



**ANNUAL REPORT  
OF  
THE NEW YORK JUDICIAL COMMITTEE  
ON  
WOMEN IN THE COURTS**

**NOVEMBER 1993**

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November 10, 1993



**ANNUAL REPORT  
OF  
THE NEW YORK JUDICIAL COMMITTEE  
ON  
WOMEN IN THE COURTS**

**NOVEMBER 1993**



NEW YORK JUDICIAL COMMITTEE ON  
WOMEN IN THE COURTS

HON. KATHRYN McDONALD  
Chair

November 26, 1993

60 LAFAYETTE STREET  
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Honorable Judith S. Kaye  
Court of Appeals Hall  
20 Eagle Street  
Albany, New York 12207

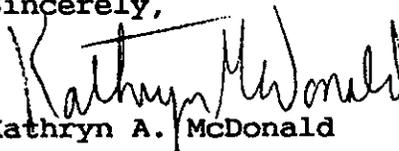
Dear Chief Judge Kaye:

On behalf of the New York Judicial Committee on Women in the Courts, I am pleased to present you with our Annual Report for the 1992-93 year. As you know, the Committee has worked hard since its creation in 1986 to implement the recommendations of the Task Force on Women in the Courts and to identify and eradicate all forms of gender bias from the Unified Court System.

While progress has been made -- particularly in eliminating the more blatant forms of bias that have traditionally put women at a disadvantage -- much work remains, especially on such subtle and intractable problems as sexual harassment and gender-based economic disparities. This report summarizes the specific projects that our Committee has undertaken in these areas this past year. It also provides updated information on key indicators of the status of women in the courts, such as the number of women who have achieved judicial office and the number of women in the court system's top management positions. Finally, this report describes the activities of the local gender bias and gender fairness committees appointed by the state's administrative judges. Conceived by the Committee as a means of reaching the issues and institutions that matter on a local level, these committees are working imaginatively to produce interesting programs and valuable projects.

Your own sustaining commitment to the goals of the New York Judicial Committee on Women in the Courts provides us with the inspiration necessary to continue our efforts in the fight for gender equality. With your encouragement, we look forward to exploring new territory in the coming year, in addition to continuing to work on current projects and strategies that have proved effective in the past.

Sincerely,

  
Kathryn A. McDonald



**ANNUAL REPORT  
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**NOVEMBER 1993**

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ANNUAL REPORT OF THE NEW YORK JUDICIAL COMMITTEE ON

WOMEN IN THE COURTS

1993

INTRODUCTION

During the past year, the New York Judicial Committee on Women in the Courts has continued to work on the kinds of projects that in the past have proved useful approaches to fulfilling its broad mandate. Originally appointed in 1986 under a somewhat different name,<sup>1</sup> the Committee was asked to address both specific and generic problems identified in the report of the New York Task Force on Women in the Courts<sup>2</sup> and to work toward eliminating vestiges of gender bias from New York State courts. Making conditions in the court more fair for women remains its mission.

This report summarizes the Committee's work for the past year. It also continues the established practice of providing current information on issues identified in the Task Force Report as important to women who are court employees, litigants in New York

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<sup>1</sup> The Committee was known as the Committee to Implement the Recommendations of the New York Task Force on Women in the Courts when it was formed in 1986. In 1990 its name was changed to its current title.

<sup>2</sup> Report of the New York Task Force on Women in the Courts, March 1986, reprinted in 15 Fordham Urban L. J. 11, 15 (1986-87).

For a fuller description of the Committee's genesis, see The Five Year Report of the New York Judicial Committee on Women in the Courts, reprinted in 19 Fordham Urban L. J. 313, 315-18 (1992).

State Courts, or attorneys, as well as issues that have surfaced since the Task Force issued its report seven years ago.

## COMMITTEE CONCERNS AND PROJECTS

### A. Education

Education, and particularly judicial education, remains the mainstay of the Committee's efforts to alter attitudes that work to the detriment of women. The Committee has discovered no better tool for the slow work of changing the deeply-ingrained assumptions about appropriate roles for women and men that permeate our culture and unfortunately find their way into institutions such as the courts.

1. Judicial Education. Still feeling the pinch of budget constraints, judicial education programs suffered some continuing restrictions. The annual Judicial Seminars, which are attended by most of the state's judiciary, again were limited to two days, as they had been in 1992, rather than five days as they were before the budget crisis of 1991 forced the cancellation of the seminars for one year. They were also held in four locations, rather than one as was the practice before 1991. Education for new judges was restored to a full week, although judges who were new to their positions, rather than new to the bench, attended only part of that

time. The Committee played a role in both the Judicial Seminars, held in July, and the December training for new judges.

a. The Judicial Seminars. Absorbing considerable Committee time this year were the presentations on sexual harassment for judges at the Judicial Seminars. The Committee, convinced education on sexual harassment should be a priority for the court system, organized a program intended to help judges understand the dynamics of harassment and encourage them to take the lead in carrying out the Office of Court Administration's (OCA's) policy.<sup>3</sup>

The program began on the morning of the first day of each of the four separate seminars with presentations by Plays for Living, a professional theater group that defines its mission as giving dramatic voice to compelling social problems. Over the course of the four seminars, Plays for Living gave eight performances of "The Silent Contract," a play exploring harassment through the eyes of victims, harassers, supervisors, and family. The Director of the Equal Employment Opportunities Studies Program at the Cornell School of Industrial and Labor Relations introduced the performances and led a discussion of harassment in court settings.

At the evening sessions following the theater presentations, the Committee organized panel discussions to answer practical questions. Panel members were asked to address the specifics of the law on sexual harassment, OCA's policy, and the roles of judges, who are leaders within the court system, arbiters of their

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<sup>3</sup> See Appendix A for a copy of OCA's sexual harassment policy.

courtrooms' environments, and models whose own behavior must be above reproach. Recruited as speakers for the panels, which varied from seminar to seminar, were the court system's top leadership: Chief Judge Judith Kaye, Chief Administrative Judge E. Leo Milonas, Deputy Chief Administrator Jonathan Lippman, Counsel to OCA Michael Colodner, and Chair of the Committee, Hon. Kathryn McDonald. Also represented were prominent jurists, who were able to discuss with their peers the nature of their responsibilities as judges: Hon. Dolores Denman, Presiding Justice of the Appellate Division, Fourth Department; Hon. Betty Weinberg Ellerin, Associate Justice of the Appellate Division, First Department and a member of the Committee, and Hon. Sondra Miller, Associate Justice of the Appellate Division, Second Department. Completing the panels were distinguished lawyers from outside the court system who were in a position to talk about their firm's or company's sexual harassment policy: Alexander Forger of Milbank, Tweed, Hadley & McCloy; Melvin Osterman of Osterman, Whiteman & Hanna; and Dale Skivington from the Eastman Kodak Company.

