

*Appraising Change and Progress a
Decade After the Report of the
New York Task Force on
Women in the Courts*

EQUAL Justice **EQUAL** Treatment **EQUAL** Opportunity

*A Report by the New York Judicial
Committee on Women in the Courts
May 1996*

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Introduction

In April 1986, the New York Task Force on Women in the Courts, in unequivocal language, reported that “gender bias against women litigants, attorneys and court employees is a pervasive problem with grave consequences. Women are often denied equal justice, equal treatment and equal opportunity.”¹ Not content with identifying problems, the Task Force issued a clarion call to action. Leadership, the Task Force Report said, along with commitment of the bench, the bar, and the public, must be mobilized to create “a justice system more fully committed to fairness and equality.”²

This report chronicles change in the past decade since the Task Force Report. Much of the change recounted is institutional: the creation of committees, the establishment of policies and procedures, and the quiet work of court officials and employees. Where differences can be quantified, figures and tables are provided. Recorded also are major changes in the law itself, including new statutes and Court of Appeals decisions.

Through the combined and diligent work of many people and forces within the legal community—court leadership and judges, committee members and bar associations, practicing attorneys and academics—much has been achieved. More, of course, remains to be done. A goal as visionary as achieving the Task Force’s ideal of equality and fairness for women takes more than a spurt of enthusiastic activity and more even than sustained effort over ten years. It requires an enduring commitment to work creatively as long as bias remains. This Report, then, should be read not just for its description of progress but also for insights applicable to the future, relevant now as we begin to map the work that lies ahead for the next decade and, perhaps, the years beyond.

¹ Report of the New York Task Force on Women in the Courts, reprinted in 15 *Fordham Urban L.J.* 1, 15 (1986-87) [*Task Force Report*].

² *Id.*

History of the Task Force

The creation of the New York Task Force on Women in the Courts in 1984 marked the starting point for systematic change in the responses of New York's courts to women. Appointed by then-Chief Judge Lawrence H. Cooke, in part to respond to concerns expressed by the New York State Association of Women Judges and the Women's Bar Association of the State of New York, the Task Force was composed of jurists, attorneys, academics, advocates for women, committed feminists, and independent citizens from outside the legal community.³ Invoking a "concept of justice ... antithetical to any discrimination triggered by prejudice,"⁴ Chief Judge Cooke asked the Task Force to examine the entire court system—substance as well as procedures, conduct as well as rules. He set for Task Force members a dual goal: first, determining the extent of gender bias and, second, making recommendations to address it. Gender bias was defined expansively, as occurring whenever "decisions are made or actions taken because of weight given to preconceived notions of sexual roles rather than upon a fair and unswayed appraisal of merit as to each person or situation."⁵

Laboring for nearly two years, using a battery of imaginative strategies to understand the nature and scope of gender bias in New York's courts and its possible remedies, the Task Force conducted a comprehensive study. Four public hearings provided the Task Force with the opportunity to hear some 85 witnesses. Litigants, attorneys, public officials, bar leaders, and professors all testified and provided written materials describing both personal experiences and scholarly work. To reach people without convenient access to these hearings, informal sessions were held in five upstate counties. Regional meetings with judges and practicing attorneys were used to solicit views on gender bias in courtrooms and the application of substantive law. Interested in the appointment and election of women to the bench, the Task Force queried the entire panoply of committees, commissions, and bar association screening panels responsible for making recommendations about judicial selections. Research and literature, not only from legal but also from social science sources, were examined. The Center for Women in Government at the State University of New York, Albany, was asked to survey both employment practices and working conditions, and, after analyzing personnel rules, examining statistics on women in the court system, and interviewing employees and administrators, the Center wrote an extensive report. An ambitious survey was conducted in which nearly 1800 attorneys, including men and women of various ages and in diverse practices, responded to 107 short-answer questions. Almost a third of the respondents added stories and ideas in narrative comments.

The Task Force produced a report covering comprehensively the status of women litigants, women attorneys, and women court employees and meticulously supporting sometimes sharp

³ For a list of members of the Task Force, see *Appendix A*.

⁴ *Task Force Report* at 167.

⁵ *Id.* at 168.

criticism of the courts' treatment of women. The Report presented concrete evidence of disadvantages to women, spelled out detailed conclusions, and made numbered recommendations addressed variously to court officials, bar associations, judicial screening committees, the Legislature, law schools, district attorneys, and even police departments. Chief Judge Judith S. Kaye, then-Associate Judge of the Court of Appeals and its only woman member, characterized the Report as a "thoroughly documented composite picture of discrimination, drawn by a panel of distinguished citizens of different backgrounds [that] cannot be lightly dismissed by anyone."⁶

Most extensive was the Report's exploration of the bias encountered by women who turn to the courts for justice and the fair resolution of disputes, particularly victims of sexual assault and domestic violence, matrimonial litigants, and women seeking support for their children. Applications of substantive law, the Task Force found, suffered when stereotypes were used, and "cultural myths about women's roles in the family and in society and expectations about appropriate modes of behavior at times obscure considerations that are highly relevant to the decision-making process."⁷ The very atmosphere of the courts, where women litigants were "sometimes treated dismissively ... or disrespectfully" prejudiced women.⁸ Women attorneys, too, according to the Task Force, encountered discrimination that compromised their authority in the courtroom and obstructed their ability to advance in their chosen profession. Turning to the court system's female employees, the Task Force reported women were disproportionately found in the lower-paying, lower-status jobs, and, occasionally, were subjected to unwelcome sexual attention and harassment.⁹ Coloring the Task Force's conclusions was the finding, since confirmed by numerous task forces from other states and the Ninth Circuit Gender Bias Task Force on the Effects of Gender in the Federal Courts, that women and men perceive transactions in courtrooms differently. Women consistently reported more bias, more prejudice, and more assaults on the credibility of females, both litigants and attorneys, than men.¹⁰

Impossible to ignore, the Task Force Report and its strongly-worded conclusions evoked immediate and sustained responses from court officials. Within weeks of the time the Report was made public, then-Chief Judge Sol Wachtler used his Law Day address to launch a campaign aimed at eliminating all vestiges of gender bias in New York's courts. Task Force members were thanked for their effort and commitment, the Task Force Report was credited with observing that "the courts have a special obligation to reject—not reflect—society's irrational prejudices," and the court system was rededicated to making "abundantly clear that gender-biased conduct is wrong wherever found in New York's courts [and] inimical to any concept of justice."¹¹

Most important for the court system's commitment to systemic change was the appointment of a standing committee. Called originally the Committee to Implement Recommendations of the New York Task Force on Women in the Courts, the Committee grew into the present New York Judicial Committee on Women in the Courts with its mandate to address not only the spe-

⁶ Forward to the *Task Force Report* at 1.

⁷ *Task Force Report* at 27.

⁸ *Id.*

⁹ *Id.* at 155.

¹⁰ *Id.* at 25.

¹¹ Law Day Remarks, "The Lady in the Harbor and the Lady in Albany—Two Symbols of Freedom," *Task Force Report* at 4.

cific, numbered recommendations of the Task Force Report but also the Task Force's more general concern about a system that, it had found, exhibited pervasive bias.

Resolve from the courts' leadership has remained strong. Recounting progress two years after the Task Force Report, then-Chief Administrative Judge Albert Rosenblatt (now Associate Justice of the Appellate Division, Second Department) concluded his assessment with a forceful rededication to the task of eradicating bias. "[T]here is much that remains to be done, and we aim to do it," he said.¹² Chief Judge Judith S. Kaye has continued the unwavering support of her predecessors while making distinctive contributions to institutional responses to women, especially victims of family violence, women with matrimonial proceedings before the courts, and litigants with children.

¹² Hon. Albert Rosenblatt, "Women in the Courts: A Historical Perspective," *New York Law Journal*, Nov. 1, 1988, p. 1, col.1.

Education

Recognizing that education is a powerful tool for changing attitudes rooted in the subtle accumulation of cultural stereotypes, the Task Force time and again recommended education to address the problems it identified. The New York court system has heeded this advice and embraced the idea of using education as a first line of defense in its campaign against bias. Presentations on the manifestations and implications of bias as well as the particular problems women encounter in the courts have become primary tools for integrating the insights of the Task Force into its day-to-day operations.

This conscious attention to gender in the courts' educational programs in itself marks a change. It also paves the way for other changes, as assumptions that underlie gendered thinking are exposed and judicial decision-making is freed slowly of remaining stereotypes.

Judicial Education

Judges bear ultimate responsibility for the quality of justice. Not only do they decide cases, they administer their courtrooms, hold leadership roles within the court system, and, through the prestige of the bench, exert a powerful influence on the bar and public opinion. Efforts to attack vestiges of bias within the court system through education naturally and logically began—and continue—with judges.

Judicial Seminars

The centerpiece of judicial education in New York, and the obvious place to reach judges about gender issues, are the judicial seminars, held during the summer. All of the nearly 1200 state-paid judges are expected to attend. While the past ten years have witnessed variations in the format for the judicial seminars in response to budget restrictions, these sessions remain among the most important vehicles for communicating with judges about the ever-changing issues that shape their work.

As soon as the New York Judicial Committee on Women in the Courts was appointed, the Committee began planning for the 1986 judicial seminars, then only a few months off. Despite the short lead time, the Committee produced a three hour course called "Courtroom Dynamics: Women and Justice," which was presented in plenary sessions to all judges. Designed to stimulate thinking about the reach and complexity of gender bias, the course began with presentations by Hon. Joseph W. Bellacosa, then-Chief Administrative Judge, now Associate Judge of the Court of Appeals, and Hon. Kathryn McDonald, Chair of the New York Judicial Committee on Women in the Courts and then-Administrative Judge of the New York City Family Court. After a session led by experts from outside the court system and small group discussions planned to engage judges directly with ideas about bias and its implications, Hon. Betty Weinberg Ellerin, Associate Justice of the Appellate Division, First Department, gave the closing remarks.

Once this initial program was completed, the Committee worked with the court system's Department of Education and Training to incorporate teaching about women in the courts into each seminar. Required, first of all, was vigilance to make sure that topics directly affecting the lives of women were given sufficient prominence in seminar programs. This the court system has provided. Sustained commitment on the part of seminar planners, including judges and court administrators, has secured space for presentations necessary to keep women's concerns before the judiciary at all of the judicial seminars since 1986. Full course presentations on domestic violence and child support, for example, each have been a feature of three judicial seminars. Sexual harassment, matrimonial law, and equitable distribution also have merited full presentations. An innovative program on conservatorship was developed in response to interest in the plight of the growing population of elderly women.

But also necessary was a critical examination of standard presentations to find points where women's concerns might be considered a natural part of the whole picture necessary for judges' understanding of their work. Efforts at integration have gone forward, and topics important to women have been incorporated regularly into programs on issues that on the surface had nothing to do with gender. Presentations on evidence and criminal law updates, for example, have covered the use of experts to explain the rape trauma and battered spouse syndromes; discussions of AIDS have raised legal problems of pregnant women who are HIV-positive; courses on case management have devoted time to matrimonial dockets; and a recent examination of the law on workplace discrimination included a discussion of sexual harassment.

Judicial skills programs too have provided forums for weaving women's issues into mainstream courses at these seminars. A fine example of this kind of programming is a course on courtroom dilemmas called "Nightmare on Court Street," which has been a popular offering for a number of years. In 1993 a hypothetical rape case was used to initiate discussions of the rape trauma syndrome, New York's rape shield law, and jury instructions on lack of consent, and the following year the exclusion of a black woman juror figured in a scenario as a platform for exploring peremptory challenges motivated by gender.

New Judges' Orientation

Newly-elected and newly-appointed judges attend introductory educational sessions in December, and, at this critical juncture, the New York court system's commitment to eradicating gender bias and to addressing concerns of women is placed squarely before incoming judges. Like their experienced colleagues, new judges at the 1986 session participated in a program, designed to stimulate thinking about the dynamics of biased conduct, organized by the New York Judicial Committee on Women in the Courts. In later years the Committee has continued to initiate discussions on bias through presentations by the Committee's chair and discussions exploring vignettes presented in a video, made by the American Bar Association, on bias and judicial behavior.

New judges too have heard presentations on issues relevant to women in addition to discussions of bias *per se*. New judges, for example, have had the benefit of a program on sexual harassment in the workplace in 1993, and a course was devoted to domestic violence in 1994.

Town and Village Justice Courses

In addition to the full-time, state-paid judges, New York State has a corps of approximately 2000 part-time Town and Village Justices who are funded by municipalities. Their duties are substantial: they arraign defendants on felony charges, try misdemeanor jury cases, conduct probable cause hearings, handle civil cases up to \$3000, and hear landlord/tenant disputes. However, membership in the bar has never been necessary to stand for election, and the majority have no law degrees. Education for these jurists is critical. Lay justices must pass a six-day orientation course for certification, and all justices must attend continuing education programs each year.

These courses too have changed as the court system has ratified its commitment to making sure that the judiciary understands and heeds women's concerns. Following the Task Force Report, curriculum for Town and Village Justices was revised to include training on gender bias issues. A two-hour "Courtroom Decorum and Demeanor" lecture was developed, faculty was trained to teach this course, and, in 1987, it was presented at each of the 30 advanced programs for Town and Village Justices. The certification training now includes a course on domestic violence and a judicial ethics presentation that uses examples of sexist speech to demonstrate judicial misconduct. The advanced training required for annual recertification regularly offers courses on family offenses and judicial conduct that cover biased behavior.

Education for Nonjudicial Personnel

Education for the approximately 13,000 nonjudicial personnel, who are responsible for the courts' day-to-day operations and serve as vital links between the judiciary and the public, is also critical to changing the responses of the judicial system as a whole to women. Recognizing this, the court system, over the past ten years, has woven education germane to women's interests into a variety of its standard training programs for nonjudicial personnel.

The Office for Education and Training has taken the lead in this initiative. When, in 1987, the Office launched a formal training program called "Mission and Organization" as a vehicle for orientating employees, it built into the course a presentation by a member of the court system's Equal Employment Opportunity Office. Another course incorporating teaching on cultural distinctions rooted in gender as well as ethnicity, race, and religion was presented to the entire nonjudicial workforce in 1991 and 1992. Part of the court system's Workforce Diversity Program, this course affirmed the court system's commitment to approaching its work in a manner sensitive to the differences among the people who work in and use the courts. An updated curriculum for new employees, developed in 1995, includes components on gender neutral language and sexual harassment. Yet another recently introduced course, a program for managers called "Supervisory Skills for a Bias Free Environment," has been designed to educate the courts' management corps about matters relevant to race, ethnicity, and disabilities as well as gender. Sexual harassment features prominently in this day-long program, which introduces scenarios intended to stimulate thinking and to help people recognize harassment. The course also covers supervisory responsibility, laws and policies, and interviewing techniques.

In addition to programs under the auspices of the Office of Education and Training, other forums have served as *ad hoc* platforms for keeping the interests of women before nonjudicial personnel. One example of this type of programming was a 1988 Court of Appeals Law Day presentation. Law assistants from the Court's Central Staff wrote and presented papers on five topics ranging from women in the workplace to reproductive rights and technologies. Chief Judge Judith S. Kaye, then-Associate Judge of the New York Court of Appeals, who directed the work, characterized the program as "the outline of a very broad range of issues profoundly affecting not women alone, but all of us."¹³ Presented to the Court and its staff on Law Day, the papers were compiled with bibliographies, published, and distributed both in the Court and to the public.

Another less obvious forum has been the Family Court Clerks Association Annual Meetings. Asked to make a presentation at the 1993 session, the New York Judicial Committee on Women in the Courts decided to focus on sexual harassment in the workplace, an issue that the court system was then beginning to consider systematically. The Committee's counsel planned and presented the program in partnership with a consultant from the Cornell University School of Industrial and Labor Relations. The following year, when the Committee again was offered a place on the agenda of the Association's Annual Meeting, the Committee's counsel turned to the issue of domestic violence and presented a program using a powerful documentary, produced by Cambridge Documentary Films, called "Defending Our Lives."

Public Education

Education for the public, particularly the bar, is important to a court system interested in changing responses to women, and the New York court system has addressed lawyers in the community about gender bias at several junctures in the years since the Task Force Report.

