

JURY POOL

NEWS

A New York State Unified Court System publication highlighting the latest court initiatives and related news

A LETTER TO JURORS FROM CHIEF JUDGE JUDITH S. KAYE

WHO AMONG US WILL EVER FORGET where they were on the morning of Tuesday, September 11, 2001? It is another one of those days that will live forever in infamy.

On that fateful day, I was in Albany, at a Session of the Court of Appeals. We all watched with horror and disbelief the events unfolding at the World Trade Center. Among the first decisions I had to make was whether to attend a national Conference on Access to Justice that evening in Albany—which I did. I was somewhat surprised to find hundreds of others there as well—all of us stunned, saddened but steadfast in our determination to go forward with our initiatives, not to succumb, not to capitulate to the evil forces of terrorism.

I mention that evening in Albany because events since September 11 have had a common quality. They are filled with people happy to be together, to touch flesh, to hug one another, to grieve with and for those who have lost loved ones, to reaffirm their resolve to keep this nation strong.

I expected the list of members of our court family directly impacted by the disaster to be a substantial list—I've seen so many somber faces and red eyes. But frankly I was astonished to see more than 50 names. The list includes judges, court personnel, even outside New York City, who have lost spouses, children, siblings, close family and friends—firefighters, police officers, World Trade Center employees, investment bankers, lawyers. And of course we all mourn with the families of Harry Thompson, Mitch Wallace and Tommy Jurgens, our valiant court officers who—along with their selfless colleagues—rushed to help at Ground Zero, but did not return. This isn't the way it was supposed to be, for any of these good, kind, decent people, or for us.

At the gatherings I have attended, invariably I am immensely moved by our celebration of America. Never before have I heard the words of the Pledge of Allegiance or the Star Spangled Banner uttered with such passion and

sincerity, or seen so many people moved to tears by them. God Bless America, land that we love. And are we not the face of America, immigrants from many lands, people of all faiths and persuasions with diverse dreams and ambitions, but of one mind: to protect and preserve the precious freedoms and opportunities we enjoy as Americans.

How will we honor our heroes, our lost loved ones? By remembering them; by carrying them in our hearts always.

There are no words to bring comfort and closure to their families, but we don't need words to give everlasting meaning to their sacrifice. We do that when we honor the values for which they gave their lives; when we stand strong and united in our hopes and prayers for this great land; and when we give daily reality, in our court-houses, to the ideals that make this nation great.

Jurors long ago earned a special place in my heart, but their dedication in recent weeks has been truly exemplary.

Jurors long ago earned a special place in my heart, but their dedication in recent weeks has been exemplary. With lower Manhattan in disorder—the courts inaccessible by phone and virtually unreachable by public transportation—jurors still showed up in the hundreds, despite our public announcements. Many declined offers to be excused.

And talk of stories—we have loads of them. Like the retired firefighter who wanted only a short deferment of jury service because he was committed to working at Ground Zero. And the man who managed to get a message through from Philadelphia, where he was with family, mourning the loss of his firefighter son, to let us know why he was not responding to his summons. What an extraordinary display of dedication, patriotism, commitment to our system of justice.

Above all, in good times and hard times, I simply want to say thank you. Thank you for your jury service. Thank you for your part in making our courts, and our legal system, work. Thank you for helping us show the world the high value we place on the American justice system. ♦

Local Youth and Housing Focus of New Harlem Court

On a Tuesday evening, just a shade past five, a group of ebullient 14- to 17-year-olds file into one of the stately courtrooms of the recently opened multi-jurisdictional Harlem Community Justice Center in upper Manhattan. Within minutes, the newly refurbished courtroom, with its high, curved ceiling and wooden paneling, takes effect on the youngsters, and they grow quiet, then serious.

The teens, members of the Justice Center's Youth Court, are about to engage in a mock trial, each taking on a courtroom role in the case of a graffiti artist "charged" with vandalism. Youth Courts like this one combine peer pressure, community service, and drug treatment and other programs to get nonviolent, first-time teen offenders back on track. Compliance with sentences runs high at nearly 90 percent.