The Committee also compiled materials on sexual harassment to distribute to seminar participants. These included EEOC regulations and guidelines, the United States Supreme Court decision discussing the EEOC policy on sexual harassment,<sup>4</sup> and the New York State Bar Association's report and model policy.

In addition to organizing the programs on workplace sexual harassment, the Committee continued to monitor the integration of

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<sup>4</sup> Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986).

issues germane to women and gender fairness into the entire curriculum of the seminars. This now seems to be an accepted mode of curriculum development. Materials on employment law distributed to judges, for example, covered sexual harassment, and family law materials had extensive updates on custody cases and support, both child and spousal. The course offerings and materials on case management paid close attention to matrimonial cases; one entire outline was devoted to contested matrimonials, and the materials on computer-driven case management paid close attention to the forms used in divorce cases.

A particularly good example of the seamless integration of concerns to women into mainstream courses was Hon. Phylis Skloot Bamberger's presentations of courtroom dilemmas, which she called "Nightmare on Court Street." Major portions of the materials and the discussions generated from them were about a rape case. The issues raised included the rape trauma syndrome and expert witnesses; New York's rape shield law; and jury instructions on lack of consent and the intention to use force to compel intercourse.

b. New Judges Training. At the December training program for new judges, the Committee chair, Hon. Kathryn McDonald, made a presentation, as she has for the last several years. Judge McDonald used the opportunity to explain to newly elected and appointed judges how gender bias can compromise their ability to meet the most basic obligation of their new role, which is to act

fairly. She also presented and led a discussion about a video tape, produced by the ABA, called "Bias in the Courts."

2. Other Education within the Court System. Asked by the Family Court Clerks Association to make a presentation for the final session of its annual meeting, the Committee decided to focus on sexual harassment for that event also. The Committee's counsel planned and participated in the program with the help of a consultant from the Cornell School of Labor and Industrial Relations. Scenarios of sexually offensive workplace behavior were presented, and the court clerks attending were encouraged to analyze these situations from their perspectives as managers. Court clerks also heard a brief lecture on the state of the law and were given materials that included a description of the effects of harassment on its victims.

3. Public Education. Committed to educating the public as well as court personnel, the Committee took up the issue of gender stereotyping in a forum in December, 1992, at the Association of the Bar of the City of New York. The Committee sought to engage practitioners in a discussion of how litigation is affected by assumptions about women and the way they do or should live their lives.

The evening program, titled "Scripts About Women's Lives: Presuppositions that Shape Litigation," began with the presentation of a paper on "The Proverbial Woman" by New York University School

of Law Professor Peggy Davis. Three prominent litigators then commented on the ways expectations about women have shaped particular cases and the techniques they have used to move beyond stereotypes when they have been damaging to their clients. The commentators were Peter Bienstock of Beigel & Sandler, Laura Brevetti of Morrison Cohen Singer & Weinstein, and Judith Vladeck of Vladeck, Waldman, Elias & Engelhard. Fern Schair Sussman moderated the program. Co-sponsors were the Bronx County Bar Association, the Bronx Women's Bar Association, the Brooklyn Bar Association, the Metropolitan Black Bar Association, and the New York Women's Bar Association. Professor Davis's paper, which was written for this forum, was published in the City Bar Association's journal, The Record.<sup>5</sup>

## B. Employment

1. Workforce Profile. The Committee continues to follow the movement of women into higher-ranking and better-paid positions in the workforce. In the past, to gauge progress, the Committee's reports have examined percentages of women in the court clerk series, in the security series, in the higher salary grades (JG 23 through JG 34), and in the two quasi-judicial positions of Family Court Hearing Examiner and Housing Court Judge. The increases for this year were greater than last, when cut-backs in the court

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<sup>5</sup> Peggy Cooper Davis, The Proverbial Woman, 48 The Record of the Association of the Bar of the City of New York 7 (1993).

system's budget forced OCA to lay off employees rather than use the hirings and promotions that are normally available to increase female representation.

In the court clerk series, the increase is steady. In April, 1993, 38.9% of people holding court clerk titles were women; in April, 1992, 37.4%.<sup>6</sup>

The security series, on the other hand, shows no increase. Almost exactly the same percentage of women who were court officers in April, 1993, were in April, 1992. The figure for 1993 was 16.8% and, for 1992, 16.9%.<sup>7</sup> The last two classes at the Court Officer's Academy, where newly-appointed court officers are trained, was close to the overall percent in the force -- 17.6%.

The higher salary grades did experience small increases, much like those seen in the court clerk titles. In April, 1993, 44.6% of the people in JG 23 - JG 34 were women; in April, 1992, 43.4% were. The starting pay for these upper level jobs ranges from \$40,450 to \$73,662.<sup>8</sup>

The percentages of Family Court Hearing Examiners and Housing Court Judges who are women also are increasing, although the changes are not great. The total number of hearing examiners decreased from 81 in 1992 to 80 in 1993, while the number of women

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<sup>6</sup> See Appendix B for a breakdown of the court clerk series by gender for 1992 and 1993.

<sup>7</sup> See Appendix C for a breakdown of the court officer's series by gender for 1992 and 1993.

<sup>8</sup> See Appendix D for a breakdown of JG 23-34 by gender for 1992 and 1993.

stayed the same. As a result the percentages shifted: 38.8% of the hearing examiners were women in 1993 while 38.3% were in 1992. The Housing Court roster added one female judge and lost one male judge, and the percentage of women increased to 29.4% in 1993, from 26.5% in 1992.

2. Alternative Work Schedules. In the past year, consistent with its policy of making flexible hours available to employees who need them and whose jobs can be structured to accommodate them, OCA granted 107 requests for alternative work schedules. Of these, 82 were granted to women and 25 to men. Twenty-eight were requests for part-time work or job sharing. The rest involved employees seeking compressed work weeks, staggered hours, and flexible hours that vary according to the day of the week. Also in effect are arrangements made pursuant to requests granted in earlier years as well as informally arranged alternative programs.

3. Sexual Harassment. Putting in place a policy on sexual harassment in the workplace and implementing it, in part, through Anti-Discrimination Panels have been important initiatives for OCA in the past year. In the fall of 1992 a copy of the policy in booklet form, with a text addressed to employees, was distributed to all OCA personnel, including judges.<sup>9</sup> Training for the Anti-Discrimination Panels, whose mandate includes giving informal advice on and channelling complaints of sexual harassment, was

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<sup>9</sup> See Appendix A for a copy of the booklet.

completed, and panels are operational in each administrative unit.