Working closely with the state's bar associations, the New York Judicial Committee on Women in the Courts has experimented with using public forums to air issues significant to the legal community as a whole. In 1989 the Committee took responsibility for a program on domestic violence, which was presented twice, once in New York City and once in Buffalo. Called "Fair or Foul? The Limits of Trial Advocacy in a Domestic Violence Case," the forum featured portions of a mock trial of a man accused of assaulting the woman with whom he was living. In New York City, the Association of the Bar of the City of New York hosted the event and acted as co-sponsor with the New York Women's Bar Association. In Buffalo, the local gender bias committee under the auspices of the Eighth Judicial District's Administrative Judge joined forces with the Bar Association of Erie County, the Western New York Chapter of the Women's Bar, and the Women Lawyers of Western New York to present the program.

Reaching out again to the bar as whole, the New York Judicial Committee on Women in the Courts considered the issue of gender stereotyping in litigation in a 1992 forum at the Association of the Bar of the City of New York in an evening program called "Scripts About Women's Lives: Presuppositions that Shape Litigation." New York University School

¹³ Hon. Judith S. Kaye, *Developments in the Law Affecting Women*, Law Day 1988, at 1.

of Law Professor Peggy Davis delivered a paper written for the forum on "The Proverbial Woman," which was later published in the Association's journal, *The Record*.¹⁴ Three prominent litigators then commented on the ways expectations about women had shaped cases they had litigated and the techniques they have used to move beyond the stereotypes that can damage their clients.

Members of the New York Judicial Committee on Women in the Courts and its chair, Hon. Kathryn McDonald, also have spread the word about the commitment of New York's court system to addressing gender bias by responding generously to requests to speak. Among the themes that the chair has sounded in her speeches are the tenacious nature of gender bias and the necessity of maintaining careful watch so that critical judgments are not clouded by prejudice.

Interested in expanding and formalizing its role in providing speakers, the New York Judicial Committee on Women in the Courts recently reached out to bar associations and offered to help find speakers on topics relevant to the Committee's work. In a mailing to all of the state's bar associations in November 1995, the Committee invited association presidents to call the Committee's Chair for assistance.

¹⁴ Peggy Cooper Davis, "The Proverbial Woman," 48 *The Record of the Association of the Bar of the City of New York* 7 (1993).

Conditions for Women Litigants

Perhaps the most devastating indictments in the Task Force Report were accounts of women who come to the courts seeking justice, redress for grievances, and even physical safety, and found the responses of the system infected by bias. When the courts disappoint litigants in their expectations of fairness, an immediate and forceful response is demanded, and, in the years since the Task Force reported, the court system, with help from the New York State Legislature, has made substantial strides towards a legal system that responds more equitably to women litigants.

Victims of Violence

Domestic Violence

As much as any single legal issue in the past decade, domestic violence has caught the attention of the public and galvanized public officials to act decisively for the benefit of women, who, overwhelmingly, are its victims.

In the first years following the Task Force Report, sustained interest brought about some change. Writing in 1992, two investigators who looked in depth at the courts' treatment of victims of domestic violence since the Task Force Report noted significant progress, although they also remarked that problems remained.¹⁵ One source of movement was the New York Legislature, which, in 1988, adopted two of the Task Force's recommendations for statutory reforms. In that year, a bill was passed outlawing the damaging practice of issuing "mutual" orders of protection—orders to both parties when only one, usually the woman, had filed a petition and met the burden of demonstrating the need for protection against a violent partner.¹⁶ Another product of the 1988 legislative session was an amendment to the Criminal Procedure Law allowing judges to condition adjournments in contemplation of dismissal on defendants attending education programs on family violence and spousal abuse.¹⁷

Significant reforms also changed the mechanisms available to women who sought to bring their own criminal cases against their assailants. In 1989 court administrators appointed a task force on civilian-initiated complaints, in large measure to respond to those victims of domestic violence who, because the police had not made an arrest, had no choice but to proceed on their own.¹⁸ Indeed theirs were some of the gravest and most violent of the cases to reach the New York City Criminal Courts through an archaic system that asked complainants to trudge across

¹⁵ Sarah Eaton and Ariella Hyman, "The Domestic Violence Component of the New York Task Force Report on Women in the Courts: An Evaluation and Assessment of New York City Courts," 19 *Fordham Urban L.J.* 391, 519 (1992).

¹⁶ Laws of 1988, Ch. 706.

¹⁷ Laws of 1988, Ch. 39.

¹⁸ Unified Court System, *Report of the Task Force on the Civilian-Initiated Complaint Process in the New York City Criminal Court: Findings and Recommendations*, June 1989.

the city, from office to office, in a scenario that, at its worst, compelled complainants to make ten separate stops and spend up to two days before their cases reached a judge.¹⁹ Among the changes recommended and adopted were decentralizing operations to make services more accessible and transferring all prosecutorial functions to district attorneys so that no victim of a violent crime would have to proceed alone. As a result of these reforms, currently, under the auspices of the Court Dispute Referral Center, each borough except Staten Island has an office open to citizens with criminal complaints. In 1995, Court Dispute Referral Center offices provided services to between 500 and 1000 victims of domestic violence each month. When referrals to district attorneys were ruled out because cases failed to meet prosecutorial guidelines, victims were offered counseling and advice so that arrests and prosecutions would be possible if the violence continued.

The Family Protection and Domestic Violence Intervention Act of 1994²⁰ ushered in a new era. The Act, passed after years of advocacy by, among others, court officials who had put changes in laws protecting domestic violence victims at the top of their legislative agenda, was a package of comprehensive reforms. A strong statement of legislative findings introduced the Act and defined its purpose. These findings boldly declared that "there are few more prevalent or more serious problems confronting the families and households of New York than domestic violence" and asserted that "domestic violence ... warrants stronger intervention than is presently authorized under New York's laws."²¹

The Act's reach was impressive. In coordinated provisions, it strengthened the courts, the police, and the executive branch in their efforts to respond effectively to domestic violence. Under the revised laws, victims no longer had to choose between civil and criminal remedies, but were given leave to pursue their cases simultaneously in Criminal and Family Courts. Mandatory arrests were made the norm through provisions requiring police to make arrests, without attempting to mediate, in cases of felonies and violations of orders of protection. The Act expanded the list of crimes classified as family offenses and thus subject to Family Court as well as Criminal Court jurisdiction, and it gave judges authority to impose stiffer sanctions, including fines. Victims were provided with the protection of a bill of rights, which included, for example, the right to a police escort to a safe place and help in retrieving belongings. Officials, including law enforcement authorities, prosecutors, the courts, and hospitals, were directed to tell victims about their rights. The legislation also made provisions for a statewide, computerized registry for orders of protection and warrants, a uniform domestic violence incident report form for police, and training for judges and law enforcement officials.

In the wake of attention generated by the legislation, the court system moved quickly to consolidate progress. Education came first. Judges at the judicial seminars in 1994 heard panels discussing the new Act and saw a video bringing home the psychological realities of women leaving abusive relationships. New judges too were introduced to the court system's commitment to serving these women.

¹⁹ *Id.* at 24-25.

²⁰ Laws of 1994, Chs. 222 and 224.

²¹ Laws of 1994, Ch. 222, §1.

Convinced additional institutional effort was necessary, Chief Judge Judith S. Kaye created the Family Violence Task Force composed of judges from across the state in all courts in which families and children appear. Presiding Justice Anthony V. Cardona of the Appellate Division, Third Department, and Justice Sondra Miller of the Appellate Division, Second Department, were appointed co-chairs. The task force's first item of business was a series of roundtable meetings, held in each of the state's judicial districts, to bring to judges the latest ideas about domestic violence, to provide full explanations of the new law, and to give judges a chance to discuss their own courtroom experiences. Judges left the training with bench books produced by the task force, and reports on each session were sent to the Chief Judge. With this first phase completed, the task force turned its attention to other projects. Among them was finding forums to spread the word about changes in the legal treatment of domestic violence to nonjudicial personnel and, in recent months, the task force has supplied speakers for training programs for Family Court Hearing Examiners, Town and Village Justices, and law guardians.

But more than the Task Force on Family Violence was necessary. The new legislation directed the courts to take specific measures. To meet these statutory mandates with maximum speed and efficiency, the Chief Judge appointed the Family Protection Legislation Implementation Group. Convened in August 1994, the Group's most urgent business was putting in place the computerized registry of orders of protection and warrants under the tight deadlines imposed by the legislation. Overcoming enormous technological problems, the Implementation Group had the system up and running by October 1, 1995, and, six months later, the registry had information on approximately 60,000 orders of protection. Also on its agenda were finalizing rules for record sharing among courts, making recommendations on record retention and access to the computerized registry, and creating new statewide forms for orders of protection, all of which have been completed.

Legislation to clarify and expand portions of the Family Protection and Domestic Violence Act was included in the courts' 1995 legislative program, and several bills were passed solidifying gains of the previous year. Incorporating a sophisticated understanding of the dynamics of domestic violence was a bill passed to expand still further the definitions of family offenses to include the telephone and mail harassment covered by the crime of aggravated harassment in the second degree.²² Another measure authorized the revision of the terms in orders of protection, replacing vague, outdated language with clear, concrete, and enforceable directions.²³ Yet another provision added to the 1988 legislation outlawing mutual orders of protection issued without procedural safeguards by extending its reach to matrimonial orders and requiring judges to make findings of fact.²⁴ Together these reforms have changed forever the landscape of legal alternatives open to women who find themselves trying to leave violent relationships and make new lives free of violence directed at them by those who have been their intimates.

²² Laws of 1995, Ch. 440.

²³ Laws of 1995, Ch. 438.

²⁴ Laws of 1995, Ch. 538.

Sexual Assault

The Task Force Report chronicled steady reforms in New York's law, through legislative measures and judicial decisions, that, in a decade and a half, had revised radically the legal treatment of sexual assault. From a crime burdened with unique evidentiary rules, suggesting that victims' testimony was singularly incredible and exposing women testifying to humiliating invasions of privacy, sexual assault had entered a modern age.²⁵ By 1986, on paper at least, New York's law was reasonably equitable. Remaining, however, were enforcement issues, since, as the Task Force recognized, the attitudes of some of those ultimately responsible for applying the law—judges, prosecutors, defense lawyers, and jurors—had not changed as quickly or as completely as the codified law.²⁶

The Task Force noted the remarkable increase in rape prosecutions as the law's obstacles to prosecutions had been removed, and that trend has continued in the past ten years. In 1972, when the first reforms were enacted, rape convictions numbered 18 statewide in a typical year.²⁷ When the Task Force began its work, in 1984, convictions for sexual offenses numbered 2312. Ten years later, in 1994, 2718 defendants were convicted of sexual offenses, all but 50 of them men. Marking the passage of sexual assault into the mainstream of criminal prosecutions was a conviction rate comparable to those for other violent crimes. New York's conviction rate for felony sexual offenses in 1994 – 55.7% – surpassed the rate of 44.5% for assault and more than equaled the 54.9% rate for robbery.²⁸

The law too has continued to move forward. A response to the changing but not yet fully transformed ideas about rape was *People v. Taylor*, a 1990 Court of Appeals decision approving the introduction of evidence on the rape trauma syndrome at criminal trials.²⁹ The Court's ruling, that expert testimony was admissible to help lay juries understand victims' responses to sexual assault, was moored in a sophisticated understanding of the social history and psychology of rape. The Court recognized that "rape is a crime that is permeated by misconceptions"³⁰ and that "cultural myths still affect common understanding of rape and rape victims."³¹ In *People v. Bennett*, decided two years later, the Court of Appeals again acknowledged the value of expert testimony at the same time the Court cautioned judges about the necessity for making case-by-case determinations on its admissibility.³²

Although not strictly a response to rape victims, but building on reforms to laws on sexual assault, was 1990 legislation restricting the evidence of prior sexual history of all crime victims.³³

²⁵ *Task Force Report* at 50-51, n.110-115.

²⁶ *Id.* 62-63.

²⁷ *Id.* at 50, n.110.

²⁸ Figures provided by The New York State Division of Criminal Justice Services, Bureau of Statistical Services. For additional figures on sexual assault in New York State between 1984 and 1994, see *Appendix B*.

²⁹ 75 N.Y. 2d 277 (1990).

³⁰ 75 N.Y. 2d at 288.

³¹ 75 N.Y. 2d at 289.

³² 79 N.Y. 2d 464 (1992).

³³ Laws of 1990, Ch. 832, codified at Criminal Procedure Law § 60.43. New York's "Rape Shield Law" is codified at Criminal Procedure Law § 60.42.

The bill extended the protections of New York's "rape shield law" by confining defense inquiries to evidence that judges found relevant after an offer of proof or a hearing outside the presence of a jury. The legislature recognized that, although prior sexual history is rarely relevant to any offense, sexual or otherwise, it often adds an inflammatory and prejudicial element to a trial as well as an opportunity to humiliate and intimidate complaining witnesses.

An entirely different kind of initiative on sexual assault has come from the Chief Judge's Family Violence Task Force, which, in July, 1995, began a series of seven, one-day seminars on child sexual abuse. Intended to bring the latest research and thinking to judges, the seminars have relied on multidisciplinary panels of experts and practitioners that have included the criminal defense bar as well as matrimonial lawyers, mental health experts, prosecutors, law enforcement officials, law guardians, and forensics experts. Five of these seminars used an interactive format addressing matrimonial, criminal, and family law issues.

Matrimonial Litigants

The Task Force, reporting relatively soon after New York's Equitable Distribution Law went into effect, as judges, lawyers, and litigants were grappling with its implications, found troublesome applications of the law that put at risk the economic stability of matrimonial litigants.³⁴ Most in jeopardy were partners in marriages, usually wives, with few assets in their names and little income of their own yet often responsible for dependent children. The decade since the Task Force Report has seen measured progress towards more fair outcomes and a more level playing field for New York women whose marriages end in divorce.

Economic Consequences of Divorce

Distribution of Marital Property

When the Task Force reported, New York's Equitable Distribution was still new, and the legal system was still adjusting to the law's changes in the process for assigning post-divorce economic rights. In the past decade, many of the gains envisioned by the law's architects have been consolidated through judicial decisions and legislation. Yet the application of these laws continues in some ways to leave women, particularly financially dependent spouses, at a disadvantage.

The Court of Appeals has taken an expansive view of the law's reach and, in conformance with the Legislature's intentions, interpreted it with an appreciation of the needs of economically weaker spouses. When the Task Force reported, the Court had recently decided the landmark case of *O'Brien v. O'Brien*,³⁵ adopting the theory that marriage is an economic partnership and encouraging courts to recognize the nonfinancial contributions of homemakers. The Court has held fast to the course set in *O'Brien*. In 1993, for example, the Court described the Equitable Distribution Law as a "revolutionary enactment," recognizing that a spouse acquires an independent ownership interest in marital property.³⁶ In the last year alone, the Court has ratified

³⁴ *Task Force Report* at 64-80.

³⁵ 66 N.Y. 2d 576 (1985).

³⁶ *Kaplan v. Kaplan*, 82 N.Y. 2d 300, 305-306 (1993).

O'Brien twice, paying tribute in one case to *O'Brien's* "pragmatic and theoretical worth,"³⁷ and referring in another to "the generous reading which the Legislature intended to be accorded the term marital property,"³⁸ a key concept in equitable distribution law. Court of Appeals rulings have made available for distribution as assets of the marriage partnership not only the professional licenses that were the subject of *O'Brien*, but also pensions, nonvested as well as vested;³⁹ the appreciated value of separately held assets;⁴⁰ disability payments;⁴¹ and investments in business partnerships.⁴²

Experience with the Equitable Distribution Law also has changed judicial attitudes, and judges now are more inclined to split marital property equally between husband and wife. The Equitable Distribution Law asked judges, lawyers, and the public to rethink radically their ideas about the division of labor within a marriage, the value of contributions to a household, and equity in divorce. These new notions required time to take hold. According to a comprehensive study of reported decisions during the first ten years of New York's experience with the Equitable Distribution Law, in the years from 1980 to 1983 judges awarded spouses half of the marital estates in only 33% of the cases. In later years, from 1983 to 1990, over 50% of judicial awards gave husband and wife equal shares in marital assets.⁴³

Maintenance

Since few of the approximately 60,000 couples ending their marriages in New York each year have property besides their marital home subject to equitable distribution, fair awards of maintenance are just as critical to the financial stability of economically weaker spouses as appropriate divisions of marital assets. The Task Force Report criticized judges for awarding maintenance that too often left even unemployed women who had been married for many years without adequate support.⁴⁴ The Equitable Distribution Law, in theory, provided for maintenance both to help divorcing spouses capable of achieving independence and to provide financial stability for spouses who realistically could never be expected to earn enough to support a standard of living comparable to that enjoyed during the marriage. A study comparing divorces before and after the Equitable Distribution Law was enacted found a precipitous drop in awards of maintenance after the law went into effect, and particularly hard hit, according to the study, were women who were most vulnerable by virtue of long years spent as homemakers without significant participation in the labor market.⁴⁵

³⁷ *McSparron v. McSparron*, *NYLJ*, Dec. 8, 1995, p. 27, col. 3.