At the start of today's proceedings, every participant takes an oath to keep all the information discussed during the trial confidential. Except for a few episodes of nervous laughter, the youngsters maintain their concentration throughout the trial. About an hour later, following witness testimony, questions from the jurors and arguments from the prosecutor and defense counsel, the jurors dispense what they deem an appropriate punishment for the offender: spending seven hours cleaning the park where the alleged crime took place. The youngster is also asked to compose an essay on the negative effect vandalism has on the community.

Making Teens a Part of the Process

"It's so important to bring the teens into the process, for at-risk youngsters to have peer support and guidance," says longtime Harlem resident Carrolyn Belkis, a nurse practitioner who's had the opportunity to observe Youth Court in action. "The teens learn leadership skills and build trust," adds Armando Batista, whose own daughter took on the roles of judge, juror, prosecutor and defense attorney as a member of Youth Court, a key component of the Harlem Community Justice Center.

With one in five Harlem 16- to 19-year-olds a high school dropout, the Center has a strong focus on juvenile justice issues and is home to a youth-oriented family court that features a juvenile treatment court—the first in New York City—aimed at youngsters arrested for nonviolent



Beth Baranoff

CUTTING EDGE: Chief Judge Judith Kaye with Chief Administrative Judge Jonathan Lippman (far left), outgoing NYC Mayor Rudolph Giuliani, Harlem Youth Court member Yohany Garcia and Terry Lane, President and CEO of the Upper Manhattan Empowerment Zone Development Corporation—one of the Harlem Community Justice Center's chief funders—at the Center's official opening last May.

drug-related offenses. Additionally, the Center's Youth Justice Project, of which Youth Court is a part, teaches youngsters how to be active members of their community and prepares them for the job market, also pairing local youths with mentors and placing them in legal internships.

"Some of these teens are truants, yet they want to be lawyers. These internships give them an opportunity to see things from the other side and to understand what it takes to get there," says Justice Center staffer Tanya Lewis Kelly, who works closely with the area's youth.

The Justice Center also has a housing part with a resource center that offers mediation and other services for speedier resolution of cases. "There are about 85,000 housing petitions annually in Manhattan, and 53 percent of them are above 110th Street," says Project Director Rodney Sprauve, explaining the Center's emphasis on landlord-tenant matters. By increasing compliance with court orders and effecting faster, more efficient resolution of these cases, the housing part hopes to contribute to a revitalized housing stock in the area.

Addressing a Range of Issues

"The Harlem Community Justice Center involves all the stakeholders—residents, clergy, community organizations. It's responsive to the needs of the community and personalized as well," says Acting Supreme Court Justice Rolando Acosta, the Center's sole presiding judge. "We look at the various concerns brought by litigants. A non-payment proceeding in a housing matter may just be the

Cardiac-Resuscitating Devices Now in Courthouses Statewide

The verdict is in: Cardiac defibrillators save lives. That's why the New York court system recently made a decision to install these high-tech machines in courts statewide. The size of a laptop, these battery-operated devices use electric shock to "recharge" a person's heart during cardiac arrest. Costing about \$3,300 with accessories, the defibrillator is not only portable but also user-friendly, monitoring heart rate and pulse and directing the rescuer to send an electric shock to the victim's heart if warranted.

It literally takes a couple of minutes and just the push of a single button to restore a person's heartbeat using the device. And with a cardiac arrest victim's survival rate reduced by 10 percent for every minute of delay, quick access to a defibrillator quite simply means the difference between life and death.

During a sudden cardiac arrest, the heart stops beating when a fibrillation—a chaotic rhythm—overtakes it, explains Captain Joseph Baccallieri of the New York courts' training academy for court officers in lower Manhattan. "The heart isn't pumping blood, and the defibrillator puts it back into synch. The machine won't send a charge if a person doesn't need it," said the captain during a recent four-hour training session in which court officers learned a variety of lifesaving techniques, including how to administer CPR and hook a cardiac patient up to a defibrillator.