Now that the policy is in place and the Anti-Discrimination Panels are functioning, the Committee and OCA have turned their attention to training. The presentations at the Judicial Seminars on sexual harassment in the workplace were a beginning.<sup>10</sup> OCA has plans for training nonjudicial managerial personnel in the near future.

### C. Litigants

1. Children's Waiting Rooms. The Permanent Judicial Commission on Justice for Children took up the issue of waiting rooms for children accompanying their parents to court and secured \$300,000 from the New York State Legislature for children's centers in the courts. The Commission intends to use the bulk of these funds for capital and operating costs for innovative projects. Also, the Commission, drawing on existing programs as guides, is drafting a manual outlining methods for establishing children's waiting rooms in courthouses and exploring possibilities for court rules or legislation to require children's centers in all courts.<sup>11</sup>

2. Matrimonial Law. Recognizing how difficult and frustrating the process of getting a divorce can be, the Committee in the past

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<sup>10</sup> See pp. 3-4, supra.

<sup>11</sup> Two members of the Committee, Hon. Kathryn McDonald and Fern Schair Sussman, sit on the Permanent Judicial Commission on Justice for Children and actively participate in its projects.

year has pursued two projects. First, the Committee Chair gave testimony at public hearings before the Committee to Examine Lawyer Conduct in Matrimonial Actions, which was appointed in response to criticism of the matrimonial bar. This committee, chaired by Judge E. Leo Milonas, "sought to identify legitimate complaints and respond with reasonable recommendations for reform and improvement."<sup>12</sup> Judge McDonald, testifying for the Committee, called attention to the extent to which the failings of the law, lawyers and the legal system in matrimonial actions fall most heavily on women. She also commented, from her experience as a judge and an administrator, on recommendations for improvements in judicial administration of matrimonial cases.<sup>13</sup> The report of this committee, issued in May, recommended changes in court rules aimed at improving client-attorney relations and courts' handling of matrimonial and custody matters.

The Committee also continued its work, in conjunction with the New York Women's Bar Association, on developing a form that can be used to gather data on divorces in New York State. The form is now being tested in New York County Supreme Court. Eventually all divorce litigants or their attorneys will be expected to fill out the form before a divorce is granted. The information then will be available to public policy makers considering divorce reform, who

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<sup>12</sup> Report of the Committee to Examine Lawyer Conduct in Matrimonial Actions, 1993, at 1.

<sup>13</sup> See Appendix E for the text of the Chair's testimony.

now have anecdotes but little current, statistical data to guide them.

D. Judges.

While the Committee has no direct role in the appointive and elective processes by which lawyers become judges, for several years it has charted the success of women in reaching the bench. In 1986, when the Task Force issued its report, only 9.7% of the judges in New York State's courts of record were women. For the next six years this figure grew at the rate of about 1% a year to 16.2%, and the number of women judges increased from 103 in 1986 to 183 in 1992.

This past year the number of women in the judiciary increased 0.7% percent and grew to 192. The following charts show the figures since 1991:

<u>COURT</u>	<u>TOTAL NUMBER OF JUDGES</u>		
	<u>1991</u>	<u>1992</u>	<u>1993</u>
Court of Appeals	7	6	6
Appellate Division	48	48	48
Administrative Judges*	20	20	20
Supreme Court	318	312	320
Acting Supreme Court**	113	107	99
Surrogates Court	27	27	27
Court of Claims	60	55	53
County Court***	115	113	115
Family Court (Outside NYC)	69	68	68
NYC Family Court	38	41	42
NYC Civil Court	73	78	82
NYC Criminal Court	48	55	52
District Court (Nassau/Suffolk)	49	48	47
City (Outside NYC)****	154	151	154
<b>Totals</b>	<b>1139</b>	<b>1129</b>	<b>1133</b>

These figures show the number of judges on the last day of each fiscal year, March 31st.

- \* Full-time administrators who do not act as sitting judges on a regular basis.
- \*\* Judges from other trial level courts who are designated to sit in Supreme Court and supervising judges from New York City's Civil, Family, and Criminal Courts.
- \*\*\* Judges who sit in County Court only and judges who combine service on the County Court with service on the Family and/or Surrogate's Court.
- \*\*\*\* City Court Judges, Acting City Court Judges, and Chief Judges of the City Courts.

<u>COURT</u>	<u>NUMBER OF WOMEN JUDGES</u>		
	<u>1991</u>	<u>1992</u>	<u>1993</u>
Court of Appeals	1	1	1
Appellate Division	7	6	6
Administrative Judges*	2	2	3
Supreme Court	32	37	42
Acting Supreme Court**	26	24	21
Surrogates Court	3	3	3
Court of Claims	9	9	8
County Court***	7	7	8
Family Court (Outside NYC)	10	13	14
NYC Family Court	21	23	24
NYC Civil Court	20	23	28
NYC Criminal Court	14	17	16
District Court (Nassau/Suffolk)	6	4	4
City (Outside NYC)****	15	14	14
<b>Totals</b>	<b>173</b>	<b>183</b>	<b>192</b>

These figures show the number of women judges on the last day of each fiscal year, March 31st.

- \* Full-time administrators who do not act as sitting judges on a regular basis.
- \*\* Judges from other trial level courts who are designated to sit in Supreme Court and supervising judges from New York City's Civil, Family, and Criminal Courts.
- \*\*\* Judges who sit in County Court only and judges who combine service on the County Court with service on the Family and/or Surrogate's Court.
- \*\*\*\* City Court Judges, Acting City Court Judges, and Chief Judges of the City Courts.

<u>COURT</u>	<u>PERCENT OF WOMEN JUDGES</u>		
	<u>1991</u>	<u>1992</u>	<u>1993</u>
Court of Appeals	14.3	16.7	16.7
Appellate Division	14.6	12.5	12.5
Administrative Judges*	10.0	10.0	15.0
Supreme Court	10.1	11.9	13.1
Acting Supreme Court**	23.0	22.4	21.2
Surrogates Court	11.1	11.1	11.1
Court of Claims	15.0	16.4	15.1
County Court***	6.1	6.2	7.0
Family Court (Outside NYC)	14.5	19.1	20.6
NYC Family Court	55.3	56.1	57.1
NYC Civil Court	27.4	29.5	34.1
NYC Criminal Court	29.2	30.9	30.8
District Court (Nassau/Suffolk)	12.2	8.3	8.5
City (Outside NYC)****	9.7	9.3	9.1
Totals	15.2	16.2	16.9

These figures show the percent of women judges on the last day of each fiscal year, March 31st.