³⁸ *Hartog v. Hartog*, 85 N.Y. 2d 36, 49 (1995).

³⁹ See, e.g., *Burns v. Burns*, 84 N.Y. 2d 369, 376 (1994). See also *Kaplan v. Kaplan*, 82 N.Y. 2d 300 (1993), holding that the Equitable Distribution Law prevailed over the statutory anti-assignment provisions of the Teachers Retirement System.

⁴⁰ See, e.g., *Hartog v. Hartog*, 85 N.Y. 2d 36, 45-46 (1995); *Price v. Price*, 69 N.Y. 2d 8, 17-18 (1986).

⁴¹ See, e.g., *Dolan v. Dolan*, 78 N.Y. 2d 463 (1991).

⁴² See, e.g., *Burns v. Burns*, 84 N.Y. 2d 369, 375 (1994).

⁴³ Marsha Garrison, "How Do Judges Decide Divorce Cases? An Empirical Analysis of Discretionary Decision Making," 74 *North Carolina L. Rev.* 401, 454-55 (1996).

⁴⁴ *Task Force Report* at 75.

⁴⁵ Marsha Garrison, "Good Intentions Gone Awry: The Impact of New York's Equitable Distribution Law on Divorce Outcomes," 57 *Brooklyn L. Rev.* 621, 697-705 (1991).

Attempts have been made to counteract the apparent judicial reluctance to award fair maintenance. In 1986, the summer after the Task Force reported, the Legislature passed amendments to the Equitable Distribution Law intended to encourage judges to make more substantial awards of maintenance. The amendments directed judges ruling on requests for maintenance to consider the standard of living couples had enjoyed before they separated and added language to erase any doubts about the authority of judges to make awards permanent.⁴⁶ The statute, however, seems to have had little immediate effect on judicial decision making.⁴⁷

The Court of Appeals, taking up the problem of maintenance, has continued to remind judges that considering pre-divorce standards of living is obligatory, not optional. In *Hartog v. Hartog*,⁴⁸ and again in *Summer v. Summer*,⁴⁹ both decided in 1995, the Court of Appeals reversed appellate court rulings precisely because they had given insufficient consideration to pre-divorce standards of living. In both cases the Court of Appeals reinstated lifetime awards of maintenance made by trial courts.

Data on Economic Consequences of Divorce

Responding in part to a suggestion of the Women's Bar Association of New York State, the New York Judicial Committee on Women in the Courts has worked with the court system to create a mechanism for collecting consistent data on the post-divorce economic prospects of families. A form was drafted soliciting basic demographic information and financial data on New York divorces, and, in 1994, court rules were amended to require parties, in both contested and uncontested matters, to complete the form and file it with their proposed judgments of divorce.⁵⁰ The first full year's data is being recorded electronically and will be ready for analysis by the summer of 1996.

Matrimonial Litigation

Not only the outcomes of divorce cases but the litigation process itself has come under fire. A particularly devastating critique by the New York City Commissioner of Consumer Affairs⁵¹ prompted the appointment of the Committee to Examine Lawyer Conduct in Matrimonial Actions under Hon. E. Leo Milonas, then Justice of the Appellate Division, First Department, and, later, Chief Administrative Judge. In 1993, after an intensive, nine-month long investigation that culminated in three days of public hearings, this committee, "impressed with the scope and urgency of the problems it encountered," urged the "prompt implementation" of a series of recommendations.⁵²

Many recommendations were directed at the behavior of lawyers. The committee suggested instituting court rules compelling lawyers in matrimonial cases to provide written fee retainers

⁴⁶ Laws of 1986, Ch. 884.

⁴⁷ Marsha Garrison, "How Do Judges Decide Divorce Cases? An Empirical Analysis of Discretionary Decision Making," 74 *North Carolina L. Rev.* 401, 472 (1996).

⁴⁸ 85 N.Y. 2d 36, 50-51 (1995).

⁴⁹ 85 N.Y. 2d 1014 (1995).

⁵⁰ For a copy of the form collecting information on New York divorces, see *Appendix C*.

⁵¹ NYC Department of Consumer Affairs, *Women in Divorce: Lawyers, Ethics, Fees and Fairness* (1992).

⁵² Office of Court Administration, *Report of the Committee to Examine Lawyer Conduct in Matrimonial Actions*, May 4, 1993.

and to give prospective clients a bill of rights. Also recommended were the establishment of a system for arbitrating disputed attorneys fees and limitations on the charging liens and security interests often used to compel payment of fees. But the court system itself also came under attack for tolerating the abusive tactics of lawyers and allowing divorce actions to become wars of attrition. Chief among the recommendations addressed to the courts was a proposal for preliminary conferences with both parties present, to be held soon after cases were filed, for the purpose of discussing possible settlements, defining and narrowing contested issues, and setting discovery schedules. The committee also advocated measures to encourage prompt decisions on requests for *pendente lite* relief so that dependent spouses were not left destitute while litigation progressed, routine awards of interim counsel fees, and the imposition of sanctions stiff enough to secure compliance with discovery rules and court orders.

Within months the bulk of these recommendations was adopted in amendments to court rules.⁵³ Not content, however, with changing rules, but determined to see that they had their intended effect of making the process of divorce less arduous and more fair, Chief Judge Judith S. Kaye appointed the Committee to Track the New Matrimonial Rules and named as the committee's chair Hon. Jacqueline Silbermann, Administrative Judge of the New York City Civil Court. This committee has documented instances in which compliance with the rules has met expectations as well as places where it has fallen short of the mark.⁵⁴ Consulting with bench and bar, through meetings and an attorney survey, the committee found notable success in achieving one of the primary goals of the rules: early and effective judicial intervention through mandatory preliminary conferences. Fee arbitration has gone forward in over 150 cases, and, even though, according to one study, lawyers have prevailed in the majority of cases, the process has been applauded by a number of clients and their advocates.⁵⁵

Yet one critical problem stubbornly defies solutions: the reluctance of judges to award interim attorneys fees to economically dependent spouses. The committee tracking the rules reported that the "common practice of routinely denying or deferring such applications [for interim fees] ... does not seem to have improved in any significant degree."⁵⁶ In yet another attempt to change this practice, the Office of Court Administration included in its 1996 legislative program a bill to create a rebuttable presumption in favor of interim attorneys fees.

Child Support

Reporting "compelling evidence of human suffering" caused by the failure of courts to impose and enforce child support obligations, the Task Force documented the need for dramatic reforms in the legal mechanisms for securing financial resources from noncustodial parents for the support of their children.⁵⁷ The Task Force reported soon after the New York State

⁵³ The new rules created 22 NYCRR Part 1400 and amended 22 NYCRR Part 136, Part 1200, and 22 NYCRR § 202.16.

⁵⁴ Office of Court Administration, *Status Report of the Committee to Track the New Matrimonial Rules to the Chief Judge and the Chief Administrative Judge*, June 1995 [*Status Report*].

⁵⁵ "Divorce Lawyers Win Most Fee Disputes," *New York Law Journal*, Dec. 14, 1995, p. 1, col. 3.

⁵⁶ *Status Report* at 62.

⁵⁷ *Task Force Report* at 85-100.

Commission on Child Support had completed a comprehensive study describing the dismal failures of current laws. The Commission advocated changes not only to comply with federal mandates but also to create a system that would save children and their mothers from the hardship and, ultimately, the poverty that too often followed the departure of fathers from households.⁵⁸

The principal reform that federal law required, and that the Commission and the Task Force recommended, was the use of numerical formulas rather than *ad hoc* determinations about the needs of children and the ability of parents to pay. In 1989, this suggestion was adopted with the enactment of the Child Support Standards Act.⁵⁹ Its key provisions established simple guidelines for all support orders. Using a broad definition of income, the statute set as the basic child support obligation for parents with incomes under \$80,000, child support that was 17% of the income for one child, 25% for two, 29% for three, and 31% for four or more. Although much discretion was left in the hands of judges, the legislation went far towards eliminating the opportunities for bias that had so troubled the Task Force. The Child Support Standards Act also directed the court system to record and make yearly reports on compliance with the guidelines, another recommendation the Task Force had endorsed.⁶⁰

Legislation passed since 1989 has aided the enforcement of child support laws. In 1992 amendments to the Child Support Standards Act made the guidelines applicable to child support provisions in separation agreements and settlements as well as court-ordered awards.⁶¹ The 1992 legislation also required judges to state on the record or in writing justifications for deviations from the percentage formulas.⁶² More recently, the Legislature authorized as a sanction in child support cases the revocation of state-issued licenses, not only for driving but also for practicing professions and trades.⁶³

The Court of Appeals decisions have taken a broad view of the Child Support Standards Act's reach and affirmed trial court rulings imposing sanctions on noncustodial parents who fail to make payments. In *Cassano v. Cassano*, decided in 1995, the Court of Appeals, remarking that the Child Support Standards Act "signaled a new era," described the Act's objectives expansively as assuring "that both parents would contribute to the support of the children and that children would not 'unfairly bear the economic burden of parental separation.'" (Governor's Program Bill...).⁶⁴ The Court in *Cassano* found no problem with the unexplained application of the Child Support Standards Act guidelines to income in excess of \$80,000. In another recent case, the Court of Appeals reinstated a jail term imposed on a father who, a Family Court had found, had violated court orders willfully.⁶⁵ The Court of Appeals also has resisted efforts by noncustodial parents to free themselves of support payments by claiming

⁵⁸ *Report of the New York State Commission on Child Support*, Oct. 1, 1985.

⁵⁹ Laws of 1989, Ch. 567.

⁶⁰ *Task Force Report* at 100.

⁶¹ Laws of 1992, Ch. 41.

⁶² *Id.*

⁶³ Laws of 1995, Ch. 81.

⁶⁴ 85 N.Y. 2d 649 (1995).

⁶⁵ *Powers v. Powers*, 86 N.Y. 2d 63 (1995).

their obligations were met by disbursements to their children from government programs.⁶⁶

Yet vigorous enforcement of the kind of child support obligations contemplated by the Child Support Standards Act still had not been fully realized by 1993 when an evaluation concluded: "It is apparent that New York must make greater efforts to fully and consistently implement all the provisions of the Child Support Standards Act if the purpose of this Law—to ensure that fair and appropriate amounts of child support are regularly ordered by the courts—is to be achieved."⁶⁷

Litigants with Children

The Task Force heard testimony about the plight of parents, usually mothers, whose interests as litigants were compromised when they were forced to bring young children with them to court.⁶⁸ Compelled to wait through long calendars, told to keep still by people rightly focused on the matters at hand, children experience courts as unfriendly places, while their mothers find themselves distracted from critical business. Understanding the tensions restless children create for women making court appearances, the Task Force recommended that courts set aside places for children to wait while their parents attended court sessions.

In the years since the Task Force reported, the court system has embraced this idea. Working mostly out of regard for children, but aware too of the difficulties confronting their caregivers, the Permanent Commission on Justice for Children, co-chaired by Chief Judge Judith S. Kaye and New York University Professor Ellen Schall, has inspired the creation of a statewide system of children's centers that is the only one of its kind in the nation. Before the Commission began establishing centers, a few scattered New York courts, most notably New York City Family Court, had waiting rooms where children could stay, safe and supervised, while parents attended to court business. Sensing a critical but unmet need, the Commission secured a foundation grant for a study. Then, armed with firm data on the many children under the age of five, often in need of a variety of social services, who could benefit from temporary care during the hours their parents attended court, the Commission, with the support of the New York State Department of Social Services, began building a system of court-based children's centers. By 1995 the Commission had mobilized sufficient resources—not only from the public fisc but also from private agencies, foundations, bar associations, and individual volunteers—to build, equip, and staff fourteen centers serving over 25,000 children a year. Experiments have begun linking families with social and educational services, part of the original vision for the centers.⁶⁹

⁶⁶ *Graby v. Graby*, NYLJ, Feb. 9, 1996, p. 26, col. 3 (disability payments); *Commissioner of Social Services v. Segarra*, 78 N.Y. 2d 220 (1991) (public assistance).

⁶⁷ Marilyn Ray, *New York Child Support Standards Act: Evaluation Project Report* at 144 (1993).

⁶⁸ *Task Force Report* at 124-25.

⁶⁹ For a list of current Children's Centers, see *Appendix D*.

Status of Women Attorneys

The Task Force recognized that opening the legal profession to women and extending them membership on equal terms were questions of equity not just to women who are attorneys but also to those they represent.⁷⁰ The Task Force Report, first, addressed professional acceptance. Educational programs by the court system in its various institutional identities on bias and stereotypes, which have brought to bar and bench the message that gender bias is unacceptable, have inured to the benefit of the growing number of women in New York who are attorneys. The effects of education, however, are subtle. They are felt not necessarily immediately, but over years, and they are invariably difficult to measure. More concrete and easier to assess is the other topic the Task Force Report discussed, the status of professional opportunities for women who are lawyers.

Women in the Legal Profession

Although women have entered the legal profession in large numbers during the past decades, they often have found their paths to the upper reaches of professional life steep and stony. They are now 23% of the nation's lawyers, up from 13% in 1985,⁷¹ but these numbers tell only part of the story.

Stubborn barriers to the advancement of women have been the subject of several recent studies that bear indirectly but importantly on the status of women in New York courts. One of these, initiated by the Committee on Women in Profession of the Association of the Bar of the City of New York, looked at women practicing in large New York City firms.⁷² According to this study, women at these firms start in numbers proportionate to their representation in law schools and at pay equal to that of their male colleagues, and they work in all legal specialties, not just the few formerly considered suitable for females. Yet, the study found, women encounter major obstacles as they proceed along the career path typical of attorneys in private firms. The number of women partners, although increasing, remains small, and few women serve in top management positions.⁷³

⁷⁰ *Task Force Report* at 126-53.

⁷¹ American Bar Association Commission on Women in the Profession, *Unfinished Business: Overcoming the Sisyphus Factor* at 5 (1995) [*Unfinished Business*].

Figures on women practicing law in New York are not yet readily available, although the Association of the Bar of the City of New York's Committee on Women in the Profession, with help from the New York Judicial Committee on Women in the Courts, has embarked on a project to amass this data. Working with computer printouts generated from the Office of Court Administration's attorney registration rolls, the project expects to have information not only on the total number of men and women attorneys in New York, but also on the geographical locations of their practices and the number of years they have been admitted to the bar.

⁷² Cynthia Fuchs Epstein *et al.*, "Glass Ceilings and Open Doors: Women's Advancement in the Legal Profession," 64 *Fordham L. Rev.* 291 (1995).

⁷³ *Id.* at 438-39.

The American Bar Association's Committee on Women in the Profession, in its recent review of the status of women in all types of practices throughout the country, reported the same mixture of good news and bad as the New York study. The Commission too noted entry-level parity, but documented pay inequities and the dearth of women in law firm partnerships and among corporate general counsel. Even in the public sector, which historically has been more hospitable to women attorneys, the Commission found comparatively few women in supervisory positions despite the large number of women attorneys in government offices.⁷⁴ According to the Commission, "The legal work environment is rife with attitudes and actions that systematically devalue women."⁷⁵

No different is the news from law schools. Numbers have grown. Women are now 44% of the nation's law school students.⁷⁶ Yet the American Bar Association's Commission on Women in the Profession recently reported that, "Sadly, gender bias and the barriers it creates to women's full and equal participation have not disappeared as the result of the increased number of women students and faculty."⁷⁷ The differences in the experiences of women and men at law school has been well-documented, and bias against women, even outright harassment, continues to be seen on law school campuses.⁷⁸ Statistics on female faculty follow the pattern for the profession as a whole: the more prestigious the position, the less likely women are to hold it. While women are 28% of the total law school faculty and administrators, they are only 16% of the tenured faculty and 8% of the country's law school deans.⁷⁹

*Judges*⁸⁰

While the presence of women as well as men on the bench may be read as a signal that the courts belong to all, regardless of gender, the Task Force looked at women in the judiciary as a measure of the ability of women to advance within the legal profession.⁸¹ Here, too, as in other segments of profession, plainly visible progress is tempered by lingering problems.

