



**ANNUAL REPORT  
OF  
THE NEW YORK JUDICIAL COMMITTEE  
ON  
WOMEN IN THE COURTS**

**OCTOBER 1992**



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## ANNUAL REPORT 1992

### INTRODUCTION

In the past year, the New York Judicial Committee on Women in the Courts<sup>1</sup> has continued going about its business of pursuing the ultimate goal of eradicating gender bias in the courts. This task has been part of its mandate since 1986, when Chief Judge Sol Wachtler created the Committee in response to the Report of the New York State Task Force on Women in the Courts, which found gender bias in the New York courts "a pervasive problem with grave consequences."<sup>2</sup>

Nothing, however, has been "business as usual" this year for the courts. The New York State Court System has been under siege from the combined effects of the past decade's drastically increased case filings and last year's devastating budget cuts. Chief Judge Sol Wachtler has described it as the first time "the court system has been depleted and diminished, indeed rationed, to

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<sup>1</sup> The Committee was originally known as the Committee to Implement the Recommendations of the New York Task Force on Women in the Courts. In 1990 Chief Judge Sol Wachtler changed its name to its current title, the New York Judicial Committee on Women in the Courts.

<sup>2</sup> Report of the New York Task Force on Women in the Courts, March 1986, reprinted in 15 Fordham Urban L. J. 11, 15 (1986-87) [hereinafter "Task Force Report"].

For a fuller description of the Committee's genesis, see The Five Year Report of the New York Judicial Committee on Women in the Courts, reprinted in 19 Fordham Urban L.J. 313, 315-18 (1992) [hereinafter "Five Year Report"].

the point where justice effectively is denied to many people of the State."<sup>3</sup> At the end of the fiscal year, on April 1, 1992, the court system had over 1700 fewer employees than authorized; a total of 471 people had been laid off.<sup>4</sup> While restoration of some funds for the 1992-93 fiscal year allowed rehiring of the dismissed personnel, fiscal restraints still color every phase of court operations.

The Committee has operated on the assumption that, although it had to respond to the exigencies of the times, its presence and its voice were as critical this year as ever. Projects that needed outlays of cash or that demanded the attention of the court personnel already hard-pressed by layoffs posed insurmountable problems. Possible, however, were quiet advocacy, persistent organizing, and planning for the future.

This report, in part, documents that work. In addition, it provides timely information on other issues that the Committee monitors and that continue to be germane to the particular liabilities experienced by women in the court system. Included are topics flagged by the Report of the New York State Task Force on Women in the Courts, as well as concerns identified by the Committee as it has wrestled with the intransigent manifestations of gender bias.

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<sup>3</sup> The State of the Judiciary 1991, Sol Wachtler, Chief Judge of the State of New York at 8.

<sup>4</sup> Id. at 11.

COMMITTEE CONCERNS AND PROJECTSA. Education

Education, always a staple of the Committee's activities and the cornerstone of the Task Force's prescription for change, fell under the particularly heavy blows of the budget cutting ax. Training for court personnel was severely curtailed. The annual week-long judicial conference, which the Committee has helped to shape in past years, was canceled. Training for new employees was suspended, as the court system stopped hiring and began laying off people. Only a few existing and already planned events went forward.

Among the surviving programs was the annual training for new judges, although it was shortened from a week to two days. As in other years, the Committee was asked to make a presentation. This year, like last year, the Committee chair, Hon. Kathryn McDonald, led off the first session with a discussion of the Committee's history and function. As part of this presentation, a videotape called "Bias in the Courtroom" was shown.

The court-wide training about working in a multi-cultural community was another program that proceeded despite budget restrictions. In the beginning of 1991, the Office of Court Administration (OCA) had committed itself to providing every non-judicial employee with a day-long training program designed to increase understanding of cultural diversity and sensitivity to differences. An integral part of OCA's Work Force Diversity

Program to eliminate under-representation of women and minorities in the work force, this training was started in the fall of 1991 and continued through the summer of 1992. Almost all nonjudicial personnel have now completed this training.

Although normalcy has not yet returned to the courts' education and training department, some training for judges was restored. In July, a series of one-day sessions were held at which judges heard legal updates on four subjects: evidence, civil law, criminal law, and family law. The Committee's views on topics and cases that should be covered were solicited, and the chair of the Committee worked with OCA's Director of Education and Training to make sure that particular issues of importance to women were included.

Public education also is critical to the Committee's work. One way that word of the court system's commitment to women has been conveyed is through speeches to the legal community and bar association gatherings. Among the important messages for these audiences are the tenacious nature of gender bias, which inevitably infects us all, and the attendant vigilance necessary to keep our critical judgments unclouded. Last year the Committee chair gave addresses to the Brooklyn Bar Association, the New York County Lawyers, the annual dinner of the Westchester Chapter of the State Women's Bar Association, and the Association of the Bar of the City of New York.<sup>5</sup>

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<sup>5</sup> See Appendix A for the chair's speech on October 22, 1991, to the New York County Lawyers.

Public forums too provide platforms for educating lawyers and judges about gender issues. The Committee is planning an evening's program at the Association of the Bar of the City of New York for December 9, 1992. The topic is "scripts" about women's lives - the norms and presuppositions that invariably influence the way cases are framed and decided. Professor Peggy Davis from New York University Law School will make an opening presentation, and three litigators will comment on her remarks.

#### B. Employment

1. Work Force Profile. This past year's budget cuts made almost impossible any progress towards a work force in which women hold a greater share of the better-paid and higher-ranking jobs. People were laid off, not hired or promoted, which are the usual paths to change in the composition of a work force. And, since the court system uses a last hired, first fired procedure for lay offs, newly won gains became vulnerable.

Despite the budgetary problems, women's representation in the court system's work force did not worsen, and the profile of the courts' employees remained virtually unchanged since last year. For example, about the same percentage of women are found in the higher non-judicial grades, JG-23 to JG-34, now as a year ago; women held 42.9% of these positions in 1991 and 43.4% in 1992. Similarly, women accounted for 37.6% of the personnel in the court clerk civil service series in 1991 and 37.4% in 1992. Nor is much change evident in the make up of the court security series; women

were 16.2% of the court officers in 1991 and 16.9% in 1992. Appointments to the quasi-judicial positions of housing court judge and hearing examiner also remained essentially the same. In all of these categories, during the half decade charted in the Committee's Five Year Report, the numbers of women had increased substantially.<sup>6</sup>

In the next year, as the courts return to normalcy, the court system will be able to pursue again the kind of steady progress that characterized the previous five years. An encouraging sign is the resumption of hiring for the position of court officer. The classes of court officers since hiring resumed have had 89 members in total; 21 or 23.6% have been women.