- \* Full-time administrators who do not act as sitting judges on a regular basis.
- \*\* Judges from other trial level courts who are designated to sit in Supreme Court and supervising judges from New York City's Civil, Family, and Criminal Courts.
- \*\*\* Judges who sit in County Court only and judges who combine service on the County Court with service on the Family and/or Surrogate's Court.
- \*\*\*\* City Court Judges, Acting City Court Judges, and Chief Judges of the City Courts.

Recognizing the need for more female and minority participation in the process of screening judicial candidates, Governor Mario Cuomo recently announced plans to issue an executive order restructuring the Departmental Judicial Screening Committees. These committees are charged with producing lists of candidates for gubernatorial appointments to fill vacancies in the Appellate Divisions and various trial level courts.<sup>14</sup> The terms of committee members will be limited to three years, and the terms of all current members will expire in 1994. Previously, members had not been appointed for fixed terms, and some had served since the committees had been formed in 1983. These changes were made, according to Governor Cuomo, to "give us the opportunity to...ensure that [the screening committees] adequately reflect the diversity of the state's population."<sup>15</sup>

#### E. Gender Neutral Language

The Committee's pamphlet, "Fair Speech: Gender Neutral Language in the Courts," continues to influence the movement to make standard English more inclusive. Requests for the booklet are still being filled. Last year, for example, a sitting judge distributed copies in the courtroom, and a judge from the Commonwealth Court of Pennsylvania said she had given copies to members

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<sup>14</sup> A separate committee, established by legislative act rather than executive order, produces a list of candidates from which the Governor chooses judges for the Court of Appeals.

<sup>15</sup> NYLJ, June 1, 1993, at 1, col.2.

of her court with the hope that it would be used in writing opinions. The pamphlet was referred to favorably in a letter to the editor of the New York Law Journal,<sup>16</sup> and a judge cited it in a recently published opinion on the "fireman's rule."<sup>17</sup>

This year, the Style Manual of the Official New York Reports, "[a]cknowledging the critical role that words play in the climate of courthouses and courtrooms," explicitly adopted the approach and many of the specific suggestions of "Fair Speech."<sup>18</sup> The manual reproduces large portions of the pamphlet and recommends using its guidelines "to assist in avoiding unintended slights."<sup>19</sup>

#### F. Local Committees

The Committee has continued to provide support and encouragement for the local committees established under the auspices of the state's administrative judges.<sup>20</sup> These committees were formed at the urging of the Committee's chair to answer the particular geographic and institutional concerns of each of the court system's administrative units. Their job is to help administrative judges

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<sup>16</sup> "No 'Sirs' Necessary," NYLJ, Oct. 21, 1992, at 2, col.6.

<sup>17</sup> Ruotolo v. State of New York, 151 Misc. 2d 820, 822 n.1 (Court of Claims 1991).

<sup>18</sup> Official Edition, New York Law Reports, Style Manual 1992 (Lawyers Cooperative Publishing) at 51-52.

<sup>19</sup> Id. at 51.

<sup>20</sup> For a list of the chairs of these committees with their addresses and telephone numbers, see Appendix F.

identify problems, to suggest solutions and projects, and to carry out programs that respond to the needs of women in their courts. Addressing complaints of gender bias and educating various groups within the courts about issues affecting women have been the mainstays of these committees' work, but other, often imaginative, kinds of projects also have occupied them during the past year.

Recognizing that a lack of complaints does not necessarily mean a lack of problems and may simply indicate that people have no confidence that their concerns will be taken seriously, a number of committees have reached out for complaints and used them as a means for identifying troublesome issues. Among these is the Ninth Judicial District Committee to Promote Gender Fairness in the Courts, chaired by Appellate Division Justice Sondra Miller, which held an ambitious series of public hearings during 1992. These day-long forums to which people were invited to speak on their perceptions of bias in the courts yielded valuable information about the dissatisfactions of litigants, particularly with family matters before the courts, and spurred the establishment of a subcommittee on matrimonial matters. The committee for the Bronx County Supreme Court, chaired by Judge Richard Lee Price, has been structured since its inception to give voice to various constituencies within the courthouse. Representatives from each major group that works in or uses the court sit on the committee, and all are encouraged to bring grievances to the meetings. Among gender bias problems identified in the past year were the untimely production of female defendants, judicial insensitivity, offensive graffiti,

and the practice of asking only female court officers to talk with the families and employers of sequestered jurors. In another attempt to reach out to possible complainants, Nassau County's Committee, under Judge Zelda Jonas, has written a brochure for distribution within Nassau's courts.

Other committees have focused their attention on putting in place mechanisms to make sure complaints are handled appropriately. The Seventh Judicial District's committee, under its new chair Judge Evelyn Frazee, met with presidents and committee chairs of local bar associations and the chair of the Fourth Department Grievance Committee to agree on procedures for resolving complaints. Important to this committee was finding a means for recording grievances, so that patterns could be discerned and dispositions followed. The Third Judicial District's Committee, which also has a new chair, Judge George Ceresia, continued to work on creating formal procedures for responding to complaints. The committee plans to distribute posters with the names of individuals in each county who have been designated to serve as conduits for complaints.

Most committees do receive complaints and find the means to address them, whether or not they invite them or have established procedures for handling them consistently. For example, the Anti-Bias Committee of the New York County Supreme Court, Civil Term, co-chaired by Judge Karla Moskowitz and Frank Byrne, responded to a complaint from one employee whose request for an alternative work schedule was denied, another from an employee who had been the

subject of verbal harassment, and third about pornographic materials in locker rooms. In the Fifth Judicial District, the committee, under its new chair, Judge John Grow, held a meeting in response to complaints about the disproportionate number of assigned counsel cases that are given to male attorneys. The Ninth Judicial District Committee has heard similar concerns about judicial appointments of referees and guardians. This committee also handled an employee complaint about systematic bias and discriminatory practices, and the complainant subsequently reported that the offensive conditions had been ameliorated. The Queens County Supreme Court Committee, chaired by Donna Maria Lasher, resolved a complaint from a rape victim and was involved with several problems between employees and their supervisors.