Senior Court Officer Anthony Jimenez of Nassau County Supreme Court has had his share of firsthand experience in such emergencies. Officer Jimenez joined the courts following a career as a surgical technician in a hospital operating room. He completed the courts'



LIFEWORX: Court officers learn how to use defibrillator during a class on lifesaving techniques.

emergency medical technician training in 1991. "About five years later, several of my colleagues and I began pushing for defibrillators in the courts. I'd seen for myself that early intervention with the defibrillator saves lives," says Officer Jimenez, who also serves as an emergency medical technician.

Less than two months after the Mineola courthouse acquired a defibrillator in 1999, court officers used it to revive a juror who'd gone into cardiac arrest, Officer Jimenez recalls. Sadly, the juror died several days later, though his family remained grateful for those extra days with their loved one. In fact, the juror's son showed up at the courthouse to personally thank the court officers who'd responded when his dad collapsed.

It was soon after this incident that the New York court system made the decision to install defibrillators in every courthouse in the state and make it mandatory for all new court officers to be trained in the use of this miraculous device. As Captain Baccallieri puts it, "There's nothing more frustrating than not having the skills and equipment to be of help when a medical crisis arises."

tip of the iceberg. There could be a drug, family or other problem involved. Here, we've the resources to address these issues."

The Justice Center offers area residents—whether or not they've a case pending at the court—a variety of on-site services, from individual or group mediation to classes on tenants' and landlords' legal rights and obligations. Center staffers may provide clients with referrals to

outside agencies as well. In addition, there are easy-to-follow handouts on display for visitors with inquiries on legal procedures pertaining to housing, family and immigration matters.

The first full-scale court operation in Harlem in 40 years, the Center began accepting filings in late May. For now, it will devote four days a week to housing cases and one day per week to cases involving at-risk youngsters. ♦

Court Complex to House Theme High School

In a classroom where bookshelves lined with volumes of appellate decisions fill half a wall, two teams of high-schoolers, aided by their teacher and principal, hold moot court, arguing a controversial 1989 U.S. Supreme Court case as their classmates look on.

Moot court presentations are an integral part of the curriculum here at the Bronx High School of Law, Government & Justice, a specialized public school that opened in 1997 with a small group of ninth-graders. In addition to the requisite high school courses, class offerings include constitutional, criminal and family law, forensic science, and legal research and writing.

This Bronx theme school is an outgrowth of the state courthouse complex now being built east of the borough's Grand Concourse area. When locals learned of plans for the new construction—a three-block complex comprising 62 courtrooms as well as facilities for related agencies—their hope was to create an on-site school aimed at neighborhood youngsters interested in preparing for careers in public service and the law.

"Area residents were looking to make the court complex more community-friendly," says Meisha Ross, special assistant to the school's principal, David Banks, a teacher-turned-lawyer who served in the city's Office for the Corporation Counsel and the New York State Office of the Attorney General. In response to the area's need for more educational and child-centered facilities, a task force made up of local officials and community-based organizations was formed to devise a blueprint for a high school that would have a legal focus and be situated on the courthouse complex site.

Within a year, Mr. Banks was named principal and a temporary home for the school—space in the borough's High School for Health Opportunities—identified, with the search for students and teachers on. Today the school has over 200 students and 16 teachers in grades 9 through 12, with public officials, judges and others serving as guest speakers. And once the institution becomes part of the Bronx courthouse complex, students and faculty will interact with judicial and other court staff on a daily basis.



CLASS ACTION: Principal David Banks plays the judge as Bronx High School of Law, Government & Justice students present their arguments at a recent moot court session.

"Studies show that getting high school students to declare a major helps them to focus," says Mr. Banks. "We can take a youngster who may not do so well in another school and turn that child onto learning because he or she is interested in the law, and loves hands-on projects and debating. Everyone here knows your name, so you can't hide. We provide internships and mentors. We tell and show the youngsters what it's like out there, give them firsthand experience."

