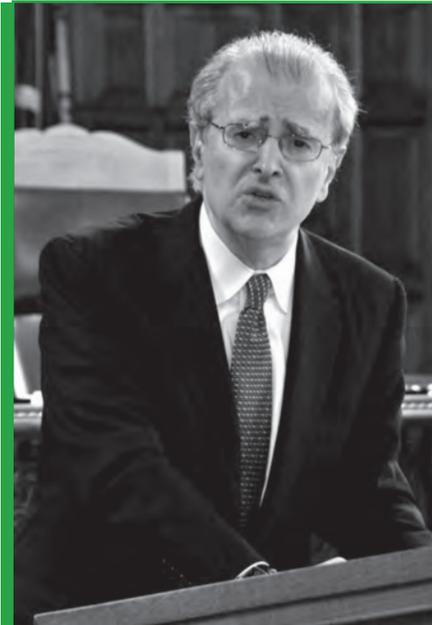


JURY POOL

NEWS

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

COURTS HONOR LINCOLN'S LEGACY OF JUSTICE ON LAW DAY



CHIEF JUDGE JONATHAN LIPPMAN
addressing the court on Law Day

Chief Judge Announces New Entity Aimed at Preventing Wrongful Convictions

A PERMANENT TASK FORCE IS BEING APPOINTED TO REVIEW CASES of wrongfully convicted defendants, announced Chief Judge Jonathan Lippman in his inaugural Law Day address as the state's top jurist. Law Day is celebrated nationally each spring to highlight the role of our legal system in preserving the liberties we cherish as Americans.

Speaking at Albany's Court of Appeals on May 1, Judge Lippman said he drew inspiration from the late Abraham Lincoln—whose bicentennial and legacy of justice were commemorated this Law Day—in launching the independent panel of judges, defense attorneys, prosecutors, scientists and lawmakers which will “carefully review every case where there has been

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an exoneration and determine what went wrong, issuing periodic reports and recom-

New Chief Judge Sets Course Early On

NEWLY APPOINTED CHIEF JUDGE JONATHAN LIPPMAN STARTS HIS DAY AT THE CRACK OF DAWN, often burning the midnight oil in carrying out his myriad duties as both presiding judge of New York's highest court and overseer of the state's Unified Court System, which over the past year handled some 4.3 million new case filings.

Since assuming office in February, Judge Lippman has spent much of his time working to ensure that trial courts across the state have the resources they need to function effectively in these difficult times.

Not only has the severe economic downturn reduced state coffers and in turn judicial budgets, it also has led to a national spike in foreclosure, eviction and other cases. Despite increasing caseloads, courts in some states have been forced to cut their hours.

Calling such cutbacks “a very, very last resort,” Judge Lippman recently announced the consolidation of several key administrative posts and implementation of a streamlined, county-based structure to better address court issues and operational problems at the local level, also allowing for more flexible deployment of court resources statewide.

“The idea is to establish a clean, straight line from administration to our local trial courts,” explains the chief judge, who has begun traveling

around the state, talking with judges and other court employees to identify ways to better enable New York's courts to meet the added burdens posed by our present fiscal woes.

In the past few months, the new chief judge also helped negotiate a budget provision that will place caseload limits on criminal attorneys assigned to represent the indigent in New York City, starting April 2010.

“It is critical that we provide the resources necessary to make these caseload limits a reality in the coming years so that defendants receive constitutionally mandated representation and we help fulfill our nation's promise of equal justice under the law,” says Judge Lippman of the measure, spurred in part by the recent study of a court-appointed commission that found that a large percentage of defendants entitled to counsel were not receiving effective legal assistance.

Judge Lippman hopes to see more comprehensive reform in this area—the commission is calling for a statewide system to replace the patchwork of criminal legal service programs now in place—also focusing his efforts on improving civil defense services for the poor, preparing the court system for the impact of New York's new drug law reforms, and continuing to make the state's bench and non-judicial workforce more diverse, among other priorities. ■

continued from page 1 "Law Day"



NEW YORK CITY DEPUTY CHIEF ADMINISTRATIVE JUDGE FERN FISHER with QUEENSBOROUGH COMMUNITY COLLEGE STUDENT DAWAR JAMAL. Mr. Jamal took first prize in this year's Law Day essay contest, which is sponsored by the Historical Society of the Courts of the State of New York.

mentations and closely tracking changes to ensure they are working as intended."

