



Honorable Paul Wooten Associate Justice

Appellate Division Supreme Court of the State of New York Second Judicial Department

The Honorable Paul Wooten is an Associate Justice of the Appellate Division for the Second Judicial Department. He was appointed to the Appellate Division by Governor Andrew M. Cuomo in 2019. Justice Wooten was previously a Justice of the New York State Supreme Court, assigned to the Civil Term in Kings County. He was first appointed to the Supreme Court for an interim term by former Governor David Patterson, to fill the vacancy left by the Honorable Diana Johnson. He was confirmed by the New York State Senate and took office on June 9, 2008. Justice Wooten was subsequently elected to a full 14-year term as a Justice of the Supreme Court commencing on January 1, 2009.

Prior to his assignment to the Civil Term in Kings County, Justice Wooten was assigned to the Civil Term in New York County Supreme Court for seven and a half years. During this time, Justice Wooten presided over a Motor Vehicle Part for two years, and, subsequently, an Individual Assignment System Part in New York County, which handled a variety of complex trials and civil cases.

Before ascending to the Bench, Justice Wooten attended the University of Hartford where he graduated with a Bachelor's Degree in Political Science. He obtained his Juris Doctorate Degree in 1977 from Northeastern University School of Law. Justice Wooten was admitted to the practice of law in the State of New York in 1979 and has been admitted to the Bar of the United States Supreme Court, the United States District Court, Eastern and Southern Districts of New York for over twenty years. He formerly headed the law firm of Paul Wooten & Associates, wherein he specialized in federal and state civil litigation in the areas of civil rights, ballot access, public policy and community-based organizations. Over the course of his litigation career, he handled many complex civil rights litigation cases, including an oral presentation before the United States Supreme Court, the New York State Court of Appeals, and many cases before the New York State Supreme Court, Appellate Division, First and Second Departments.

Justice Wooten has represented and counseled many candidates (campaigns and organizations) for public office and party positions, ranging from candidates for President of the United States, the United States Senate, New York City Public Advocate, New York City Council, New York State Assembly, New York State Senate, Community School Boards, New York Civil Court and New York State Supreme Court. He has had the privilege and pleasure to represent and advise many progressive elected and appointed officials, community leaders, and public and not-for-profit institutions on significant public policy issues. In addition, in 2005, he was a candidate for the public office of Kings County District Attorney, and in 2006, he ran as a candidate for election to the New York State Supreme Court, Kings County.

Justice Wooten is a former Counsel to the New York State Black and Puerto Rican Legislative Caucus;¹ Special Assistant to New York City Board of Education Members, Irving Hamer and Esmeralda Simmons; First Deputy Counsel for 1989-90 New York City Charter Revision Commission; former Chief of Staff to the Vice-Chairman of the New York State Democratic Party at the National Convention; Counsel to the Coalition for Community Empowerment; Chief of Staff Counsel to Assemblyman Albert Vann and Counsel to the New York State Assembly Committee on Children and Families; a former Chairman of the New York City Housing Court Advisory Council (which reviews the appointment, reappointment, and disciplinary issues of the New York Civil Court Housing Judges); a Founding Member and Board Member of the Metropolitan Black Bar Association; a former Chairman of the Judiciary Committee of the Metropolitan Black Bar Association and Coalition for Community Empowerment.

He has had the privilege to make a contribution in the area of Civil Rights and Voting Rights in New York State. Since 1981, he played a significant role in shaping the political landscape of New York City and State of New York. Justice Wooten has litigated and advised on major cases in New York City and the State Redistricting and Reapportionment Schemes that have affected and enhanced the lives of New Yorkers. The cases ensured that all New Yorkers would receive equal protection under the law regarding their right to vote and that all voters have a fair opportunity to elect the candidates of their choice, and thus, have an equal opportunity to affect the public policy decisions that govern their lives.

In 1981, Justice Wooten served as Counsel to the New York State Black and Puerto Rican Legislative Caucus. He had the privilege to be the lead plaintiffs' attorney in *Herron v Koch*, a case that challenged the proposed New York City Council Redistricting Plan. The proposed plan was grossly racially gerrymandered. At the same time, the population of New York City was 7.1 million people. The population of people of color was drastically growing while the white population was decreasing. Thus, racial minority groups comprised more than 30% of the population (even excluding a population undercount of more than 500,000 people), but was represented in only 14% of the City Council and none of the Citywide offices. However, the proposed redistricting plan continued to provide racial minorities a limited opportunity to choose only 6 of the 43 council members or 14% of the council. These elected representatives would be making life or death decisions regarding a (then) 21 billion dollar budget, land placement, and decisions on distribution of scarce City resources. Subsequently, a Federal Three-Judge Court enjoined the New York City primary elections for Mayor, City Council President and Comptroller for more than three weeks and the New York City Council elections for more than one year for violation of Section 5 of the Voting Rights Act of 1965, as amended. The litigation led the United States Department of Justice to declare the proposed plan unconstitutional and forced the City to adopt a racially fair plan, affecting all 7.1 million New York City residents.

