ON April 22, 1986, New York State's court system and everyone in New York concerned about justice for women reached a significant milestone. That was the day the New York Task Force on Women in the Courts issued its meticulously documented report and, with it, a call to arms. [FN1] In its oft-quoted opening sentence, the report declared, “[G]ender 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.” [FN2] The report challenged the bench, the bar, and the public “to engage in intense self-examination and ... demand a justice system more fully committed to fairness and equality.” [FN3]

For me, that April day was a milestone in my life as a lawyer, a judge, a court administrator, and, above all, a life-long advocate for equal opportunity. Neither my journey nor those of others seeking the elusive goals of fairness and equality for all, irrespective of gender, ended there, but reaching that point was a real achievement. Moving onward, I felt--we all felt--that we had a bit more of the wind at our back and support as we continued our journey.

I have been asked to describe how the New York Task Force on Women in the Courts came into being and what its influence has been--and continues to be--on New York courts and law, but I have also been invited to make this a personal essay so I have included a brief description of my own background for a fuller understanding of my role in the Task Force's genesis and development.

I. Background

From early on I had strong influences to inspire and support me in my choice of a career in public service that eventually led me to the judiciary. Prime among them was my father, a progressive who loved to talk politics with my brother and me and who instilled in us a deep concern for those he called the downtrodden. But there were others. As a smart Jewish girl of immigrant parents I was expected to be a teacher--and I told people that was my ambition--but in my heart of hearts I wanted to run for Congress. Another possibility dawned on me when the two daughters of my mother's sister, my Chicago cousins, became lawyers. I realized *890 girls could be lawyers, too, and right then--at age twelve--I set my sights on a career as a labor lawyer.

When I graduated from law school, I found work in a maritime law firm. By then the labor movement had lost some of its luster--and besides, none of the labor law firms exactly held out their arms in welcome. My gender, I found, was not at all helpful. My earliest encounters with job discrimination began to awaken me to the gender bias that infected all of our institutions at that time. Nonetheless, I enjoyed my work as a maritime lawyer. Representing
seamen who had been injured on the job made sense because I felt that I was working on behalf of those less fortunate.

I was still interested in politics, so I joined a political club and eventually was offered a job as a law secretary to City Court Judge Harry B. Frank. Judge Frank enjoyed being a trailblazer, and having a woman law secretary fit that description at the time. When Judge Frank was elevated to the Supreme Court bench, which in New York is the highest level trial court, I became the first woman to serve as a law clerk to a regularly elected Supreme Court Justice in New York City, and, it was said at the time, in the state (although I never confirmed it). Happily, other women in ensuing years joined the ranks of law secretaries in Civil Court and in New York County's Supreme Court; often these women became my friends and, later, my judicial colleagues.

During my twenty years as a law secretary, I rarely felt the sting of prejudice. Being a woman worked to my advantage. I was noticed. I worked hard, and I was good at what I did.

My three children were born while I was a law secretary, and I worked up until the days they were born. Within hours of their births I was taking calls from the judge for whom I worked about court matters. I did not know there was another way to do it, but in later years when I had the opportunity as the City's Administrative Judge, maternity and paternity leave were a given.

When I was elected to the Civil Court bench in 1976, I joined a handful of other women judges; all of us could have fit into a telephone booth. Upon election, I, whose entire career had been on the civil side of the law, was immediately sent to criminal court. I went kicking and screaming, but I loved it. Three years later, in 1979, I was elected to the Supreme Court. Within months Chief Judge Lawrence H. Cooke appointed me the Administrative Judge for the New York City Courts, in charge of the city's 425 judges and over 4700 nonjudicial employees. I was the first woman to hold this post, and my elevation was sufficiently noteworthy to warrant a front page article in the New York Times. [FN4] It was an exciting job, to put it mildly. Among other things, I found I could use my authority to ensure that talented and qualified women received the recognition they deserved by assigning them to positions in which they could shine.

