

Equal Justice

NEWSLETTER OF THE NYS JUDICIAL COMMITTEE ON WOMEN IN THE COURTS



MARCH 2011 Contents

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COURT OF APPEALS RULES MEDICAL RECORDS' REFERENCES TO DOMESTIC VIOLENCE AND SAFETY PLAN ADMISSIBLE

The Court of Appeals recently ruled that references to domestic violence and the existence of a safety plan recorded by a physician in medical records are admissible in a criminal case.

In *People v. Ortega* the victim decided November 23, 2010, the Court of Appeals considered an appeal from a man convicted of assaulting his former girlfriend by attempting to strangle her with a scarf and a leather belt. The treating physician who saw the victim after the assault diagnosed her with "domestic violence." The medical records noted that she had a safety plan.

The Court of Appeals held that statements recorded in medical records are admissible under the New York State's business record exception to the hearsay rule when they are "relevant to diagnosis and treatment."

To view the decision, click here:

<http://www.nycourts.gov/ctapps/decisions/2010/nov10/162-194opn10.pdf>

"With all that has been learned about the scourge of domestic violence in recent decades, we now recognize that it differs materially, both as an offense and a diagnosis, from other types of assault in its effect on the victim and in the resulting treatment. . . . A doctor faced with a victim who has been assaulted by an intimate partner is not only concerned with bandaging wounds. In addition to physical injuries, a victim of domestic violence may have a whole host of other issues to confront, including psychological and trauma issues. "

*Chief Judge Jonathan Lippman,
PEOPLE V. ORTEGA, 15 NY3d 610 (2010)*

WOMEN IN THE WORK FORCE: CHANGES IN THE PAST 25 YEARS SOME GAINS, MANY CHALLENGES REMAIN

In the past twenty-five years, women have increased their participation in the United States workforce by 6%, and their numbers from 44 million to 66 million. According to a recent report of the U. S. Congress Joint Economic Committee, women now make up 50% of payroll employment, up from 44% in 1984.

During this time, the earnings gap between men and women has narrowed. Women employed full time now earn 80% of what their male counterparts earn, up from 68% in 1984. However, according to the Joint Economic Committee report, the pay gap remains "remarkably high." Moreover, the trend towards closing the gap stalled in 2004, and the gap has been roughly the same for the past five years.

| | 1984 | 2009 |
|--|------|------|
| WOMEN'S PARTICIPATION IN THE LABOR FORCE | 54% | 60% |
| WIVES' SHARE OF TOTAL FAMILY INCOME | 29% | 36% |
| PARTICIPATION IN THE LABOR FORCE OF MOTHERS WITH CHILDREN UNDER 6 YEARS | 52% | 64% |
| PARTICIPATION IN THE LABOR FORCE OF MOTHERS WITH CHILDREN UNDER 6-17 YEARS | 68% | 78% |

Data from *Women and the Economy 2010: 25 Years of Progress But Challenges Remain*, Report of the U. S. Congress Joint Economic Committee, Bureau of Labor Statistics (Aug. 2010)

INNOVATIVE SAFE EXCHANGE PROGRAM STARTS IN NYC

New York City Family Court has partnered with religious organizations to create a pilot program that offers a place for safe, supervised exchanges of children in custody and visitation cases. Trained volunteers under the supervision of St. Luke's AME Church in upper Manhattan work with custodial and non-custodial parents to make sure that children can be dropped off and picked up for visits without trauma to the children or danger to the parents.

This innovative program provides a scarce and valuable resource to families. If an abusive partner

has an order of protection that does not allow contact with a custodial parent, the time when parents exchange children for visits is an opportunity for harassment and further violence. Often judges, lacking better resources, direct parents to transfer their children at a police station. This program gives judges another option.

Under the program, NYC Family Court judges will make referrals, and court personnel will schedule an initial interview. The program will operate two evenings a week and all day Saturday.

NYS INTIMATE PARTNER HOMICIDES DOWN SLIGHTLY FOR 2009

Eighty-nine people were killed by their intimate partners in New York State in 2009, two fewer than in 2008. About three-quarters of the 2009 victims were females.

In fifteen of these cases of homicide, the perpetrators killed themselves as well as their intimate partners. All of the perpetrators in murder-suicides were male.

Sources:

NYS Division of Criminal Justice Services
<http://www.nycourts.gov/ctapps/decisions/2010/nov/10/162-194opn10.pdf>

NYS Office for the Prevention of Domestic Violence
<http://www.opdv.state.ny.us/statistics/nydata/2009/pub-safety.html>

NYS JUDICIAL COMMITTEE ON WOMEN IN THE COURTS CELEBRATES 25TH ANNIVERSARY

On April 5, 2011, the New York State Judicial Committee on Women in the Courts will celebrate its 25th anniversary with a symposium at NYU Law School. Among the speakers will be Elaine Jones, President and Director-Counsel Emeritus, NAACP Legal Defense and Education Fund, Inc (LDF), and Gloria Steinem, feminist writer and organizer. The NYU Review of Law and Social Change will co-sponsor the event.

The Full Program is available at: <http://www.nycourts.gov/ip/womeninthecourts/2011Program.pdf>

Registration is available at: <https://selectsurvey.net/nyscourts/TakeSurvey.aspx?SurveyID=ILH8ol>

LAWYER'S MANUAL ON HUMAN TRAFFICKING PUBLISHED

The NYS Judicial Committee on Women in the Courts, in partnership with the Appellate Division, First Department, published a volume called the *Lawyer's Manual on Human Trafficking: Pursuing Justice for Victims* this spring. Co-edited by Jill Laurie Goodman and Dorchen Leidholdt, the Lawyer's Manual is a tool for New York judges and lawyers encountering labor or sex trafficking cases.

The book is available at: <http://www.nycourts.gov/ip/womeninthecourts/LMHT.pdf>