2. Flexible Work Schedules. Although women have not increased their share of the court system's better jobs in appreciable numbers in the past year, women have continued to take advantage of flexible schedules offered, in part, to accommodate employees with family obligations. So have men. In the calendar year 1991, OCA approved 133 requests for alternative work schedules, either staggered hours, compressed work weeks, or part-time employment. A quarter of the requests came from men, often single fathers or men with wives who were employed. Court officers, clerks, lawyers, reporters, secretaries, and interpreters are among those who have enjoyed the benefits of the court system's commitment to making scheduling accommodations for employees.

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<sup>6</sup> See Five Year Report at 327-28.

3. Sexual Harassment. Crafting and implementing a strong sexual harassment policy for the court system have absorbed considerable Committee time in the past year. In a major initiative, at the suggestion of the Committee, OCA has instituted Anti-Discrimination Panels in each judicial district and administrative unit in the Unified Court System. These panels consist of people who are available to listen to employees' complaints about discrimination, offer suggestions for alternative courses of action, and, if appropriate, act as intermediaries. Although members are trained to handle all kinds of discrimination, these panels are especially equipped to meet the particular needs of employees who believe they are being sexually harassed. Sexual harassment victims are often the people who are most reluctant to make their complaints known, even when the harassing causes them great distress.

When the worst of the budget crisis hit last year, OCA had just begun training panel members. Further implementation of the panels was suspended, but in April, 1992, OCA was able to move forward again. Training resumed, and the Cornell University School of Industrial and Labor Relations, partly through donated services, held a series of day-long sessions for all panel members. The new Discrimination Claims Procedures, which the Committee helped to shape, and the Anti-Discrimination Panels are now being implemented.<sup>7</sup>

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<sup>7</sup> The anti-discrimination panels were described in the Chief Administrator's article in the Special Law Day section of the New York Law Journal. NYLJ, May 1, 1992 at S-1.

The Committee also drafted a pamphlet on sexual harassment for court employees. The pamphlet states emphatically the Unified Court System's opposition to all sexual harassment, describes harassing kinds of behavior, and outlines the paths of redress open to sexual harassment victims. The pamphlet will be distributed to all court personnel.<sup>8</sup>

### C. Conditions for Women Litigants

1. Domestic Violence Litigants. The Committee has continued to try to find ways to make the courts more hospitable to victims of domestic violence. Many of the recommendations of the New York Task Force on Women in the Courts have been adopted, and a recent survey of the treatment of domestic violence litigants in New York City found "significant progress" since the Task Force reported.<sup>9</sup>

Yet problems remain.<sup>10</sup> The obstacles faced by women who turn to the courts for protection from abusive husbands or boyfriends arise, in part, from the deeply rooted notions about appropriate behavior for men and women. These can be changed only slowly, through patient efforts to educate the judiciary, assistant district attorneys, court clerks, court officers, probation officers, police, and ultimately the public.

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<sup>8</sup> The pamphlet is reprinted as Appendix B.

<sup>9</sup> 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, 402-3 (1992).

<sup>10</sup> Id.

But difficulties also result simply because courts, with limited resources and under poor physical conditions, are providing complex services to severely distressed litigants. They also develop because the old ways of doing business have to change to accommodate newly-voiced concerns. Continued vigilance at a local level seems to be the best way to guard against problems and provide the necessary solutions to carry out the commitment to change.

In New York City, the Administrator of the Family Court and the Administrative Judge for the Criminal Court have taken on the job of monitoring the treatment of domestic violence victims. In the Family Court, the Administrator has opened lines of communication with advocates for domestic violence victims and has met with them on a number of occasions at their request. Complaints about problems, such as the quality of interpreters or the use of pro forma language in family offense petitions, have been voiced. The Family Court, at the behest of the Administrator, has responded to these complaints with the help of court personnel, who are charged with implementing procedures, regulations, or statutes.

The Administrative Judge for the Criminal Courts has appointed a committee to address domestic violence exclusively and has given this committee a mandate to find ways to make immediate, constructive changes in day-to-day court operations. A subcommittee is now looking for ways to provide judges with more data at arraignments so that they can make informed decisions about

bail and orders of protection. Another subcommittee is looking at sentencing.

Outside of New York City, some local gender bias committees, under the aegis of administrative judges, have begun to play the same kind of role. For example, the Fifth Judicial District's Committee has met with advocacy groups from Oneida and Herkimer counties.

One specific problem faced by domestic violence victims in New York City -- the process for initiating criminal court actions when police have been unable to make an arrest -- has continued to receive court attention and resources in the past year. A task force appointed by the Administrative Judge for New York City Criminal Courts and the Deputy Chief Administrative Judge for New York City Courts found the existing process cumbersome enough to discourage all but the most determined. In response to these findings, a plan for decentralized court dispute referral centers has been instituted. During the past year the last of the centers opened. Now each borough, except Staten Island, has an office, located in the criminal court building, where domestic violence victims can get assistance in pursuing criminal remedies. Staff from the centers help people who need to serve appearance notices, obtain orders of protection, and communicate with the police and District Attorneys' Offices. A manual listing resources for domestic violence victims has been compiled and will be available at the centers this fall.

2. Data on Economic Outcomes in Matrimonial Cases. Divorce, as the Report of the Task Force recognized, often has a devastating impact on the financial stability of women and the households they head as a result of the break-up of their marriages.<sup>11</sup> Poverty is too frequently, particularly for women, the by-product of divorce. The Task Force compiled powerful anecdotal evidence about the problems women face under New York's divorce laws and presented an analysis of then-reported decisions under New York's Equitable Distribution Law. However, the Task Force lacked tools for a detailed, statistical examination of the economic consequences of divorce.<sup>12</sup>

Finding a way to get accurate, current data about the effects of divorce laws on the economic well-being of New York families has occupied considerable Committee time in the past year. A form has been drafted to gather basic information on all divorces in New York. Questions on the form, which will be filled out by the parties before the divorce decree is granted, ask about the backgrounds of the parties and the litigation, their financial

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<sup>11</sup> Task Force Report at 64.

