

PEOPLE, PROGRAMS AND PERSPECTIVES AROUND THE NEW YORK STATE COURTS



**Inside the Courts:
Small Claims**

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for not inviting you to their party, it may be a way to receive restitution for undeliverable croissants. Yes, croissants...

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**Race Law and the Courts:
Framing the Discussion for a
Post Racial America**

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by New York Law School and the Franklin N. Williams Judicial Commission on Minorities. The all-day event took place at New York Law School in lower Manhattan.

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Courtroom**

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Heritage Month**

“Who could have dreamt of such a thing?” mused Judge Carmen Beauchamp Ciparick, reflecting on the trajectory of her career, which has spanned more than four decades and culminated in her becoming the first Hispanic and the second woman to

be appointed to the New York State Court of Appeals, the state’s highest court. Judge Ciparick was the featured guest at the Office of Court Administration’s Hispanic Heritage Month celebration.

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City’s Midtown Community
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The Midtown Community Court was the first of its kind. A joint venture with the Center for Court Innovation, a nonprofit think tank that helps improve outcomes for low-level offenders, aids victims and reduces crime, Midtown

reaches out beyond sentencing to provide community service and rehabilitation programs while addressing the underlying problems that cause criminal behavior.

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Welcome to Focus on the Courts– featuring stories that keep you up to date on new initiatives, events and opportunities in and around the New York State courts. Look for rotating features in the coming weeks and months.

Inside the Courts: Small Claims

Small Claims Court provides a relatively simple way to resolve legal disputes with damages of up to \$5,000 in New York City and up to \$3,000 outside the city. While it may not provide a



Judge Jeffrey Oing

way to get back at noisy neighbors for not inviting you to their party, it may be a way to receive restitution for undeliverable croissants. Yes, croissants...

Jeffrey Oing, Supervising Judge of the New York City Civil Court, listened patiently to the complaints in the noisy neighbor case until it became glaringly clear what the true basis of the legal action was. "Small Claims is not about hurt feelings, it's about money," said Judge Oing, a veteran who can preside over six to seven trials a night in his bimonthly rotation in Small Claims.

One evening in late summer, after hearing representatives from a croissant distributor and the owner of a now defunct New York cafe trade quips in French, Judge Debra Samuels set a trial date when it became clear that the parties had no intention on settling.

An evening in Small Claims begins with a calendar of 80 to 100 cases—anything from breach of contract to rental disputes, and there are as many stories as there are claimants (those initiating the suit) and defendants (those being sued), most representing themselves. The majority of these cases can go directly to arbitration—staffed by specially trained volunteer attorneys—who work with the parties, with their consent, to achieve settlements out of the courtroom.

Arbitrators' decisions are binding and may not be appealed. Either way, proceedings are direct, each side having the opportunity to explain its position, produce witnesses and provide proper documentation.

Documentation may include: written agreements, itemized bills, photos, estimates, receipts or canceled checks. In order to ensure that your case is not postponed, make sure to bring the documents essential to making your case, and remind any witnesses of the upcoming appearance date.

Judge Samuels, who has presided over Small Claims in New York County (Manhattan) for the past 18 years, calls the process "a respectful way to voice disputes, vent in a controlled environment and receive closure."

But, she says, not every wrong requires court intervention. The rise in frivolous lawsuits may be attributable to the preponderance of TV judges, but current challenging economic circumstances also contribute to the escalating caseload. Judges report more people suing for smaller amounts in the present downturn.

"I try to give the litigants perspective about their situations," says Judge Samuels, "so they are not blind-sided by a decision, and I will work with parties to resolve their problems amicably even if it means their returning to me to monitor their progress in reaching a resolution."

A settlement means arriving at a mutually acceptable sum without admitting any liability. The last resort, a trial, which is presided over by a judge and no jury, is sometimes the only way. The trial concerning the uncollected funds for the undeliverable croissants was scheduled for late September.

If a judgment is awarded in the claimant's favor, the first step is contacting the defendant to

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collect judgment. If uncollectible, the next step is enlisting the help of a sheriff or city marshal. Property, which may be seized by an enforcement officer, includes bank accounts, wages, real estate, automobiles, stocks and bonds.