¹ The New York State Black and Puerto Rican Legislative Caucus was a group of twenty-four elected African-American and Hispanic officials.

Moreover, the case stood for the proposition that the Section 5 requirements of the Voting Rights Act of 1965 applies to New York City.

Later that same year, Justice Wooten was co-counsel in *Andrews v Koch*. A Three-Judge Federal Court declared the ten New York City Council-at-large districts unconstitutional because they violated the one person, one vote principle of the Fourteenth and Fifteenth Amendments of the United States Constitution. The result was that City residents had a greater opportunity to affect representation and policy decisions of a thirty-three member City Council. Thus, the final New York City Council District plan provided racial minorities an opportunity to elect 8 of the 33 Council Members, or 24% of the Council.

In 1982, Justice Wooten was the lead plaintiffs' counsel in *Flateau v Anderson*. A Three-Judge Court adopted the 1980 decennial census and declared that the 1970 decennial New York State Assembly, Senate, and Congressional districts violated the one person, one vote principle of the Fourteenth and Fifteenth Amendments of the United States Constitution. When the New York State Governor and the Legislature became deadlocked and failed to promulgate a 1980 decennial New York State Assembly, Senate, and Congressional reapportionment plan timely, the Court appointed a Special Master (now United States District Court Judge Paterson, S.D.N.Y.) to draft the 1980 decennial reapportionment plans for the Court. The Court's action forced the Governor and the Legislature to timely adopt and implement a fair and equitable New York State Assembly, Senate, and Congressional Plan.

In 1992, Justice Wooten was the attorney for the plaintiff Congressman Major R. Owens and a various class of residents and a racial minority class of voters for the Tenth and Eleventh Congressional Districts in *Asquith Reid v Ralph Marino*, before the Honorable James H. Shaw, and *Puerto Rican Legal Defense Fund, Inc. (PRLDEF) v David Gantt*. The cases involved complex questions of jurisdiction and the supremacy of federal and state law in addition to the complicated statistical and mathematical standards of population deviations. The result of the litigation was that the State Court timely adopted a New York State Congressional Reapportionment Plan when the Governor and the New York State Legislature refused to do so.

In 1989, Justice Wooten was appointed the First Deputy Counsel for the 1989-90 New York City Charter Revision Commission. The fifteen member Commission was Chaired by F.A.O. Schwartz, the former Corporation Counsel of the City of New York. Among his many accomplishments were the research and development of the criteria, policy role and statutory language for the establishment of the New York City Office of Minority Business Enterprises, the New York City Office of Labor Services (oversaw wage, hour, employment and labor standards for the City's construction projects) and the Equal Employment Practices Commission. He also worked to grant African-American, Hispanic and Asian-American voters even greater Civil Right opportunities, by providing the research and language that granted the New York City Council considerably more power against the Mayor and made Council Districts more accessible for African-American, Hispanic and Asian-American candidates by (1) reducing their size; (2) increasing their number of districts; and, (3) changing the redistricting methodology to grant racial minorities a greater opportunity to serve on an impartial Redistricting Commission. Thus, after the first 1990 decennial census, racial minorities were fifty-two percent of the population and the New York Council elections reflected minority representation of forty-six percent of the districts.

Justice Wooten has many times been a guest lecturer and expert speaker in the areas of Election Law and Civil Rights Law. Most recently, he conducted the Election Law Seminar for

the New York State Office of Court Administration at the Fall 2000 court attorneys retreat and was the guest lecturer at the Election Law Seminars for the annual 2001, 2002, 2003, and 2004, 2005, and 2017 Office of Court Administration seminars for the more than 100 New York State Supreme Court, Appellate Division and Second Department Court Attorneys. In 2017, Justice Wooten was also a guest lecturer on Election Law at the Association of Supreme Court Judges' retreat. Justice Wooten has been an adjunct professor in the paralegal programs at Baruch College and Medgar Evers College.

Finally, Justice Wooten has participated in many community-based volunteer activities, including serving on the Board of Directors of the Bedford Stuyvesant Legal Services Corporation and the Hempstead Boys Club.