During these early and middle years of my career, my commitment to the cause of women's rights and the gender fairness movement intensified. Two institutions were critical to this process. The first was the New York Women’s Bar Association, which, until its 1969 contested election, held little interest for me. Dedicated to advancing the narrow professional interests of its limited membership, *891 the women’s bar had done little to address the problems of women in the profession or women generally. In 1969, a group that believed the women’s bar should focus on the problems women faced in the profession and in society at large put up its own slate of officers, and I was elected president. I have been an active, committed member of the New York Women’s Bar Association ever since, and I was a founding member of the subsequently established Women’s Bar of the State of New York in 1980.

The other important organization, of which I also was fortunate to serve as president, is the National Association of Women Judges. NAWJ was started in 1979 with a mere 100 or so members, at a time when women judges were still very few in number. Many states had no women on their courts of general jurisdiction or their appellate courts, and one had no women judges at all. While NAWJ fought to increase the number of women on the bench in all jurisdictions and to dismantle the seemingly impenetrable wall that denied women access to the real centers of power, NAWJ's interests from the start went far beyond the advancement of the relatively privileged group of women who were attorneys. Bias against women in court systems--not just as lawyers and judges, but as litigants and employees as well--has always been at heart of NAWJ's mission. Luckily in those early days we had two superb women encouraging us to take the broadest possible view of justice for women in the courts: Professor Norma J. Wikler, who provided exciting, thought-provoking sociological analyses, and Lynn Hecht Schafran, who lent us the benefit of her activist experiences with practical politics. Among the issues they identified was the need for systematic data on gender bias.
II. The Appointment of a Task Force on Women in the Courts

Following one of the first meetings of NAWJ in the early 1980s, a New Jersey judge, Marilyn Loftus, approached New Jersey's Chief Justice Robert N. Wilentz about the need for more concrete information on gender bias. In response, in October 1982, Chief Justice Wilentz formed the New Jersey Task Force on Women in the Courts and defined its purpose as making sure that “in both substance and procedure, that there is no discrimination whatsoever against women—whether they are jurors, witnesses, judges, lawyers, or litigants.” [FN5] With Judge Loftus as its chair, Lynn Hecht Schafran as its one non-New Jerseyan member, and Norma Wikler as its advisor, the New Jersey Supreme Court Task Force on Women in the Courts produced a detailed report that set the stage for other state task forces, including New York's. [FN6]

*892 New York was the second state to establish a task force. In 1984, when New Jersey issued its groundbreaking report, I was serving as the Administrative Judge for New York City courts. Hearing about New Jersey's task force inspired me and others to think about a similar endeavor for New York. To that end, I, along with Marjorie Karowe, president of the Women's Bar of the State of New York, and Hon. Sybil Hart Kooper, president of the New York State Association of Women Judges, went to see New York's Chief Judge Lawrence H. Cooke to urge him to create a New York task force on women in the courts. We found it to be a surprisingly hard sell. Chief Judge Cooke himself was so profoundly sensitive to any kind of bias and had in so many ways demonstrated his commitment to equality for women that he simply did not seem to understand the need for a task force. But apparently we made an impact. The next day the chief judge called me to say that he would acquiesce to our plea for a task force. I thought we had won the battle, so I was more than a bit surprised when I saw Chief Judge Cooke's list of task force members. Instead of filling the task force with committed advocates who had been working for women's rights for years, Chief Judge Cooke had saved a number of places for members of New York's most prominent law practices and for New York State legislative leaders—people without track records on women's issues. And, instead of appointing a well-known women's rights activist like Judge Loftus as chair, he had chosen Hon. Edward McLaughlin, a relatively unknown family court judge from Onondaga County, who was, of all things, a man. This was not at all the task force I had envisioned!

