NEW YORK STATE
Jury Pool NEWS
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Courts Adopt New Strategy to Fight Addiction and Crime

"My most rewarding judicial experience" is how Rochester City Court Supervising Judge John R. Schwartz describes the two and a half years that he served as the presiding judge of Rochester Drug Treatment Court, one of the oldest treatment courts in the country and New York's first. Judge Schwartz worked with criminal justice professionals, community leaders and treatment providers in developing the specialized court, which opened in January 1995. The Rochester court, like the nearly 300 drug treatment courts that have since sprung up across the nation, targets nonviolent offenders addicted to drugs, mandating them to complete an intensive drug treatment program as an alternative to jail. Those charged with sexual crimes, child abuse, drug sales or weapons possession are not accepted by the court.

Eligible defendants referred to Rochester's treatment court enter into a written contract with the judge, defense attorney and prosecutor, agreeing to abide by all the court's requirements in exchange for having their charges reduced or dismissed if they successfully complete the program. Participants are closely monitored throughout treatment and are required to undergo frequent drug testing and appear before the judge for regularly scheduled status hearings. Offenders face penalties, including time in jail and removal from the program, if they use drugs or fail to show up for treatment or court appearances. To help defendants get their lives back on track, the court also provides a wide range of support services such as medical treatment, job training and family counseling.

To graduate, defendants must be drug-free for at least a year and working or attending school. Those without high school diplomas are required to complete a general equivalency diploma program. With over 250 graduates to date, the Rochester Treatment Court is one of the largest drug courts in the country and has received national acclaim as a model program.

How It All Began

In the mid-1980s, the emergence of crack cocaine placed a tremendous strain on courts nationwide as arrests for drug-related crimes soared, yet there were few if any treatment services available to defendants with drug problems. For many defendants, incarceration by itself was not enough to break the cycle of illegal drug use and crime, and a new approach—one that would address the abuser's underlying addiction and provide treatment and support services to promote long-term reentry into society—was needed.

The first court to adopt a treatment-based approach opened in Miami in 1989. Other communities soon began experimenting with treatment courts, and in 1994 Congress authorized the

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Drug Court participant (middle) appears before the judge for a status hearing, flanked by his drug counselor (left) and lawyer.
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DRUG COURT continued from page 1

U.S. Attorney General to provide grants to states and Indian tribal governments to establish treatment courts. The number of these courts has grown rapidly since then, and New York has become a leader in this national movement.

Early Results Exceed Expectations

Despite the stringent requirements of drug courts and their difficult target populations, more than 70 percent of drug court defendants nationwide stay in treatment. While more than half of the drug-addicted offenders who are prosecuted in traditional courts will be arrested again, rearrest rates for drug court participants are well under 30 percent and less than 10 percent for graduates.

The high retention rates for participants and low rearrest rates are attributed in part to the discipline and encouragement provided by the judge and other dedicated members of the court team. At drug court, it's not uncommon for the judge to praise defendants for staying on course or for the entire courtroom to break into applause when a participant reaches a milestone in treatment. Similarly, tough sanctions let offenders know the court means business. These strategies have been instrumental in significantly reducing participants' drug use and eliminating it altogether for those who go on to graduate.

A Real-Life Success Story

Jodi Calkins, who graduated from Rochester's treatment court last February, had hit rock bottom when she first arrived there, following her arrest for drug possession. Pregnant at the time, Jodi had already given up her other two children to drugs. She says, "I don't know if I'd be around today if not for the court, which motivated me to stay clean and take responsibility for my life. I had a healthy baby, obtained joint custody of my middle son, resumed my relationship with my eldest child and became reacquainted with my mom." Jodi recently discovered she enjoys working with her hands and is now learning construction. She also is active in the court's alumni group, which assists relapsing participants and has been a great support network for her. "Not every day is easy, but life is good," she adds.