The gains are substantial and evident each day in New York's courtrooms. New York now has 226 women judges, and women currently are 20% of the state's judges. Ten years ago only 133 of New York's judges, or 11%, were women. (See Table I.)

⁷⁴ *Unfinished Business* at 10-14.

⁷⁵ *Id.* at 12.

⁷⁶ American Bar Association Commission on Women in the Profession, *Elusive Equality: The Experiences of Women in Legal Education* at 23, Jan. 1996 [*Elusive Equality*].

⁷⁷ *Id.* at 2.

⁷⁸ *Id.* at 8-18; Lani Guinier *et al.*, "Becoming Gentlemen: Women's Experiences at One Ivy League Law School," 143 *Univ. of Pa. L. Rev.* 1, 32-59 (1994).

⁷⁹ *Elusive Equality* at 23.

⁸⁰ Data on women in the judiciary and employment in the courts were provided by the Office of Court Administration, Human Resources Division. The New York Judicial Committee on Women in the Courts would like to thank Phil Ferrara, Jane Craig, and Michael Minter for their able assistance in assembling and presenting this data.

⁸¹ *Task Force Report* at 150.

The Task Force, which considered the ability of women to achieve judicial office as part of the broader question of professional advancement for women, provided no figures on the number of women who served as Town and Village Justices, the majority of whom are not lawyers. However, Office of Court Administration records showed in 1991 that 11.0% (220 out of 2008) of the state's Town and Village Justices were women. By 1995 the percent had risen to 14.4% (301 out of 2085).

TABLE I

WOMEN IN THE NEW YORK STATE JUDICIARY 1986 AND 1996

COURT	1986		1996	
	TOTAL JUDGES	WOMEN	TOTAL JUDGES	WOMEN
Court of Appeals	7	14 % (1)	7	29 % (2)
Appellate Division	44	14 % (6)	52	19 % (10)
Administrative Judges	22	5 % (1)	22	27 % (6)
Supreme Court	290	8 % (22)	327	12 % (40)
Acting Supreme Court ¹	126	16 % (20)	110	30 % (33)
Surrogates Court	29	7 % (2)	27	15 % (4)
Court of Claims	29	10 % (3)	48	15 % (7)
County Court ²	114	4 % (5)	118	5 % (6)
Family Court - Outside NYC	70	10 % (7)	72	22 % (16)
District Court, Nassau & Suffolk	46	7 % (3)	45	11 % (5)
City Court - Outside NYC ³	115	5 % (6)	151	12 % (18)
NYC Family Court	30	54 % (16)	40	58 % (23)
NYC Civil Court	71	20 % (14)	88	42 % (37)
NYC Criminal Court	42	21 % (9)	42	48 % (20)
TOTALS	1035	11% (133)	1149	20% (227)

¹ Judges from other trial level courts who are designated to sit in Supreme Court and Supervising Judges from New York City's Civil, Family and Criminal Courts.

² Judges who sit in County Court only and judges who combine service on the County Court with service on the Family and/or Surrogates' Court.

³ City Court Judges, Acting City Court Judges, and Chief Judges of the City Court.

The last decade has seen a cadre of impressive women move into the court system's highest positions and a number of "firsts" for New York. The Court of Appeal's first woman judge, Hon. Judith S. Kaye, was elevated to Chief Judge of the State of New York in 1993, becoming its first female Chief Judge. Hon. Carmen Ciparick joined Chief Judge Kaye on the state's highest bench in 1994 so that, for the first time, two women sit on the Court of Appeals. The number of women on the state's Appellate Division has doubled in the past ten years, with 10 women or 19% of the bench now female.⁸² In 1991, Hon. M. Dolores Denman became the Appellate Division, Fourth Department's—and New York's—first woman Presiding Justice. The Second Department now has four women justices, enough so that when they sit together, as they did for the first time in 1994, lawyers argue to an all-female appellate bench.⁸³ The ranks of administrative judges too now include women in unprecedented numbers. Women fill 6 out of 22 of these highly visible appointments.

But progress is uneven. Women interested in achieving judicial office have more success in some courts and some regions of the state than others. Particularly difficult for women is winning seats on Supreme Court benches. The state's highest trial level court, the Supreme Court, is important not just because of the nature of the cases it hears but also because, according to New York's Constitution, only justices elected to Supreme Court seats may serve on the Appellate Division. In 1986, women held only 22 or 8% of these positions on the trial level. Although 40 of these Supreme Court Justices now are women, this is only 12% of this bench, a percent far below the 20% for the judiciary as a whole. Nor is there any evidence of much recent progress. The percent and number of women elected and serving as trial Supreme Court Justices has remained virtually the same for the past five years.

Worth noting too are regional variations. Women judges are—and were in 1986—far more common in New York City than outside the City limits. In New York City's courts of limited jurisdiction (New York City Family, Civil, and Criminal Courts), a total of 48% of the bench, or nearly half, are women. In 1986, the percent of these judicial positions held by women was 27%. Outside New York City, in courts of limited jurisdiction (County, Family, District, and City Courts), just 12% of these seats are filled by women, up from only 8% in 1986.

The distribution of women elected Supreme Court Justices sitting in trial courts also tends to follow this regional pattern, although not invariably. Of the 40 women serving in these judicial positions across the state, 28, or 70% of the state's total, sit in New York City. But the Eighth Judicial District, which includes Buffalo's Erie County, also has a significant number of women—five—sitting on its Supreme Court trial bench, and Nassau County has three.⁸⁴

Non-Constitutional Judges and Quasi-Judicial Posts

Housing Court Judges and Family Court Hearing Examiners are important, visible participants in the court system. They achieve office, however, neither by election nor by

⁸² For a table showing the number and location of New York's women Appellate Division Justices, see *Appendix E*.

⁸³ See "Appellate Division, Second Department Fields All-Female Bench," *New York Law Journal*, April 15, 1994, p. 1, col. 3.

⁸⁴ For a table showing the location of women on New York's Supreme Court in 1996, see *Appendix E*.

appointment by executive branch officials, but rather through choices made by court administrators, who have the authority to make appointments to these posts.

Well-represented among their ranks in 1986, women serving in these non-constitutional and quasi-judicial posts have increased in number in the past decade. In 1986, women were 20% of the Housing Court bench; by 1996 the number had increased to 36%. Women accounted for 34% of the state's Family Court Hearing Examiners in 1986, and, in 1996, they held 43% of those positions.⁸⁵

Attorneys Employed in the Courts

The judicial branch employs attorneys, and the progress of women among the ranks of lawyers who work for the courts contributes to the overall advancement of women in the profession. Opportunities for attorneys within courthouses, however, take on a significance beyond the mere number of attorneys holding these positions and even beyond their visibility within the legal system because employment in the courts often serves as a stepping stone to the judiciary.

Women account for a large percent of the attorneys employed in New York's courts, and their percentage has increased steadily over the past ten years. In 1986, the percent of women in the court systems' attorney lines was 31%. By 1996, they held 45% of these positions. Furthermore, the common pattern of women clustered in large numbers at the bottom rungs of the legal profession and sparsely represented in its upper reaches is largely absent in the courts. Women fill 46% of the entry level attorney lines in the court system and 43% of the senior positions.⁸⁶

Many lawyers working for the New York courts do move from nonjudicial positions to the bench, and women are among those who have traveled this route to the judiciary. No single source lists all judges who once were among the courts' nonjudicial employees. However, limited research found 92 current judges who were working for the courts in nonjudicial titles a decade earlier. The majority of them were law clerks to judges or law assistants. Thirty of these judges who were nonjudicial court employees in 1986, or nearly a third, are women. Among those who have moved from law assistant or law clerk to the bench are New York Court of Appeals Judge Carmen Ciparick and the only two women to serve on the Appellate Division, First Department, Hon. Betty Weinberg Ellerin and Hon. Angela Mazzarelli.

⁸⁵ For a table on women Housing Court Judges and Family Court Hearing Examiners, see *Appendix F*.

⁸⁶ For a table and graph on the participation of women as attorneys in the court system's nonjudicial workforce, see *Appendix G*.

Status of Court Employees

The participation of women in the courts' workforce on the same basis and under the same rules of the game as men is, first of all, a matter of fairness to the women themselves. But it is more than that. Nonjudicial employees as well as judges shape the courts and the experiences of litigants who pass through the courthouse doors. If they, or those with whom they work, are treated in ways that suggest discrimination on the basis of gender will be tolerated, employees may absorb the message that fairness is not an unequivocal commitment, and, ultimately, both morale and job performance may be compromised.

Participation in the Workforce

The Task Force found that "Men consistently dominate the higher-grade, higher-paid positions. Women are vastly overrepresented at the lower levels."⁸⁷ These bluntly-stated conclusions were based on a study conducted by the Center for Women in Government at the State University of New York at Albany, which analyzed the entire work force of nonjudicial employees and produced data on the number of women in each employment grade in the Unified Court System.

Women employees occupy a stronger position today than they did when the Task Force reported ten years ago. More women work for the courts, and they hold a larger proportion of the court system's better-paying and higher-status jobs.

The court system's nonjudicial workforce has grown in the past decade mostly by adding women to its ranks. Women now constitute 55.6% of the courts' employees, up from 50.7% in 1986.⁸⁸ (See Table II.)

TABLE II

WOMEN AND MEN IN THE NONJUDICIAL WORKFORCE 1986-1996

	1986	1990	1996	% Change over 10 year period
Total Workforce	11,809 (100%)	12,836 (100%)	13,248 (100%)	+12.2%
Total Female	5,984 (50.7%)	6,824 (53.2%)	7,363 (55.6%)	+23.0%
Total Male	5,825 (49.3%)	6,012 (46.8%)	5,885 (44.4%)	+1.0%

⁸⁷ Task Force Report at 156.

⁸⁸ For a graph on the participation of men and women in the nonjudicial workforce from 1986-1996, see Appendix G.

Much of this growth in women's participation in the courts' workforce has been in the higher salary grades. Women, who were 35.5% of the workforce in the highest grades (JG-24 and above) in 1986, now hold 48.8% of these positions. (*See Table III.*)

TABLE III

WOMEN BY GRADES 1986-1996			
% Women Employed			
Grade Group	1986	1990	1995
Low (15 and below)	84.5%	84.2%	85.0%
Medium (16 - 23)	38.4%	41.9%	43.5%
High (24 and above)	35.5%	41.2%	48.8%

The increase in women is visible across the board, in almost every occupational group. Among groups with large increases were Court Clerk, which grew from 27.6% female to 41.4%; Attorney, which went from 30.6% female to 45.7%; and Court Reporter, up from 52.5% female to 69.7%. Women among the courts' Officials and Administrators rose from 48.1% in 1986 to 55.6% in 1996, with the greatest growth, from 16.0% to 44.6%, among Managers and Executive Assistants.⁸⁹ The job categories that stayed the same, Office Clerical, Court Assistants, and Paraprofessionals, were—and are—overwhelmingly female. The only occupational group that experienced a drop in the percent of women was Data Processing. (*See Table IV.*)

Yet progress has been, in places, uneven. Although their numbers are increasing, women, so far, have failed to reach parity with men in the court security series, which accounts for over a fifth of the court system's jobs. Until the 1970's, when litigation outlawed height and weight requirements that had the effect of keeping women out of the court officer ranks, women were foreclosed from competing for these positions. Freed of restrictions, women began moving into court security positions, and, by 1986, they held 14.0% of these jobs. By 1996, they had increased their participation in the court security series to 18.3%, and they were 27% of the four most recent classes at the Court Officer's Academy, which trains all incoming court officers. Women have been least successful in reaching the higher-ranking court security titles where turn over rates are low. They are only 14.6% of the senior court officers, only 3.9% of the senior court officer-sergeants, and 10.0% of the supervisors.⁹⁰

Women have moved more easily into Court Clerk positions in New York City, a position that was tied to the male-dominated court security titles until 1979, when the court system eliminated rules that had allowed only Court Officers to sit for the Court Clerks' civil service examination. They are now 38.9% of the New York City's Court Clerks/Senior Court Clerks, 28.2% of

⁸⁹ For a table on the participation of women as officials and administrators in the nonjudicial workforce, *see Appendix G.*

⁹⁰ For tables on the participation of women in the Court Security Series, *see Appendix G.*

TABLE IV

WOMEN BY OCCUPATIONAL GROUPS 1986-1996				
Occupational Group	% of Non-Judicial Workforce	% Women Employed		
		1986	1990	1996
All Non-Judicial Employees	100.0%	50.7%	53.2%	55.6%
Office Clerical	27.0%	90.6%	90.6%	90.6%
Court Security	21.2%	14.0%	15.8%	18.3%
Court Clerks	13.9%	27.6%	34.5%	41.4%
Attorneys	11.5%	30.6%	37.7%	45.7%
Court Reporters	8.2%	52.5%	59.0%	69.7%
Officials & Administrators	3.9%	48.1%	50.1%	55.6%
Court Assistants	4.0%	76.7%	74.7%	76.6%
Analysts	3.1%	55.3%	58.1%	62.6%
Court Interpreters	1.2%	61.5%	64.8%	67.5%
Data Processing	0.9%	31.8%	26.7%	28.8%
Paraprofessionals	0.8%	73.5%	73.9%	74.3%
Other Occupational Groups & Positions	4.3%	35.6%	36.5%	39.8%

the Associate Court Clerks, and 20.5% of the Principal Court Clerks. In New York City, however, women still occupy fewer of these positions than their counterparts upstate, where the job of Court Clerk was not linked historically with service as a Court Officer and 78.2% of the Court Clerks/Senior Court Clerks and 50.0% of the Associate Court Clerks are women.⁹¹

The Workforce Diversity Program

The Office of Court Administration continues to search for ways to increase the participation of women in the court system's workforce, particularly in the high status, well-paying jobs that the Center for Women in Government took as the focus of its work for the Task Force. Since 1990, when the Office of Court Administration, following the recommendations of a work force utilization study,⁹² put in place its Workforce Diversity Program, fairness to its disparate workforce and

⁹¹ For tables on the participation of women in the Court Clerk Series, see *Appendix G*.

⁹² Office of Court Administration, *Report on the Participation of Minorities and Women in the Nonjudicial Workforce of the New York State Unified Court System*, October 1989.

to women as well as minorities has been a priority. Key to these efforts has been a system of goals and timetables in job categories in which underrepresentation has been identified. Local administrators, who together with the Office of Court Administration set hiring goals based on job turnover and local labor pool statistics, are held responsible for meeting goals, and their degree of success is considered in yearly, executive performance evaluations.

Essential also to the Workforce Diversity Program has been aggressive outreach. Staff from the Office of Court Administration's Equal Opportunity Office make it their business to communicate with schools, civic organizations, and professional associations about opportunities for jobs within the courts. Information is provided on civil service exams, and employment announcements are distributed widely. All of this work contributes to the greater participation of women in the court system's workforce and the increasing presence of women in its higher level positions.

Remedies and Procedures

While women may be advancing within the nonjudicial workforce, conditions under which women labor remain in some ways different and more onerous than those for men. Vulnerability to sexual harassment is a fact of life on the job for many women and few men. Prompted by an interest in securing effective avenues of redress for people who are subjected to harassment, the New York Judicial Committee on Women in the Courts took a hard look at the court system's procedures for handling complaints about discrimination in general. The Committee's examination, in turn, spurred the Office of Court Administration to take two significant steps.

First, working with a plan initially devised by the Committee, the Office of Court Administration put in place a network of Anti-Discrimination Panels to serve as informal mechanisms for airing grievances about bias. The panels were designed for employees who might hesitate to use a formal complaint structure. Panel members were selected from among court personnel, judicial and nonjudicial, with special talent for listening and reputations for discretion. Their duties were defined as hearing complaints from employees who sought them out, giving advice about alternative courses of action, and, occasionally, acting as intermediaries. Once chosen, they attended training sessions to acquaint them with their roles, court policies, and the nature of discrimination in the workplace. By 1992, Anti-Discrimination Panels had been appointed for each judicial district and administrative unit, and initial training was completed.

While working on plans for these panels, the Office of Court Administration, again at the behest of the New York Judicial Committee on Women in the Courts, revised its procedures for handling employees' complaints. Covering not only discrimination on the basis of gender and race but also a host of other forms of invidious discrimination including sexual orientation and marital status, the procedures apply to challenges to a broad spectrum of employment decisions, among them employer choices about hiring, termination, job assignments, and working conditions.

