works more than two centuries later inspires awe.

After five hours and 45 minutes of deliberations, including five or six trips back to the courtroom with questions for the judge and rereading of the testimony, we reached our verdict. The sense of relief was

overwhelming. I hadn't compromised any of my views, and we weren't going to have to spend the night.

The woman to my right said something about how amazing it is to reach a verdict. I said maybe people should form groups of 12 to discuss controversial issues in other walks of life. The man to my left said there need never be war; it is possible for people to resolve disagreement through discussion.

Everyone should get to serve on a jury. I suggested to my children that they volunteer for jury duty as soon as they turn eighteen (the minimum age at which one may serve). What a great civics lesson to learn before entering college.

During the course of that afternoon, I persuaded and was persuaded, I learned and hope I taught. If you were to ask my fellow jurors their impressions of that same afternoon, I'm sure you'd get eleven different opinions. But those different views resulted in one verdict. And that's a good thing. ♦

COURT EMERGENCY- *continued from page 3*

Queens County Bar Association's family law committee resumed his normal work schedule just weeks after the ordeal, and is once again a regular fixture at the courthouse. Not only he is back in court, he's also back on the court, playing tennis and handball "to get some strength up," as he puts it.

"I was really lucky," says the highly active attorney, recalling the outstanding efforts of the three officers that fateful day. "My internal defibrillator wasn't doing its job, but fortunately there was a portable defibrillator nearby, and three wonderful people who knew just what to do." ♦

Questions, comments or suggestions about the jury system? Call 1-800-NY-JUROR, e-mail us at: nyjuror@courts.state.ny.us or write to Chief Judge Judith Kaye, Continuing Jury Reform, 25 Beaver Street, New York NY 10004

David Whalen: Court Employee— and Human Being—Extraordinaire

Whoever coined the term “phenom” must have had someone like David Whalen in mind. An associate counsel for the New York State courts’ City, Town and Village Court Resource Center in Cohoes, David is part of a small staff that handles thousands of requests each year from the 2,200-plus town and village judges serving in suburban and rural areas of the state. These magistrates—a mix of attorneys and non-lawyers—preside over misdemeanors and initial proceedings in felony cases, also handling a range of civil matters, explains Mr. Whalen, who a few years back took on the additional challenge of building a Web site tailored to their needs.

The site—a repository of legal information that includes a chat room, a bulletin board and hundreds of helpful links, among other features—made its debut in August 2000, with David rolling it out in a mere six months. He’s since devoted endless time and energy to its upkeep, and turns quite animated when talking about his future plans for the site.

“It’s going to put a world-class law library at the fingertips of every town and village judge and court clerk in the state,” he says with excitement, adding that many of the locales served by the resource center are miles away from the nearest law library. Both the site and resource center also serve New York’s city court judges and clerks.

Filling an Information Gap

David, who sustained severe spinal cord damage in a skiing accident 23 years ago and depends quite heavily on the Internet both as a research and networking tool, says the site evolved from his own reliance on electronically retrievable information. “I wanted

easier access to the information I require for my work, and wanted to make this information available to anyone who needs it.”

And need it, they did, with over 500 town and village judges and clerks registering at the site within 12 months of its launching, and the site’s popularity growing every year since. Even with the advanced training town and village court judges are required to complete annually, there are always



David Whalen, assisted by brother William, prepares for a sail around New York’s Lake George.

those unusual cases, ambiguous statutes and other anomalies that call for consultation with a resource center expert. Now, thanks to David’s efforts, some of these matters can be addressed via the Web site.

“You’d be surprised, even some small claims cases can really get you thinking. It’s never-ending; there is always some odd set of facts,” says David, recalling the case of a general-store owner in a rural area who sued a patron for allegedly setting off a stink bomb in his store. “It was some type of a hunting lure with a gamy scent, maybe ‘dung of bear,’” he laughs. “The owner was claiming the defendant was angry at him and that this was some kind of personal vendetta. However, there were other patrons in

the store at the time, so could the defendant be held liable? Things are not always black and white.”

An Expert Navigator, Be it the Web or Water

With hundreds of calls coming into the resource center weekly—an attorney is always on call to respond to the courts’ after-hours inquiries—the pace is often frenetic, though you’d never know it from David’s soothing voice and patient manner.