"His [Lincoln's] reverence for the Declaration of Independence and U.S. Constitution reinforced his already deep opposition to what he called the monstrous injustice of slavery and gave him the courage and conviction to prosecute the painful and bloody Civil War that kept our nation together and put an end to the greatest injustice of his day ... Today, all of us in the justice community ... see no greater wrong than the conviction of an innocent person," Judge Lippman told the crowded courtroom.

DNA was first used 20 years ago to exonerate a wrongfully convicted individual, with 235 DNA exonerations in the U.S.—24 of them in New York alone—as well scores of exonera-

tions based on non-DNA evidence since then, noted the chief judge, at one point declaring, "We do not have the luxury of being wrong when it comes to the grave issue of guilt or innocence. The very liberty of human beings and their families is at stake as well as the paramount issue of public safety."

The new Justice Task Force will be chaired by Court of Appeals Associate Judge Theodore T. Jones, a former criminal defense attorney, and Westchester County District Attorney Janet DiFiore, who previously served as a Supreme Court justice in the county, with the panel presenting its first report to Judge Lippman by December 1.

Paying Homage to Those Embodying the Ideals Celebrated on Law Day

Other highlights of the Court of Appeals ceremony included remarks by Governor David Paterson, Solicitor General Barbara Underwood, New York State Bar Association President Bernice Leber and a Law Day awards presentation.

Among the day's honorees were four court employees acknowledged for their dedication and exceptional service in one of several categories including work performance, public education, humanitarian pursuits and heroism; and a pair of community college students recognized for their respective first- and second-prize entries in an essay contest sponsored by the Historical Society of the Courts of the State of New York.

Additionally, retired Kings County Supreme Court Justice Lewis L. Douglass received a lifetime achievement award for his passionate pursuit of equity as chair of the Judicial Commission on Minorities, which over the span of his 17-year leadership has taken many significant steps toward making our courts bias-free. (See related story on page 7.)

The Albany event was one of numerous courthouse celebrations held across the state this spring commemorating Law Day. ■

NY PAGEANT WINNER AN ADVOCATE OF PARENT ED PROGRAMS

Mrs. New York America KerryLyn Boettcher of Schenectady is pictured here with Susan Pollet, executive director of the courts' Parent Education and Awareness Program, at the Albany offices of Kids First After Divorce, one of the state's court-certified parent education program providers.

These programs, which operate throughout New York State, offer information and practical tools to couples parting ways, helping them to better understand how the breakup can affect their children and what they can do to make their new family situation less stressful.



Ms. Boettcher, a sixth-grade schoolteacher with a commitment to children's issues, has been working with the court system to help raise awareness about the availability of parent education programs, which are proving beneficial to families undergoing a separation or divorce.

For more information, visit the New York State Parent Education and Awareness Program online at www.nycourts.gov/ip/parent-ed. ■

Pioneering Jurist Feted During Women's History Month

WHEN SHE ENTERED THE NEW YORK UNIVERSITY SCHOOL OF LAW IN THE EARLY 1960s, Phyllis Gangel-Jacob, a retired New York State appellate court justice who now serves as a judicial hearing officer in New York County Supreme Court, was one of five women in a class of nearly 200.

"I was already 33 years old and the single mother of an eight-year-old, which caused me to be self-conscious three times over," admits the gracious Ms. Gangel-Jacob, honored by her Supreme Court colleagues in March—Women's History Month—for her exemplary judicial service and leadership role on behalf of women in the legal profession.

By the time she applied to law school, Ms. Gangel-Jacob was already something of a trailblazer, having helped coordinate the historic Freedom Rides, an interracial group of activists who rode buses through the South to test enforcement of the 1960 U.S. Supreme Court ruling banning segregated seating on interstate buses and trains.

This pioneering spirit would serve her well as she sought to carve out a niche as a lawyer at a time when the legal profession was a male bastion.