<sup>12</sup> One recent scholarly article analyzed differences in economic outcomes between divorces under New York's old statute and those under New York's equitable distribution law, which went into effect in 1980. Marsha Garrison, *Good Intentions Gone Awry: The Impact of New York's Equitable Distribution Law on Divorce Outcomes*, 57 Brooklyn L. Rev. 621 (1991). But this valuable work, which involved examining a sample of 1800 case files, was accomplished only through a commitment of time and money that cannot be duplicated easily.

positions, the distributions of property, and monetary awards, including child support and maintenance.<sup>13</sup>

3. Data on Child Support Standards Act. Child support, as the Task Force Report acknowledged, is key to the economic well-being of many women. The Task Force recommended monitoring child support awards through legislation mandating the collection of data, a suggestion that was adopted at the time of the enactment of the Child Support Standards Act of 1989.<sup>14</sup> Legislation passed in the 1992 session will add to the information already available. Under the new law, data must be collected not only on the incomes of the parties, the number of children, and the amounts of awards, but also on the number cases that follow the guidelines, the number that deviate, and the reasons given for the deviations.<sup>15</sup>

4. Estates Law. Although the Committee did not take an active hand in the revisions to laws governing estates passed in the 1992 legislative session,<sup>16</sup> it has followed the progress of the legislation with interest. Trusts and estates law is not usually

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<sup>13</sup> Assistance to the Committee on this project was provided by Susan Bender, President of the New York State Women's Bar Association, and Brooklyn Law School Professor Marsha Garrison, who authored the study of outcomes under New York's equitable distribution law cited in footnote 12.

<sup>14</sup> Family Court Act § 216(5).

<sup>15</sup> Laws of 1992, ch. 41 § 149. See Appendix C for a copy of the new data collection form.

<sup>16</sup> Laws of 1992, ch. 595 §§ 8 and 10.

considered a woman's issue, but it can have profound effects on women's lives. Like domestic relations law, it determines the distribution of property at the termination of a marriage.

This legislation is a telling illustration of how important these laws are. The amendments increase the amount of property to which a surviving spouse is entitled. Both the laws on intestacy, which determine the distribution of property when there is no will, and on elective shares, which apply when a will has been made, were changed. The result is a more secure position for economically dependent spouses, who are usually women.

5. Children's Waiting Rooms. Supervised waiting rooms for children who accompany their parents to court not only benefit the children but also the parents, most often mothers, whose right to their day in court otherwise may be compromised by having to cope with the demands of small children. A year ago, when the Committee issued its Five Year Report, eight courts had waiting rooms. Last April, Monroe County Family Court, with help from a community coalition, opened a new children's waiting room. Also, in the past year, two local gender bias committees have taken responsibility for finding space and staff. Both the New York City Civil Court and Criminal Court now have active subcommittees pursuing possibilities for creating children's waiting rooms.

D. Professional Advancement for Women

1. Judges. Although necessarily removed from the process by which lawyers become judges, the Committee has monitored the success of women in achieving judicial office. The following chart shows the current representation of women in New York's courts of record:<sup>17</sup>

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<sup>17</sup> These figures include all judges on March 31, 1992, the close of the 1991-92 fiscal year.

<u>Court</u>	<u>Total Judges</u>	<u>Total Women</u>	<u>% of Women</u>
Court of Appeals	6	1	16.7
Appellate Division	48	6	12.5
Administrative Judges*	20	2	10.0
Supreme Court	312	37	11.9
Acting Supreme Court**	107	24	22.4
Surrogates Court	27	3	11.1
Court of Claims	55	9	16.4
County Court***	113	7	6.2
Family Court (Outside NYC)	68	13	19.1
NYC Family Court	41	23	56.1
NYC Civil Court	78	23	29.5
NYC Criminal Court	55	17	30.9
District Court (Nassau/Suffolk)	48	4	8.3
City (Outside NYC)****	151	14	9.3
Totals	1129	183	16.2

\* This figure includes full-time administrators who do not do not act as sitting judges on a regular basis.

\*\* This figure includes 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.

\*\*\* This figure includes judges who sit in County Court only and judges who combine service on the County Court with service on the Family and/or Surrogate's Courts.

\*\*\*\* This figure includes City Court Judges, Acting City Court Judges, and Chief Judges of the City Courts.

These figures confirm the steady growth of women's participation in the judiciary that was described in the Committee's Five Year Report.<sup>18</sup> The ranks of women judges have increased by nine since 1991 and by seventy-six since 1986 when the Task Force issued its report. Now 16.1% of the state judiciary is female, compared to 15.2% in 1991 and 9.7% in 1986.

This year the ability of women to reach the bench has caught the attention of an unusually wide group of public officials interested in seeing more women and minorities achieve judicial office. A recent United States Supreme Court case, Chisom v. Roemer, 501 U.S. \_\_\_, 111 S. Ct. 2354 (1991), holding that the federal Voting Rights Act of 1965<sup>19</sup> applied to the election of judges, has sparked a lively debate over the process of making judges. A task force appointed by Governor Mario Cuomo in response to Chisom v. Roemer concluded that the current system, at least for the election of Supreme Court justices, could not "pass muster"<sup>20</sup> under federal law and recommended ways of making elective judicial office more open to women as well as minorities. The task force report makes a powerful case for a diverse judiciary. Also concerned about the implications of Chisom v. Roemer for New York,

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<sup>18</sup> For a comparison of the number and percent of women judges in 1991 and 1992, see Appendix D.

<sup>19</sup> 42 U.S.C. § 1973

<sup>20</sup> Report of the Task Force on Judicial Diversity, January 29, 1992 at 19.

state legislative Committees heard testimony, often conflicting, about the best ways of achieving a more representative bench.<sup>21</sup>

The Committee, of course, takes no position on the relative merits of appointment versus election of judges, the subject of much of this debate. Moreover, the Committee's data on women judges shows no simple answer to the question of which system will produce more women judges. For example, New York City Criminal Court judges are appointed and New York Civil Court judges are elected. Yet women comprise almost the same percent of each bench: 30.9% of the Criminal Court and 29.5% of the Civil Court.

## 2. Appointment of Women to Fee-Generating Positions.

Responding to the Task Force's concern about whether women are receiving a fair share of the appointments made by judges to fee-generating cases, the Committee has tried to follow the percentages of women named to fiduciary positions. State law requires reporting of these appointments, which may include service as a guardian, referee, conservator, or receiver.<sup>22</sup> Although information on the number and percent of women in these positions has been compiled, the data does not distinguish the lucrative appointments from the unprofitable ones.

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<sup>21</sup> In May 1992, the Senate Judiciary Committee, the Assembly Judiciary Committee, and the Assembly Election Law Committee held four days of joint public hearings in Albany, New York City, Buffalo, and Rochester.

<sup>22</sup> Judiciary Law § 35-a.

One useful strategy for promoting equity for women attorneys, perhaps, is the kind of educational program sponsored by a consortium of New York City bar associations.<sup>23</sup> In four evening lectures, each lasting three hours, the nuts and bolts of fiduciary appointments in New York City were explained. Intended as a practical guide, the program was designed to make these court-appointed positions more open to women and minorities.