Ms. Ross says most of the students recruited by the school aspire to be lawyers upon arrival, though some change their minds once they learn about other career options in the field. Tamara Dews, who joined the school in 1997 as a ninth-grader, says she's headed for law school once she finishes college. She's already done research for the New York City Board of Education's legal department as part of an internship arranged by the school, and believes that being a lawyer, and a good one at that, will enable her to make a positive difference in her community. "I've been interested in the law since the sixth grade, so I was excited to learn about this school at a high school fair I attended. What I like about it here is that everybody knows everybody, the teachers are accessible, and we have a real-life connection to what we learn in class," she says.

Tamara's classmate and sometime debating partner, Jimmy Aquino, agrees that the school's main appeal is its personalized, hands-on approach. "It's hard to get into trouble here because we all know each other well and get along," he says. Mr. Aquino, who has his eye on a political career, adds that the school provides students the opportunity to hone their public-speaking skills.

"After the move we'd like to grow into a school with a student body of 750, grades 7 to 12," says Principal Banks, adding that this expansion will in no way compromise the school's small class size and family atmosphere. Keeping sight of the principles on which the institution was founded, Mr. Banks comments, "Our goal as educators at the Bronx School for Law, Government & Justice will always be to ensure that our students reach their full potential by providing them a safe, caring environment and the support of a dedicated staff." ♦

Questions, comments or suggestions about the jury system?

Call 1-800-NY-JUROR,
e-mail us at
nyjuror@courts.state.ny.us
or write to
Chief Judge Judith Kaye
Continuing Jury Reform
25 Beaver Street
New York, NY 10004

J U R Y U P D A T E

Bill Ends Mandatory Sequestration in NY

Under a bill signed into law by Governor Pataki on May 30th, the decision to sequester jurors in criminal cases will be strictly up to trial judges. New York State Chief Administrative Judge Jonathan Lippman estimates that only about 10 percent of the 12,000 jurors that had been sequestered for at least one night in recent years will now be sequestered each year.

Prior to 1995, juries deliberating for more than one day on any criminal case—whether a misdemeanor or high-level felony—were sequestered by law. At Chief Judge Kaye's urging, the Legislature passed a temporary statute in 1995 mandating sequestration in high-level felony cases but leaving it up to the judge's discretion in lower-level cases. That measure would have expired this past June.

Although juries in high-level criminal trials had traditionally been isolated during deliberations to keep them from media and other outside influences, studies conducted by the New York courts since the temporary statute was passed found no discernible difference in the number of mistrials.

Joyous over this recent jury reform, Judge Kaye comments, "It's important for jurors not to be burdened unnecessarily, separated from their lives and families in every case. The jury is so central to our justice system. We should make jury service as meaningful, efficient and educational—as well as comfortable—as we can."

Law Nixes Gifts to Jurors

A measure making it a crime to influence or reward jurors with cash and gifts was signed into law by Governor Pataki on May 24th. The legislation makes such an offense punishable by up to one year in prison.

Inspired by millionaire Abe Hirschfeld, who treated jurors to lunch, then offered them each a check for \$2,500 after they deadlocked his 1999 tax evasion trial, the bill takes effect on November 1, 2001.

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NYPD Legal Eagles Use Civil Law to Deter Crime

Street noise. Notorious “cruising” locations. Small businesses that front gambling, drug dealing and other illicit activities. They bring down the quality of life for area residents, yet cops using traditional policing methods are limited in their ability to put a permanent end to such goings-on. That’s where the NYPD’s Civil Enforcement Unit—a cadre of NYPD attorneys who work hand in hand with police commanders throughout the Big Apple—comes in.

Before the early nineties, when the NYPD first began pairing lawyers and police commanders to eliminate illegal storefronts, street prostitution and other sources of neighborhood crime and decay, this would have been a likely scenario: A storefront deals drugs. Narcotics officers move in and make arrests, but the business remains open. New dealers come in, the drug trade resumes and the cops are once again called to the scene.

“Our lawyers effect civil enforcement in these cases. They inventory the business and close it down,” explains attorney Robert Messner, the Civil Enforcement Unit’s assistant commissioner. “It’s a proactive approach. We establish a legal predicate and move forward, using the law and the courts to hold people accountable and hopefully deter others from engaging in the same behavior.”