Education, another common activity for committees, took a number of different forms as the committees addressed different issues and different groups within the court communities. The Eighth Judicial District Committee, under Judge Marjorie Mix, for example, is working with a local bar association on a pamphlet on workplace harassment. Recognizing the critical role of law clerks, the Ninth Judicial District committee invited law clerks from all of its courts to a luncheon and a panel discussion on "Gender Bias and the Power Behind the Bench." At the suggestion of a subcommittee on domestic violence of the Ninth Judicial District's committee, a presentation on domestic violence was added to the educational program for Town and Village Justices. The New York City Civil Court's City-Wide Gender Bias Committee, under Chair Judge

Carol Arber, took on the ambitious task of producing a videotape. Called "Changing Attitudes -- Gender Bias in the Courts," the tape was written by a committee member and produced with professional assistance from the Staten Island Public Broadcast System.<sup>21</sup> This committee also sponsored a training session, presented by Mitchell Karp of the New York City Human Rights Commission, for Civil Court Judges, Housing Court Judges, and Court Attorneys on gender bias and sexual harassment.

An imaginative array of other diverse projects also were undertaken. Several committees, including the New York City Criminal Court Committee, chaired by Judge Micki Scherer, the New York City Civil Court City-Wide Gender Bias Committee, the Eighth Judicial District Gender Bias Committee, and the Ninth Judicial District Committee to Promote Gender Fairness in the Courts, have pursued the feasibility of establishing children's waiting rooms to supervise children while their parents or guardians make court appearances. The New York City Family Court Committee, under Judge Mary Ellen Fitzmaurice, joined forces with Queens Borough President Claire Shulman and District Attorney Richard Brown to secure \$50,000 to fund a supervised visitation program for non-custodial parents, to be overseen by the Victims Services Agency. This committee also is working with a number of agencies, including the New York City Police Department, on a model training program for the various agencies that help domestic violence victims, and

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<sup>21</sup> A copy of the tape can be obtained from OCA's Office of Education and Training.

investigating installing infant changing tables in all of the City's Family Court buildings. The Anti-Bias Committee of the Supreme Court, New York County, Civil Term, surveyed attitudes of non-judicial personnel on gender as well as religious and other biases. The Ninth Judicial District's Committee, as a response to the criticisms voiced during its public hearings, organized a subcommittee on matrimonial cases and produced a detailed report with specific recommendations for improving justice for matrimonial litigants and their children. Many of its recommendations anticipated those of the Chief Judge's Committee to Examine the Conduct of Lawyers in Matrimonial Actions, on which the chair of the Ninth Judicial District Committee sat.

#### G. Miscellaneous and Administrative Matters

1. Complaints and Inquiries. As in other years, the Committee has responded to scores of inquiries and complaints. Many are requests for Committee publications from individuals, organizations, and law libraries. Others, from the legal profession and from various media, ask for assistance in putting together materials about the progress of women lawyers in the profession or the court issues that most affect women. A variety of complaints continue to be made directly to the Committee, and they raise, as they have in the past, questions about the behavior of court personnel or the effect of court procedures on women litigants. The Committee, through its chair, responds to all complaints,

either directly or by referral to an appropriate official or institution.

2. Liaison with State and Federal Task Forces. As other states and the Federal Court system have formed task forces on women in the courts and have begun to implement task force recommendations, they have turned to experienced states such as New York for advice, and the Committee continues to respond to requests for information and documents. The Committee's experience in drafting a sexual harassment policy, for example, was useful to two states in the past year. Massachusetts drew on New York's "Sexual Harassment in the Workplace" in producing a policy for its courts, and a member of New Jersey's task force requested a copy of OCA's policy and its Discrimination Claim Policy and Procedure as New Jersey tackled drafting its own guidelines.

As part of the effort to support the work of other states, the Committee's chair, counsel, and Committee member Hon. Betty Ellerin attended the Second National Conference on Gender Bias in the Courts. A three-day event, sponsored by the National Center for State Courts and held in Williamsburg, Virginia, the gathering brought together people from 44 states and all eleven federal circuits to exchange ideas and information.

CONCLUSION

The Committee has continued to work on diverse projects targeted for the different constituencies that work in the New York courts or depend on them for justice. The visionary goal of a court system totally free of gender bias and the distortion of the ideal of fairness that attends any bias has not yet been reached, but it is nearer each year. The Committee looks forward to the next year's work under a Chief Judge whose unswerving commitment to women's progress is a matter of public record and whose leadership can only serve to inspire action on all fronts.

