



## Fourth-Graders Give Nassau Court Tour High Marks

LIKE TYPICAL NINE-ANDTEN-YEAR-OLDS, Paul Fredericks's fourth-graders, from Nassau County's Manor Oaks Elementary School, were brimming with energy and curiosity as they stepped off their school bus and into the lobby of the Nassau County Supreme Courthouse on a bustling Tuesday morning at the court.

Greeted by tour guide Anthony Jimenez, a veteran court officer, the children were busily checking out their new surroundings when Daniel Bagnuola, who coordinates the court's school tours, arrived, digital camera in hand, and whisked the class back outside to pose for a picture.

By the end of the tour Mr. Bagnuola presented the teacher with a memento for his class, a framed photograph of Mr. Fredericks and his students standing in front of the courthouse. Daniel Bagnuola likes to do this for every class that takes the tour—about 150 classes from schools throughout Nassau County visited the Mineola court this past school year—and also keeps a collection of class photos prominently displayed in the courthouse lobby.

### Interacting with Jurors, Court Employees

Following the mini photo session, Officer Jimenez walked the students through the court's first-floor juror assembly area. "You'll see old and young here—well, everyone's going to look old to you," he joked to the students before escorting them to a quiet room in the courthouse to view the orientation video shown to everyone who serves on jury duty in New York State.

Before running the film, Officer Jimenez briefed the youngsters on the jury selection process, the basic differences between civil and criminal actions, and security measures in



*Fourth-graders from Nassau County's Manor Oaks Elementary School visit with Nassau County Supreme Court Judge Stephen Bucaria.*

place at the courthouse. Then he took a few questions from the students.

One boy asked whether or not police officers summoned for jury duty can enter the courthouse with their weapons. Everyone has to pass through the court's metal detectors, Officer Jimenez told the fourth-graders, explaining that a police officer's gun would be safely locked away in the courthouse during the time the officer was on jury duty.

Then it was lights out for the video, which the youngsters watched with interest, before being paid a visit by court reporter Bonnie Levine. "Court reporters have to take down every single word of the trial, so there's a record of it. We have to distinguish between the long and short vowels. It's done by phonetics, and the machine is like a typewriter, except we can press more than one key at a time," said Ms. Levine as the students flocked around her to see how it's done. The machine also has a disk drive that records every word the reporter types, translating the steno into English, she explained, adding that the reporter

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## Juror Comprehension Survey

At the conclusion of your jury service, please take the time to complete the juror survey that appears on the back page of this issue of Jury Pool News. Your suggestions and comments matter to us and will help us to continue to improve the jury system.

## Children's Rights Focus of Courts' Law Day Events

COURTS THROUGHOUT NEW YORK STATE held ceremonies and other special events on May 1st in celebration of Law Day USA, established in 1958 by President Dwight D. Eisenhower "to strengthen our great heritage of liberty, justice and equality under the law." The courts' statewide celebrations highlighted this year's Law Day theme: protecting the best interests of our children.

Standing on the steps of the Court of Appeals in Albany on Law Day 2001, Chief Judge Judith Kaye, addressing the crowd, recalled her own loving childhood and lamented the fact that so many youngsters don't have the stable homes they need and deserve. "It often falls on the Family Court to address the issues of neglect, abuse and family dysfunction, but these matters should be of concern to the entire legal community. Every one of us can help children in need—by joining in efforts to promote literacy and good health, by helping to strengthen neighborhood services for children, by assisting youth bureaus, family services and other such programs, by becoming foster parents or mentors, by making a difference in the life of one child or many," she said.

In keeping with this year's child-centered Law Day theme, the chief judge also took the opportunity to announce the New York courts' new Public Affairs Web site ([www.courts.state.ny.us](http://www.courts.state.ny.us)), which contains educational activities for students at all grade levels. Featuring a pro-

gram that enables youngsters to e-mail their court-related queries directly to a judge, the site also includes materials to aid teachers in meeting the requirements of the state's social studies curriculum.