The rules that govern the appointments to fiduciary positions are themselves now in flux. Changes have been proposed, and a committee is now discussing revisions. The chair of the New York Judicial Committee on Women in the Courts was asked to sit on this committee, at least, in part, because of her commitment to voicing the concerns of women, both as potential appointees and as people whose affairs are often subject to the control of court-appointed fiduciaries.

#### E. Language

The Committee continues to take an active interest in the language used in the courts, since it so profoundly influences how we are regarded and so tellingly reveals how we regard others. Language has the power to offend, to silence, or to make people

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<sup>23</sup> The program was sponsored by the New York County Lawyers' Association and co-sponsored by the New York State Supreme Court - Civil Branch of New York County, the Asian American Bar Association, the Association of Black Women Attorneys, the Columbian Lawyers Association, the First Department Jewish Lawyers Guild, the Lesbian and Gay Law Association of Greater New York, the Metropolitan Black Bar Association, the Metropolitan Women's Bar Association, the New York Women's Bar Association, the Protestant Lawyers Association, and the Puerto Rican Bar Association.

invisible. It can also affirm equality and buttress the courts' drive for equity.

In the past year, the Committee has circulated thousands of copies of its pamphlet "Fair Speech: Gender Neutral Language in the Courts." Besides distributing it to judges and nonjudicial personnel within the courts, the Committee sent copies to presidents of bar associations, law school deans, and chairs of other task forces, committees and commissions addressing the problems of women in the courts in other states. The Committee also responded to requests from law firms, government agencies, colleges, individuals, and even a legal publisher. The Massachusetts Committee for Gender Equality requested enough copies of the pamphlet to distribute to all Massachusetts judges, and, when the Connecticut courts produced a pamphlet called "Gender and Justice: Guidelines to Ensure Fairness," New York's booklet was a major source for its section on language.

Concern about the effect of language has spread, and people now notice biases in speech that seemed unremarkable a few years ago. Occasionally these concerns manifest themselves as complaints to the Committee. Judges, for example, questioned the use of the masculine gender in Pattern Jury Instructions. In response to a Committee inquiry, the chair of the Committee on the New York Pattern Jury Instructions (Civil) explained that as the instructions were revised they were rewritten in gender neutral language; he said that he would suggest writing a special letter to judges asking them to neutralize language as they used the pattern

instructions until the process for revision was complete. Another complaint called attention to the use of gender-specific language on bar admission forms. Again, a simple request to the people in charge of the forms solved the problem.

F. Administrative Matters: Complaints and Inquiries

As the focal point within the New York State court system for interest in women, the Committee, through its chair, finds itself continuing to spend time responding to a miscellany of inquiries and requests for help.

1. Complaints. This year complaints were as numerous as they have been in the last few years and as varied. The Committee continues to answer every written complaint, and complaints remain a valuable source of information about conditions in New York courts.

The nature of the responses are as diverse as the complaints themselves. Often the problem can be resolved with a simple letter as was true, for example, with the complaint about pattern jury instructions. Sometimes problems are simply beyond the competency of the Committee; when a litigant is dissatisfied with the outcome of a case, all the Committee can do is remind the complainant of the right to appeal. Occasionally complainants alert the Committee to systemic problems in a particular court or locale, which, once identified, can be addressed by operational changes. Among the

most helpful of these complainants have been domestic violence advocates in New York City.

Most difficult are the complaints against a judge for a ruling or a remark that complainants believe demonstrates an insensitivity, for example, to the difficulties faced by domestic violence victims in trying to leave a battering spouse or to the trauma of rape. In egregious cases, a referral to the Commission on Judicial Conduct may be appropriate. More typical complaints, however, concern judges who are people of good will, receptive to advice, and interested in understanding constructive ways of responding to changing mores. In these cases, the diplomatic voice of the chair, a committee member, or someone else appropriately situated usually can affect a change.

2. Inquiries and Requests. The Committee in the past year has spent time, as it has every year, responding to requests from other states with task forces or commissions on women in the courts. People in states in which task forces are forming or where implementation is beginning often consult with New York. States with active committees also call on New York, for example, for advice about materials on sexual harassment training. The Committee keeps in touch with the National Center for State Courts, which acts as a clearinghouse for ideas on gender bias, and the National Judicial Education Program to Promote Equality for Women and Men in the Courts.

Inquiries from the public also occupy the Committee. Often a request is made for a Committee report or document. Some come from interested citizens, but they also arrive from law school libraries and institutions creating archives on women's history.

#### G. Local Committees

When the Committee began encouraging Administrative Judges to appoint committees in 1987, the Committee hoped that local groups would be able to identify problems with more specificity than is possible for a statewide committee and find answers more aptly tailored to local conditions. Increasingly this is happening. This year, despite the exigencies imposed by budget restrictions, local committees have continued to find projects that suit the temperament of their courts and that speak to the needs of the populace they serve. The Committee continues to play a supporting role, to consult with their chairs, to nurture the committees' initiatives, and to encourage imaginative approaches.

Within the growing dossier of local committee accomplishments are a variety of projects. Top on the list are public events. The Ninth Judicial District Committee (Westchester, Orange, Putnam, Dutchess and Rockland Counties), under the leadership of Appellate Division Justice Sondra Miller, has presented two major events in the past year. The first, an introduction to the committee's work, which included a satirical skit called "Court Time," generated such interest that a second event was scheduled quickly. It was a public hearing, lasting six hours, at which citizens vocally

expressed their views about the fairness of the courts. Two more public hearings are planned. Other committees are considering making video tapes or using skits to get their messages across.

Acting on complaints is another function some local committees have adopted. Many view this as their most important purpose, although their styles for responding to dissatisfactions within their courts vary dramatically. The Bronx Supreme Court Committee, which Justice Richard Lee Price chairs, has chosen an informal approach. Included on this committee are representatives of an array of constituencies within the Bronx courts: judges, court clerks, court officers, interpreters, reporters, the district attorney's office, the Legal Aid Society, and local bar associations. Committee meetings are forums for airing problems, and the chair tries to report back at the next meeting about action taken on each issue raised. The committee in the Third Judicial District (Albany), under Judge Karen Peters, has taken a different tack. Committee members have written a formal description of complaint procedures and drafted a complaint form in anticipation of grievances from the public. Other committees too hear complaints and help administrative judges respond to them.