New York Continues Its Leading Role

New York's Buffalo City Treatment Court was recently named a mentor drug court, a distinction

Courting the Stars

Actors Harvey Keitel (left) and Robert DeNiro

Not even the rich and famous can get out of jury duty these days. This past November 19th, in celebration of the state court system's third annual Juror Appreciation Week, actors Robert DeNiro and Harvey Keitel joined Broadway star Bernadette Peters, NBC "Today Show" host Katie Couric, WNBC news anchor Chuck Scarborough, and WPIX weatherman Irv "Mr. G" Gikofsky and stood before a packed jury room in Manhattan Supreme Court to talk about the important contributions of jurors and about their own experience as jurors this past year. Federal Judge Sonia Sotomayor from the Second Circuit Court of Appeals was also feted for doing her civic duty.

Said Mr. DeNiro of the justice system, "The only way it works is if everybody is involved in it." Keitel, a former court reporter, joked about how "they finally caught me," but said that he really enjoyed being a juror. Ms. Couric told the crowd that she's never yet been selected for a trial but hopes to get picked one day, while Chuck Scarborough spoke about the link between jury service and our democracy. "It's both a duty and enriching to see our criminal justice system firsthand. We must ensure as best we can that those who are accused of a crime or those who have a grievance in a civil matter have a fair and just hearing," he said.

The star-studded event was one of many festivities held in courthouses throughout the state during Juror Appreciation Week 1998, celebrated through the week of November 16th.

formerly held by the Rochester court and one that Buffalo now shares with 12 other nationally recognized treatment courts. Chosen to provide training and support to established drug courts as well as those in the planning stages, mentor courts are selected on a rotational basis by the National Association of Drug Court Professionals in conjunction with the U.S. Department of Justice. Judge Schwartz is a founding member of the National Association of Drug Court Professionals and president of the newly formed New York State Association of Drug Court Professionals, which held its first training conference in Albany this past November. City Court Judge Robert Russell, who presides over Buffalo's treatment court, is vice president of New York's Association of Drug Court Professionals and serves on the national association's board of directors.

Judge Russell says that playing such an important part in the recovery of drug-addicted defendants has greatly enriched his life. He explains, "Each offender reports to me on a regular basis, so I actually get to witness the person's transformation. For me, it's the greatest feeling when young people are accepted back into their parents' homes, mothers regain custody of their children, fathers return home to their families and women give birth to drug-free babies." Nationally, women enrolled in drug court programs have already given birth to over 500 drug-free babies, preventing immeasurable human suffering and saving millions of dollars in medical and social service costs.

New York's other mentor drug court, the Brooklyn Treatment Court, is also the busiest drug court in the country, handling felony arrests and serving a variety of offenders, including probationers ordered to participate in treatment. The court offers an array of on-site physical and mental health services—with an emphasis on the special needs of female participants—and requires all defendants to perform community service. "Community service provides a way for our participants to give back to the neighborhood and it builds self-esteem," says Project Director Valerie Raine.

The court's custom-built computer system—a model that will soon be used by all the state's drug courts—gives Judge Jo Ann Ferdinand a detailed history of each defendant, including past arrests and treatment, so she can make informed decisions about every case. At the high-tech court, the names of defendants who reach milestones in treatment are displayed on the courtroom's large television monitor for all to see.

The following appeared in The New York Times *on September 7, 1998 in the "Metropolitan Diary" section by Enid Nemy with Ron Alexander.*

The Scene: Vera Institute of Justice OmbudService booth at New York State Supreme Court in Brooklyn. The OmbudService listens to juror concerns and handles individual juror problems.

First Juror: "You gotta get me out of jury service. It's against my principles to judge my fellow man. It's against my religion."

Second Juror (interrupting): "Hey, buddy! How much do we get paid?"

Brian Maxey, the OmbudService law intern: "$40."

First Juror: "A day?" Muses a moment. "Well, for $40, maybe I could judge my fellow man."

Keeping Up the Momentum

Treatment courts save an estimated $5,000 per defendant in just jail days alone and are making a positive impact on public health and safety, child welfare, employment and other vital community issues, so there's no mystery to their phenomenal expansion.