I discovered, however, that Chief Judge Cooke was far smarter than I. By appointing such a distinguished panel, he had given the Task Force tremendous credibility. And, interestingly, over the eighteen months of hard but exhilarating labor, the more conservative members became converts. Task Force members Haliburton Fales of White and Case, the immediate past president of the New York State Bar Association, and Oscar Ruebhausen of Debovoise & Plimpton, past president of the Association of the Bar of the City of New York, become two of the most effective proselytizers for the Task Force's work. Two other appointments to the Task Force proved inspirational: Fern Schair, then Executive Secretary of the Association of the Bar of the City of New York, and Hon. S. Michael Nadel, then the deputy administrator for New York's court system. Both were not only influential members of the Task Force, but they have continued to support with intelligence and passion New York's efforts to fight gender bias. [FN7]

The mandate of the Task Force was broad. Invoking a “concept of justice ... antithetical to any discrimination triggered by prejudice,” [FN8] Chief Judge Cooke directed the Task Force to examine the entire court system—substance as well as procedures, conduct as well as rules. Wisely, Chief Judge Cooke asked not just for findings but recommendations. Norma J. Wikler and Lynn Hecht Schafran were *893 among those appointed advisors to the Task Force to help shepherd this huge undertaking toward its conclusion.

III. The Reception to the Report of the New York Task Force

Soon after the Task Force began its deliberations, I was elevated to the appellate bench, becoming the first...
woman to serve on New York's Appellate Division, First Department. Away from the fray of administering trial courts, I nonetheless followed the work of the Task Force closely and eagerly anticipated its report. I was not disappointed.

The final report of the New York Task Force on Women in the Courts was nothing less than compelling. In hundreds of pages of carefully researched findings, the report documented policies, practices, and patterns of thought that damaged women who worked for the courts, appeared in courts as advocates, or came to the courts seeking justice for themselves and often their children as well. The report covered violence against women, family law, economic concerns, employment issues, the atmosphere in the courtroom, and the status of women attorneys. Based on testimony at public hearings, surveys, focus groups, answers to queries of bar associations and judicial screening panels, and sociological as well as legal scholarly research, the report's conclusions and recommendations had an authentic and authoritative ring. The Task Force had built an irrefutable case for reform.

In fact, Chief Judge Sol Wachtler, who had succeeded Chief Judge Cooke during the year and a half the Task Force had worked, accepted the report's findings and conclusions without equivocation. Wasting no time, Chief Judge Wachtler used his Law Day speech on May 1, 1986, a few weeks after the report was issued, to announce the appointment of a committee to implement the Task Force's findings. [FN9] He characterized the committee's charter as "sweeping" and charged it with spearheading the effort "to substantially eliminate the vices of gender bias and gender insensitivity ... as they may persist in our great court system." [FN10]

I remember how heartened I was by this spirited embrace of the Task Force Report. I knew that we had reached a turning point. Finally, at the highest levels of government, our critique of the court system had been vindicated. No longer could these problems, over which so many us had agonized for so many years, be labeled petty or superficial. No longer were they merely "women's" problems. Suddenly they were court problems, at the top of the system's agenda, warranting attention at the highest level of government. At last women and gender bias were being given their due.

*894 IV. The New York State Judicial Committee on Women in the Courts [FN11]

Chief Judge Sol Wachtler assured the implementation committee's success by selecting Hon. Kathryn A. McDonald, his newly-appointed Administrative Judge for the New York City Family Court, as its first chair. The appointment, like the appointments of the members and chair of the Task Force itself, was not an obvious choice but a brilliant and inspired one. Judge McDonald had made her mark on New York's courts as an advocate for children, first as a Legal Aid Society lawyer and supervisor and then as a family court judge. She combined an extraordinary and forceful personality with an unflinching commitment to justice and human dignity, a deep love of the courts, extremely well-honed diplomatic skills, and the manners of a born lady. Although she was not particularly identified with women's issues when she assumed the role of chair, as an accomplished woman in a generation in which all women in positions of power were pioneers, she understood instinctively what was at stake. Judges and administrators began to hear the Task Force's messages from an unexpected, highly intelligent and strong voice. During the decade that Judge McDonald deftly steered the committee, the committee attained an impressive stature and a reputation for a record of steady accomplishments.