Sexual Harassment

The Anti-Discrimination Panels and the new procedures went some distance toward protecting employees from the unwanted sexual advances and hostile work environments that constitute sexual harassment, but the New York Judicial Committee on Women in the Courts perceived the need for additional measures to make the court system an exemplary employer. The first, part education and part supplement to the procedures for complaints of discrimination, was a pamphlet. In 1992, the New York Judicial Committee on Women in the Courts drafted "Sexual Harassment in the Workplace," which the Office of Court Administration published and distributed to its entire complement of judges and nonjudicial employees. Written in clear, simple language, the pamphlet explains to court employees the courts' policy on sexual harassment and describes remedies, both formal and informal, available to employees. The pamphlet's response to the question about the content of the courts' policy on sexual harassment sets the tone. The answer is direct: "Sexual harassment is wrong, and it is illegal."

Education for judges, who are the focal points of the court system as well as its most visible and influential administrators, was also essential, and, recognizing this, the New York Judicial Committee on Women in the Courts organized programs about sexual harassment on the job for the 1993 Judicial Seminars. In eight separate sessions, judges saw presentations by Plays for Living, a professional theater group that defines its mission as giving dramatic voice to compelling social problems. The play, called "The Silent Contract," explored the dynamics of sexual harassment through the eyes of victims, harassers, supervisors, and families. Later in the seminars, judges listened to panels discussing practical questions about harassment and heard the courts' top administrators describe the Office of Court Administration's policy and the responsibility assigned to judges in enforcing it. When newly-elected and newly-appointed judges gathered for orientation the following December, they too were introduced to the court system's commitment to a workplace free of harassment through a program presented by Plays for Living.

Alternative Work Schedules

Women who, still far more frequently than men, are responsible for the daily care of children and ill family members, often need flexible working arrangements. They may find during certain periods of their lives that working from nine to five, five days a week, is difficult or impossible. Alternatives to the standard work week, which have become a matter of equity for women still contending for equality in the workplace, also serve the interests of employers, who are able to retain the talents and experience of employees who might otherwise have no choice but to resign.

Although flexible hours and part-time work had been available to court employees for a number of years on an *ad hoc* basis, in 1990 the Office of Court Administration established a policy in favor of supporting arrangements that deviate from the standard work week. Officially encouraging managers to accommodate alternative schedules, the policy spoke directly of the needs of working mothers, single parents, and employees with elderly parents, as well as those

interested in educational opportunities. Officially authorized by the policy were staggered work days, compressed work weeks, part-time work, and shared jobs. Managers were asked to cooperate in a process that, while complicated, had the potential to inspire loyalty, boost morale, and help the court system retain valuable employees.

Court employees have taken advantage of the offer to accommodate their needs in substantial numbers. During the first five years of the official program over 700 requests to try alternative schedules have been granted. Working less than a full week, the most radical option, was the choice of over 250 employees who used the newly established procedures. *Ad hoc* arrangements have continued in place, and, in 1996, the total number of employees working part-time schedules, both those who were part of the courts' formal program and those who made their arrangements outside the program, numbered 460. Over three quarters of these part-time employees were women. Although most occupational groups are represented, the majority of part-time workers perform jobs as office clericals, court reporters, or attorneys.⁹³

⁹³ For a table on part-time workers in 1986 and 1996, see *Appendix G*.

Since language pervades the work of the courts, which depends on written and spoken words at every juncture, the use of gender neutral language is critical to the courts' commitment to including women fully and equally in all that they do.

The Task Force identified the need for gender neutral language in official court documents,⁹⁴ and, by the time the Task Force reported, the process of transforming the courts' formal language had begun. For several years, the gender content of language in official documents, forms, and rules had been reviewed whenever modifications or revisions were made. Official documents now routinely use gender neutral language. The Office of Court Administration also has asked private publishers, who produce widely used but unofficial forms, to revise their publications. These publishers have cooperated, and their forms too are largely free of biased language.

Efforts to convey the importance of writing gender neutral prose found an advocate at the highest levels of the court system when Chief Judge Judith S. Kaye, then-Associate Judge of the Court of Appeals, penned a piece called "A Brief for Gender-Neutral Brief-Writing." Arguing that using gender neutral language is the right thing to do as well as grammatically correct, comparatively easy, and in the best interest of lawyers who normally wish to avoid alienating those whom they seek to persuade, Chief Judge Kaye urged "lawyers [to] lead others in promoting equality in every way possible."⁹⁵

Spoken language as well as written language has the power to perpetuate discrimination, and two projects of the New York Judicial Committee on Women in the Courts have addressed oral communications in the courts. The first was a memorandum that grew out of the Committee's interest in judicial education and answered the need to convey standards to speakers participating in programs for judges. Written in 1988 by the Committee, the memorandum explained techniques for using gender neutral language and made suggestions for avoiding problems. This memorandum has been circulated to hundreds of speakers over the years.

The Committee also drafted a booklet on spoken language called "Fair Speech: Gender Neutral Language in the Courts." Addressed to the broad audience of all those who work in the courts and use them regularly, the pamphlet discussed techniques for gracefully choosing language that neither offends nor excludes women. When the pamphlet was published in 1991, it was distributed to judges and nonjudicial personnel in the court system, law school deans, presidents of bar associations, and chairs of the task forces, committees, and commissions addressing women in the courts in other states. Popular both within New York and without, the pamphlet remains in circulation. Over the years, the Committee has responded to requests from sit-

⁹⁴ *Task Force Report* at 126.

⁹⁵ Hon. Judith S. Kaye, "A Brief for Gender-Neutral Brief-Writing," *New York Law Journal*, May 21, 1991, p. 2, col. 2. A copy is included as *Appendix H*.

ting judges, law firms, government agencies, colleges, private citizens, and even a legal publisher. Parts of it have been incorporated into publications in other states, the Massachusetts Committee for Gender Equality requested copies to distribute to all Massachusetts judges, and a New York judge cited it in an opinion on the “fireman’s rule.”⁹⁶

This pamphlet has influenced the court’s written language as well as the spoken word to which it was addressed. In 1993, the style manual of the official New York Reports, “[a]cknowledging the critical role that words play in the climate of courthouses and courtrooms,” explicitly adopted the approach and many of the specific suggestions of “Fair Speech.”⁹⁷ The manual reproduced large portions of the pamphlet and recommended using its guidelines “to assist in avoiding unintended slights.”⁹⁸

⁹⁶ *Ruotolo v. State of New York*, 151 Misc. 2d 820, 822 n.1 (Ct. Cl. 1991).

⁹⁷ Official Edition, New York Law Reports, *Style Manual* at 51-52 (1992).

⁹⁸ *Id.* at 51.

Institutions

The Task Force asked for institutional changes to secure continuity in commitments to work that seemed neither simple nor likely to be completed quickly. Without them, the Task Force feared that the interest generated by its report would fade. As the Report noted, "The focus of the best-intentioned leaders, however, cannot remain long on one particular facet of progress. There are too many areas in which improvements are needed; too many emergencies that may take precedence."⁹⁹

In the past decade, mechanisms, some contemplated by the Task Force and some imaginative extrapolations, have been put in place to keep before court officials and the public the particular interests of women in New York courts and the implications of gender bias. Other institutional changes have complemented the creation of foci within the courts system on women in particular.

The New York Judicial Committee on Women in the Courts

Central to the Task Force's recommendations for institutional change was the creation of a committee and a high-level staff position.¹⁰⁰ Almost as soon as the Task Force Report was delivered to the Chief Judge, the Committee to Implement the Recommendations of the New York Task Force on Women in the Courts was appointed. Hon. Kathryn McDonald was named its chair, and members were recruited from among the courts' key managers to form what originally was characterized as a small, in-house implementation team. In 1988 the chair was given authorization to create the staff position contemplated in the Task Force Report, and since then a counsel has worked part-time with the chair, adding to the Committee's capacity to initiate projects and to respond to inquiries.

Over the years the core of the Committee's work has shifted, from a narrow and necessary focus on the Task Force's specific recommendations in its early years to the broader, overarching concern of the Task Force, the pervasive and damaging gender bias it documented so thoroughly. Signaling this shift was a change to its current name, the New York Judicial Committee on Women in the Courts. Members were added to expand the Committee's perspective, and the Committee now counts among its membership not only the original appointees but judges at various levels within the courts and distinguished lawyers from outside the court system.

Throughout its life, the Committee has served as a focal point for interest in women and the legal issues that touch their lives. Among its many functions has been providing help to the people who have turned to the Committee with complaints. The chair has received

⁹⁹ *Task Force Report* at 161.

¹⁰⁰ *Id.* at 162.

scores of letters and calls from litigants, lawyers, court personnel, and advocates for women, and she has responded to each one. Often the answer has been a referral to an appropriate agency or entity. If the complaint concerned court operations, usually Administrative Judges were asked to investigate and respond. Sometimes a meeting proved the best forum for exploring solutions, particularly if those complaining were knowledgeable advocates with ideas to contribute about better ways to approach operational problems. Occasionally the Committee chair has suggested that complaints be filed with attorney disciplinary committees or with the Commission on Judicial Conduct, and, very occasionally, the chair herself has filed charges.

The most troubling complaints have been those from litigants, most often parties in divorce actions or child support cases, who find the court system unresponsive to the deeply troubling circumstances of their lives that bring them to court. The best, although at times imperfect, response to an individual complainant often has been suggesting that the complainant consult with a lawyer or file an appeal. However, even complaints that yield a less than satisfactory answer to the complainant often serve as an early warning system by exposing problems and alerting the courts' administrators to the need for change.

The Committee also has acted as a clearinghouse for diverse constituencies. Bar association representatives, the media, government officials from outside the judiciary, private organizations, and individuals all have turned to the Committee for resources and information. Since New York's Task Force was one of the first in the country to report, other states have sought the Committee's advice as they have begun to form task forces or embark on programs to implement task force recommendations. When state committees and task forces have turned their attention to particular projects, such as encouraging the use of gender neutral language or preventing sexual harassment among court employees, they have drawn on New York's experiences through inquiries to the Committee chair and counsel. Two national conferences gathered together task forces, committees, and commissions on women in the courts from across the nation, one in 1989 and another in 1993, and the New York Committee on Women in the Courts was an active participant in both.

At times the Committee has observed particular needs and assumed responsibility for shaping projects to meet them. Among these were the pamphlets on sexual harassment in the workplace and gender neutral language in the courts and the form to collect data on matrimonial cases. Keeping consistent figures on the number of women judges is another of these projects. With each of these undertakings the Committee has filled a gap by addressing issues that, at the time work was initiated, were not active priorities for any other institution within the judicial branch.

The Task Force also suggested that a committee with continuing responsibility for issues germane to women might "disseminate accurate information concerning progress that has been made and opportunities for change within the courts."¹⁰¹ Responding to this recommendation,

¹⁰¹ *Task Force Report* at 162.

the Committee has published regular reports,¹⁰² which have been circulated to the state's judiciary, law school deans, bar association presidents, and the task forces, committees, and commissions on women in other states. Law school libraries and archives on women's studies at universities have asked for reports and several periodically update their holdings, so that the record of New York's progress is part of a number of permanent library collections. The Committee still receives inquiries asking for the original Task Force Report in addition to frequent calls for its own publications.

Above all, however, the Committee has been a watchdog, a sympathetic but tenacious presence, reminding court officials and the public alike that progress has been made but not all goals have been met. The Committee remains a symbol as well as a tangible product of the court system's commitment to solving problems of gender bias and discrimination.

Local Gender Bias and Gender Fairness Committees

Almost as soon as it started work, the New York Judicial Committee on Women in the Courts recognized its limitations as a centrally-constituted committee with a system-wide mandate in a state as diverse as New York. Common problems, the Committee discovered, assume different shapes in the state's various geographical settings. For example, solutions that may be on target in rural, upstate courthouses, where the number of judges is small and lawyers tend to know each other socially as well as professionally, may fall short of the mark in New York County with its huge courthouses, multiple parts, and scores of judges. Changes in policies and operations that apply to all New York courts, the Committee found, may be essential, but they are the beginning—not the end—of necessary institutional responses.

Searching for ways to promote local initiatives, the Committee encouraged administrative judges to appoint their own committees and experiment with projects that answered the needs of the constituencies within their courthouses. Rather than issuing a blueprint, the Committee offered advice and support to local committees through telephone conversations, *ad hoc* meetings with administrative judges and committee chairs, and memos circulated to committees.

Supplementing its informal efforts, the New York Judicial Committee on Women in the Courts, in recent years, has organized a series of events. The first was a conference held in Albany at the Rockefeller Institute of Government in October 1991, which gathered together for the first time local committee chairs, representative members, and administrative judges. Also invited were activists from women's bar associations and court administrators. During the morn-

¹⁰² *Report of the Committee to Implement Recommendations of the New York Task Force on Women in the Courts*, April 1987; *Second Report of the Committee to Implement Recommendations of the New York Task Force on Women in the Courts*, May 1988; *Third Report of the Committee to Implement Recommendations of the New York Task Force on Women in the Courts*, Oct. 1989; *Five Year Report of the New York Judicial Committee on Women in the Courts*, June 1991; *Annual Report of the New York Judicial Committee on Women in the Courts*, Oct. 1992; *Annual Report of the New York Judicial Committee on Women in the Courts*, Nov. 1993; *Annual Report of the New York Judicial Committee on Women in the Courts*, Nov. 1994.

The Five Year Report of the New York Judicial Committee on Women in the Courts was reprinted in its entirety in 19 *Fordham Urban L.J.* 313 (1992).

ing, speakers from established local committees described both organizational arrangements and committee projects. In the afternoon, people from outside as well as within the court system talked about approaches to substantive topics, such as *pro bono* representation, the treatment of women attorneys, and public education programs. In April 1994, another statewide conference was held, also at the Rockefeller Institute. It followed the format of the first, but, with a longer roster of active committees and successful committee projects, the collective experiences of the local committees had deepened and committee members had more to learn from each other. Joining committee chairs and representatives were administrative judges, court officials, state legislators, members of the press, and Chief Judge Judith S. Kaye, who gave the closing address.

Participants from local committees left the second conference eager for more time to talk among themselves and hear informally about other committees, and, in response, the New York Judicial Committee on Women in the Courts organized regional meetings for the succeeding May. Held in Syracuse and New York City, each meeting had as its top priority formal and informal opportunities to exchange ideas. All committee members, instead of just the one or two representatives that could be accommodated at the statewide conferences, were invited. The regional meetings were followed six months later by a gathering of the local committee chairs in New York City. Convened at the Association of the Bar of the City of New York, the meeting was small enough so the chairs could sit around a single, albeit large, table with members of the New York Judicial Committee on Women in the Courts, talk candidly, and answer each other's questions fully.

The result of these efforts to nurture flexible approaches tailored to particular locales is a network of gender bias and gender fairness committees differing in organizational form, membership, and agenda.¹⁰³ They vary in size and composition. Committee meetings may be small gatherings of a few judges and court staff, or they may be large events that bring together court personnel, practicing attorneys, bar association representatives, and lay advocates for women. Different too are their mandates from administrative judges. Some administrators asked their committees to respond to complaints, some decided their committees should focus on education, some preferred that committees embark on projects answering particular operational or systemic problems, and some were happy to have committees pursue combinations of strategies of their own choosing.

Over the years, a wealth of ideas and approaches have marked local committee projects and activities. For example, one committee,¹⁰⁴ working with an active administrative judge who attends the committee meetings, has a large membership drawn from an array of constituencies within the courthouse, including judges, interpreters, court officers, court reporters, clerical staff, prosecutors, defense attorneys, and representatives from local bar associations. Meetings are devoted to hearing members speak on problems, from attitudes of court personnel to inadequate bathrooms, and the administrative judge takes an active hand in finding solutions. Another com-

¹⁰³ For a current list of administrative judges and the chairs of their local gender bias and gender fairness committees, see *Appendix I*.

¹⁰⁴ The Twelfth Judicial District Gender Bias Committee, chaired by Hon. Richard Lee Price (Hon. Burton Roberts, Administrative Judge).

mittee,¹⁰⁵ appointed by an administrative judge who articulated an interest in public education, made a videotape, called "Changing Attitudes: Gender Bias in the Courts," featuring four vignettes with examples of biased behavior. This committee also organized a forum on whether numerical gains for women are enough and another on the plight of *pro se* litigants, a disproportionate number of whom are women.