There are currently 15 drug courts operating in New York with another soon to open in the Bronx and several more in various stages of planning. New York is expanding its leadership role: refining the model in the criminal courts while also adapting it for drug-addicted parents charged with child neglect in the Family Court. The goal of this newest effort is to ensure that children who are in foster care due to their parents' substance abuse more quickly achieve safe, stable and permanent homes. ◆

Court Tells Divorcing Parents, PUT THE KIDS FIRST

Divorce is never easy, but things can get even stickier when there are children involved. Too often, children of parents who are parting ways find themselves caught in the middle of emotionally charged battles that can turn quite ugly. Family Court Judge Robert Rossi of Onondaga County in Syracuse, New York, has seen this happen too many times. He refers separating and divorcing parents involved in custody and visitation cases from his court to Children 1st!, a program designed to help parents in conflict resolve differences without hurting their children.

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Judge Rossi, who has served on the Onondaga County Family Court since 1988, began referring parents to the program when it first started in the summer of 1995 and now mandates about a third of separated or divorced parents to take the four-hour seminar. "I get a lot of positive feedback, even from those required by the court to attend," says Rossi. He continues, "Children 1st! focuses on the child's emotional needs and makes the parents realize that bickering, using the child as a pawn and saying bad things about the other parent can be very damaging to a youngster. You see a change in parents who attend the seminar, and many couples end up working out their problems rather than prolonging the case."

Raising Awareness Is the First Step

Children 1st! was developed by a group of mental health professionals, lawyers, judges and mediators who through their work came to understand the critical need for a supportive, educational program to benefit children of divorcing parents. Couples who are splitting up are usually in such emotional turmoil they tend to overlook their children's special needs during this extremely stressful time. Children 1st! helps these parents put things into perspective, taking them through the psychological stages of the divorce process and explaining how to resolve conflicts and work together for the sake of the children. The program also prepares parents to deal with a child's anger, sadness and other possible reactions to divorce; provides important information on legal issues such as custody, visitation and support; and makes referrals for those who need additional help. Follow-up classes are available to parents who have special issues they'd like addressed.

The seminar, which combines team-teaching with educational videotapes and handouts, is taught by a highly experienced staff of volunteer mental health workers, attorneys and family mediators. Each partner attends the seminar separately, with the class offered on Saturdays and weeknights to accommodate parents' varying schedules. The Onondaga County Mental Health Association provides support staff and a meeting facility for the program.

"What we do at Children 1st! is raise parents' consciousness," says Ronald Heilmann, who chairs the program's steering committee. He adds, "It's so important for these parents to discover they're not alone, that there are other couples tackling similar, if not the same, problems. The program's number-one goal is to make life better for the child. To accomplish this, we first have to make the parents aware that they're behaving in a manner that could be detrimental to their kids and show them there are better ways of dealing with the

anger and conflict." Family mediator and former law guardian Christine Hickey, who is on the steering committee of Children 1st! and helped develop the four-hour program, agrees with Heilmann that the first step to change is awareness. Says Ms. Hickey, "At Children 1st!, we ask high-conflict couples to see things from the child's point of view, and that can be an eye-opener. The great thing is, there's no shame or guilt attached. It's a forgive-yourself-and-move-on approach with a supportive teaching team."

William Murray was referred to Children 1st! about three years ago and found the program invaluable because it reaffirmed his belief that parents, regardless of their differences, must always consider the welfare of their children above all else. "It's a comprehensive program that includes a lot of information about both the legal and emotional aspects of separation and divorce," says Murray, who is now a member of the program's teaching team. Nancy Zampini, another Children 1st! graduate, is grateful to the court for requiring her to attend the seminar and says, "I always felt, deep down, that the most important thing is for my kids to know that their parents love them and that it's okay to love both mommy and daddy. Children 1st! made me see how right I was."

Seeking A Less Adversarial Approach to Divorce

Children 1st! recently initiated plans for a citywide conference to discuss the impact divorce has on children's lives and the community as a whole, inviting those from relevant disciplines, including education, the law, psychology and medicine, to attend. Ronald Heilmann and others involved in planning the conference hope it will blossom into an ongoing dialogue.