*First-place winner in Image of Freedom Visual Arts Competition, a school-sponsored art competition honoring this year's Law Day theme.*

Giving children the tools they need for a proper education was also a prominent topic at the Brooklyn Supreme Court's Law Day 2001 celebration, where New York City Schools Chancellor Harold Levy was the keynote speaker. In a courtroom packed with judges, lawyers, court personnel, and middle school students and their teachers, the chancellor spoke of the confluence

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must carefully proofread and edit the text, as it's not a foolproof translation.

### Meeting the Judge

The next stop was Judge Stephen Bucaria's courtroom, where the children listened to testimony in a medical malpractice suit. "We've got some future jurors with us today," the judge announced to the jurors, lawyers and other parties present in the courtroom as the class made its entrance.

Judge Bucaria spared a few minutes during a brief trial recess to talk with the youngsters and respond to their questions.

Several fourth-graders were anxious to know how one gets to be a judge. "It takes a lot of education, and you've got to work hard," replied Judge Bucaria. "Why do judges wear robes?" another youngster queried. "This is a complicated case, with very smart attorneys on both sides. They respect my position. The robe separates me

from everyone else in the courtroom," the judge explained.

Judge Bucaria, upon learning the students were studying the American Revolution, talked about the importance of studying history and learning from the past. Before returning to his judicial duties, he asked Mr. Fredericks if he would consider "pardoning" the students from homework for just one day because of their stellar behavior in the courtroom. "For you, judge, I'll do it," the teacher promised.

between the courts and schools, citing several court decisions guaranteeing children the right to an adequate education. “I’m proud to be part of our education system, but no less proud to be a lawyer in the State of New York,” Mr. Levy said in closing.

During the Brooklyn ceremony, Supreme Court Judge Cheryl Chambers, who helped organize the day’s events, announced a new “schools-courts connections” program, which aims to create opportunities for students to learn about the law and the role of the courts. “Students and teachers will visit courts to observe proceedings, and participate in discussions with judges and lawyers,” Judge Chambers told those in the audience. Starting out with high school students, the program will expand to the lower grades in September.

There were quite a few discussions going on at the court that very day between the students visiting the courthouse and the judges and lawyers in attendance. Some of the students, members of the Philippa Schuyler Middle School chorus, showed off their vocal skills during the ceremony. Many of the youngsters present were entrants in the “Image of Freedom Visual Arts Competition” coordinated by the school. The children’s original art work—each piece an inspirational interpretation of the Law Day 2001 theme—was on display at the courthouse that afternoon, with special prizes going to the first-, second- and third-place winners.

*A prominent topic at Law Day 2001 celebrations statewide: giving children the tools they need for a proper education.*

Also feted during Brooklyn’s Law Day 2001 ceremony was Deputy District Attorney Mary Hughes of the Brooklyn District Attorney’s office, for her work on crime prevention and anti-truancy programs for the borough’s youth. One of Ms. Hughes’ youth education programs, Legal Lives, sends prosecutors into the schools to teach youngsters about the law as well as the consequences of crime. Since its inception about a decade ago, Legal Lives, which has been replicated in other states, has reached over 125,000 fifth-graders.

Farther north, at Westchester County’s White Plains Family Court, families celebrated Law Day with their newly adopted children. Joan Cooney, supervising judge of the Family Court for the Ninth Judicial District, could think of no better way to emphasize the significance of the Law Day theme than by holding a special “Adoption Day” at the White Plains court.

Fifteen children and their parents participated in the final adoption ceremonies. “This is the culmination of many months—and in some cases, years—of waiting for a child. Today, the court puts its legal stamp of approval on a happy arrangement,” Judge Cooney stated.

Other events taking place at courts throughout the state this Law Day included mock trials, courthouse tours and seminars on a variety of law-related topics, from how to navigate Housing Court to career opportunities available in the New York courts. ■

**Seeing is Believing**

The final destination of the tour: the court’s holding cells. As the youngsters piled into them, Officer Jimenez pointed out that the cell bathroom lacks a door. “As a prisoner, you give up not only your freedom but your privacy too,” he said, as the children listened quietly.

Mr. Bagnuolo says that talking with the judge and trying out the holding cells are the day’s highlights for the majority of middle-schoolers who take

the tour. “Being in the cells was the best part. It was really cool, but I don’t think I’m going to do anything bad because I don’t want to ever have to go in there for real,” one youngster wrote to him after a visit to the court. Mr. Bagnuolo has already received well over 100 letters from students who took the tour over the past school year.