I joined the committee in its first year, and I watched it take shape and grow. In the beginning, the committee hewed closely to the numbered recommendations for court administrators listed at the end of each section of the Task Force Report. The majority of these had to do with the education of court personnel, particularly judges, and education was from the beginning, and remains today, a mainstay of the committee's work. [FN12] Much of this education has been in classrooms, at judicial seminars, and now, since its inauguration in 2003, at the New York Judicial Institute. Early on, education focused on traditional "women's" topics, such as domestic violence, matrimonial law, and sexual harassment, but over time women's concerns and points of view have been systematically woven into mainstream subject matter, such as trial practice. Publications are another prong of the committee's educational program. One of the first proved to be one of the most popular: a short pamphlet on gender neutral lan-
language, [FN13] large sections of which have been incorporated into New York's official Style Manual. Among other committee publications are a judicial guide for handling gender bias in courtrooms, which has been used for the education of new judges for several years, [FN14] and a *895 recent booklet on domestic violence and immigrants. [FN15] The Committee has also issued periodic reports. [FN16]

As the committee matured, it moved away from its original focus on specific recommendations. In part, this evolution came about because many of the recommendations were adopted, and some problems highlighted in the Task Force Report were mitigated. Gender neutral language became the courtroom norm. [FN17] Women judges became more common, and they moved into positions of power within the courts. [FN18] But many recommendations proved inadequate. [FN19] New strategies were required, for example, in the effort to keep abused women safe and to hold their abusers accountable.

We also found that new issues emerged or took on added urgency. Sexual harassment in the workplace, a minor concern for the Task Force, became an important issue for all employers, including the New York State Court system. The committee worked with court officials to write a sexual harassment policy and establish procedures for handling complaints. The committee played an important role in urging the court system to adopt a policy on workplace domestic violence. Some totally new issues, completely off the radar screen for the Task Force, have found their way onto the Committee's agenda. These emerging issues included various problems confronted by immigrant women and the use and misuse of mental health experts as forensic evaluators in child custody and visitation cases.

My participation in the committee, first as a member and then, after ten years, as its chair, has been a source of pleasure. I have had the privilege of watching change happen close up and participating in determining its direction. Some of my pet projects have seen the light of day, at times as direct products of committee activities, but sometimes as part of the general shift in outlook and priorities of the court system for which the committee and the Task Force were catalysts. New York Courts now have personnel policies in place that allow employees to work reduced weeks or flexible hours. A question about outstanding child support orders now is part of New York's Unified Court Systems employment application. Courthouse waiting rooms where children can stay in a safe environment while their parents *896 attend to court business have been opened throughout the state, and, in 2001, they served over 50,000 children in thirty different centers. [FN20]

In all of this, women judges have been present and pivotal. We serve many functions, and we operate on many levels. Judges, after all, run the court system; they are its administrators and executives. Women judges bring to these positions of power their own experiences, which are usually different from that of men judges. Often--but not always--women who are judges draw on their personal knowledge and understanding of the lives women lead and how women's lives differ from men's lives when they respond both to cases and to administrative challenges. Also, women judges, whatever their political inclinations or their commitments to women's rights, are irrefutable evidence to bar and bench alike that it is not, in fact, a man's world, and that women, too, must be taken into account. The collective achievements of women on the bench are a prime example of how success breeds success. As more women become judges and assume responsibility for running the courts, they have more opportunities to recognize and mentor talented young women--and men--who share their commitments, including support for the ongoing fight against gender bias.