Still another committee¹⁰⁶ decided to focus first on establishing a mechanism for handling complaints about the treatment of women from people who use the courts and reached out to local bar associations for help in creating a complaint form and procedures so that individual complaints could be answered efficiently and patterns of problems could be discerned. Included in the procedures were techniques for responding to complaints that fall short of the egregious behavior that is the province of attorney grievance committees and the Commission on Judicial Conduct but nonetheless point to weaknesses that should be addressed. A fourth committee¹⁰⁷ organized public hearings that elicited wide-spread dissatisfaction with the treatment of women who turn to the courts with family or child support matters. Out of these public hearings grew a subcommittee on matrimonial matters that produced a report anticipating many of the recommendations later adopted by the Committee to Examine Lawyer Conduct in Matrimonial Actions. Still another committee,¹⁰⁸ calling on the resources of local bar associations and a nearby law school, presented an evening program called "Gender Bias on Trial." Other projects have ranged from finding the substantial funding necessary for a supervised visitation program,¹⁰⁹ to producing a study on the treatment of women prisoners waiting in Criminal Court to make court appearances,¹¹⁰ to planning a series of luncheon forums for nonjudicial personnel on sexual harassment.¹¹¹ Experiments continue, and the number and variety of projects increases each year.¹¹²

Bar Associations

The Task Force also directed both specific recommendations and calls for institutional change to the state's many bar associations,¹¹³ and they too have responded in diverse ways. They are mentioned in this report as cosponsors of programs, and they have given freely of their resources.

¹⁰⁵ The New York City Civil Court Gender Bias Committee, chaired by Hon. Carol Arber (Hon. Jacqueline Silbermann, Administrative Judge).

¹⁰⁶ The Seventh Judicial District Gender Bias Committee, chaired by Hon. Evelyn Frazee (Hon. Charles Willis, Administrative Judge).

¹⁰⁷ The Ninth Judicial District Committee to Promote Gender Fairness in the Courts, formerly chaired by Hon. Sondra Miller, currently co-chaired by Hon. Sondra Miller and Hon. Joan Lefkowitz (Hon. Angelo J. Ingrassia, Administrative Judge).

¹⁰⁸ Nassau County Judicial Committee on Women in the Courts, currently chaired by Hon. Sandra Feuerstein, formerly chaired by Hon. Zelda Jonas (Hon. Edward McCabe, Administrative Judge; Hon. Leo McGinity, prior Administrative Judge).

¹⁰⁹ New York City Family Gender Bias Committee, currently chaired by Hon. Mary Bednar, formerly chaired by Hon. Mary Ellen Fitzmaurice (Hon. Michael Gage, Administrative Judge; Hon. Kathryn McDonald, prior Administrator).

¹¹⁰ New York City Anti-Bias Committee, currently chaired by Hon. Micki Scherer, formerly chaired by Hon. Angela Mazzarelli (Hon. Judith Kluger, Administrative Judge; Hon. Robert Keating and Hon. Joan Carey, prior Administrative Judges).

¹¹¹ Eighth Judicial District Gender Bias Committee, chaired by Hon. Marjorie Mix (Hon. Vincent Doyle, Administrative Judge; Hon. James Kane, prior Administrative Judge).

¹¹² The 1991, 1992, 1993, and 1994 Reports of the New York Judicial Committee on Women in the Courts describe in more detail the activities of individual committees.

¹¹³ *Task Force Report* at 165.

Interested in identifying more precisely the extent and kinds of responses of bar associations to the Task Force Report in particular and to the increased interest in women in courts in general, the New York Judicial Committee on Women in the Courts, in November 1995, mailed a survey to the approximately 150 bar associations throughout the state.¹¹⁴ Almost half responded.

Some bar presidents, occasionally explaining that they have only a handful of members or that theirs is a specialty bar association focused on narrow issues, have done little, but many have made efforts and some have impressive dossiers of valuable work to their credit. At least 13 bar associations now have committees devoted to women in the courts or women in the profession, and one, the Association of the Bar of the City of New York, has both. Almost all of the 40 associations reporting some activities addressing women's issues listed forums that had been held in the last five years. Domestic violence was the most popular topic, and several bar associations have come back to this issue repeatedly. Sexual harassment too has been covered by a number of bar association presentations as have matrimonial issues. Other programs have discussed women as defendants, women as prisoners, women immigrants, and the credibility of women in courtrooms. Bar associations also reported encouraging *pro bono* representation of domestic violence victims and matrimonial litigants; including questions about discrimination against women in inquiries to judicial candidates; organizing regular luncheons for part-time attorneys and evening events for summer associates; and sponsoring a study on glass ceilings in law firms. Two have collaborated with administrative judges' local gender bias committees. The New York State Bar Association's Committee on Women in the Law developed model policies on childbirth and parenting leaves, sexual harassment, and alternative work schedules.

Women's bar associations, such as those in Rochester, Westchester County, Nassau County, and New York City as well as the Women's Bar Association of New York State, have lead the way. Their activities and projects, along with those of the New York State Bar Association and the Association of the Bar of the City of New York, have been particularly rich in ideas, immensely varied, and critical to the joint efforts necessary to eliminate discrimination against women in New York's courts.

Codes of Judicial and Professional Conduct

Codifying standards of conduct that leave no room for biased behavior by lawyers or judges is yet another institutional change, cutting across all issues, that the Task Force recommended and that has, in large measure, been adopted.¹¹⁵

Attorneys became subject to sanctions for discrimination through amendments to New York's Code of Professional Responsibility that became effective September 1, 1990. Part of major revisions to the Code, the new disciplinary rule prohibited lawyers from "unlawfully discriminat[ing] in the practice of law, including in hiring, promoting or otherwise determining conditions of employment" on, among other bases, sex or marital status.¹¹⁶ For the most part,

¹¹⁴ For a copy of this survey, see *Appendix J*.

¹¹⁵ *Task Force* at 165.

¹¹⁶ Code of Professional Responsibility, DR 1-102 (A)(6).

however, misconduct charges may be brought under this provision only after a finding and final review by another tribunal, such as the State Commission on Human Rights. Added at the same time was a broad Ethical Consideration that instructs lawyers to “avoid bias and condescension toward, and treat with dignity and respect, all parties, witnesses, lawyers, court employees, and other persons involved in the legal process.”¹¹⁷ Other code provisions remain available to reach attorneys whose behavior is tainted with bias. The disciplinary rule forbidding conduct “that adversely reflects on ... fitness to practice law,” for example, has been used to censure an attorney for attacking his adversary at a deposition by directing “vulgar, obscene and sexist epithets toward her anatomy and gender.”¹¹⁸

Recently amended rules make judges fully accountable for discrimination on the basis of sex and marital status, as well as other invidious forms of bias. The Code of Judicial Conduct now directly and forcefully prohibits judges performing judicial duties from manifesting bias “by words or conduct,” and judges are answerable as well for the behavior of “staff, court officials and others subject to [their] direction and control.”¹¹⁹ Also forbidden is membership in clubs that practice discrimination.¹²⁰ When these amendments went into effect on January 1, 1996, making judges subject to discipline by the Commission on Judicial Conduct for acts of discrimination, New York joined 19 other states that also had adopted these provisions of the American Bar Association’s Model Code of Judicial Conduct. These rules imposed a standard of conduct that allows no excuses and speaks unequivocally of the courts’ commitments to operating without the taint of discriminatory bias.

¹¹⁷ *Id.*, EC 1-7.

¹¹⁸ *Matter of Schiff*, 190 A.D. 2d 293 (1st Dept. 1993). See also *Principe v. Assay Partners*, 154 Misc. 2d 702 (Sup. Ct., N.Y. Co. 1992), in which a judge used court rules to sanction a lawyer for making abusive remarks, including referring to his adversary repeatedly as “little girl” during a deposition.

¹¹⁹ 22 NYCRR § 100.3 (B)(4).

¹²⁰ 22 NYCRR § 100.2 (D).

Conclusion

This report sounds a consistent theme: impressive progress alongside persisting problems. Educational programs have been put in place, committees have been formed and have issued reports, statutes have been changed, court decisions have clarified laws, gender neutral language has become the norm, and the number of women in the profession, in the judiciary, and in the upper ranks of the courts' nonjudicial personnel has increased—yet women in courthouses and the court system may still find obstacles to the pursuit of their legal claims, careers, and profession that men rarely confront.

Making change of the kind necessary to reform the conditions documented in the Task Force Report is difficult. Products of a culture that assesses and values girls and boys, women and men, differently, we all have absorbed the prejudices of our time and place. Yet keeping judgments consistently free of “preconceived notions about sex roles ... upon a fair and unswayed appraisal of merit as to each person or situation,” the standard Chief Judge Lawrence Cooke set when he appointed the Task Force, continues to be our goal. A court system without vestiges of gender bias remains an ideal, but it is a ideal that can—and must—guide and inform us as we move into another decade.

The New York Judicial Committee on Women in the Courts

Hon. Kathryn McDonald, Chair

Susan Bender

Patricia Bucklin

Nicholas Capra

Alice M. Chapman

Michael Colodner

Hon. Donald J. Corbett, Jr.

Hon. Betty Weinberg Ellerin

Hon. Zelda Jonas

Hon. May Newburger

Hon. Juanita Bing Newton

Carol Robles-Roman

Peter Ryan

Fern Schair

Amy S. Vance

Adrienne White

Jill Laurie Goodman, Counsel

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New York Law Journal, May 21, 1991

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Appendix A
Task Force Members

New York Task Force on Women in the Courts, 1984-1986

Chairperson

Hon. Edward J. McLaughlin, Supervising Judge, Onondaga County Family Court,
Syracuse, New York

Members

Jay C. Carlisle, Pace University School of Law, White Plains, New York

Hon. Hazel N. Dukes, President, New York State Conference of NAACP Branches,
New York, New York

Haliburton Fales, White & Case, New York, New York; President, New York State Bar
Association (1983-84)

Neva S. Flaherty, Esq., Assistant District Attorney, Monroe County, Rochester, New York

Hon. Josephine L. Gambino, Commissioner, New York State Department of Civil Service,
New York, New York

Marjorie E. Karowe, Esq., President, Women's Bar Association of the State of New York
(1982-83); Pattison, Sampson, Ginsburg and Griffen, Troy, New York

Hon. Sybil Hart Kooper, Justice of the Supreme Court, Appellate Division, Second Judicial
Department; President, National Association of Women Judges (1985)

Sarah S. Kovner, Founder and Member, Board of Directors, First Women's Bank; Member,
Governor's Advisory Council for Minority and Women-Owned Business Enterprise,
New York, New York

Hon. David F. Lee, Jr., Justice of the Supreme Court, Norwich, New York

Joan McKinley, President, New York State League of Women Voters (1984-85),
Saratoga Springs, New York

Hon. Olga A. Mendez, Member, New York State Senate; Member, Women's Legislative
Caucus; Member, Board of Directors, Center for Women in Government,
SUNY- Albany

S. Michael Nadel, Esq., Deputy Chief Administrator, New York State Unified Court System
(1981-85); New York City Personnel Director (1979-81).

Edward M. Roth, Associate, Debevoise & Plimpton, New York, New York; Law Clerk to
Chief Judge Lawrence H. Cooke, New York State Court of Appeals (1982-84)

Oscar M. Ruebhausen, Counsel, Debevoise & Plimpton, New York, New York; President,
Association of the Bar of the City of New York (1980-82)

Sharon Kelly Sayers, Esq., Member, Committee on Child Custody, New York State Bar
Association; Member, Matrimonial Committee, Women's Bar Association of the
State of New York

Fern Schair, Esq., Executive Secretary, Association of the Bar of the City of New York;
Member, Board of Directors: Committee for Modern Courts, Citizens' Union,
Women's City Club, Better Business Bureau

Prof. John Henry Schlegel, Associate Dean and Professor of Law, State University of
New York at Buffalo

Richard E. Shandell, Esq., Glasser, Shandell & Blitz, New York, New York; Past President,
New York State Trial Lawyers' Association

Hon. Florence Perlow Shientag, Former Justice, Family Court; Founder, New York
Women's Bar Association; Director, United Nations Development Corp.

David Sive, Esq., Sive, Paget & Riesel, New York, New York; Member, Executive
Committee, Association of the Bar of the City of New York (1972-76)

Hon. Ronald B. Stafford, Member, New York State Senate, Chairman, Codes Committee,
Plattsburgh, New York

Hon. Stanley Steingut, Berger & Steingut, New York, New York; Former Speaker,
New York State Assembly

Advisors

Hon. Marjory D. Fields, Judge of the Family Court, Bronx County; Co-Chair, Governor's
Commission on Domestic Violence; Member, New York State Commission on
Child Support

Lynn Hecht Schafran, Esq., Director, National Judicial Education Program to Promote
Equality for Women and Men in the Courts; Special Counsel, New York City
Commission on the Status of Women; Chairperson, Committee on Sex and Law,
Association of the Bar of the City of New York

Lucia Whisenand, M.P.A., J.D., Law Clerk to Hon. Edward J. Mc Laughlin, Supervising
Judge, Family Court, Onondaga County; Member, New York State Commission on
Child Support; Acting Director, Center on Interdisciplinary Studies, Syracuse
University College of Law (1979-81)

Prof. Norma J. Wikler, Associate Professor of Sociology, University of California, Santa
Cruz; First Director, National Judicial Education Program to Promote Equality for
Women and Men in the Courts; Member, National Gender Bias Task Force of the
National Association of Women Judges; Advisor, New Jersey Supreme Court Task
Force on Women in the Courts

Staff

Patricia P. Satterfield, Esq., Assistant Deputy Counsel, Office of Court Administration

Adrienne White, Director, Equal Employment Opportunity Office, Unified Court System

Clema J. Walters, Management Analyst, Equal Employment Opportunity Office, Unified
Court System

Appendix B
Tables on Sexual Assault in New York State

STATE OF NEW YORK - DIVISION OF CRIMINAL JUSTICE SERVICES
OJSA/BUREAU OF STATISTICAL SERVICES

FELONY SEX OFFENSE ARRESTS DISPOSED
NEW YORK STATE

DISPOSITION YEAR	1984	1990	1991	1992	1993	1994
TOTAL DISPOSITIONS	3234	3817	3813	4072	3817	3638
NOT PROSECUTED	150	163	133	172	203	225
PROSECUTED	3084	3654	3680	3900	3614	3413
CONVICTED	1766	2033	2186	2338	2214	2026
--PLEA	1417	1736	1930	2104	1986	1851
--VERDICT	204	163	168	143	140	114
--UNKNOWN	145	134	88	91	88	61
DISMISSED	1150	1412	1316	1357	1211	1190
ACQUITTED	112	119	106	120	125	109
OTHER DISPOSITION	56	90	72	85	64	88
SENTENCES TO: PRISON	582	632	618	677	588	541
JAIL	290	311	313	305	291	257
TIME SERVED	37	54	46	53	52	40
JAIL + PROBATION	220	302	345	360	354	263
PROBATION	428	484	610	628	582	565
FINE	68	64	58	62	73	63
COND. DISCHARGE	121	171	184	236	258	264
OTHER	7	3	2	6	4	7
UNKNOWN	13	12	10	11	12	26
CONVICTION RATE (% OF DISPOSED)	54.6%	53.3%	57.3%	57.4%	58.0%	55.7%
INCARCERATION RATE (% OF CONVICTION)	63.9%	63.9%	60.5%	59.7%	58.0%	54.3%
% OF CONVICTION TO: FELONIES	56.9%	57.3%	56.5%	57.4%	53.6%	50.9%
MISDEMEANORS	37.1%	35.4%	37.6%	35.1%	37.9%	38.5%
LESSER OFFENSES	6.1%	7.3%	6.0%	7.5%	8.5%	10.7%

SOURCE: COMPUTERIZED CRIMINAL HISTORY (07/21/95)