In addition to bringing to life the consequences of breaking the law, Mr. Bagnuolo says the tour makes the

youngsters appreciate the importance of participating in the jury system. A couple of jurors told him that their children, after touring the court, actually encouraged them to serve when the jury summons arrived in the mail. “The kids are teaching the parents. I just can’t think of a better way than outreach programs like this to enhance the public’s perception of jury service and the courts in general,” he says. ■

## Court Exhibit Celebrates Women in the Law

WITH WOMEN EXPECTED TO CONSTITUTE THE MAJORITY of law students nationwide come this fall, the timing of a Manhattan Supreme Court exhibit celebrating the rise of women in the legal profession couldn't be more fitting. The exhibit opened in early April and will run through summer.

Organized by the Committee of the Historical Records of the New York County Clerk, Inc., the court exhibit contains a collection of manuscripts, photographs and other memorabilia spanning four centuries and commemorating women's achievements in the law. Curator

Whitney Bagnall of the Diamond Law Library at the Columbia University School of Law culled these materials from a variety of sources, including the Association of the Bar of the City of New York, Columbia University School of Law, New York Law Institute, New York University School of Law and the Manhattan County Clerk's office.

### Looking Back

Edith Spivack, whose career is highlighted in the exhibit, was at the 60 Centre Street courthouse for the display's April 4th unveiling. One of a dozen women admitted to the Columbia University School of Law in 1929—just two years after the school accepted its first four female law students—Ms. Spivack, an eloquent 91-year-old, comments, "Women have come to be recognized as fully capable human beings and as an asset to the law."

That's a far cry from the way things were when Ms. Spivack entered the profession in 1932. Although it was next to impossible for women in those days to find a clerkship—a requisite for admission to the bar—Ms. Spivack managed to secure one. She subsequently married, then had to start from scratch when the lawyer she'd been clerking for refused to keep her on because of her change in marital status. Starting out as a volunteer in the Office of the Corporation Counsel of the City of New York in

1934, today she is executive assistant corporation counsel emeritus.

Speaking at the April 4th opening about how she'd witnessed enormous strides in equality for women over the course of her career, Chief Judge Judith S. Kaye, the state's first female chief judge whose own achievements and writings add to this rich showcase, remarked, "In 1963,

when women lawyers were a paltry three percent of the profession, we could hardly have filled the exhibit cases that today overflow with material."

### Illustrating Women's Struggles and Victories

Before addressing the evening's guests, Judge Kaye stopped to examine the contents of each of the display's six glass-enclosed cases. One case, entitled "Pioneering African-Americans in the Courts and the

Legal Community, Past and Present," provides a glimpse into the life of Poughkeepsie, New York, native Jane Bolin, the first woman of color to graduate from Yale Law School in 1931. She was one of three women in her law class.

In 1937, Ms. Bolin was named assistant corporation counsel for the City of New York, serving on the Domestic Relations Court (now Family Court). She went on to become the country's first African-American woman judge in 1939, when then New York City Mayor Fiorello LaGuardia appointed her to serve on the Domestic Relations Court. Judge Bolin would serve with distinction until her retirement in 1978.

Contrasting Judge Bolin's stellar accomplishments, a display case featuring material relating to legal education for women houses a 1946 booklet offering this advice: "In order to succeed as a lawyer, a woman must work as hard as a man. . . She must develop a tough hide—must never show when she's hurt or display any weakness. Avoid nagging your clients or your adversaries." Talk about stereotyping!

Sadly, women didn't fare much better in a U.S. Department of Labor publication printed

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*Guest speakers at Manhattan Supreme Court women's exhibit opening, left to right: lawyer Edith Spivack, Associate Justice Myriam Altman and Associate Judge Carmen Beauchamp Ciparick.*

## Mediation the Answer for Many Parent-Teen Conflicts

DESPITE A STEADY DOWNPOUR, SHARLEEN\*, a weary-looking, fiftyish mom, and her teenage son Eric\* show up for an appointment at their neighborhood mediation center on a recent Friday afternoon. Just a few weeks earlier, Sharleen paid a visit to her local Family Court as a last resort in getting the 15-year-old to attend school.