Programs like Children 1st! are proving so successful around the country that New York's Unified Court System has begun a pilot program in some parts of the state, directing parents in custody and visitation cases to participate in parental education programs conducted by trained volunteers. ◆

Children 1st! asks divorcing parents to heed the Kids' Bill of Rights (below), written by a group of seventh-graders.

Kids' Bill of Rights

We should be able to choose when to visit the non-custodial parent without guilt and without our parents fighting about it.

No lectures about why the split occurred.

Don't use us as a tool against the other parent.

Don't fight in front of us.

Don't lie to us.

We shouldn't have to like your new boyfriend/girlfriend. Let us decide for ourselves and in our own good time.

Don't talk to us about money. We feel like there's a price tag on our heads. Work out the financial problems on your own.

Don't ask us to collect child support; it's unfair.

Expensive gifts don't necessarily show your love. Simple gifts say a lot more.

Don't play favorites with our brothers and sisters.

We should have a lawyer of our own, one who is concerned about us and is not a friend of the family.

Both Judge and Juror

Prior to 1996, when a state law eliminating all jury exemptions—including those for judges—was enacted, Judge Frederic S. Berman could only wonder what it might be like to serve on a jury and take part in deliberations. So he was quite pleased when he received his first jury summons in the mail this past June. Says Berman, who was a trial judge for 25 years before retiring at the end of 1997, "I had presided over more than 500 felony trials and, of course, was curious to see how things looked from the perspective of the jury box."

Judge Berman reported for jury duty at 60 Centre Street in Manhattan, where he's now the judicial hearing officer in charge of the jury selections. He was somewhat surprised to actually be chosen for a case, considering his past and present involvement with the judicial system. "It was a rare opportunity and one that I had long been looking forward to," he says.

His was a civil case involving a pedestrian who had been hit by a taxicab. Although liability had already been conceded, there was still the question of monetary damages to be awarded the plaintiff. Berman admits to one small problem once the testimony began. "I had this strange impulse to call out 'sustained' or 'overruled' each time one of the attorneys made an objection, but somehow managed to restrain myself," he says.

When the jury was set to begin deliberations, Berman declined the offer to serve as foreperson as he didn't want to be given any special treatment just because of his profession. Impressed by how seriously the jurors took their responsibility and how carefully they followed the instructions of law given by the judge, Berman says, "We started out with a wide range of opinions, reaching a verdict after several hours of lively discussion in which all the jurors took part. Despite differing viewpoints at the onset, everyone was extremely amicable and respectful. Naturally, it was difficult to put a dollar amount on the plaintiff's pain and suffering, but we eventually came to a consensus, arriving at what I think was a very fair verdict."

During his years as a trial judge, Berman always took time out to thank jurors, handing each a certificate for completion of service that he personally inscribed. To this day, he cherishes the many letters he's received in return. Now, he's able to tell jurors that he knows firsthand what it's like to serve.

Judge Frederic S. Berman

Berman has been overseeing jury selection for the civil division of Manhattan's Supreme Court since January 1998. In this role, he introduces the attorneys for the parties to prospective jurors, briefly describes the case and explains what is expected of jurors. He also decides which if any jurors should be excused for cause at the outset, so that they can be spared the tedium of sitting through voir dire for a case on which they are unable to serve. After the attorneys complete their examination of the

If you have an interesting jury experience you'd like to share or have comments or suggestions about the jury system, you can call 1-800-NY-JUROR or write to:

Chief Judge Judith S. Kaye
Continuing Jury Reform
25 Beaver Street
New York, NY 10004

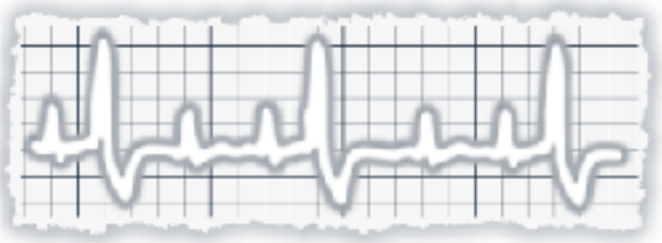
jurors, Berman presides over the procedure during which the lawyers exercise their peremptory challenges. This speeds up the process considerably, with selections usually completed by the first day.