THE NEW YORK JUDICIAL COMMITTEE ON  
WOMEN IN THE COURTS

Hon. Kathryn A. McDonald, Chair

Nicholas Capra

Michael Colodner

Hon. Betty Weinberg Ellerin

Hon. Zelda Jonas

Hon. May W. Newburger

Hon. Juanita Bing Newton

Peter J. Ryan

Fern Schair Sussman

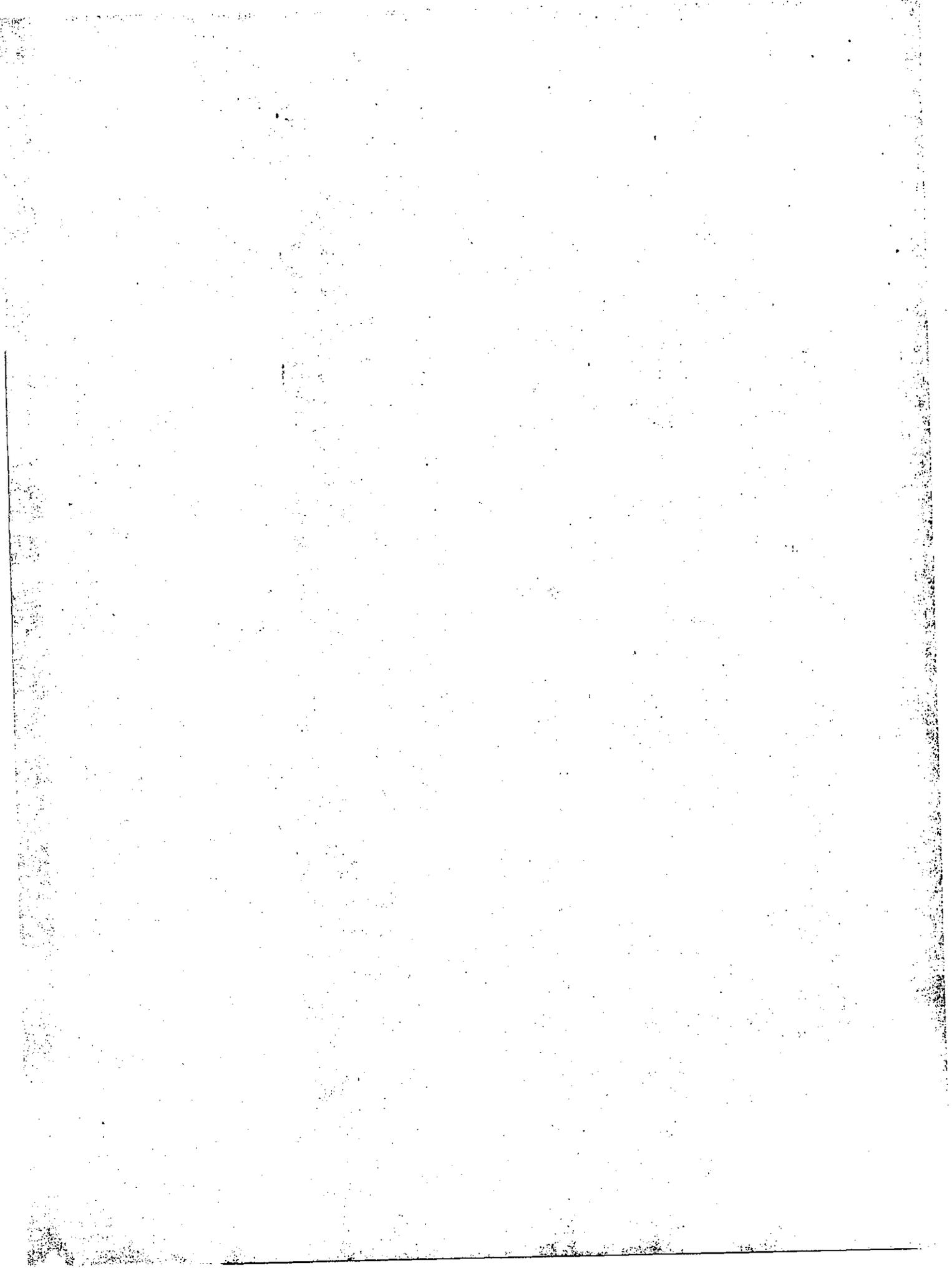
Amy S. Vance

Adrienne White

Jill Laurie Goodman,

Counsel

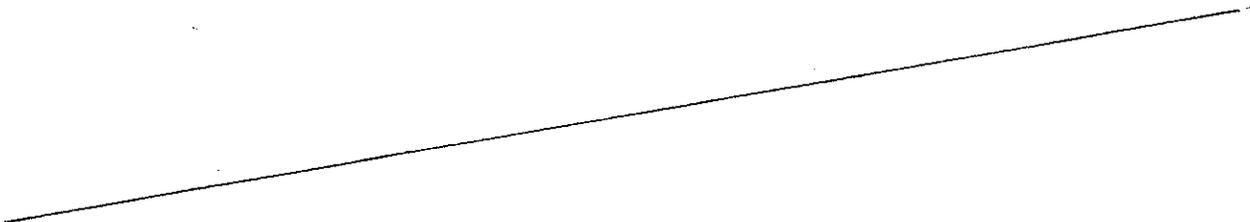
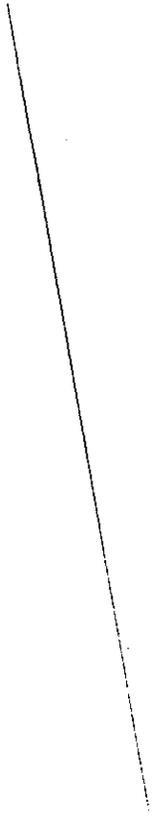
**APPENDIX A**



**Sexual Harassment  
In the Workplace**



**New York State  
Unified Court System**



### **What is the policy of the Unified Court System on sexual harassment?**

Sexual harassment is wrong, and it is illegal.

The Unified Court System is committed to making sure that you, as a court employee, have a workplace free of the exploitation and coercion inherent in sexual harassment. As the Supreme Court of the United States has said, no one should have to "run a gauntlet of sexual abuse in return for the privilege of being allowed to work and make a living."

### **What is sexual harassment?**

There are two forms of sexual harassment: quid pro quo harassment, which involves a threat or promise, and harassment that creates a hostile work environment.

### **Quid pro quo harassment**

Quid pro quo sexual harassment occurs when someone with the authority to influence employment decisions suggests that allowing a working relationship to become sexual could lead to a more desirable job or working conditions. It is also present when a person in authority implies that a refusal to go along with a request for sexual favors might have job-related consequences.

Of course, sexual harassment also exists if reprisals, such as the denial of a job, a promotion, or a prized assignment, are taken for declining sexual advances.

### **Hostile work environment**

A working environment made hostile to women — or to men — through a sexually charged atmosphere is another kind of sexual harassment. Sexual jokes, innuendos, and

teasing that affect the work life of employees can change the nature of working conditions and the well-being or work performance of employees. So can a steady barrage of obscene comments or the constant presence of sexually suggestive materials.

### **What is sexually harassing behavior?**

Any kind of offensive, unwelcome, or coercive sexual behavior can be considered an element of sexual harassment, depending on the circumstances. The behavior may be overt or subtle, and it may be verbal, physical or visual. Here are some examples:

- Unnecessary physical contact, such as an arm around a shoulder when work is reviewed.
- Pressure for dates, social engagements, or sexual favors.

- **Inquiries about a coworker's sexual life or repeated attempts to turn work discussions to sexual topics.**
- **Outright assaults.**
- **Leering or whistling.**
- **Displays of pornographic materials such as pinups, or obscene cartoons in locker rooms.**
- **Descriptions of pornography and references to physical anatomy and characteristics.**
- **Use of foul language or derogatory terms to refer to women.**

**Something that happens just once may not be enough to support a legal charge of sexual harassment, and evidence of a pattern is sometimes necessary to make a convincing case.**

Of course, any threat — implied or direct — about a job is grave. So is an assault. If the abuse is serious enough, it is sexual harassment even if the offensive behavior is not repeated.

**Who is covered by this sexual harassment policy?**

No one in the court system may harass any court employee. The behavior of everyone, including clerks, court officers, support staff, attorneys, and judges, is covered by this prohibition. Harassment by coworkers and subordinates, as well as by supervisors, is forbidden.