While Ms. Gangel-Jacob excelled in her law school classes and made many good friends among students of both genders, she began to hit some troubling barriers during her final year as a law student.

"We must not confuse the advances of professional women with the plight of other women for whom equality is a long way off," warns the trailblazer.

"Since I did well, I was invited to interview with the top law firms. One of the interviewing partners said the firm wished they could hire me but that the job required a lot of travel with male colleagues, which



JUDGE PHYLLIS GANGEL-JACOB

would be 'a problem,'" she explains, adding that at the time she did not see that as an unfair decision.

Many years after being rejected by the firm, Ms. Gangel-Jacob received a letter from U.S. Supreme Court Justice Ruth Bader Ginsburg, then a law professor and co-founder of the Women's Rights Project of the American Civil Liberties Union, which works to advance gender equality through litigation. The letter said her name was among those of a group of women turned down for employment by the firm.

"The case was settled for a tidy sum and a promise not to discriminate in the future," says Ms. Gangel-Jacob, who donated her share of the award to the Women's Legal Project.

Trailblazer Urges Continued Vigilance in Attaining Gender Equality

Following her graduation from law school, the future jurist ultimately took a job with a midsize litigation firm, whose partners—all men—assigned her mostly matrimonial cases.

"Clearly, the male lawyers were not interested in these matters," she says, surmising that they did not realize that matrimonial law often has "much less to do with grounds for divorce or even custody than it has to do with commercial negotiation, tax considerations, real estate transactions and excellent drafting."

Sensing that she would never become a partner at the firm, Ms. Gangel-Jacob left to set up her own general practice in 1975 and 10 years later was elected to her first judicial post, in New York City Civil Court.

"By then, the public was quite receptive to electing a woman to the bench," says this social pioneer, who subsequently joined New York City's Supreme Court bench before her 1999 appointment to Manhattan's appellate court, from which she retired in December 2006.

While acknowledging the many strides women have made in the legal profession over the years, Ms. Gangel-Jacob also reminds us of the work that remains to be done to level the playing field for women.

"We must not confuse the advances of professional women with the plight of other women for whom equality is a long way off. Education and public pressure will lead us along the right path, men and women together," declares this dynamic role model and mentor to countless members of the legal world and beyond. ■

RUSSIAN DELEGATION GAINS INSIGHTS

FOR RECENT RUSSIAN JUROR YEVGENIY BELOV, the opportunity to play a direct role in the justice system far outweighs any of the inconveniences posed by jury duty.

“I believe that it is my civic responsibility.

I think it is very important for citizens to participate in our system,” said Mr. Belov during a trip this March to New York and Washington, D.C. as a member of the Russian Jurors Association, which seeks to strengthen the country’s fledgling jury system through legal reform and public outreach.

Among other stops, Mr. Belov and the other jurors as well as jurists, lawyers, academics and journalists comprising the Russian dele-

gation visited the Manhattan-based Fund for Modern Courts, which oversees the Citizens Jury Project, operating booths at New York City courthouses where jurors can register their comments about jury service.

The delegation, which visited New York City and Washington, D.C. in March to study jury trends and reform efforts, hopes to strengthen Russia’s fledgling jury system through legal reform and public outreach.

The Russian delegation is looking to establish an entity similar to the Fund in their homeland, which after a 70-year hiatus reintroduced jury trials in 1993 following the Soviet Union’s collapse.

With the help of interpreters, the Russian gathering of jury enthusiasts and legal experts heard from Citizens Jury Project Director Lee Chabin

about the origins of the jury reform movement in New York as well as the many improvements—such as better juror facilities and shorter terms of service—implemented by the court system over the last decade.

The Project’s assistant director, Maurice Lauriano, addressed the visitors on the value of mock trials and classroom visits by judges and legal experts in teaching youngsters about our justice system and encouraging civic participation.