Judge Berman's lifetime accomplishments read like a "Who's Who" entry. As a young lawyer in private practice, he got involved in John F. Kennedy's campaign for the presidency, which led Berman to the decision to devote his life to public service. He was elected a state senator in 1964, representing Manhattan's Upper East Side for two years, and was appointed rent and housing commissioner in 1966 by then-Mayor John Lindsay. Lindsay appointed him to the bench in 1973, and Berman was later reappointed by three other New York City mayors: Abraham Beame, Edward Koch and Rudolph Giuliani.

A graduate of New York Law School, where he's recently completed his 40th year as a professor, Berman is a history buff, ardent sports fan and devotee of old-time radio who presents radio programs from yesteryear to hospitals, nursing homes and senior citizen centers in his spare time.

Asked if he has any words of wisdom he'd like to share with first-time jurors based on his own experience as a juror, Judge Berman says, "I would tell them that as jurors they are making an important contribution to our system of justice. Those selected for cases may have some difficult decisions to make during deliberations, but it's a wonderful experience and unlike any other." ◆

They Make House Calls - Courthouse Calls, That Is



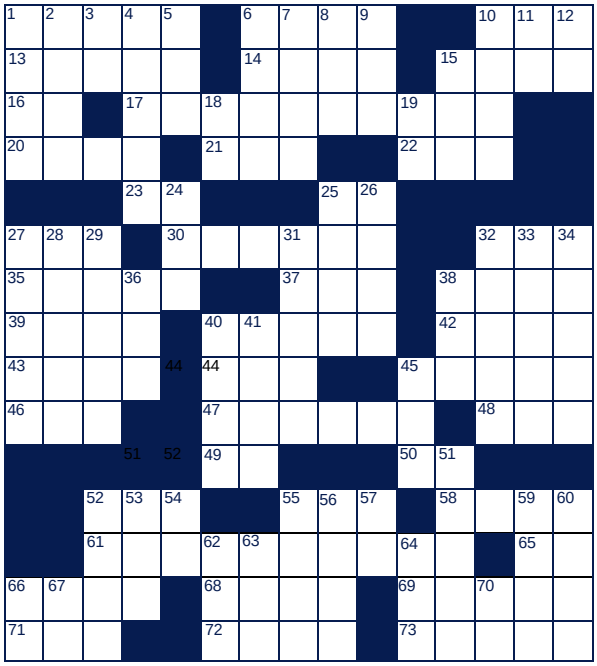
It was a Thursday just before last summer's Fourth of July weekend, when a woman lost consciousness and collapsed in Judge Frank Geraci's courtroom at the Rochester City Court. The two sheriff's deputies assigned to the courtroom, José Cruzado and Patrick Rickards, ran to the woman's aid and quickly radioed the Certified First Responders—a team of specially trained deputies who work the more than 40 courts in Rochester—for help. Sheriff's Deputies Jerry Fedele and James Walker responded to the call in minutes, saving the woman's life.

Walker was the first to arrive on the scene, and with the help of a nurse in the courtroom, began cardiopulmonary resuscitation (CPR) on the patient, whose heart had stopped beating. Team member Fedele, an emergency medical technician, rushed to get the defibrillator, a machine that restores a patient's normal heart rate by sending an electric shock through the body, and possibly the first one ever placed in a courthouse. Fedele hooked the patient up to the defibrillator, administering the life-saving jolt that started her heart pumping again. However, she remained unconscious and had to be taken to the hospital. Several days later, Fedele and Walker visited the woman at the hospital, where she was awaiting open-heart surgery. She couldn't stop thanking them for saving her life.

Fedele, Walker and the five other deputies who currently make up the Certified First Responders team have all completed a state-licensed program that includes training in physiology, anatomy, patient assessment, trauma, oxygen therapy, CPR and defibrillation. The team was started by Monroe County Sheriff Andrew Meloni in 1993 and each year since has answered anywhere from 50 to 100 courthouse calls for medical assistance.