Assisting courts with their equal employment opportunities obligations is yet another role committees have chosen to play. For example, the committee of New York County's Supreme Court (Civil), co-chaired by Justice Karla Moskowitz and Frank Byrne, has worked to assess progress towards work force diversity goals and expects to take the lead in promoting the OCA's new complaint

procedures and Anti-Discrimination Panels. The New York Supreme Court (Criminal), under Judge Juanita Bing Newton, has also taken an interest in the new procedures and the panels. The Bronx Committee has responded to complaints from women who are senior court officers about locker room facilities and court interpreters and attorneys about offensive photographs and pinups posted in detention pens by corrections officers.

Conditions for women in the criminal courts and the correctional system is still another topic that some committees have felt compelled to address. Significant original work has been done by the New York City Criminal Courts Committee, chaired by Judge Angela Mazzairelli. Concerned about unequal conditions of women detainees that create physical hardships, delays in court appearance, and lack of privacy for interviews with attorneys, the committee made a survey of all criminal courts in New York City and issued a report. This year the committee updated its report and is working now to get the necessary changes; space that might be used for additional correctional pens for women has been found in the Manhattan courthouse. The untimely production of female prisoners is another problem this committee is exploring. Also, the Nassau County Committee, which is chaired by Judge Zelda Jonas, now has a subcommittee to look into rehabilitative programs available to women in jail.

Other interesting ideas have evolved from these committees. For example, the committee in the Fifth Judicial District, under Judge Sandra Townes, has collected data on the number of women

judges, town and village justices, hearing examiners, judicial hearing officers, practicing attorneys, delegates to judicial nominating committees, law guardian and assigned counsel panels, and fiduciary appointees. And, the Ninth Judicial District's Committee has formed a matrimonial subcommittee to address litigation problems raised so vigorously at its public meetings.

#### CONCLUSION

This year the Committee has done its best to stay the course in the face of the stormy weather of a budget crisis. Some new ventures have been started, but effort too has been spent keeping established enterprises alive and moving in hard times.

Our expectations for next year are high. We hope it will be a time for bold explorations and imaginative contributions to the continuing process of transforming the court system into a place where women are as valued as men and where their voices are heard as clearly.

APPENDIX A

Speech October 22, 1991

SUPREME COURT COMMITTEE

NEW YORK COUNTY LAWYERS

Good evening. Thank you for inviting me here to talk to you about a subject that has absorbed a great deal of my energy and my intellect in the past five and half years -- my work as chair of the New York Judicial Committee on Women in the Courts. Tonight, besides telling you something about the Committee and its labor, I want specifically to address gender bias and some of the ways it may affect what goes on, day to day, in New York County's Supreme Court proceedings. But I also plan to leave plenty of time for you to talk about what you see and hear in your daily work, what problems you encounter, and, of course, what solutions you think would work.

Inevitably gender bias does influence the work of the Supreme Court, just as it has a hand in shaping all human institutions. As products of a particular culture, we can never entirely escape the prejudices of our time and place -- all of those preconceived ideas about men and women, what they are likely to do, and how they should behave -- that often prove to be such inappropriate and unfair guides for assessing particular situations. And gender bias is nothing more than allowing those preconceived notions to substitute for fair appraisals of the people and situations we meet.

One of the manifestations of gender bias that I find most intriguing, as an example of its pervasiveness and inevitability, is its influence on medical research. We are schooled to regard scientists as the most objective of truth seekers, equipped with tools singularly adept at measuring and assessing facts. Yet, we have learned from a series of news articles in the past years that the very choices about what to study and how to design research are influenced by bias -- by unexamined but deeply felt notions about men and women. One of the most powerful of these is the idea that men are the norm and women are the exception, some sort of special case. As a result, study after study has included only men, although the results of those studies are routinely applied to both men and women. Among these is the National Institute of Health's largest project on aging, which published its latest report in 1984. It is entitled "Normal Human Aging," yet it contains absolutely no data on women who actually live longer than men, and make up a much larger percentage of the elder population.

Last week's newspaper had an example of the influence of another biased idea that has affected medical research -- the notion that women alone are responsible for the health and well-being of newborn children. A headline in the New York times read "Cocaine-Using Fathers Linked to Birth Defects." The possibility that the behavior of men as well as women might contribute to low birth weight, premature births, and birth defects seems like a revelation. Yet the link between the drug use of pregnant women

and the condition of the offspring at birth has been assumed and confirmed by research for years. The omission of any inquiry into the role of men and their sperm in damage to fetuses is no harmless error. It has implications not only for doctors, but also for people who develop social policy and even for us as lawyers.

Yet, while we may all be prey to the influence of gender bias, we also must remember that we are far more than entities programmed by our civilization and our histories. We are people with minds and consciences, capable of change and growth, who do yearn to do the right thing. So we have to undertake the difficult task of examining biases in ourselves and the institutions of which we are a part and to do our level best to rid ourselves of our prejudices. The events of the past few weeks in Washington have given us all a picture of how far we have travelled and how great the distance we yet have to go. I know they have renewed my own sense of commitment to the task of eradicating gender bias.

I personally know and understand a great deal more about the workings of gender bias than I did in 1986 when Chief Judge Sol Wachtler recruited me into the front lines by appointing me chair of his committee to implement the recommendations of the New York State Task Force on Women in the Courts. For those of you who are unfamiliar with the Task Force and the evolution of the Chief Judge's committee, I am going to talk a bit about its history.

In 1984, then Chief Judge Lawrence Cooke, responding to problems brought to his attention by, among others, the New York State Association of Women Judges and the Women's Bar Association, set up a Task Force on women in the courts. That group, some 22 strong, came from all branches of the legal profession. It included judges, lawyers with various kinds of practices, legal scholars, and public officials. Its mandate was broad: to look at the entire court system -- substance and procedures, statutes, rules, practices and conduct.

The Task Force's report, submitted to Chief Judge Wachtler five years ago last spring, is comprehensive, thoroughly documented, and compelling. Its conclusion is blunt: "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."

This powerful conclusion rests on painstaking research that documented conditions women faced in New York Courts as litigants, attorneys and court employees. The bulk of the report consists of detailed findings on such issues as the courts' response to violence against women; the enforcement of economic rights in matrimonial and child support cases; the role of gender in custody disputes; difficulties of women attorneys gaining acceptance and advancing in the profession; and the disproportionate representation of women in the lower paid jobs within the court

system.

The Task Force Report was met with a decisive response from the Chief Judge. Accepting its findings in their entirety, he immediately set up a committee to implement its recommendations, and drafted me to chair it.

When the Committee first convened we focused on the recommendations directed to court administrators and judges. But over time, as new issues have arisen and old issues have been transformed, we found ourselves moving beyond the Task Force's specific recommendations and looking instead to the concern about gender bias in all of its manifestations in the courts.