Chief Judge Judith S. Kaye's generous and unfailing support for women in the courts and the committee's work are "Exhibit A" for the case that women judges can make a difference. Certainly New York has been fortunate in all three of its chief judges, Chief Judges Lawrence H. Cooke and Sol Wachtler, as well as Judge Kaye. Their instinctive commitments to fairness and their whole-hearted support for the work of the Task Force and, later, our committee, have been tremendously helpful. Yet Chief Judge Kaye, with her unflagging attention to families and children and her personal example of excellence, has contributed something unique and invaluable to the women of this state.

I must also note that a true key to the success of our Committee's work has been our good fortune in having a superb counsel, Jill Laurie Goodman. She is a splendid lawyer who is always aware of the latest gender-related is-
sues and who, without complaint or fanfare, brilliantly implements the programs and projects that evolve from the committee. Indeed, she has very frequently been the creative source for our most effective programs. She has the deep and abiding appreciation and affection not only of myself but of every member of the committee for her invaluable contributions. She is truly irreplaceable!

V. The Future

The New York Task Force on Women in the Courts, the committee appointed to implement its recommendations and continue its work, and the efforts of numerous members of the bar and bench--women and men alike--have changed New York's legal climate in ways I would have found unimaginable when I sought my first job and found all of those No-Women-Need-Apply signs hung out at law firms in New York City. Life is easier and better on the whole for women, particularly women lawyers and judges. Yet for many, among them the least powerful and the least fortunate--in other words, those my father taught me should always be our concern--too little has changed too slowly. Much still needs to be done.

Among the issues that I hope will be at the top of the agenda for the New York court system in the next few years is the continuing effort to make the courts fully responsive to female victims of male violence, particularly the violence visited on them by intimate partners. The Task Force report pinpointed this as a huge problem and considerable progress has been made. New legislation is in place, regular and imaginative education programs are commonplace throughout the court, and, under Chief Judge Judith Kaye's leadership, New York is in the process of creating an extensive network of resource-rich integrated domestic violence courts dedicated to the concept that courts can solve problems. Nonetheless, in a survey the committee conducted on the occasion of its fifteenth anniversary, the treatment of domestic violence was still at the top of the list of problems facing women in New York's courts. Although respondents to the questionnaire generously noted considerable progress, many said the level of sensitivity to domestic violence among court personnel was still uneven. Some stated that too often attention was diverted away from the behavior of the abuser and that victims were still blamed, particularly when they were reluctant to proceed with cases against their batterers. Also, many felt that the tougher standards were still used to judge the credibility of victims rather than of their abusers.

The failure of many in the judiciary to fully understand the economic implications of women's second class status--brought on not completely, but to a large extent, by the disproportionate burden they share of child-rearing responsibilities--was and is a problem. In the early days of the NAWJ and the efforts to educate judges about gender bias in the courts, the plight of women who devote major parts of their lives to making homes for their families and raising children was among the first issues on the agenda. Yet in New York, courts still shortchange women, who are already likely to find themselves with far fewer resources to make their voices heard in a divorce. In the committee's fifteen year survey, respondents pointed out the disadvantages women face at the break-up of a marriage, both their inability to pay for divorces and their inability to achieve post-divorce economic stability. In 2004, Chief Judge Judith S. Kaye appointed a Matrimonial Commission to study problems in New York's Court system. I am fortunate to sit on that commission, of which Justice Sondra Miller is chair. Although our work is far from complete, already I have heard complaints raised about the inability of women to pay for divorce counsel, the reluctance of judges to award adequate and timely counsel fees, and the unfairness of the ultimate decisions on the division of family resources.