In New York State, children like Eric—youngsters up to age 16\*\* who are beyond the lawful control of a parent or other legal authority—may be deemed a person in need of supervision (PINS) by the court. This involves the complainant—whether a parent, legal guardian, school or other authority—filing a petition with the court, then appearing with the youngster for a hearing and fact-finding, with the judge rendering a decision based on witness testimony and other evidence presented by each side. Possible outcomes range from discharging the youth with a warning to placing the child in a special facility or on probation.

### Sharleen Takes Another Route

Rather than going forward with the court petition against her son, Sharleen took Eric's consent in enlisting the aid of a mediator—a specially trained, neutral third party—to help them work out their differences. Sharleen and Eric's case was promptly referred to one of a network of court-affiliated dispute resolution centers throughout the state. These centers, which offer alternatives to litigation to individuals and groups locked in conflict, are operated by local not-for-profit organizations, receiving technical assistance and partial funding from the New York courts.

Working to reduce the hostility and facilitate the discussion between both sides, a mediator can assist the parties in finding creative, mutually beneficial solutions to their conflicts. The mediation process continues until the parties can reach an agreement they're both comfortable with.

\* Name has been changed to protect client's privacy

\*\* A statute raising the age cap of a PINS from 16 to 18 will take effect in November 2001.

*“Providing a balance between the needs of the parent and those of the teen is critical to the process”*

*Emily Kaplan, PINS mediator*

Since his and Sharleen's first mediation session, Eric has been attending school about 90 percent of the time.

Though the two are far from seeing eye to eye, by the close of today's meeting Eric makes a promise to spend more time hitting the books, mom makes a commitment to talk with a teacher he doesn't get along with, and both agree to meet with their mediator within two weeks to discuss their

progress. If, in the end, Sharleen and Eric reach a deadlock, Family Court still remains an option.

### Parties Must Focus on Future, Not Cling to Past

Carolyn Bryson, director of Community Mediation in Rochester, New York, says the majority of PINS cases making their way to her center involve truants or otherwise “ungovernable” teens like Eric as well as young runaways, usually requiring between three and four mediation sessions to resolve.

Ms. Bryson's center began taking on PINS cases in April 2000 as part of a pilot program in conjunction with Monroe County Family Court and the county's probation department, with referrals coming from the court, probation department and local schools.

About a week before the initial mediation session takes place, program coordinator Karen Ward sits down with both parties to explain the process. “Karen helps coach the two sides toward mediation so they're of the mindset to use the past as a way to make more informed decisions about the future. If the parties seem fearful of facing each other during mediation, Karen will help make them feel more comfortable about being together in the same room,” explains Ms. Bryson.

In certain instances, especially those in which a youngster has damaged a neighbor's property or in some way poses a danger to the community at large, Ms. Ward may recommend family group conferencing, a mediation model originating in New Zealand that requires the participation of the teen's extended family as well as school officials, peers, clergy and/or neighbors.

Ms. Bryson recalls one case of a runaway referred by Family Court that, following several

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in the 1950's, "Employment Opportunities for Women in Legal Work," also on display. On one page it states, "Women lawyers employed by law firms often have duties that include legal research rather than client contacts and trial work in court."

**Continuing the Fight**

Fortunately, discouraging words weren't enough to dissuade Constance Baker Motley from the pursuit of a legal career more than a generation ago. In 1966, Ms. Motley became the first African-American woman to be appointed to a federal judgeship, coming off the heels of a successful election that won her the distinction of being the first woman to hold the office of Manhattan borough president. Judge Motley was also the first African-American woman to serve as a state senator in New York.

Judge Motley, whose photographs and words grace the exhibit, writes, "When I was about 15, I decided I wanted to be a lawyer. No one thought this was a good idea, and I received no encouragement . . . I was the kind of person who would not be put down." It's this kind of tenacity that gave other women the courage to enter the field.