STATE OF NEW YORK - DIVISION OF CRIMINAL JUSTICE SERVICES
OJSA/BUREAU OF STATISTICAL SERVICES

MISDEMEANOR SEX OFFENSE ARRESTS DISPOSED
NEW YORK STATE

DISPOSITION YEAR	1984	1990	1991	1992	1993	1994
TOTAL DISPOSITIONS	1011	1112	1086	1224	1244	1265
NOT PROSECUTED	21	22	26	21	34	41
PROSECUTED	990	1090	1060	1203	1210	1224
CONVICTED	546	596	634	721	726	692
--PLEA	493	532	568	666	681	649
--VERDICT	9	13	19	21	23	17
--UNKNOWN	44	51	47	34	22	26
DISMISSED	411	453	381	431	435	465
ACQUITTED	18	22	21	22	28	35
OTHER DISPOSITION	15	19	24	29	21	32
SENTENCES TO: PRISON	4	0	8	2	2	2
JAIL	99	105	111	107	117	97
TIME SERVED	21	27	22	27	25	32
JAIL + PROBATION	30	47	35	42	35	34
PROBATION	112	126	142	164	144	137
FINE	105	127	143	135	141	141
COND. DISCHARGE	162	157	164	232	253	230
OTHER	7	3	3	8	2	5
UNKNOWN	6	4	6	4	7	14
CONVICTION RATE (% OF DISPOSED)	54.0%	53.6%	58.4%	58.9%	58.4%	54.7%
INCARCERATION RATE (% OF CONVICTION)	28.2%	30.0%	27.8%	24.7%	24.7%	23.8%
% OF CONVICTION TO: FELONIES	1.5%	1.0%	2.4%	1.4%	.8%	.7%
MISDEMEANORS	60.1%	60.2%	57.3%	58.7%	59.5%	55.2%
LESSER OFFENSES	38.5%	38.8%	40.4%	39.9%	39.7%	44.1%

SOURCE: COMPUTERIZED CRIMINAL HISTORY (07/21/95)

Appendix C
Form for Collecting Data on Matrimonial Cases

1. County _____
2. Case Number _____
3. Date Action Commenced: ____/____/____
4. Party filling out form (circle one):
a. Husband or Husband's Attorney
b. Wife or Wife's Attorney
5. Husband's Date of Birth: ____/____/____
mm dd yy
6. Wife's Date of Birth: ____/____/____
mm dd yy
7. Date of marriage: ____/____/____
mm dd yy
8. Children of the Marriage:
[For each living child of the marriage indicate date of birth and who has physical custody (F=Father, M=Mother, J=Joint, T=Third Party)]
- | Child | Date of Birth | Custody |
|-------|----------------------------|---------|
| 1 | ____/____/____
mm dd yy | _____ |
| 2 | ____/____/____
mm dd yy | _____ |
| 3 | ____/____/____
mm dd yy | _____ |
| 4 | ____/____/____
mm dd yy | _____ |
| 5 | ____/____/____
mm dd yy | _____ |
9. Was Husband represented by an attorney? (circle one)
YES NO
10. Was Wife represented by an attorney? (circle one)
YES NO
11. Financial arrangements (circle one):
a. By Judge, Referee or Appellate Court
b. By Written Agreement of Parties or Stipulation on the Record
c. Both
d. Other
12. Husband's Annual Gross Income:
\$ _____
13. Wife's Annual Gross Income:
\$ _____

14. Basic Child Support Award Paid to (circle one)
a. Wife b. Husband c. Third Party
15. Value of Basic Child Support Payment:
By Husband: \$ _____ Annually
By Wife: \$ _____ Annually
16. Additional Child Support: (circle as many as appropriate)
By Husband: _____ By Wife: _____
a. Medical/Med. Ins. a. Medical/Med. Ins.
b. Child Care b. Child Care
c. Education c. Education
d. Other d. Other
17. Did court make a finding that the child support award varied from the Child Support Standards Act amount? (circle one)
YES NO
18. If answer to #17 was yes, was the child support award higher or lower than the Child Support Standards Act amount? (circle one)
a. Higher b. Lower
19. If answer to #17 was yes, circle court's reason(s)
a. Financial resources of parents/child.
b. Physical/emotional health of child: special needs or aptitudes.
c. Child's expected standard of living had household remained intact.
d. Tax consequences.
e. Non-monetary contribution toward care and well-being of child.
f. Educational needs of either parent.
g. Substantial differences in gross income of parents.
h. Needs of other children of non-custodial parent.
i. Extraordinary visitation expenses of non-custodial parent.
j. Other (specify): _____

20. Spousal Maintenance: (circle one)
a. None b. To Husband c. To Wife
21. Value of Maintenance:
\$ _____ Annually
22. Duration of Maintenance (circle one and provide date if appropriate):
a. Until a specific date ____/____/____
mm dd yy
b. Until death or remarriage.
c. Other
23. Marital Home (circle one):
a. Owned b. Rented c. Other
24. Marital Home Value (if owned):
a. Value \$ _____
b. Outstanding Mortgage \$ _____
25. Marital Home - Division:
_____% to husband ____% to wife
26. Post divorce occupancy of marital home (circle one):
a. By husband b. By wife c. Neither
27. Other Marital Assets Not Including Marital Home:
\$ _____
28. Division of Other Marital Assets:
a. Amount to Husband \$ _____
b. Amount to Wife \$ _____
29. Other Awards:
To Husband To Wife
\$ _____ \$ _____ Attorney Fees
\$ _____ \$ _____ Expert Fees
\$ _____ \$ _____ Arrears
\$ _____ \$ _____ Other

Prepared by (Attorney or Party):

Print Name

Signature

Date

FOR COURT USE ONLY:

TO BE FILLED OUT BY COURT CLERK: DATE OF DECREE; ORDER; OR MODIFICATION ____/____/____

UNIFIED COURT SYSTEM DIVORCE AND CHILD
SUPPORT SUMMARY FORM: SUPREME COURT (UCS-113)

(10/94)

INSTRUCTION SHEET

Uncontested Matrimonial: This form must be submitted by the plaintiff to the court clerk, upon submission of the proposed judgment.

Contested Matrimonials: This form must be submitted by the party seeking to enter a judgment of divorce to the court clerk, upon submission of the proposed judgment.

GENERAL INSTRUCTIONS: ALL ITEMS MUST BE ANSWERED

- . If a number or amount in dollars is required and the answer is none, write 0.
- . If a certain item is not applicable, write NA.
- . If the information is unknown or not known to the party filling out the form, write UK.
- . "mm/dd/yy" means "month/day/year".

SPECIAL INSTRUCTIONS FOR PARTICULAR ITEMS:

- #8. If there are more than five children, provide the information for the youngest five. Include adopted children. "Third party" may include relatives, foster care or other arrangements.
- #9 & #10. If husband and/or wife has been represented by an attorney at any time during this litigation, circle "Yes".
- #11.
 - a) If a trial judge, referee or appellate court determined all financial matters, such as the division of property, maintenance and child support, circle "Judge, Referee or Appellate court".
 - b) If the parties determined all financial matters through a separation agreement, written settlement, or stipulation that is part of a court record, circle "Written Agreement of Parties or Stipulation on the Record".
 - c) If a judge, Referee or appellate court determined some financial matters and the parties determined others, circle "Both". If financial matters were settled informally, then circle "Other".
- #12. & #13. Use gross income figures from the last complete calendar year. Do not include maintenance or child support as income.
- #15. If the child support award is calculated weekly, multiply it by 52 for the annual amount; if biweekly, multiply it by 26; if monthly, multiply it by 12.
- #21. If the maintenance award is calculated weekly, multiply it by 52 for the annual amount; if biweekly, multiply it by 26; if monthly, multiply it by 12. If the maintenance award calls for decreasing or increasing amounts (for example, a certain amount for five years and half that amount for another three years), then provide the average of the awards (total amount for all years divided by the number of years).
- #22. If maintenance was ordered for a designated number of months or years, provide the date when the maintenance ends.
- #27 & #28. "Other Marital Assets" include, for example, securities, bank accounts, IRA's, pensions, wholly or partly owned businesses, and real estate not listed as marital home property in #'s 21-23.
- #29. On the line for "arrear", provide the amount of:
 - a) awards of unpaid interim or pendente lite child support and/or maintenance and
 - b) retroactive awards of child support and/or maintenance.

NOTE: THIS INFORMATION IS CONFIDENTIAL AND WILL BE USED FOR STATISTICAL PURPOSES ONLY. IT WILL NOT BE RETAINED IN THE CASE FILE.

Appendix D
List of Children's Centers

**PERMANENT JUDICIAL COMMISSION ON JUSTICE FOR CHILDREN
CHILDREN'S CENTERS IN THE COURTS**

COUNTY	COURT	CENTER	PROVIDER
Albany	Family	Albany County Family Court 602 Broadway Albany NY 12207 518/427-3590	Albany County Opportunity Inc. 35 Clinton Avenue Albany NY 12210 518/463-3175 Amanda Boyans
Bronx	Family	Bronx County Family Court New York NY 10007 Bronx NY 10454 718/681-6618	Victim Services Agency Room 7-90/7th Floor 212/577-7700 Lucy Friedman
Erie	Family	Erie County Hall 25 Delaware Avenue Ground Floor Buffalo NY 14202 716/858-8800	YWCA of Western New York 190 Franklin Avenue Buffalo NY 14202 716/852-6120 Diane Rowe
Kings	Criminal	Kings County Criminal Court 120 Schermerhorn Street Brooklyn NY 11201 718/834-7433	Victim Services Agency 2 Lafayette Street New York NY 10007 212/577-7700 Lucy Friedman
Kings	Family	Kings County Family Court 283 Adams Street Room 110 Brooklyn NY 11201 718/643-2357	Victim Services Agency 2 Lafayette Street New York NY 10007 212/577-7700 Lucy Friedman
Monroe	Family	Monroe County Hall of Justice 99 Exchange Street Third Floor, Family Court Rochester NY 14614 716/428-2295	Catholic Family Center Tower Sibley Building 25 Franklin Street Rochester NY 14606 716/546-7220 Rita Augustine
New York	Civil Criminal Housing	New York County Civil, Criminal, & Housing Court 111 Centre Street New York NY 10013 212/577-8769	Victim Services Agency 2 Lafayette Street New York NY 10007 212/577-7700 Lucy Friedman
New York	Family	New York County Family Court 60 Lafayette Street New York NY 212/374-3690	Victim Services Agency 2 Lafayette Street New York NY 10007 212/577-7700

Onondaga	City County Family Supreme Surrogate	Onondaga County Courthouse 401 Montgomery Street Room 110 Syracuse NY 13202 315/435-2223	Salvation Army 749 South Warren Street Syracuse NY 13202 315/475-1688 Roberta Schofield
Orange	Family	Orange County Family Court Orange County Government Center 265 Main Street Room 513 Goshen NY 10924 914/294-1127	YWCA of Orange County 565 Union Avenue New Windsor NY 12553 914/561-8050 Marylee Pangman
Queens	Family	Queens County Family Court 89-14 Parsons Boulevard Room B-25 Jamaica NY 11432 718/520-3880	Victim Services Agency 2 Lafayette Street New York NY 10007 212/577-7700 Lucy Friedman
Rensselaer	Family	Rensselaer County Annex Third Street Lower Level Troy NY 12180 518/270-2126	Commission on Economic Opportunity 2331 Fifth Avenue Troy NY 12180 518/272-6012 Karen Gordon
Richmond	Family	Richmond County Family Court 51 Stuyvesant Place Room 323 Staten Island NY 10301 718/442-4613	Victim Services Agency 2 Lafayette Street New York NY 10007 212/577-7700 Lucy Friedman
Westchester	Family	Yonkers Family Court 53 South Broadway Yonkers NY 10701 914/423-5048	Westchester Children's Association 470 Mamaroneck Avenue White Plains NY 10605 914/946-7676 Cora Greenberg

Appendix E

Women in New York's Judiciary

Table 1: Women and Men Serving on New York's Appellate Division, 1996

Table 2: Women and Men Serving on New York's Supreme Court, 1996

TABLE 1
APPELLATE JUDGES
BY JUDICIAL DEPARTMENT

1996

Judicial Department	Total	Men		Women	
		No.	%	No.	%
Overall	52	42	80.8%	10	19.2%
1	13	11	84.6%	2	15.4%
2	19	15	79.0%	4	21.1%
3	9	7	77.8%	2	22.2%
4	11	9	81.8%	2	18.2%

Includes Associate Justices, Appellate Division; Associate Justices, Appellate Division, Temporary; Associate Justices, Appellate Division TPCT; and Presiding Justices, Appellate Division.

TABLE 2
SUPREME COURT JUDGES
BY LOCATION

1996

Location	Total	Men		Women	
		No.	%	No.	%
JD3	12	12	100.0%	0	0.0%
JD4	11	11	100.0%	0	0.0%
JD5	15	15	100.0%	0	0.0%
JD6	8	8	100.0%	0	0.0%
JD7	15	14	93.3%	1	6.7%
JD8	23	18	78.3%	5	21.7%
JD9	26	24	92.3%	2	7.7%
Nassau	31	28	90.3%	3	9.7%
Supreme Bronx	21	21	100.0%	0	0.0%
Supreme NY Civil	21	14	66.7%	7	33.3%
Supreme NY Criminal	14	9	64.3%	5	35.7%
Suffolk	22	21	95.5%	1	4.5%
Supreme Kings	58	48	82.8%	10	17.2%
Supreme Queens	48	42	87.5%	6	12.5%
Supreme Richmond	2	2	100.0%	0	0.0%
TOTAL	327	287	(87.8%)	40	(12.2%)

Sitting, Elected Supreme Court Trial Judges only (not including Administrative Judges, Appellate Division Justices, or Acting Supreme Court Justices)

Appendix F

*Women Housing Court Judges and
Family Court Hearing Examiners*

*Table 3: Women Serving as Housing Court Judges and
Family Court Hearing Examiners, 1986 - 1996*

TABLE 3
HOUSING COURT JUDGES AND HEARING EXAMINERS
1986 - 1996

Occupational Group	% Women Employed		
	1986	1990	1996
Housing Court Judges	20.0%	26.7%	35.3%
Family Court Hearing Examiners	34.3%	36.6%	42.6%

Based upon total workforce as of January 1996

Appendix G

Women in the Unified Court System Workforce

Table 4: Women Attorneys in the Nonjudicial Workforce, 1986 - 1996

Graph 1: Women Attorneys in the Nonjudicial Workforce, 1986 - 1996

Graph 2: Total Women and Men in the Nonjudicial Workforce, 1986 - 1996

Table 5: Women Officials and Administrators, 1986 - 1996

Table 6: Women in Court Security Positions, 1986 - 1996

Table 7: Women in the Court Security Series by Location

Table 8: Women in the Court Clerk Series, 1986 - 1996

Table 9: Women in the Court Clerk Series by Location

Table 10: Part-Time Employees

TABLE 4
ATTORNEYS
1986 - 1996

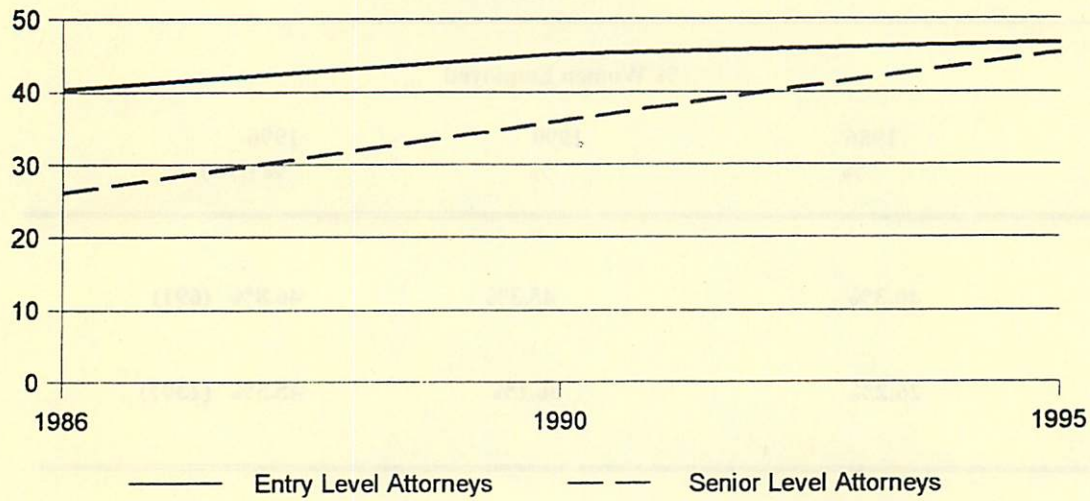
Occupational Group	% Women Employed		
	1986 %	1990 %	1996 % (No.)
Attorneys - Entry Level	40.3%	45.3%	46.8% (691)
Attorneys - Senior Level	26.2%	36.1%	45.5% (1307)