Immigrant women and the difficulties they face as litigants in our courts is an emerging issue about which I care tremendously. Perhaps being the child of immigrants enters into my commitment to seeing more done for this particular population. The issues are many, and we are now only beginning to identify them. Among them are the need to make sure that immigrants with limited English have access to good interpreters so that their voices are literally heard, the intersection of our complicated and often punitive federal immigration laws with state laws and court proceedings, and the plight of immigrant domestic violence victims, who often face overwhelming hostility within their own cultures in their efforts to find safety from abusive husbands.
Yet another issue is the trafficking of women and prostitution. Unlike immigrant women, who really did escape
the notice of the Task Force, prostitutes were identified by the Task Force as a group that witnesses and survey re-
pondents said were victims of “extreme and obvious gender bias.” [FN25] In the end, limited in the reach of its
work by the overwhelming nature and variety of bias identified, the Task Force placed prostitution among those
topics appropriate for further study. Having lain fallow for a number of years, this issue has now been raised again.
New York's court system, as well as other branches of New York State's criminal justice apparatus, is beginning to
take tentative steps to see how prostitution and trafficking of women can best be addressed. Not surprisingly, judi-
cial education, where so many of the efforts to combat gender bias in the courts have begun, is the most likely start-
ing place for this initiative too.

Conclusion

The social change I have witnessed in the course of my career is, on one hand, stunningly far-reaching, and, on
the other hand, strikingly paltry.

What gives me the greatest hope and tips me toward optimism are the generations of young people I have
known and mentored. I find the very things they take for granted heartening. My first day sitting as a judge in a
criminal court I was amused when I saw that both the young Legal Aid attorney and the assistant district attorney
were women. Neither of them really understood why I began laughing at the fact that all three of us, prosecutor,
defense attorney, and judge, were women. To them it was not at all unusual.

As much as I hope younger women will understand and appreciate the battles fought and won through institu-
tions such as New York Task Force on Women, I look forward to the day when the war is over and the battles are
the subjects of immediate and personal narratives, but are ancient history.

[FN1]. Associate Justice, Appellate Division, First Department, New York State Supreme Court.

(1986-87) [hereinafter N.Y. Task Force Report].

[FN2]. Id. at 15.

[FN3]. Id.

[FN4]. E.R. Shipp, New Administrator of City Courts Is Selected by Chief Judge of State, N.Y. Times, Jan. 3. 1982,
§ 1, at 1.


[FN6]. For inclusive histories of national movement to establish task forces on women in the courts, see Lynn Hecht
(1998); Lynn Hecht Schafran, Overwhelming Evidence: Reports on Gender Bias in the Courts, Trial, Feb. 1990, at
28; Lynn Hecht Schafran, Documenting Gender Bias in the Courts: The Task Force Approach, 70 Judicature 280
(1987); Norma J. Wikler, On the Judicial Agenda for the 80s: Equal Treatment for Men and Women in the Courts,
64 Judicature 202 (1980); Norma J. Wikler, Water on Stone: A Perspective on the Movement to Eliminate Gender

[FN7]. Fern Schair, now Senior Vice-President of the American Arbitration Association, is well into her second
decade of serving on the committee that is the successor to the Task Force. Her thoughtful and thought-provoking
contributions as the committee's vice-president are a continuing source of inspiration. Hon. S. Michael Nadel, now a judge on New York's Court of Claims, also sits on this committee where he serves with uncompromising loyalty to, and incisive understanding of, the Task Force's goals and importance.


[FN10]. Id. at 6.

[FN11]. Originally called the Committee to Implement the Recommendations of the New York Task Force on Women in the Courts, the Committee is now known as the New York State Judicial Committee on Women in the Courts.


[FN17]. Ten Year Report, supra note 12, at 35-36.

[FN18]. Id. at 25-26. In 1986, when the Task Force issued its report, 11% of New York's judges were women, and New York had only one female Administrative Judge and one female Court of Appeals Judge. In 2003, a full 27% of New York's judiciary was female, while 9 of its 22 Administrative Judges were women, as well as 4 out of 7--a majority--of its Court of Appeals judges. The Chief Judge of the State of New York was also a woman--Judith S. Kaye. Figures available from the New York State Office of Court Administration.


[FN24]. Id. at 21-22.


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