Former Jurors Spark Reform Campaign

The spring excursion to study U.S. jury trends and reform efforts is part of a joint effort of the U.S. Department of Justice and several Russian civic groups initiated by Leonid Nikitinsky, a prominent Russian journalist and attorney by training who

VETERAN JURY COMMISSIONER LEAVES ERIE COUNTY POST

Newly retired Erie County Commissioner of Jurors **Mehrl King** marvels at how much things have changed for the better for New York’s jurors since he first joined the court system in 1977 as a deputy jury commissioner. Back then, jurors would routinely sit around for a week or so, waiting to be called, recounts Mr. King, lauding today’s electronic and phone call-in systems that allow jurors to check in with the jury office to see if their services are needed.

Mr. King, who served as jury commissioner for 26 years before stepping down on April 30, ran an office that summons about 90,000 people for jury service annually. Statewide, some 650,000 individuals are summoned as jurors each year.

As jury commissioner, Mr. King had the opportunity to participate in seminars that examined jury-related matters on the national level and today still keeps in touch with jury clerks from other states he met at those meetings. “Regardless of where people are, the issues and challenges are pretty much the same,” he says.

While his decision to leave the court system was a difficult one, the outgoing commissioner says he looks forward to spending

more time with family, improving his golf game and exploring college softball-coaching opportunities.

One of the things the Buffalo native says he will miss most about being jury commissioner is witnessing the meta-

morphosis of those jurors who arrive at the jury assembly room reticent and unhappy, leaving the courthouse with a sense of pride and satisfaction at having served.

Adds Mr. King, “When they do come in and participate, it’s a marvelous transformation you see in people. They actively contribute to their community in a way they never though possible and typically say ‘I can’t wait to serve again.’” ■



MEHRL KING

ON NY'S JURY SYSTEM

covers legal developments in his country.

A few years ago, Mr. Nikitinsky covered the jury trial of a businessman whose competitor paid to have him prosecuted on largely fabricated charges as a way to drive the man out of business. The jurors, believing the charges to be false, refused to convict the man.

Unlike the West, not-guilty verdicts handed down by Russian juries rarely stay in force. Defendants are often retried, as was this businessman, who was acquitted twice more by two other juries, cumulatively spending five years in pretrial detention.

Some of the jurors from these three trials asked Mr. Nikitinsky for assistance in forming a jurors' group to lobby for legal reform and secure the right of trial by jury in their country, leading to the creation of the association.

The since-evolved group has convened several times in the past two years, examining a range of jury-related issues, such as prosecutors' poor performance in presenting cases and court nullification of jury acquittals.

The Road Ahead

With jury trials still rare in Russia and a newly enacted bill further limiting the types of cases that can be tried by a jury—doing away with jury trials for those accused of a range of offenses including sabotage, espionage and organizing mass demonstrations—the Russian Jurors Association has much work ahead.

Still, members of the group like Mr. Belov, the former juror, are optimistic about the jury system's fate in Russia.



Two-time Russian juror **YEVGENIY BELOV** at the Fund for Modern Courts' Manhattan headquarters in March.

“At the beginning of their service jurors don't quite understand [why they are there], but they do get involved and come to believe that jury service is an important responsibility,” he adds. ■

THE JURY BOX

This is an excerpt from a column by news correspondent Ellen Emery that appeared in the May 6, 2009 issue of the Daily Courier-Observer, published in Potsdam, New York.

The narrow, folded card arrived in the mail a few weeks ago telling me I was to report for jury duty. The instructions said I was to call the night before, as I had done previous times.

Each of those times, either the recorded message told me the case had been settled out of court or the list of numbers called didn't include mine. And on a call for jury duty a few years ago, I actually reported in, sat in court as jurors were selected but was home by noon—for which I was most grateful.

However, this time when I made the call, the number printed on my card was read, indicating that I was to report to Franklin County Criminal Court on Monday morning.

As the prospective jurors sat together in the courtroom that Monday, those near me were all in agreement, all hoping that we wouldn't be selected. We were all busy and had so many things that needed to be done, none of which included jury duty (at least that's what we thought at the time).

The next day, the Honorable Robert G. Main Jr. spoke about the honor of serving as a juror. He spoke, too, about our democracy and the importance of our legal system. As the day continued and I listened to this extraordinary gentleman, my thoughts began to change.

Serving as a juror should not be looked at as a duty, but as an honor. Yes, it is our civic duty, but sitting in court that day

I realized the role of a juror is far greater. Later that day, I was sworn in along with 13 others—12 jurors and two alternates.