Attorneys interested in becoming small claims arbitrators should contact Joseph Gebbia at 646-386-5420 or email jgebbia@courts.state.ny.us. For more information, go to <http://www.nycourts.gov/courts/nyc/smallclaims/startingcase.shtml>.

To find out how to start your small claims case, file a commercial claim, collect a judgment, contact government agencies or find the right court for your small claim, go to <http://www.court.state.ny.us/courts/nyc/smallclaims/pdfs/smallclaims.pdf> or www.nycourts.gov/courts/nyc/small_claims/index.shtml.

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Instant Interpretation in the Courtroom

Twi, Bulgarian, Foochow and Wolof are languages that may seem remote to many New Yorkers, but they are among the more than 130, including ASL (sign language), that find their way into New York State courtrooms.

Court interpreters in New York, one of the most culturally diverse states in the nation, are the linguistic bridge for the widest possible range of court users, including criminal defendants, parties in civil cases, witnesses and crime victims. And the demand for per diem (freelance) and staff language specialists in the courts continues to grow, particularly in Asian, South Asian and African languages.

- **Number of staff court interpreters statewide: 340**
- **Languages represented by staff court interpreters: 30, including ASL, Chinese, Haitian Creole, Hebrew, Korean, Polish, Russian and Spanish**
- **Per Diem Interpreters Needed in the Following Languages: Bengali, Foochow, Fulani, Gujarati, Hindi, Japanese, Mandingo, Punjabi, Shanghainese, Soninke, Twi, Wolof, Urdu and more**

To find out more about how to become a court interpreter, go to www.nycourts.gov/courtinterpreter

Rena Micklewright, deputy coordinator of the courts' statewide interpreting services office, cites language pockets throughout the state including Syracuse—Bosnian and Serbian; Buffalo—Somalian; and in Binghamton and Utica—Vietnamese.

With many areas lacking qualified interpreters in these and many other languages, the court system began offering remote interpreting services in 2005, most often operating out of the New York City-based Office of Court

Administration (OCA). The majority of these remote services, which have tripled every year since they were first offered, are fed live via video from the OCA office.

A 2006 action plan by the Office of Court Administration increased recruitment of interpreters, standardized training, created a statewide database with more efficient e-scheduling capabilities and expanded remote communication technologies that could provide more real-time interpreting to remote locations.

Court interpreter applicants must pass a written test of English proficiency and an oral exam, now being given in 22 languages. For those languages in which oral exams are not offered, credentials—including transcripts and professional references—are required.

Sandy Bryan, who started as a Spanish interpreter in the Brooklyn Family Court in 1983 and now serves as the coordinator of the court interpreting services office, remembers assigning an interpreter to a Wolof-speaking court user from Senegal. An issue arose when the client did not understand the meaning of "order of protection" since, in Senegal, there is no comparable document.

Questioning along the lines of "Has your husband been abusive to you?" also led to crossed signals. The defendant responded that her husband had never been abusive...he just slapped her a couple of times. Bryan's advice is never to throw a term out there



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and assume it will be understood. In some cultures, a “no” may turn out to be a “yes.”

Whenever there is no direct translation, says Bryan, the judge, not the interpreter, is charged with explaining it. “Sometimes things just don’t translate,” says Bryan. “We remind court interpreters always to let the judge know and avoid giving explanations.”

What makes a good interpreter? A sensitivity to these kinds of nuances in language—something that is even more challenging because of the rapid-fire pace of questions and answers in a court session—and a dedication to lifelong learning, which means keeping up with changes in the language, including the legal vernacular of judges and lawyers, the technical jargon of police officers and the medical terminology of DNA experts and medical examiners.

Kobina Ampah, a native of Ghana, who attended college and graduate school in the former USSR, now works as a Russian court interpreter in New York City. He also translates from Ga, Fante and Twi, all three dialects from his native Ghana. Being a mediator between two cultures is one of the most important tasks of a good court interpreter, according to Ampah, as well as speed, accuracy under pressure and acute hearing.