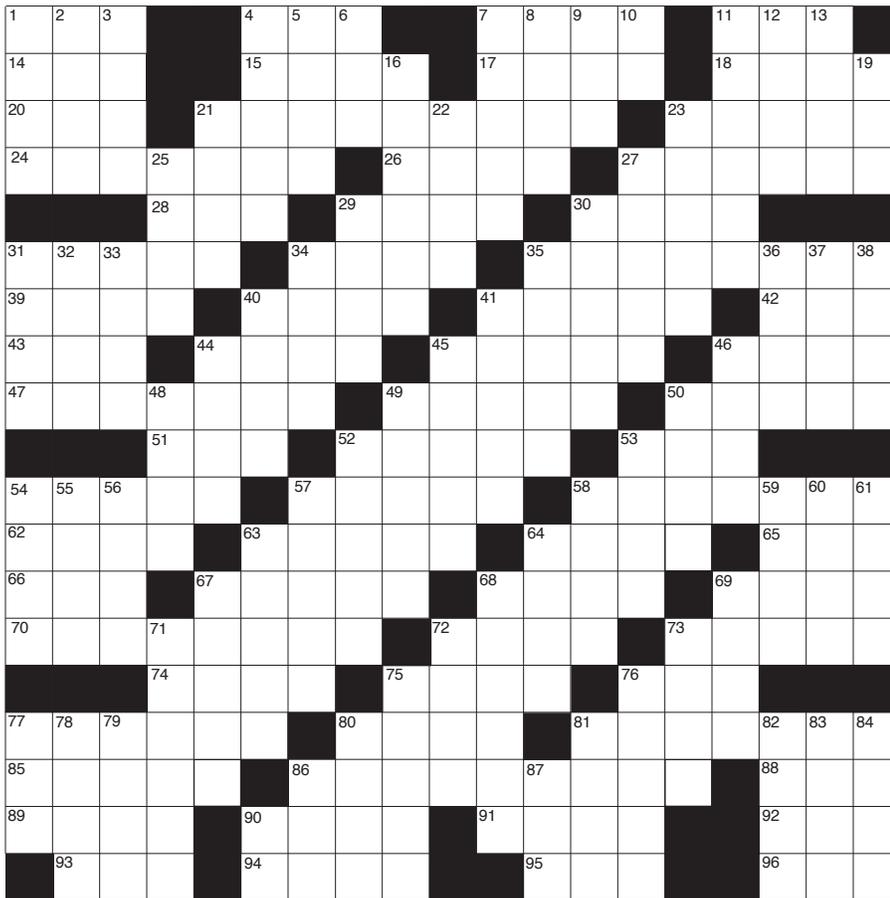
Maybe it’s all that sailing he does in scenic Lake George, New York, or perhaps he’s been working off some of that tension in his new set of wheels. David, who hadn’t driven since the skiing accident, recently took ownership of a specially designed, state-of-the-art van. “You’ve got to see these computerized controls,” he raves of the new vehicle, which he drove nearly 3,000 miles in just the first month. Talk about making up for lost time!

Speaking of time, David seems to manage his better than most. On top of his busy work schedule and assorted hobbies, he’s one of the founding members of the New York State Spinal Injury Research Board. Inspired by Paul Richter, a former policeman shot in the spine while on patrol, the board was established in 1998 to advance the quest for a cure for spinal cord injury.

“It was very different in the early ‘80’s, when I was injured. Back then having hope for improvement was seen as a sign of maladjustment and weakness,” recounts David, calling the research being done in the field today “amazing.” As is Mr. Whalen. ♦

David invites *Jury Pool News* readers who would like to learn more about the work of the New York State Spinal Cord Injury Research Board to contact him at: dwhalen@courts.state.ny.us.