A vital weapon in the Civil Enforcement Unit’s arsenal is New York City’s nuisance abatement law, which has been used to shut down hundreds of locations each year that house certain types of illegal activity, including drug sales, illegal gambling, prostitution, automobile “chop shops,” and the unlicensed sale of alcoholic beverages. The process: The Department’s civil enforcement lawyers apply in court for temporary closing and restraining orders. Once such orders are in place, police officers can padlock the establishment and take stock of its contents. The establishment usually stays closed until a legitimate business approved by the NYPD legal team signs a new lease with the owner. Additionally, the court may issue an injunction against any future illegal activity, as well as impose fines against landlords and tenants if they knowingly allow any criminal activity to



TABLE TALK: Assistant Commissioner Robert Messner of the NYPD Civil Enforcement Unit (standing, left) and Thomas Doepfner, Assistant Deputy Commissioner of the NYPD Legal Bureau (standing, right), discuss legal strategy with several members of the civil enforcement team (left to right): David Duhan, Ilene Berkowitz, Ilene Lees and Eva Marie Russo (standing).

occur on the premises.

George Grasso, the NYPD’s Deputy Commissioner for Legal Matters (who oversees Mr. Messner’s unit), says the beauty of the civil enforcement initiative is its tangibility. “It’s not theoretical. Community residents see the gate go down on a business, they see the closing order posted on the gate, and a location that was a scourge to the neighborhood is taken out of the picture.”

A police veteran with 22 years on the force who also holds a law degree, Deputy

Commissioner Grasso describes the efforts of the civil enforcement unit as a “search and build mission.” “We’re not just about closing down a location. We ensure that a legal, viable establishment takes its place,” he says. Like the credit union that recently replaced several drug storefronts—a beauty salon, grocery store and pool hall—on a street in upper Manhattan as a result of the unit’s efforts. “The block has really changed. It’s such a difference,” comments Eva Marie Russo, the attorney on the case.

NYPD attorneys also looked to the state’s civil laws in turning the volume down on street noise in the Astoria Park vicinity in Queens. For years, as soon as the weather turned balmy, the Astoria Park “cruisers” would hit the streets, blasting their radios so loud that people living close to the park couldn’t get a decent night’s sleep. So police officers went out, armed with sound meters donated by the community, and issued summonses to the violators.

Cars in violation of the traffic laws regulating the volume at which a vehicle can play its sound system were seized as evidence of the crime and held until the summons was paid. “In the past, before we had equipment to measure noise levels, drivers wouldn’t turn down their radios, even when they saw a patrol car. Once we started going out with the meters and some cars were seized, word spread and the problem diminished,” adds Assistant Commissioner Messner.

And when the culprits are finally sent packing, Mr. Grasso says his team gets to feel like heroes. “Residents will cheer and applaud. Some open up their windows and shout, ‘great job!’ For once, the lawyers get to be the good guys.” ♦



Architect's rendering of the New York Judicial Institute, which is scheduled to open late next year on the campus of the Pace University School of Law in White Plains.

EDUCATIONAL CENTER FOR JUDGES TO OPEN IN NY

Construction recently began on the New York Judicial Institute, a training and research center for judges slated to open by the end of next year. The Institute, which is being custom-built by and for the New York courts, will be located on the campus of the Pace University School of Law in White Plains, with complete access to the school's faculty, library, video conference rooms and mock courtrooms. The three-story, 30,000-square-foot facility will house state-of-the-art conference and training rooms, and feature a 160-seat auditorium, a multi-use lecture hall and a business center.

Chief Judge Judith Kaye's proposal to create the Judicial Institute as a statewide centerpiece for judicial education was

approved by both houses of the state Legislature and signed into law by Governor Pataki in 1999. "The Institute will serve as a beacon for judicial education nationwide, epitomizing the commitment to innovation and progress for which New York's courts have become known. I am confident that it will inspire a thoughtful interchange of ideas among the judiciary, bar and public that will help the courts address the complex problems facing our justice system today," says Judge Kaye.