“You’re their voice and their ears,” says Sandy Bryan. “People unable to use English in a courtroom latch on to the interpreter like a life preserver.”

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Race, Law and the Courts Conference—Framing the Discussion for a Post-Racial America

Did the election of Barack Obama signal the beginning of a new post-racial era in America? A group of leading jurists, academics, community leaders and journalists explored the topic at a conference sponsored by New York Law School and the Franklin N. Williams Judicial Commission on Minorities. The all-day event took place at New York Law School in lower Manhattan.

For more than 20 years the commission has served as an integral part of the New York State Judiciary's efforts to meet its constitutional mission of ensuring justice for all.

The event featured keynote speaker Donna Brazile, a leading political analyst, consultant and author, and New York State Chief Judge Jonathan Lippman along with a distinguished panel of conference contributors.

Brazile believes we have yet to establish a post-racial America, but have, indeed, arrived at a "mountaintop moment."

She asked the audience to ponder how to leverage Obama's historic election. "We must work at eliminating all the barriers that we face and give people a firm ray of hope that we want this moment to come."

Chief Judge Lippman spoke of Brazile as "a person who knows firsthand the kind of obstacles we must overcome in order to achieve a post-racial America." The third of nine children growing up in New Orleans, she became the first African-American to run a presidential campaign, for Al Gore in 2000.

"We in the courts have an obligation to take a leadership role in our respective jurisdictions in addressing racial and ethnic fairness and bias issues," said Judge Lippman in his introductory remarks.

Lippman cited the documentation of significant numbers of wrongful convictions in the African-American community since DNA was first used over 20 years ago to exonerate the innocent. Last year, a Justice Task Force co-chaired by Associate Judge of the Court of Appeals Theodore T. Jones and Westchester County District Attorney Janet DiFiore along with an independent group of prosecutors, defense attorneys, judges, legislators, public and police officials, was formed to isolate the systemic factors that lead to wrongful convictions.

"Every wrongful conviction is not only a terrible tragedy," said Judge Lippman, "but also a valuable opportunity to find some answers to very tough questions."

A passionate advocate for alternative juvenile justice programs, Lippman called on the gathered legal community to invest in those programs that are community-based, rather than institutional. "New York is a leader in so many areas," he said, "but we are failing badly when it comes to juvenile justice. Ninety-five percent of the young people sent to these terrible facilities are children of color."

A distinguished panel representing the Latino, African-American and Asian communities then had the opportunity to engage in dialogue on racial issues and their impact on the courts, the legal system and the community.



Chief Judge Jonathan Lippman and Donna Brazile

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Professor Joe Knight of the Seattle University School of Law, one of the panelists, reminded the crowd of the need to build coalitions and find ways to engage and reconcile. His declaration that diversity is crucial to public confidence in the system was echoed throughout the day by conference contributors.

“A diverse bar and bench promotes greater public trust in the workings of government and the rule of law.”

Chief Judge Jonathan Lippman Mary Marsh Zulack, director of Clinical Programs at Columbia University Law

School, was a panelist at “Diversity in the Judiciary,” one of the afternoon breakout sessions, which explored whether judicial screening panels promote or hinder diversity and how far the courts have come in achieving diversity.

Zulack advocated for broader education efforts to promote awareness of the need for diversity in the judiciary, beginning with high school and continuing through to law school, continuing legal education and judicial mentoring programs. She also supports more diverse screening panels to evaluate and nominate judicial candidates.

Additional afternoon sessions explored law school admission and bar exam passage rates for minorities, police strategies and minority communities, juvenile justice issues and wrongful convictions.

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NY Courts Celebrate Hispanic Heritage Month



Judge Carmen Beauchamp Ciparick

“Who could have dreamt of such a thing?” mused Judge Carmen Beauchamp Ciparick, reflecting on the trajectory of her career, which has spanned more than four decades and culminated in her becoming the first Hispanic and the second woman to be appointed to the New York State Court of Appeals, the state’s highest court. Judge Ciparick was the featured guest at the Office of Court Administration’s Hispanic Heritage Month celebration.