We were a group of individuals from all walks of life, all putting our lives on hold for a week. And what lessons we learned!

The case was difficult. As I drove home the first day, the enormity of the task before us overwhelmed me. And what was perhaps most difficult was the fact I couldn't discuss anything about the case with anyone.

Following the testimony, exhibits and words of the attorneys and judge, we then sat around the table in the jury room, deliberating. We listened as testimony was read back to us. We discussed and thought and discussed again. And then, a decision was made on each count charged.

It is a daunting task, but I would like to extend my heartfelt thanks to Judge Main for impressing upon us the honor of serving. And my thanks to each of the jurors, who demonstrated such thoughtfulness and concern with respect to the testimony, each charge and every word spoken by the attorneys.

While I now know all too well about putting one's life on hold, I am thankful that I did—and grateful to Judge Main for making me see the importance of serving. ■

COURTHOUSE HANDIWORK CELEBRATES DOMESTIC VIOLENCE SURVIVORS

*Be Grateful For Being Alive
And In Good Health.
Do Not Let Anyone
Take That Away From You.*

YOU CAN FIND THESE WORDS OF INSPIRATION—ALONG WITH OTHER MESSAGES OF HOPE AND HEALING—ON THE COLORFUL “WALL OF HOPE COMMUNITY QUILT” adorning the Queens County Family Courthouse in Jamaica, New York.

Created by a group of domestic violence survivors working under the tutelage of master quilter Diane Pryor-Holland, the 75" by 80" quilt took several months to complete, with each member of the group incorporating her own sentiments

into the hand-tied, richly embellished work.

Queens County Judge Cheree Buggs came up with the idea for the quilt after meeting Ms. Pryor-Holland at a quilting event in March 2008. Ms. Pryor-Holland expressed an interest in working with Family Court on a project to benefit at-risk women and children.

“When we first sat down everyone appeared worried about their family situation, but the quilting had a calming, therapeutic effect.”

“At that time I was sitting in a custody part and hearing a lot of cases involving domestic violence-related issues. I thought it would be great to have a quilt like this,” explains Judge Buggs, now of Civil Court.

The judge put Ms. Pryor-Holland in touch with Safe Horizon, which runs shelters and other programs for domestic violence victims, with the quilter subsequently introduced to a group of shelter residents who, fascinated by her work, were immediately drawn to the project.

Ms. Pryor-Holland met weekly with the quilting circle for three months to create the individual blocks, spending another four months hand-stitching the pieces together.

“When we first sat down everyone appeared worried about their family situation, but the quilting had a calming, therapeutic effect,” says Ms. Pryor-Holland, recounting how one woman and her nine-year-old daughter formed a special bond while working on the project, talking intimately throughout the process.

Installed in the Queens courthouse in February 2009, there is already talk of turning the work into a traveling courthouse exhibit. ■



JUDGE CHEREE BUGGS (left) and ADMINISTRATIVE JUDGE OF THE NEW YORK CITY FAMILY COURT EDWINA RICHARDSON-MENDELSON pose in front of the Queens County Family Court’s Wall of Hope Community Quilt.

AFTER DECADES SPENT FIGHTING BIAS, JUDGE PASSES THE TORCH

There was a marked absence of minority judges on the New York State bench when jurist Lewis Douglass first took the helm at the state's Judicial Commission on Minorities in the early 1990s. Today, minorities comprise 16 percent of the state bench, a feat largely attributed to the Commission's tireless advocacy under the able watch of the now-retired Kings County Supreme Court justice, who after 17 years as the Commission's chair is stepping down.

Initially established to undertake a comprehensive review of the treatment of minorities within the legal system, the Commission became a permanent entity in 1991, dedicated to promoting racial equity and cultural sensitivity in the courts and legal profession via public outreach programs and other initiatives.

At a May reception honoring Judge Douglass's successful tenure as head of the Commission, Chief Judge Jonathan Lippman lauded the retired jurist's art of gentle persuasion and keen ability to bring people together.