The Institute will offer classes on domestic violence, substance abuse and other topical issues as well as provide judges and court personnel the opportunity to participate in cooperative education programs with federal courts and judicial systems in other states. ♦

Juror Mailbox

The following letter, written by Rochester resident Paul Betlem, was received by Monroe County Commissioner of Jurors Charles Perraud this past summer.

Dear Commissioner,

I was in the May 14, 2001, jury pool. I was last called for jury duty about 30 years ago. At that time, I wanted to do my civic duty and sat in the courthouse for a full week without ever being utilized. I was let go the second week.

In the ensuing years I'd been exempt from jury service because I'd served as a volunteer fireman. When I received my jury summons last spring, I was upset to learn that my exempt status had been rescinded* and resigned myself to the ordeal that awaited.

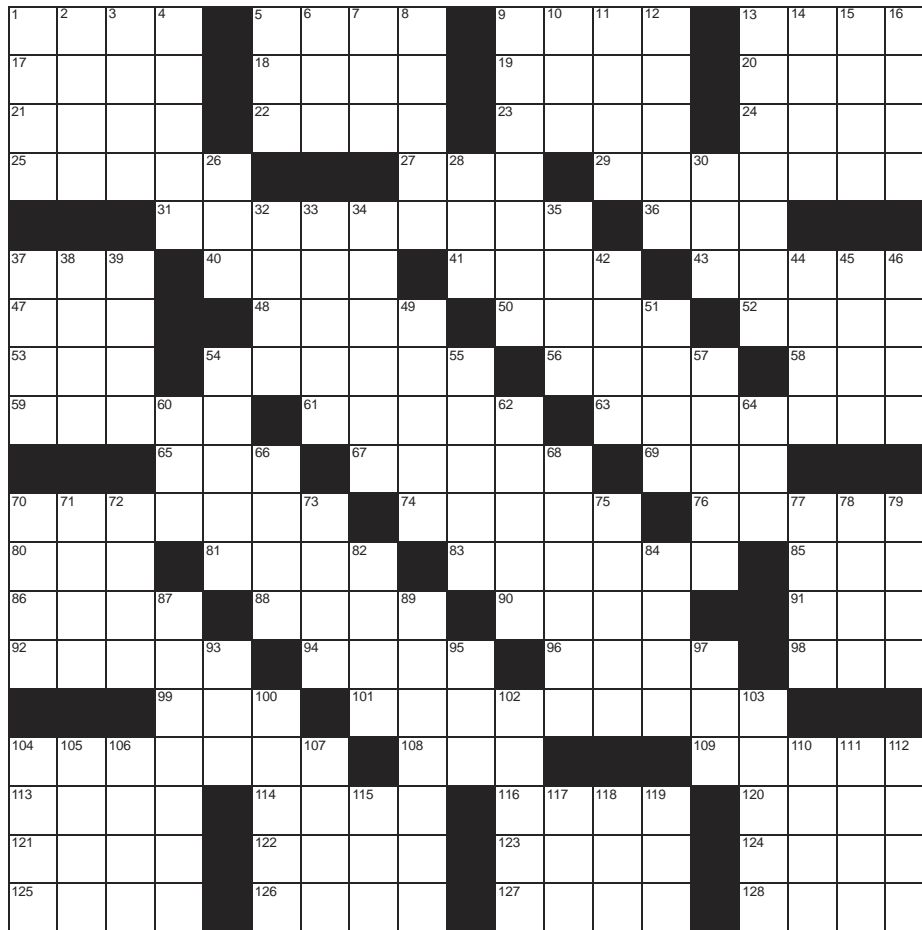
Well, I was pleasantly surprised. The jury system is now designed to be juror-friendly and convenient. I spent only one day at the courthouse, and the staff was very friendly and helpful. They told us what was going on and made us feel welcome. I think if more people were aware of how much jury service has improved in recent years, their reluctance to serve would drop markedly.