C O U R T S I D E C R O S S W O R D



ACROSS

- 1. Field of study for 35-Across
- 4. This group promotes pugilists: abbreviation
- 7. One who mimics
- 11. North American media group: abbreviation
- 14. Physicians' organization: abbreviation
- 15. Bulky, awkward type
- 17. Benevolent
- 18. One of Shakespeare's royal protagonists
- 20. George W., to Barbara Bush
- 21. For some, an alternative to litigation
- 23. La __, CA
- 24. Aftereffect of a major earthquake
- 26. Prefix with "point" or "room"
- 27. Disco-era dance

- 28. Spanish cheer
- 29. Prod
- 30. Like some losers
- 31. Garlic segment
- 34. Jurist's garb
- 35. Member of the bar
- 39. Bee colony
- 40. Is dishonest
- 41. Scornful expression
- 42. Gold, to Juan
- 43. __-de-France
- 44. Plant part
- 45. In accordance with I-Across
- 46. Secure, as a boat
- 47. Have a rapport (with)
- 49. Part of a cream cheese-and-lox sandwich, perhaps
- 50. Wash cycle
- 51. Tokyo, once
- 52. Donald Trump, for one
- 53. Corn-on-the-cob serving
- 54. Ruler of Judea

- 57. Thick soup
- 58. Reschedule, as a court proceeding
- 62. Tie, as a score
- 63. Light-producing device
- 64. Stadium that's home to the Mets
- 65. River, to a Madrid native
- 66. Place for scientific study
- 67. Day or Roberts
- 68. British gun
- 69. Dormitory
- 70. Relating to a renowned Greek philosopher
- 72. Haiku, for example
- 73. Trademark for a jiggly confection: hyphenated word
- 74. Highways, for short
- 75. Slant
- 76. __ process of law, certain legal rights guaranteed by the Constitution
- 77. Two-edged sword

- 80. Window section
- 81. Decision of 73-Down
- 85. Assumed name
- 86. Form of evidence in 71-Down
- 88. Also
- 89. Gasoline is one type
- 90. Ship feature
- 91. Café au __
- 92. Building extension
- 93. Form of address, for some: abbreviation
- 94. Name shared by ancient city in Asia Minor and area NNE of Albany
- 95. Miner's find
- 96. Crazy

DOWN

- 1. Final
- 2. Love, in Buenos Aires
- 3. Fade
- 4. At what place?
- 5. Blossoms
- 6. Legendary name in boxing
- 7. Nimble
- 8. It's part of this publication's title
- 9. Long period of time
- 10. Street: abbreviation
- 11. More intimate
- 12. Sing à la Whitney Houston
- 13. Summon
- 16. Dish prepared on a skewer: plural
- 19. "Norma __," 1979 Sally Field flick
- 21. Double agent
- 22. Accept, as a gift
- 23. Member of 73-Down
- 25. Change one's residence
- 27. Inn
- 29. Bard
- 30. Commit larceny
- 31. Trendy
- 32. Stitch's companion, in the Disney movie
- 33. Baker's need
- 34. Tumult
- 35. Word with "fish" or "food"
- 36. 12:00 p.m.
- 37. Cupid's counterpart
- 38. Days of __, olden times

- 40. 96-Across, in Mexico
- 41. Make a seamless transition
- 44. The late Mr. Foxx
- 45. Beer
- 46. Late abstract artist from Spain
- 48. Like the lights on Broadway
- 49. Causes ennui
- 50. Noble title in India
- 52. Blues, e.g.
- 53. Paradise
- 54. Lend a hand
- 55. Assessment: abbreviation
- 56. Ms. McEntire
- 57. French capital
- 58. Interruptive sound
- 59. Russian mountain range
- 60. Small brook
- 61. __ contendere, plea in a criminal case
- 63. Solitary sort
- 64. Editor's direction
- 67. Lavishes affection (on)
- 68. Sun, in 57-Down
- 69. Pay attention
- 71. Certain courtroom proceedings
- 72. Half a quart
- 73. Another word in this publication's title
- 75. Savory
- 76. Al __, Italian term for pasta that's not overcooked
- 77. Arm of the British military: abbreviation
- 78. Graduate, for short
- 79. Harbor structure
- 80. Currency, in Gualajara
- 81. __ dire, part of the process in selecting 73-Down
- 82. Article
- 83. Popular soft drink
- 84. Narrated
- 86. Roofer's material
- 87. He led the People's Republic of China
- 90. Helena is its capital: abbr.