In the past years the Committee has concerned itself with, among other issues, judicial education, the status of women employees, sexual harassment, domestic violence, and the very language used in the courts. At the same time, we have tried to articulate the strong, unequivocal support of the court system's top administrators for the eradication of gender bias. We have also worked to institutionalize changes and to develop local gender bias committees to carry on the work of the task Force and our Committee in the context of particular courts. Both Civil and Criminal Supreme Courts in New York County now have committees, one well-established and one just starting.

Now, having at length tried to convey to you my own sense of the seriousness of the issue of gender bias and having given you a history of the New York Court system's official commitment to its eradication, I would like to explore -- more to raise questions, than to answer them -- some of the possible manifestations of gender bias in this county's Supreme Court.

One obvious place the Task force found gender bias at work was in custody disputes, many of which are heard as part of matrimonial cases in Supreme Court. They are terribly hard cases for everyone, the children, the parents, the lawyers, and the judges -- I know, I've heard them -- and allowing gender bias to infect our approaches to these cases is very easy. In a custody case we are judging mothers and fathers and comparing them. And yet, for most of us, comparing mothers and fathers is like comparing apples and oranges. We can conjure up an image of a good mother and another image of a good father, and they simply are not the same. If we think about a good parent we have a third image, and I venture to say that it is not nearly as rich or as emotionally charged as the image of either a mother and father.

The popular responses to child abuse bring home this difference in our expectations. When Lisa Steinberg died from blows delivered by Joel Steinberg, people condemned Hedda Nessbaum for not stopping him, for letting it happen. Yet when an Orthodox Jewish mother killed one of her children, we had to listen hard to

find anyone raising questions about the father's responsibility or asking why he had continued to beget children for her to raise even after she had been convicted for assaulting one of their sons.

These differences in how we instinctively view the obligations of mothers and fathers have real, practical ramifications in the courts for custody cases. In their worst manifestations, they result in wrong decisions. One notorious Nassau County case comes to mind. Awarding twin daughters to a physician father, the judge berated the mother for lacking the kind of "selfless devotion" required of her and used the fact that she had a lover against her while refusing to let the mother's lawyers even inquire into the father's sexual activities. I am glad to be able to report that the Appellate Division reversed the ruling with resounding language condemning the practice of holding mothers and fathers to different standards and confirmed the "need to apply gender-neutral precepts."

I have spent a long time discussing custody because it is such fertile ground for gender bias, but another issue in matrimonial cases that also allows for the play for biased analysis is the division the economic outcomes of divorces. The research of Professor Marsha Garrison into the economics of divorce in New York before and after the equitable distribution law found that in less than half the post-equitable distribution cases unemployed women of long term marriages received maintenance. While in theory

equitable distribution was supposed to result in a fairer division of the marital property and thus obviate the need for maintenance in many cases, in fact this did not happen. Before equitable distribution, the median percent of the marital assets the wife received was 56%; after, it was 54%. These results are troubling in a state that at least in theory has adopted the concept of marriage as a partnership. Something is very wrong if women are still left in poverty or struggling for a marginal existence at the end of marriages that have lasted the bulk of their adult years.

Leaving behind the battleground of matrimonial cases, we find in Supreme Court, as in other forums, the issue of the credibility of women. The Task Force reported five years ago that "Perhaps the most insidious manifestation of gender bias against women -- one that pervades every issue respecting the status of women litigants -- is the tendency of some judges and attorneys to accord less credibility to the claims and testimony of women because they are women."

Women victims face terrible burdens. A female victim of any crime, even a planned knife attack as Marla Hansen learned a few years ago, may have her veracity questioned on the basis of her sex life. Sex harassment victims, as we all are painfully aware after a Columbus Day weekend glued to our television sets watching the United States Senate perform, are still vulnerable to attempts to disprove their stories by labelling them spurned women or simply

crazy.

Even incidental witnesses find themselves held to unusual standards because they are women. One judge in Queens recently discounted the testimony of two women, because, among other reasons, "Neither of these young women are persons of exemplary character; both became sexually precocious at an early age, at least one had an abortion while single, and both have had children out of wedlock." I find it hard to imagine a judge, even a careless or insensitive one, holding against a man the fact that he had had sexual adventures at an early age or fathered children when he wasn't married, nor can I easily envision a judge finding a man less likely to tell the truth because of his sexual history.

The easiest examples of the fight women have to establish their credibility in court come from cases where sex is somehow brought into the case. But, as the Task Force recognized, any female witness can be made vulnerable by invocation of those ancient, powerful stereotypes that label women "impulsive, emotional, irrational and unpredictable."

The last kind of gender bias I am going to discuss is the disadvantage women feel from the very language used in the courts. A court system in which gender neutral language is the norm is, at best, a visionary goal. We were all brought up to use "he" as the generic pronoun, and if we have learned to use the words "police

officer" instead of "policeman," we have learned it very recently. Change is hard for the best of us, although I have found that when I make the effort phrases that felt awkward last year seem natural now. But some people still don't care. They just can't understand why women are offended by language that excludes them or makes them invisible. The court system's official sanction of gender neutral language should help. I hope most of you have seen the booklet published by the New York Judicial Committee on Women in the Courts. For those of you who have not, I brought a supply.

I want to end by putting all of these concerns about gender bias in the context of a court system in crisis. The fiscal problems we are facing are compelling. We all feel the pain and witness the suffering of valued employees laid off or litigants whose days in court is postponed. But continuing the work of trying to eradicate gender bias, the mandate given the committee I chair in 1986, need not run a collision course with the efforts to make our court system work in the face of terrible budgetary constraints. While now is not the time for splashy events or expensive new programs, quiet diplomacy and continued attention to the way we behave costs little. Indeed, we cannot afford to forget our commitment without damaging the courts, the very institutions we are fighting to preserve. For us who labor in the court system, our only product is just results, which are reached only by clear sighted analysis untainted by bias. Allowing gender bias to go unchecked undermines our very purpose.

On that somewhat solemn note I want to close and give you the time I promised for your comments.

APPENDIX B

**Sexual Harassment  
In the Workplace**



**New York State  
Unified Court System**

**Sexual Harassment  
In the Workplace**

New York State  
Unified Court System

## **What is the policy of the Unified Court System on sexual harassment?**

Sexual harassment is wrong, and it is illegal.

The Unified Court System is committed to making sure that you, as a court employee, have a workplace free of the exploitation and coercion inherent in sexual harassment. As the Supreme Court of the United States has said, no one should have to "run a gauntlet of sexual abuse in return for the privilege of being allowed to work and make a living."