Thank you for making jury service a joy as well as an experience that demonstrates that government can keep up with the times and serve the people.

Yours truly,
Paul Betlem

* In 1995, a bill abolishing all automatic jury exemptions and disqualifications in New York State was signed into law. Previously, those in numerous occupations—from lawyers and doctors to embalmers—did not have to serve.

COURTSIDE CROSSWORD



ACROSS

1. Play the lead
5. ___ dire
9. Streets:abbr.
- 13.Narrow opening
17. Peruvian capital
18. ___ facto
- 19.Aretha Franklin, for one
20. The "T" in 118-Down
- 21.Unidentified, for short
- 22.—Brute, Caesar's exclamation: 2 words
23. The slammer
24. A great distance
- 25.Roost
- 27.Prefix with "natal"
- 29.Camper's item
- 31.Like some accidents: 3 words (hyphenated)
- 36.Ruby or Sandra
- 37.Presidential monogram
- 40.Alone
- 41.Cupid's counterpart
43. Sum
- 47.Qatar's neighbor: abbr.
- 48.Apparel
50. Film ___, type of crime movie with cynical characters and bleak settings

- 52.Initiate, as a legal action
- 53.Highway:abbr.
- 54.Runway
56. Swiss artist
58. Type of TV or radio spot: abbr.
- 59.Busybody
61. Massenet opera
- 63.Satire
- 65.___-de-France
- 67.Boutonniere site
69. Mathematical result:abbr.
70. Key player in a trial
- 74.Lawful
76. Former U.S. Chief Justice Warren and namesakes
80. 12 months, to an Argentinian
81. Word with "crazy" or "fry"
83. The nineties, for one
85. German article
- 86.Eye part
- 88.Region
- 90.Ivy
91. Title in 17-Across:abbr.
- 92.Criminal
- 94.Long, detailed account
- 96.Behold!:Latin
- 98.Faucet

99. Me, to a Parisian
101. Apprehends a second time
- 104.Offender's legal team
108. Word with "over" or "out"
- 109.Make a musical sound
113. Author of "The Metamorphoses"
- 114.Identical
116. Formal legal document
120. Senator Bayh
- 121.Ms.Horne
- 122.Emloys
- 123.Whirlpool
124. Sans hair
125. Type of card
- 126.Slippery ones
127. By ___, mechanically
- 128.Uninvited picnic guests

DOWN

1. Insult
2. Fork part
3. Love, in Las Palmas
4. Farm
5. Compete
6. Choose
7. Common suffix
8. Like a globe
9. Move to a later date, as a case

10. By way of
11. Wicked
12. Dieter's fare
13. ___ the Judiciary, the chief judge's annual address
14. Spirit
15. Actor Sharif
16. Gull's cousin
26. A possessive
28. Before
30. Score, as in hockey
32. Garment for 22-Across
33. Clock feature, maybe
34. Regular
35. Secluded place
37. Panel of triers of the facts
38. Destiny
39. Sharp
42. Threshold
44. Sort, to an Acapulco native
45. Too
46. Trim
49. Old hat
51. Harvest
54. Stories
55. Dealt (with)
57. Steve Martin's role at this year's Oscar ceremonies
60. Metal
62. Triangular desert
64. School group:abbr.
66. This, to a Madrid native
68. More ornate, as some lingerie
70. Homeless child
71. Concerning: 2 words
72. Struggle
73. Knights
75. Spear
77. Let the defense ___
78. Italian currency
79. Take (a picture)
82. Bring up
84. Winter month: abbr. (plural)
87. In the future
89. Eternal
93. Much-used prefix
95. Motorist's group:abbr.
97. And so forth:abbr.
- 100.Distribute, as a memo
102. Wynona, of film
103. Mideast region of yore
104. Foolish one
- 105.Always
- 106.Monetary penalty
- 107.Alleviate
110. Notorious czar
- 111.Ice-cream beverage
112. Puts a stop to
115. Comic Brooks
117. Tokyo, once
118. Time zone for New Yorkers:abbr.
119. Tint