"Lewis Douglass's leadership and absolute commitment made the Commission a true partner in so many important accomplishments. When something was wrong, he would not stop until it was made right," said Judge Lippman, citing the Commission's role in increasing the courts' job pool of minority candidates as well as its efforts to make jury pools more representative and focus on strategies to reduce the disproportionate number of young people of color in our criminal justice and foster care systems.

Following a standing ovation, Judge Douglass, an affable, soft-spoken man, talked of the strides made since the 1963 March on Washington, vividly recounting the history-making

"When something was wrong, he [Judge Douglass] would not stop until it was made right."



CHIEF JUDGE JONATHAN LIPPMAN with honoree **LEWIS DOUGLASS** as Judge **ROSE SCONIERS**, incoming chair of the Judicial Commission on Minorities, applauds her predecessor's many accomplishments over his 17-year tenure.

event, which he and his then three-year-old son witnessed firsthand.

"Then I fast-forward to a phone call from my daughter—who's waiting in 20-degree weather for Barack Obama's inauguration," he added proudly, at the same time cautioning attendees not to become complacent in the ongoing fight to eliminate racial and ethnic bias.

Erie County Supreme Court Justice Rose Sconiers succeeds Judge Douglass as chair of the Commission.

Visit the Judicial Commission on Minorities online at: www.nycourts.gov/ip/minorities/index.shtml. ■

INTERESTED IN SHARING YOUR JURY EXPERIENCE WITH OUR READERS?

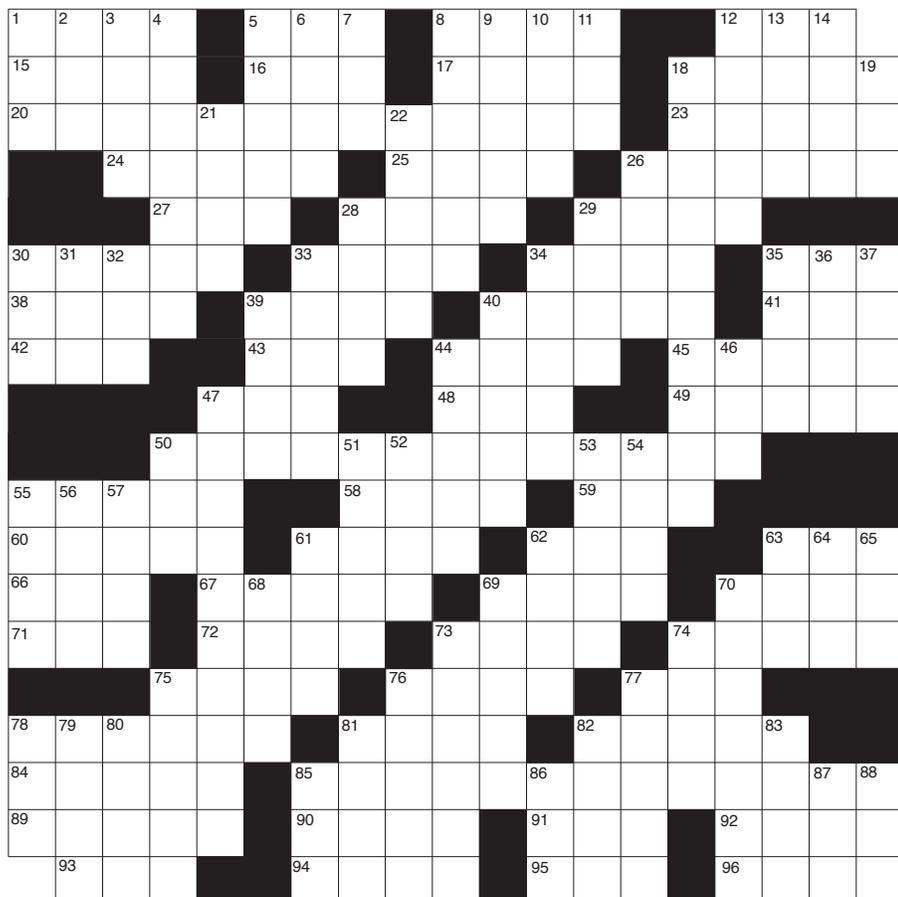
We'd like to hear from you. We also welcome comments about *Jury Pool News* and story ideas for future issues.