## **What is sexual harassment?**

There are two forms of sexual harassment: quid pro quo harassment, which involves a threat or promise, and harassment that creates a hostile work environment.

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### **Quid pro quo harassment**

Quid pro quo sexual harassment occurs when someone with the authority to influence employment decisions suggests that allowing a working relationship to become sexual could lead to a more desirable job or working conditions. It is also present when a person in authority implies that a refusal to go along with a request for sexual favors might have job-related consequences.

Of course, sexual harassment also exists if reprisals, such as the denial of a job, a promotion, or a prized assignment, are taken for declining sexual advances.

### **Hostile work environment**

A working environment made hostile to women — or to men — through a sexually charged atmosphere is another kind of sexual harassment. Sexual jokes, innuendos, and

teasing that affect the work life of employees can change the nature of working conditions and the well-being or work performance of employees. So can a steady barrage of obscene comments or the constant presence of sexually suggestive materials.

### **What is sexually harassing behavior?**

Any kind of offensive, unwelcome, or coercive sexual behavior can be considered an element of sexual harassment, depending on the circumstances. The behavior may be overt or subtle, and it may be verbal, physical or visual. Here are some examples:

- Unnecessary physical contact, such as an arm around a shoulder when work is reviewed.
- Pressure for dates, social engagements, or sexual favors.

- Inquiries about a coworker's sexual life or repeated attempts to turn work discussions to sexual topics.
- Outright assaults.
- Leering or whistling.
- Displays of pornographic materials such as pinups, or obscene cartoons in locker rooms.
- Descriptions of pornography and references to physical anatomy and characteristics.
- Use of foul language or derogatory terms to refer to women.

Something that happens just once may not be enough to support a legal charge of sexual harassment, and evidence of a pattern is sometimes necessary to make a convincing case.

Of course, any threat — implied or direct — about a job is grave. So is an assault. If the abuse is serious enough, it is sexual harassment even if the offensive behavior is not repeated.

**Who is covered by this sexual harassment policy?**

No one in the court system may harass any court employee. The behavior of everyone, including clerks, court officers, support staff, attorneys, and judges, is covered by this prohibition. Harassment by coworkers and subordinates, as well as by supervisors, is forbidden.

## **What should I do if I am being sexually harassed?**

If you feel you are being harassed, you do not have to wait until the problem gets intolerable or you are sure you have a solid legal case before taking some action. If you act quickly, you might be able to keep the situation within manageable bounds and find a solution more easily.

### **Informal actions**

You can always try to solve the problem yourself, particularly if it is still small. Of course, if you prefer, you may turn immediately to the Unified Court System's Anti-Discrimination Panels, formal EEO Office procedures, or outside agencies. However, if you are comfortable with the idea, you might try taking one or all of the following steps:

- Talking to the person who is harassing you. Explain what bothers you about his or her behavior and say what you want changed.
- Writing a note to the harasser with this information, if talking face to face with him or her seems too difficult. If you choose to put something in writing, keep a copy.
- Telling a supervisor what is happening.

### **Help within the Unified Court System**

You also might consider using the mechanisms set up by Unified Court System to help you. These include:

#### **Anti-discrimination panels**

These panels have been created to help you do something about sexual harassment, as well as other forms of discrimination, without having to invoke formal procedures. Panel members, appointed by administrative judges or administrators, are available to meet with you at your request, listen to you explain your concerns, and give you immediate and practical assistance.

Panel members all have been trained to recognize sexual harassment, and an essential part of their job is helping people who feel they have been harassed to sort out their options, which vary from case to case. They

may suggest actions you could take, or they may volunteer to act for you. The panel member will speak on your behalf if you decide that is the best approach for you.

The panel member you consult will respect your interest in confidentiality, although often you will find that insisting on complete confidentiality restricts your choices. In rare cases, for example, when a crime is involved, some disclosure may be unavoidable, but in those circumstances you will be consulted in advance.

Lists of panel members are posted prominently in your workplace. The office of your administrative judge, administrator, or OCA unit head is another source of this information.

### **Discrimination claims procedures**

You also may use the court system's formal discrimination claims procedures by filing a complaint with Unified Court System's EEO Office. If you want more information about the process, you should call the EEO Office and request UCS's Discrimination Claim Policy and Procedures. The EEO Office number is (212) 417-5847.

### **Outside help**

Before, during, or after using the court system's in-house mechanisms, you may file a charge with governmental agencies established to address discrimination. Both the New York State Division of Human Rights and the federal Equal Employment Opportunities Commission investigate claims of sexual harassment. The local telephone book is your best way to find them.□

This pamphlet was prepared with the assistance of the New York Judicial Committee on Women in the Courts, which was created by Chief Judge Sol Wachtler in response to the report of the New York State Task Force on Women in the Courts. Since 1986, the Committee has acted as an advocate within the judicial system and a focal point of community concern for the courts' obligation to provide fair treatment to women.

**The New York Judicial Committee  
On Women in the Courts**

Hon. Kathryn A. McDonald, Chair  
Nicholas Capra  
Michael Colodner  
Hon. Betty Weinberg Ellerin  
Hon. Zelda Jonas  
Hon. May W. Newburger  
Hon. Juanita Bing Newton  
Peter J. Ryan  
Fern Schair Sussman  
Amy S. Vance  
Adrienne White  
Jill Laurie Goodman, Counsel

APPENDIX C

PREPARE ONE REPORT FOR EACH FINAL ORDER SIGNED IN A SUPREME OR FAMILY COURT THAT INCLUDES A PROVISION FOR CHILD SUPPORT (INCLUDING MODIFICATION OF ORDER)

**CASE INFORMATION**

A. COURT:  SUPREME  FAMILY

B. COUNTY: \_\_\_\_\_

C. CASE NUMBER: \_\_\_\_\_

D. DATE ORDER SIGNED: \_\_\_\_\_

E. WRITTEN SUPPORT AGREEMENT OR STIPULATION ?

NO  YES

F. WAS THE BASIC CHILD SUPPORT OBLIGATION FOLLOWED?

NO  YES

IF NO, 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 contributions toward care and well-being of child.

f. Educational needs of either parent.

g. Substantial differences in gross income of the parents.

h. Needs of other children of non-custodial parent.

i. Extraordinary visitation expenses of non-custodial parent.