Based upon total workforce as of January 1996

Graph 1

Percentage of Women in Attorney Positions

1986-1996



Graph 2

Number of Males and Females in the Workforce
1986-1996

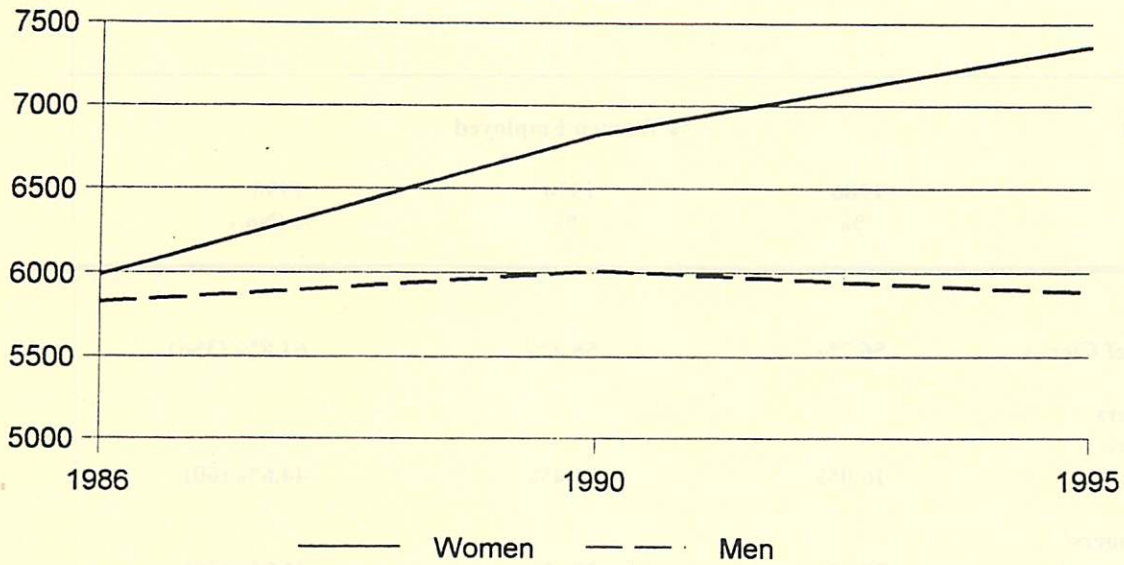


TABLE 5
OFFICIALS AND ADMINISTRATORS
1986 - 1996

Occupational Group	% Women Employed		
	1986 %	1990 %	1996 % (No.)
Chief Clerks/ Deputy Chief Clerks	56.7%	58.4%	61.8% (356)
OCA Managers and Executive Assistants	16.0%	21.4%	44.6% (60)
Agency Managers/ Comm. of Jurors ¹	28.7%	35.6%	41.0% (78)
Legal	21.0%	21.0%	26.7% (15)
Total Official/Admin.	48.1%	50.1%	55.6% (509)

Based upon total workforce as of January 1996

¹Includes NYC County Clerks and Deputies and MHIS Directors and Deputies

TABLE 6**COURT SECURITY****1986 - 1996**

Occupational Group	% Women Employed		
	1986 %	1990 %	1996 % (No.)
Court Officer	21.4%	24.5 %	24.8% (1230)
Court Officer- Sgt.¹	N/A	16.5%	17.4% (132)
Senior Court Officer	8.7%	11.3%	14.6% (1164)
Senior Court Officer - Sgt.	N/A	1.3%	3.9% (233)
CO/SCO - Supervisor	3.2%	7.1%	10.0% (83)

Based upon total workforce as of January 1996

¹The titles of Court Officer - Sergeant and Senior Court Officer - Sergeant were created in 1989.

TABLE 7
COURT SECURITY BY LOCATION

1996

Occupational Group	% Women Employed		
	New York City	Long Island	9th Judicial District
Court Officer	25.4%	25.3%	19.8%
Court Officer- Sgt.	13.8%	32.1%	10.0%
Senior Court Officer	14.3%	18.6%	12.2%
Senior Court Officer - Sgt.	4.9%	0.0%	0.0%
CO/SCO - Supervisor	10.4%	4.6%	20.0%

Based upon total workforce as of January 1996

TABLE 8**COURT CLERK/SURROGATE COURT CLERK SERIES****1986-1996****(Trial Courts Only)**

Occupational Group	% Women Employed		
	1986 %	1990 %	1996 % (No.)
Court Clerk/ Senior Court Clerk	34.8%	42.7%	46.4% (1258)
Associate Court Clerk	13.3%	16.5%	30.7% (421)
Principal Court Clerk	11.7%	15.0%	22.6% (94)

Based upon total workforce as of January 1996

TABLE 9

COURT CLERK/SURROGATE COURT CLERK SERIES

BY LOCATION

1996

(Trial Courts Only)

Occupational Group	% Women Employed		
	New York City	Long Island	Upstate
Court Clerk/ Senior Court Clerk	38.9%	48.8%	78.2%
Associate Court Clerk	28.2%	32.4%	50.0%
Principal Court Clerk	20.5%	30.0%	N/A

Based upon total workforce as of January 1996

TABLE 10
PART-TIME EMPLOYEES
1986 - 1996

Occupational Group	Total Part-Time Workforce		% Women Employed	
	1986	1996	1986	1996
All Non-Judicial Employees	248	460	51.2%	78.9%
Office Clerical	63	149	90.5%	98.0%
Court Security	7	13	28.6%	61.5%
Court Clerks	5	13	40.0%	92.3%
Attorneys	114	163	24.6%	54.0%
Court Reporters	8	57	87.5%	94.7%
Officials & Administrators	12	3	66.7%	100.0%
Court Assistants	5	19	80.0%	89.5%
Analysts	2	10	50.0%	100.0%
Court Interpreters	1	4	100.0%	50.0%
Paraprofessionals	8	6	87.5%	83.3%
Other Occupational Groups & Positions	23	23	43.5%	77.3%

Based upon total workforce as of January 1996

Appendix H

A "Brief for Gender-Neutral Brief-Writing" by

Hon. Judith S. Kaye, New York Law Journal,

May 21, 1991

A Brief for Gender-Neutral Brief-Writing

BY JUDITH S. KAYE

MY ARGUMENT to the bar for gender-neutral brief-writing rests on four points.

First, it's simply the right thing to do. It is a continuing source of wonder to me that lawyers who spend such time and effort searching out precisely the right word to embody and communicate their ideas, would so often deliberately settle for precisely the wrong word in matters involving gender. Bad habits and lack of care must account for that. Surely no one today would consciously choose a male noun or pronoun where the intention was to include women as well as men. "He," definitionally, is not a female person; nor is "himself"; nor is "man" in just about all of its combinations (e.g., chairman, foreman, gentleman, reasonable man). Even going beyond the dictionary definitions of those terms, researchers have amply established that readers encountering masculine words think of men; common sense tells us that would be so.

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

Second is that gender-neutral writing serves the sheer self-interest of the brief-writer. However one may personally rank the importance of language in the quest to eradicate gender bias, the fact remains that many brief-readers — male and female judges and their staffs — do notice and do care. If once prized, and then tolerated, gendered writing is today genuinely disagreeable to many readers. They cannot overlook, or read by, distinctly masculine words and attitudes in sentences addressing gender-neutral situations. Invariably, that sort of prose catches the eye, like a cinder.

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

Obviously, it is decidedly in the brief-writer's self-interest to eliminate the cinders. With so much in a brief that is beyond a lawyer's control — like the facts and law — why risk alienating or even discomforting the reader with a matter that is wholly within a lawyer's control?

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

In October 1989, the Committee to Implement Recommendations of the New York Task Force on Women in

the Courts, through Judge Kathryn McDonald (its chair), issued a memorandum to all Office of Court Administration speakers and panelists, reminding them of the need "to present material in a manner that does not unwittingly support offensive stereotypes about men and women," and illustrating how that might be accomplished. In place of "he" or "she," for example, a neutral pronoun might be used; the noun repeated or pluralized; the pronoun eliminated, pluralized or even randomly alternated. "Policeman" easily becomes "police officer"; "fireman," "firefighter"; "brethren," "colleagues"; "workmen," "workers"; "reasonable man," "reasonable person."

THE COMMITTEE (now the New York Judicial Committee on Women in the Courts) will shortly mark its fifth anniversary with a pamphlet containing a similar message, this time addressed to people who work in the courts or use them regularly. Again, the numerous examples given show how easy it is to avoid writing that ignores and demeans women. As Judge McDonald's committee points out, "[a]ltering speech habits may require conscious thought for a period of time, but change is part of any living language and English, which is an unusually rich tongue, is still evolving. What was considered questionable usage a decade ago may be commonly accepted now. What feels awkward today may seem eminently natural tomorrow."

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

Fourth and finally, that which is right and correct, and in lawyers' self-interest, and easy to do, has the additional advantage that it offers an example of appropriate behavior to the bar generally, as well as to clients and others in society. And why shouldn't lawyers lead others in promoting equality in every way possible?

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

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

Judith S. Kaye is an Associate Judge of the State Court of Appeals.

Appendix I

*Administrative Judges and Chairs of Local Gender
Bias and Gender Fairness Committees*

CHAIRS OF ADMINISTRATIVE JUDGES' LOCAL GENDER FAIRNESS COMMITTEES

OUTSIDE OF NEW YORK CITY

THIRD JUDICIAL DISTRICT

Hon. Harold J. Hughes
Administrative Judge
Third Judicial District
125 State Street
Albany, New York 11207

Telephone: (518) 445-7867
Fax: (518) 487-5166

CHAIR, Third Judicial District Gender Bias Committee

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

Telephone: (518) 445-7867
Fax: (518) 487-5166

FOURTH JUDICIAL DISTRICT

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

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

CHAIR, Gender Bias Committee of Women in the Courts of the Fourth Judicial District

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

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

FIFTH JUDICIAL DISTRICT

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

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

CHAIR.

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

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

<u>SIXTH JUDICIAL DISTRICT</u>	<u>CHAIR</u>
Hon. Patrick Monserrate Administrative Judge Sixth Judicial District c/o State Office Building 44 Hawley Street, Suite 1501 Binghamton, New York 13902-4466 Telephone: (607) 721-8541 Fax: (607) 778-2398	Hon. Judith O'Shea Judge, Family Court Chemung County P.O. Box 588 Elmira, New York 14902 Telephone: (607) 737-2902 Fax: (607) 737-2898

<u>SEVENTH JUDICIAL DISTRICT</u>	<u>CHAIR</u>
Hon. Charles L. Willis Administrative Judge Seventh Judicial District 437 Hall of Justice Civic Center Plaza Rochester, New York 14614-2185 Telephone: (716) 428-5271 Fax: (716) 428-2059	Hon. Evelyn Frazee Justice, Supreme Court 115 Hall of Justice Rochester, New York 14614 Telephone: (716) 428-2486 Fax: (716) 428-2698

<u>EIGHTH JUDICIAL DISTRICT</u>	<u>CHAIR</u>
Hon. Vincent Doyle Administrative Judge Eighth Judicial District Erie County Hall 52 County Hall Buffalo, New York 14202 Telephone: (716) 851-3273 Fax: (716) 855-1611	Hon. Marjorie C. Mix Judge, Family Court 25 Delaware Avenue Buffalo, New York 14202 Telephone: (716) 858-8188 Fax: (716) 858-8432

NINTH JUDICIAL DISTRICT

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

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

**CO-CHAIRS, Committee to Promote Gender
Fairness in the Courts**

Hon. Sondra Miller
Associate Justice
Appellate Division, 2nd Department
140 Grand Street - 6th Floor
White Plains, New York 10601
Telephone: (914) 285-4910
Fax: (914) 761-9620

-and-

Hon. Joan Lefkowitz
Justice, Supreme Court
Westchester County Courthouse
White Plains, New York 10601
Telephone: (914) 285-4906
Fax: (914) 285-3427

NASSAU COUNTY

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

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

**CHAIR, Nassau County Judicial Committee on
Women in the Courts**

Hon. Sandra Feuerstein
Justice, Supreme Court
100 Supreme Court Drive
Mineola, New York 10501

Telephone: (516) 571-2484
Fax: (516) 571-1575

SUFFOLK COUNTY

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

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

CHAIR

Caroline Levy, Esq.
3 Coach Hill Lane
Northport, NY 11768-3305

Phone and FAX: (516) 757-5131

NEW YORK CITY

NEW YORK CITY CIVIL COURT

Hon. Jacqueline Silbermann
Administrative Judge
Civil Court, City of New York
111 Centre , Room 1240
New York, New York 10013

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

CHAIR, City-Wide Gender Bias Committee

Hon. Carol H. Arber
Acting Justice, Supreme Court
80 Centre Street
New York, New York 10013

Telephone: (212) 374-5667
Fax: (212) 374-3907

NEW YORK CITY CRIMINAL COURT

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

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

CHAIR, Anti-Bias Committee

Hon. Micki A. Scherer
Supervising Judge, Criminal Court
120 Schermerhorn Street
Brooklyn, New York 11201

Telephone: (718) 643-8400
Fax: (718) 643-7733

NEW YORK CITY FAMILY COURT

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

Telephone: (212) 374-3711
Fax: (212) 374-2921

**CHAIR, Gender Bias Committee of the Family
Courts of the City of New York**

Hon. Mary Bednar
Judge, New York City Family Court
60 Lafayette Street
New York, New York 10013

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

NEW YORK COUNTY, Supreme Court, Civil Term

Hon. Stanley S. Ostrau
Administrative Judge
Supreme Court, First Judicial District
Civil Term
60 Centre Street
New York, New York 10007

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

CO-CHAIRS, Anti-Bias Committee

Hon. Fern Fisher-Brandveen
Justice, Supreme Court
60 Centre Street - Room 566
New York, New York 10007
Telephone: (212) 374-8374
Fax: (212) 374-3326

-and-

Lancelot Hewlett, Court Attorney
60 Centre Street, Room 308M
New York, New York 10007
Telephone: (212) 374-8574
Fax: (212) 374-3326

NEW YORK COUNTY, Supreme Court, Criminal Term

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

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

CHAIR, Anti-Bias Committee

Hon. Sheila Abdus-Salaam
Justice, Supreme Court
111 Centre Street
New York, New York 10013

Telephone: (212) 374-8495
Fax: (212) 374-2637

BRONX COUNTY, SUPREME COURT

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

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

CHAIR

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

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

QUEENS COUNTY, SUPREME COURT

Hon. Alfred D. Lerner
Administrative Judge
Supreme Court, 11th Judicial District
88-11 Sutphin Boulevard, 3rd Floor
Jamaica, New York 11435

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

CHAIR

Donna Lasher, Esq.
Principle Law Assistant to
Acting Justice, Supreme Court
125-01 Queens Blvd.
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Telephone: (718) 445-7867
Fax: (718) 487-5166

KINGS / RICHMOND COUNTY, SUPREME COURT

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

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

CHAIR

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

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

Appendix J
Survey of Bar Associations

Survey of Bar Associations

Activities in Support of Women in the Courts

1. Name of Bar Association _____
2. Address _____
3. President's name _____ 4. Telephone no. _____
5. Has your bar association established formal committees, subcommittees, task forces or commissions to look at issues of women in the courts or women in the profession? ☐ Yes ☐ No
6. If yes, please state their names, the dates they were established, the names of the current chairs, and their mandates.

7. If your association has had programs on any of the following topics, please check topic below, provide the date, and enclose any announcements or other materials about the program:

	Date of Program
<input type="checkbox"/> Domestic Violence	_____
<input type="checkbox"/> Sexual Assault	_____
<input type="checkbox"/> Economic Consequences of Divorce	_____
<input type="checkbox"/> Women in Matrimonial Actions	_____
<input type="checkbox"/> Immigrant Women in the Courts	_____
<input type="checkbox"/> Children's Waiting Rooms in Courts	_____
<input type="checkbox"/> Women Defendants in the Court System	_____
<input type="checkbox"/> Women Prisoners	_____
<input type="checkbox"/> Credibility of Women in the Courtroom	_____
<input type="checkbox"/> Bias Against Women Attorneys in the Courtroom	_____
<input type="checkbox"/> Childcare Issues for Women Attorneys	_____
<input type="checkbox"/> Part-time Work Schedules	_____
<input type="checkbox"/> Sexual Harassment in the Legal Workplace	_____
<input type="checkbox"/> Women as Judges	_____

See other side

☐ Other Programs for Women in the Courts (describe)

_____	_____
_____	_____
_____	_____
_____	_____

8. Has your association produced any pamphlets, posters, newsletters, videotapes, or other materials addressed to or about women in the courts? If so, please provide copies or describe them.

9. Please describe any other relevant activities.

Please return this survey by December 20, 1995 to:

Jill Laurie Goodman, Counsel
New York Judicial Committee on Women in the Courts
80 Centre Street, Room 502
New York, New York 10013