## **What should I do if I am being sexually harassed?**

**If you feel you are being harassed, you do not have to wait until the problem gets intolerable or you are sure you have a solid legal case before taking some action. If you act quickly, you might be able to keep the situation within manageable bounds and find a solution more easily.**

### **Informal actions**

**You can always try to solve the problem yourself, particularly if it is still small. Of course, if you prefer, you may turn immediately to the Unified Court System's Anti-Discrimination Panels, formal EEO Office procedures, or outside agencies. However, if you are comfortable with the idea, you might try taking one or all of the following steps:**

- **Talking to the person who is harassing you. Explain what bothers you about his or her behavior and say what you want changed.**
- **Writing a note to the harasser with this information, if talking face to face with him or her seems too difficult. If you choose to put something in writing, keep a copy.**
- **Telling a supervisor what is happening.**

### **Help within the Unified Court System**

You also might consider using the mechanisms set up by Unified Court System to help you. These include:

#### **Anti-discrimination panels**

These panels have been created to help you do something about sexual harassment, as well as other forms of discrimination, without having to invoke formal procedures. Panel members, appointed by administrative judges or administrators, are available to meet with you at your request, listen to you explain your concerns, and give you immediate and practical assistance.

Panel members all have been trained to recognize sexual harassment, and an essential part of their job is helping people who feel they have been harassed to sort out their options, which vary from case to case. They

may suggest actions you could take, or they may volunteer to act for you. The panel member will speak on your behalf if you decide that is the best approach for you.

The panel member you consult will respect your interest in confidentiality, although often you will find that insisting on complete confidentiality restricts your choices. In rare cases, for example, when a crime is involved, some disclosure may be unavoidable, but in those circumstances you will be consulted in advance.

Lists of panel members are posted prominently in your workplace. The office of your administrative judge, administrator, or OCA unit head is another source of this information.

### **Discrimination claims procedures**

**You also may use the court system's formal discrimination claims procedures by filing a complaint with Unified Court System's EEO Office. If you want more information about the process, you should call the EEO Office and request UCS's Discrimination Claim Policy and Procedures. The EEO Office number is (212) 417-5847.**

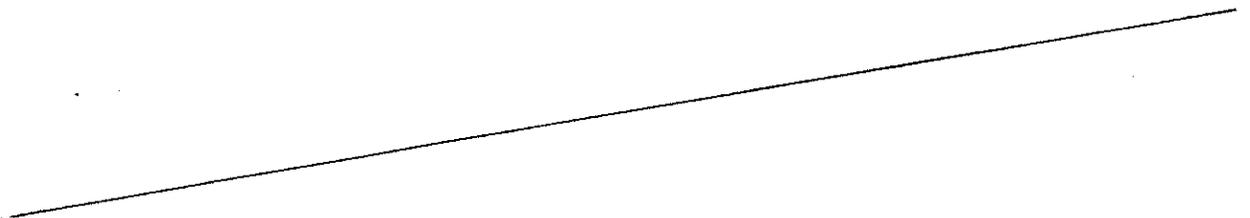
### **Outside help**

**Before, during, or after using the court system's in-house mechanisms, you may file a charge with governmental agencies established to address discrimination. Both the New York State Division of Human Rights and the federal Equal Employment Opportunities Commission investigate claims of sexual harassment. The local telephone book is your best way to find them.□**

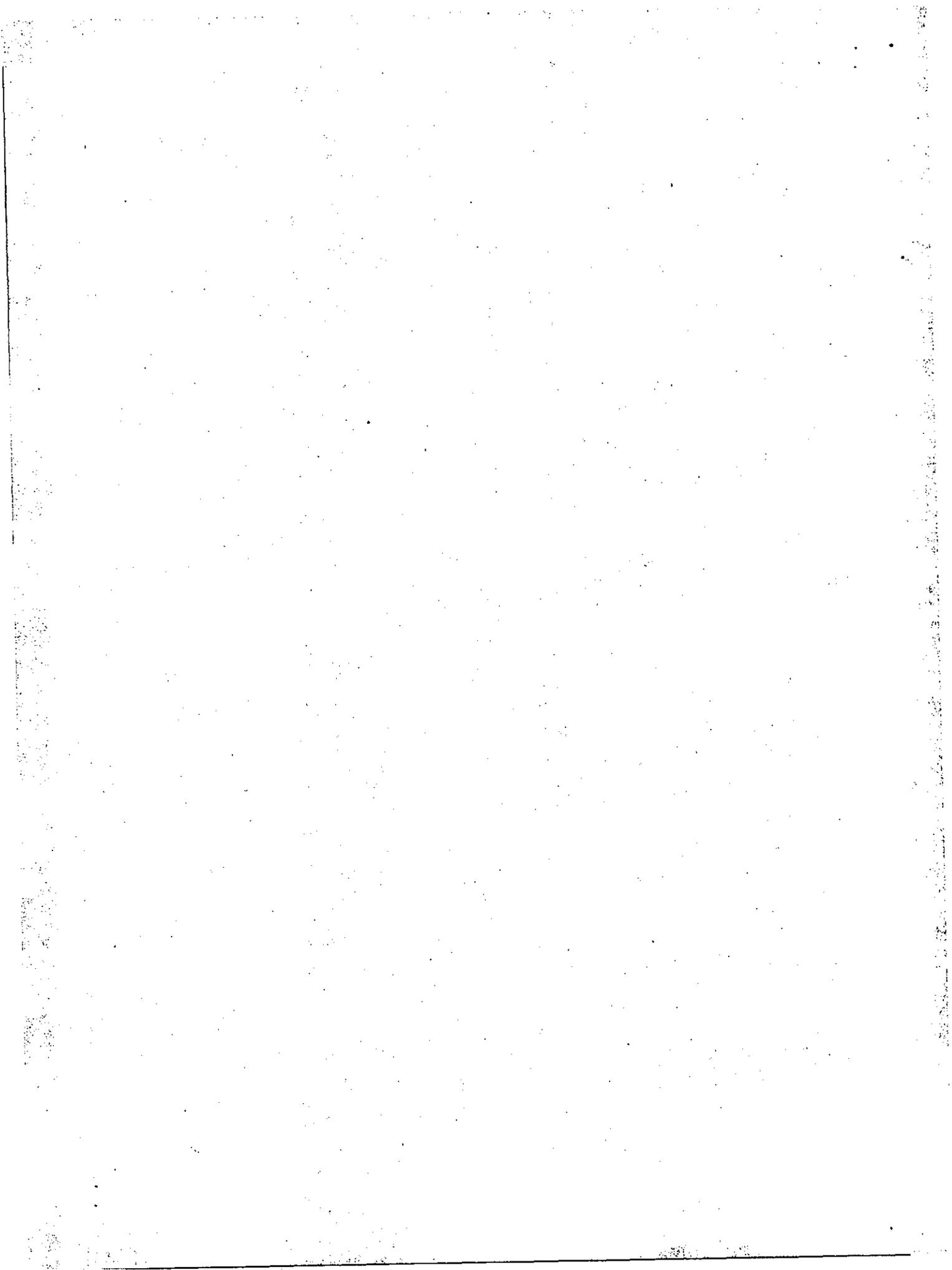
**This pamphlet was prepared with the assistance of the New York Judicial Committee on Women in the Courts, which was created by Chief Judge Sol Wachtler in response to the report of the New York State Task Force on Women in the Courts. Since 1986, the Committee has acted as an advocate within the judicial system and a focal point of community concern for the courts' obligation to provide fair treatment to women.**