Today women comprise about 29 percent of all lawyers nationally, and though they've yet to reach parity in numbers with men, females have been making dramatic progress in the legal profession since the 1970's. In fact, New York's seven-member Court of Appeals—the state's highest court—made history this past March when three of the five judges hearing a Medicaid fraud case were women. The three female jurists hearing the case were Chief Judge Kaye, Associate Judge Carmen Beauchamp Ciparick and Associate Justice Myriam Altman. Associate Justice Altman was brought in from New York City's Appellate Division when three of the six associate judges who sit on the Court of Appeals, including the court's most recent female appointee, Victoria Graffeo, recused themselves. At least five judges are required to hear a case.

As Judge Kaye told guests at the premiere of "The Rise of Women in the Legal Profession" exhibit, "This is a fabulous exhibit to be sure, but very much a work in progress. Just keep your eye out for the next installment." ■

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family group conferences, had a happy ending. The girl, defensive at first, began opening up by the end of the first meeting, revealing her frustration over the constant fighting between her grandmother, who had custody of the teen, and her biological mother. The grandmother's minister and girl's guidance counselor were called into the process, helping the teen to see that mom and grandma alike had the girl's best interests at heart.

Ms. Bryson says by the third conference the mother and grandmother came to the realization that despite their different parenting styles, both were responsible for the girl. "It was a powerful meeting, and one that will always stay with me," she says. Ms. Ward reports that the girl subsequently stopped running away from home and began attending school, and that the case has since been closed.

**A Delicate Balance**

Peg Reilly, director of mediation services for the Queens Community Mediation Center, also part of the courts' network of alternative dispute resolution programs, says whatever the family describes as the issue of contention in a PINS case is just the tip of the iceberg. "This is a child's cry for help. The youngster may be acting out because a single parent has brought a new partner into the home. Often the parent isn't cognizant of why the child is behaving in this way," she explains.

Emily Kaplan, who oversees PINS cases at the Queens center, comments that one of the biggest challenges in mediating a family dispute is keeping one's emotions in check. "Past issues continually crop up, making it difficult to keep the parties focused on the future," she says. Providing a balance between the needs of the parent and those of the teen is critical to the outcome, adds Ms. Kaplan.

In spite of these challenges, mediation is having a positive impact on many PINS cases. Fifty-six percent of 978 PINS cases recently mediated by dispute resolution centers associated with the New York courts were brought to resolution. Out of these 978 cases, the success rate was even higher—62 percent—for those that were filed in Family Court before the parties consented to mediation. As retired Monroe County Family Court judge Michael Miller puts it, "Sometimes there's just too much conflict to get people to go for it, but for those willing to give it a chance, mediation is a good process. Some of these family members simply need to sit down with someone neutral before they can work things out." ■

# Juror Comprehension Survey

Please tell us how we can improve your understanding of the jury process by answering this brief survey at the conclusion of your service.

County: \_\_\_\_\_ Date: \_\_\_\_\_

Yes No

1.   Did you attend a jury selection?
2.   Were you selected to be on a jury?
3.   Did you deliberate and reach a verdict?
4. Do you have any suggestions about how to improve the following?

Jury Summons: \_\_\_\_\_

\_\_\_\_\_

Juror's Handbook: \_\_\_\_\_

\_\_\_\_\_

Juror Orientation: \_\_\_\_\_

\_\_\_\_\_

Jury Web site (www.nyjuror.com): \_\_\_\_\_

\_\_\_\_\_

5. Do you have any suggestions about improving the following? (*No names of judges or cases, please*)

Jury Selection: \_\_\_\_\_

\_\_\_\_\_

Jury Trial: \_\_\_\_\_

\_\_\_\_\_

Jury Instructions: \_\_\_\_\_

\_\_\_\_\_

Jury Deliberations: \_\_\_\_\_

\_\_\_\_\_

## Answering the Survey

- |                  |  |
|------------------|--|
| <b>IN PERSON</b> | • Leave the survey with the court staff  |
| <b>CALL-IN</b>   | • 1-800-NYJUROR (1-800-695-8767)   |
| <b>E-MAIL</b>    | • NYJUROR@courts.state.ny.us   |
| <b>MAIL</b>      | • Jury Pool News Survey, Continuing Jury Reform,<br>25 Beaver Street, Room 975, New York, NY 10004 |