Please send juror anecdotes, newsletter suggestions and story ideas to: Arlene Hackel, *Jury Pool News* Editor, NYS Unified Court System
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C O U R T S I D E C R O S S W O R D



ACROSS

- 1. Enjoy a book
- 5. Secretary of State Clinton, to Chelsea
- 8. Mimics a crow
- 12. In what way?
- 15. Resting
- 16. Motorists' group: abbreviation
- 17. Aid a criminal
- 18. Stop
- 20. As foreperson, did a pre-verdict task: 3 words
- 23. Open, as a bow
- 24. Closes tightly
- 25. Cast a ballot
- 26. Transcript
- 27. Present, as a court case
- 28. Comic Brooks et al.
- 29. Mature
- 30. Store events
- 33. "Citizen __," film classic
- 34. Needy
- 35. Pallid
- 38. Dry
- 39. Ingredient in 94-Across
- 40. Must: 2 words
- 41. __ de France
- 42. Golf peg
- 43. The late NYC Mayor Beame
- 44. Fido's treat
- 45. Deals (with)
- 47. Lennon's widow
- 48. Boxing great
- 49. Choose, by 25-Across
- 50. Sufficient reason to make an arrest: 2 words

- 55. Gave a grade
- 58. Woolen caps
- 59. Hospital employees, for short
- 60. Ms. Worth, of stage
- 61. Associate
- 62. Gallery collection
- 63. Loud noise
- 66. Meadow
- 67. Fit for a king
- 69. Italian goodbye
- 70. Certain relative
- 71. Curvy letter
- 72. __ of March
- 73. A lot
- 74. Eventful time
- 75. Singles
- 76. Food shop

- 77. Knock sharply
- 78. Jewelers' measures
- 81. It precedes "name" or "word"
- 82. Broadcast
- 84. Flooded
- 85. Tribunal for cases against the state: 3 words
- 89. An Osmond
- 90. Do a model's work
- 91. "Norma __," 1979 movie
- 92. Grant and Remick
- 93. Certainly!
- 94. Pub orders
- 95. Big name in hockey
- 96. Estimate, for short

- 35. Use a towel
- 36. Actor Baldwin
- 37. Cozy place
- 39. Hand, in Barcelona
- 40. Gaps
- 44. Summer-like
- 46. Spanish cheer
- 47. __ court, judicial command, perhaps: 3 words
- 50. Ballpoint
- 51. Cartographer's collection
- 52. Gala
- 53. Grouping
- 54. "Do __ others ..."
- 55. Upset
- 56. War god
- 57. Oolong and English breakfast

DOWN

- 1. Tear
- 2. Tokyo, once
- 3. " __ well that ends well"
- 4. Erased
- 5. To an extreme degree
- 6. Cereal grains
- 7. __-jongg
- 8. Coax
- 9. Borders on
- 10. "The Way We __," Barbra Streisand flick
- 11. Messy place
- 12. Therefore
- 13. Klemperer or von Bismarck
- 14. "The Truman Show" director
- 18. One's rights, according to law: 2 words
- 19. Bold shade
- 21. Corn servings
- 22. Ceremony, for example
- 26. Unruly protest
- 28. Boy or man
- 29. Popular flower
- 30. Took a chair
- 31. Exist
- 32. Fib
- 33. Barbecue item, perhaps
- 34. Widespread fear
- 61. Sailors' replies
- 62. " __ Misbehavin' ," Fats Waller song
- 63. Pair
- 64. Business abbreviation
- 65. Utmost
- 68. Poetic works
- 69. Editor's mark
- 70. Takes to a higher court
- 73. Plural for 5-Across, in Madrid
- 74. Noble title
- 75. Source of refuge
- 76. Micky or Minnie
- 77. Kitchen tool
- 78. Photographer's need, for short
- 79. On vacation
- 80. Unusual
- 81. Composed
- 82. A great distance
- 83. Calorie counter's plan
- 85. Tax expert: abbreviation
- 86. Gold, to Juan
- 87. __ culpa
- 88. The Concorde, for one