Judge Anthony Bonadio of Monroe County Family Court remembers how quickly the First Responders came to his assistance the day he felt a bit dizzy in court. He says, "They checked all my vital signs and insisted on my going to the hospital for further observation. It turned out I had a virus and was back in court after a few days of rest, but it's good to know we have people on hand who can handle the more serious medical problems that sometimes arise in and around the courthouse. We're lucky to have this special team and proud of the great job they're doing." ◆

COURTSIDE CROSSWORD



ACROSS

1. __-examine, question a witness
6. Castle feature
10. Card game
13. Baseball hit
14. __ facto
15. Choir part
16. Spielberg's lovable alien
17. Place for trials
20. Let the defense __
21. Distress signal
22. Male
23. Charleston's state: abbr.
25. Mate for ma
27. Chatter
30. Incredible
32. Use an ax
35. In a criminal trial, all 12 jurors must do this to reach a verdict
37. D'Amato, familiarly, and others
38. Heroine from the opera "Cavalleria Rusticana"
39. __ dire, questioning of prospective jurors
40. Trunk
42. Angers
43. Feminine name
44. Rodent
45. __ warrant
46. __ Vegas
47. Greek goddess of wisdom
48. Filthy place
49. Chemists measure this
50. Concerning
52. Hit
55. Bread spread
58. __ contendere, "I will not contest it"
61. Plaintiff's assertion
65. Beast of burden
66. Football field
68. Take a __, go for a ride
69. Dimwit
71. Salad dressing ingredient
72. Game for the rich and famous
73. Begin the feast: 2 wds.

DOWN

1. The late Sonny Bono's ex
2. Learn by __, memorize
3. Mantra
4. Factions
5. What a Broadway producer hopes for: abbr.
6. 20th-century Spanish painter
7. Makes a choice
8. Word with "can" or "tray"
9. In addition
10. Narrow valley
11. That one
12. Negative vote
15. Snug __ bug: 2 words
18. You and me
19. Sound of hesitation
24. Hint
25. Friends
26. See 9-Down
27. Judge's prop
28. Marketplace in ancient Greece
29. Spills (over)
31. Down to __, unpretentious
32. Trumpets
33. Choose, as Supreme and Civil Court judges
34. Wishy-__
36. Period
38. Witnesses are not supposed to do this
40. Catch
41. Pledge taken by those in 38-Down
45. Legal profession
51. Boredom
52. Judges set this
53. On in years
54. Small street: abbr.
55. It's 52-Down or this
56. __ time, never: 2 words.
57. Musical tone
59. Sites
60. Plural of 65-Across
62. Psychics have it
63. Mail-handling agency: abbr.
64. Unusual
66. Move!
67. One of the original 13 states: abbr.
70. U.S. emergency defense force : abbr.

School Days for New York Lawyers

Beginning December 31st of 1998, it's back to school for the nearly 110,000 lawyers practicing in New York State. As the latest step in the state court system's efforts to enhance public confidence in the legal profession, attorneys will be required to complete a minimum of 24 hours of accredited continuing legal education (CLE) every two years. Other measures already taken by the court system to heighten the level of competence and professionalism of lawyers include the creation of standards of civility for the bar, bench and court employees, sanctions against frivolous litigation, and statements of client's rights and responsibilities.

Under the mandatory CLE program, developed with the assistance and support of the bar, all attorneys admitted to the New York State bar who practice law in New York must complete courses in professional practice, including law office management, as well as in ethics, professionalism, negotiation and other practical skills. These courses are intended to keep lawyers up-to-date on both changes in the law and in the profession itself.

Copies of the proposed program rules can be downloaded from the Unified Court System web site (http://ucs.ljx.com) or obtained by calling the New York State Continuing Legal Education Board at (212) 428-2105. For calls outside New York City, the toll-free number is 1-877-NYS-4CLE. Any questions about the CLE requirements may be directed to the CLE Board, which can also be reached by e-mail at CLE@courts.state.ny.us. ◆