An attorney who came up through the ranks of the court system, Ciparick said that she feels like part of a family and support group. The judge recounted her rise from assistant counsel at the Judicial Conference, at the time the principal policy-making body dealing with the administration of the state courts, to her first appointment as a New York City Criminal Court judge in 1978, and then in 1993 to the state’s Court of Appeals. Born in New York City, she grew

up in Washington Heights, the child of Puerto Rican immigrants. She graduated from Hunter College and received her J.D. from St. John’s University School of Law.

As a young attorney in the late 60s—during the early days of the women’s movement—the judge recalled a residual lack of sensitivity towards women, including one colleague who called her “princess,” and bemoaned the fact that she never had a mentor. But, as one of a pioneering group of Hispanic jurists, she has become a mentor to others rising in the ranks. “I believe in passing the gifts along, and giving of ourselves to all those who pass through the courtroom doors,” she said.

Judge Ciparick has addressed a lot of hot-button issues during her tenure on the Court of Appeals, including education funding and same-sex marriage. She was just 36 when she sat on the bench for the first time, and remembers feeling like she finally achieved credibility when she turned 40. “Now that I am about to turn 70, I wonder how much more credibility I need,” she added lightheartedly. Ciparick’s service on the Court of Appeals ends in 2012, when she reaches the mandatory retirement age of 70.

Hispanic Heritage Month runs from mid-September to mid-October. The time span was chosen because it includes the independence anniversaries of many Latin American countries including Belize, Chile, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Nicaragua. The observation began with Hispanic Heritage Week, approved by President Lyndon B. Johnson, and then was expanded to cover a full month by President Ronald Reagan.

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New Beginnings at New York City's Midtown Community Court

The Midtown Community Court was the first of its kind. A joint venture with the Center for Court Innovation, a nonprofit think tank that helps improve outcomes for low-level offenders, aids victims and reduces crime, Midtown reaches out beyond sentencing to provide community service and rehabilitation programs while addressing the underlying problems that cause criminal behavior.

On Wednesday evening, September 15, the mid-Manhattan community served by the court celebrated the graduation of participants in Times Square Ink, a Midtown program that provides job training and placement services to low-level criminal offenders.

Since 1993, when Midtown began, more than 2,000 such problem-solving courts have been formed nationwide. Presiding Judge Richard Weinberg, one of the speakers at the ceremony, referred to the court as “the most successful experiment in the history of the New York court system.” Criminal Court Supervising Judge Melissa Jackson, another speaker, called Midtown a “model for the nation.”

Midtown pioneered the community court movement in which neighborhood residents, businesses and social service agencies collaborate with the court by supervising community service projects and providing on-site social services including drug treatment, health care and job training.

More than 70 enrollees completed the rigorous six-week training program at Times Square Ink this year, with over 50 percent of the graduates securing long-term employment.

Others who spoke at the ceremony included New York County District Attorney Cyrus Vance, who discussed the long-term impact of the decisions made by young assistant district attorneys who must not only examine how they send offenders into the justice system but how those offenders will exit it. “It’s not just what people have done, it is what they can become,” he advised.

Recent Times Square Ink graduate Angel Hernandez spoke, through tears, of his tough journey from a corrections facility to his current job as a full-time manager at one of the nation’s most successful gym franchises.

Hernandez, the recipient of the Times Square Ink Graduate of the Year Award, acknowledged all his peer graduates who “struggled through the hardships” to make new lives. Their success stories are testimony not only to their own hard work but to the collaborative efforts of the Midtown Community Court, participating employers and other community partners that help make these second acts possible.



Photo credit: Rick Kopstein, New York Law Journal
From left Cyrus R. Vance, Jr., District Attorney, New York County; Richard M. Weinberg, Presiding Judge, Midtown Community Court; Angel Hernandez, Times Square Ink Graduate of the Year; Melissa C. Jackson, Supervising Judge, Criminal Court of the City of New York; Jeremy Travis, president of John Jay College of Criminal Justice

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