j. Other (Specify): \_\_\_\_\_

G. PHYSICAL CUSTODY OF CHILDREN FOR WHOM CHILD SUPPORT AWARDED:

TOTAL \_\_\_\_\_

# in mother's custody \_\_\_\_\_

# in father's custody \_\_\_\_\_

# in third party custody \_\_\_\_\_

# \_\_\_\_\_  
(Other, specify)

**FATHER**

H. INCOME

- Unknown
- No Income
- Weekly AMOUNT
- Bi-Weekly
- Monthly \$ \_\_\_\_\_
- Semi-Monthly
- Quarterly
- Annually

I. CHILD SUPPORT PAYMENT ORDERED

- Unknown
- None
- Weekly AMOUNT
- Bi-Weekly
- Monthly \$ \_\_\_\_\_
- Semi-Monthly
- Quarterly
- Annually

J. OTHER MISC. SUPPORT PAYMENTS

NO  
 YES - If yes, specify

- Medical expenses
- Child Care
- Education
- Other

K. SPOUSAL SUPPORT/ALIMONY/ MAINTENANCE PAYMENT ORDERED

- Unknown
- None
- Weekly AMOUNT
- Bi-Weekly
- Monthly \$ \_\_\_\_\_
- Semi-Monthly
- Quarterly
- Annually

L. ALLOCATION OF PROPERTY (SUPREME COURT ONLY)

Indicate either dollar amount or percentage:

Marital Home \_\_\_\_\_

Other \_\_\_\_\_

Total \_\_\_\_\_

**MOTHER**

M. INCOME

- Unknown
- No Income
- Weekly AMOUNT
- Bi-Weekly
- Monthly \$ \_\_\_\_\_
- Semi-Monthly
- Quarterly
- Annually

N. CHILD SUPPORT PAYMENT ORDERED

- Unknown
- None
- Weekly AMOUNT
- Bi-Weekly
- Monthly \$ \_\_\_\_\_
- Semi-Monthly
- Quarterly
- Annually

O. OTHER MISC. SUPPORT PAYMENTS

NO  
 YES - If yes, specify

- Medical expenses
- Child Care
- Education
- Other

P. SPOUSAL SUPPORT/ALIMONY/ MAINTENANCE PAYMENT ORDERED

- Unknown
- None
- Weekly AMOUNT
- Bi-Weekly
- Monthly \$ \_\_\_\_\_
- Semi-Monthly
- Quarterly
- Annually

Q. ALLOCATION OF PROPERTY (SUPREME COURT ONLY)

Indicate either dollar amount or percentage:

Marital Home \_\_\_\_\_

Other \_\_\_\_\_

Total \_\_\_\_\_

This form is used to comply with reporting requirements of the Child Support Standards Act (amending Judiciary Law Section 216, Subdivision 5). Prepare one report for each final order signed that includes a provision for child support (including modification of order). Submit completed forms to the courts Chief Clerk for mailing to the Office of Programs and Planning, Data Service Unit, Room 598, 80 Centre Street, NY, NY 10013.

**Note:** DO NOT submit a form for a:

- Registration of foreign support order unless the order is modified on issue of support
- Temporary order of support
- Pendente Lite order
- Arrears only order

#### CASE INFORMATION

- A. Court. Check the appropriate box.
- B. County. Enter the county in which the court is located.
- C. Case Number. Family Court Docket Number or Supreme Court Index Number.
- D. Date support judgment/order signed. The date of signing or entry.
- E. Written support agreement or stipulation. Check the appropriate box.
- F. Was the basic child support obligation followed? Check appropriate box, and if NO, circle the court's reason(s). If you circle "j. Other" please give a brief explanation.

**NOTE:** 1992 amendments to Child Support Standards Act require parties to an agreement/stipulation to provide information about calculation of basic child support obligation, the amount of basic child support obligation, and their reasons for deviation from it and the court to recite in its order its reasons for approving the deviation.

- G. Physical custody of children for whom child support awarded. Note: "third party custody" may apply to Family Court cases in which support is ordered for a child in foster care. Any custody arrangement not described by "mother", "father" or "third party" should be specified in the blank line.

#### FATHER/MOTHER

(items I,J,K below refer to amounts to be paid by the Father.)

(items N,O,P below refer to amounts to be paid by the Mother.)

- H/M. Income Refer to the itemization sheet for computation of income. Enter the amount of each parent's income allocated to the "combined parental income" as shown on Itemization Sheet (see itemization sheet line 17 or 34).
- I/N. Child Support Payment Ordered. Enter the amount ordered for the applicable time period.
- J/O. Other Misc. Support Payments. Check the appropriate box(es); "medical expenses" includes counselling or therapy for child.
- K/P. Spousal support/alimony /maintenance payment ordered. Enter amount ordered for the applicable time period.
- L/Q. Allocation of property (Supreme Court only). Refer to the final order and enter the award of property to the father and mother in the categories shown. Property allocation may be expressed in the order either as a monetary amount or as a percentage.

APPENDIX D

<u>Court</u>	<u>Total Judges</u>	<u>Total Judges</u>	<u>Total Women</u>	<u>Total Women</u>	<u>% of Women</u>	<u>% of Women</u>
	<u>1991 +</u>	<u>1992 ++</u>	<u>1991 +</u>	<u>1992 ++</u>	<u>1991 +</u>	<u>1992 ++</u>
Court of Appeals	7	6	1	1	14.3	16.7
Appellate Division	48	48	7	6	14.6	12.5
Administrative Judges*	20	20	2	2	10.0	10.0
Supreme Court	318	312	32	37	10.1	11.9
Acting Supreme Court**	113	107	26	24	23.0	22.4
Surrogates Court	27	27	3	3	11.1	11.1
Court of Claims	60	55	9	9	15.0	16.4
County Court***	115	113	7	7	6.1	6.2
Family Court (Outside NYC)	69	68	10	13	14.5	19.1
NYC Family Court	38	41	21	23	55.3	56.1
NYC Civil Court	73	78	20	23	27.4	29.5
NYC Criminal Court	48	55	14	17	29.2	30.9
District Court (Nassau/Suffolk)	49	48	6	4	12.2	8.3
City (Outside NYC)****	154	151	15	14	9.7	9.3
Totals	1139	1129	173	183	15.2	16.2

- + The figures for 1991 include all judges as of March 31, 1991, the close of the 1990-91 fiscal year.
- ++ The figures for 1992 include all judges as of March 31, 1992, the close of the 1991-92 fiscal year.
- \* This figure includes full-time administrators who do not act as sitting judges on a regular basis.
- \*\* This figure includes 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.
- \*\*\* This figure includes judges who sit in County Court only and judges who combine service on the County Court with service on the Family and/or Surrogate's Court.
- \*\*\*\* This figure includes City Court Judges, Acting City Court Judges, and Chief Judges of the City Courts.