**The New York Judicial Committee  
On Women in the Courts**

**Hon. Kathryn A. McDonald, Chair  
Nicholas Capra  
Michael Colodner  
Hon. Betty Weinberg Ellerin  
Hon. Zelda Jonas  
Hon. May W. Newburger  
Hon. Juanita Bing Newton  
Peter J. Ryan  
Fern Schair Sussman  
Amy S. Vance  
Adrienne White  
Jill Laurie Goodman, Counsel**



**APPENDIX B**



APPENDIX B

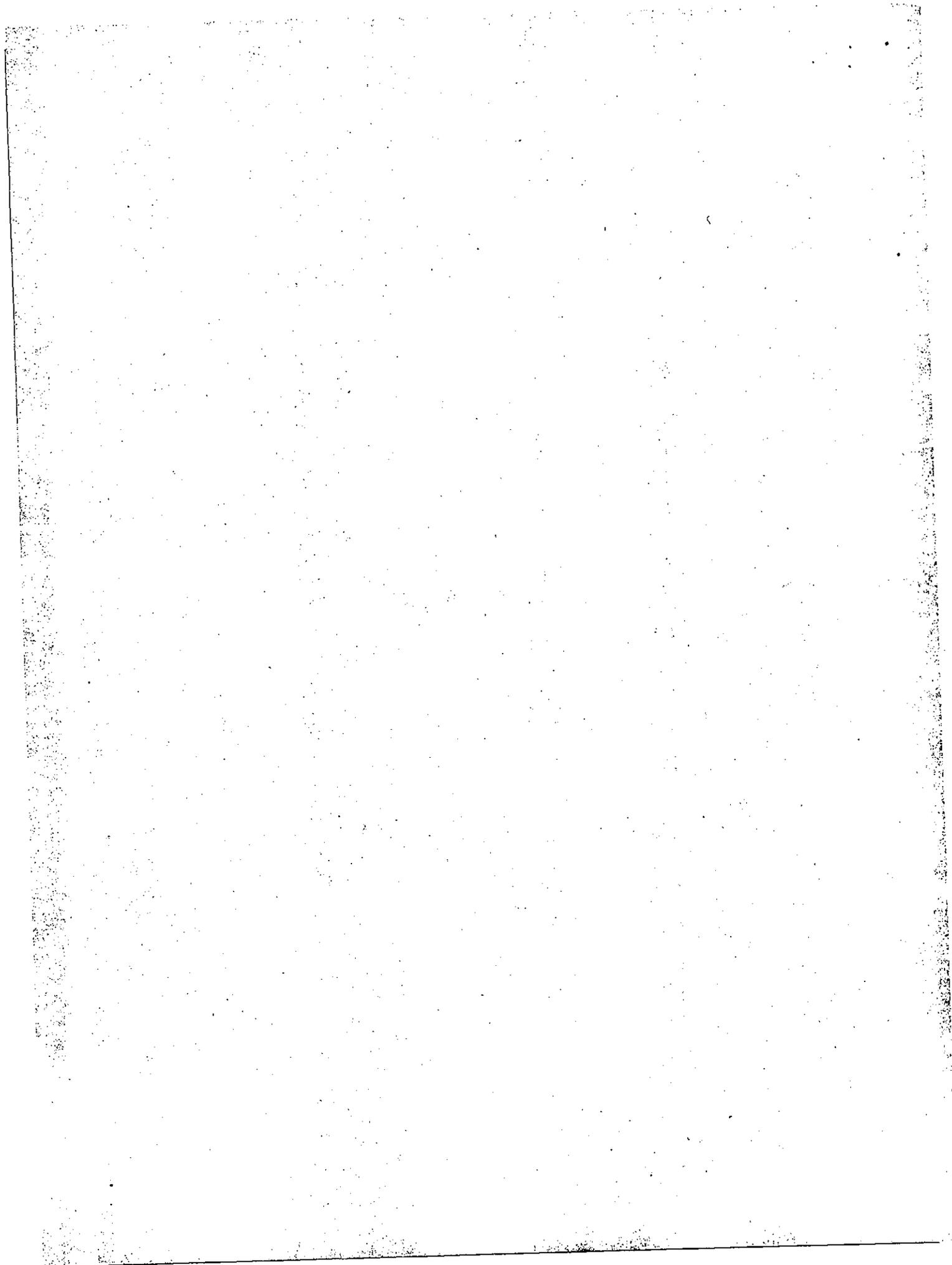
COURT CLERK SERIES - 1992

	<u>Total</u>	<u>Total Women</u>	<u>Percent Women</u>
Court Clerk (18)	148	125	84.5%
Surr. Court Clerk (18)	3	3	100%
Sr. Court Clerk (21)	1001	381	38.1%
Sr. Surr. Court Clerk (21)	24	28	75.0%
Assoc. Court Clerk (23)	394	80	20.3%
Assoc. Surr. Court Clerk (23)	31	15	48.4%
Prin. Court Clerk (26)	92	10	10.9%
Prin. Surr. Court Clerk (26)	12	6	50.0%
<b>Total</b>	<b>1705</b>	<b>638</b>	<b>37.4%</b>

COURT CLERK SERIES - 1993

	<u>Total</u>	<u>Total Women</u>	<u>Percent Women</u>
Court Clerk (18)	159	130	81.1%
Surr. Court Clerk (18)	4	4	100%
Sr. Court Clerk (21)	1074	424	39.5%
Sr. Surr. Court Clerk (21)	25	18	72.0%
Assoc. Court Clerk (23)	391	87	22.3%
Assoc. Surr. Court Clerk (23)	30	15	50.0%
Prin. Court Clerk (26)	89	11	12.4%
Prin. Surr. Court Clerk (26)	15	6	40.0%
<b>Total</b>	<b>1787</b>	<b>695</b>	<b>38.9%</b>

APPENDIX C



APPENDIX C

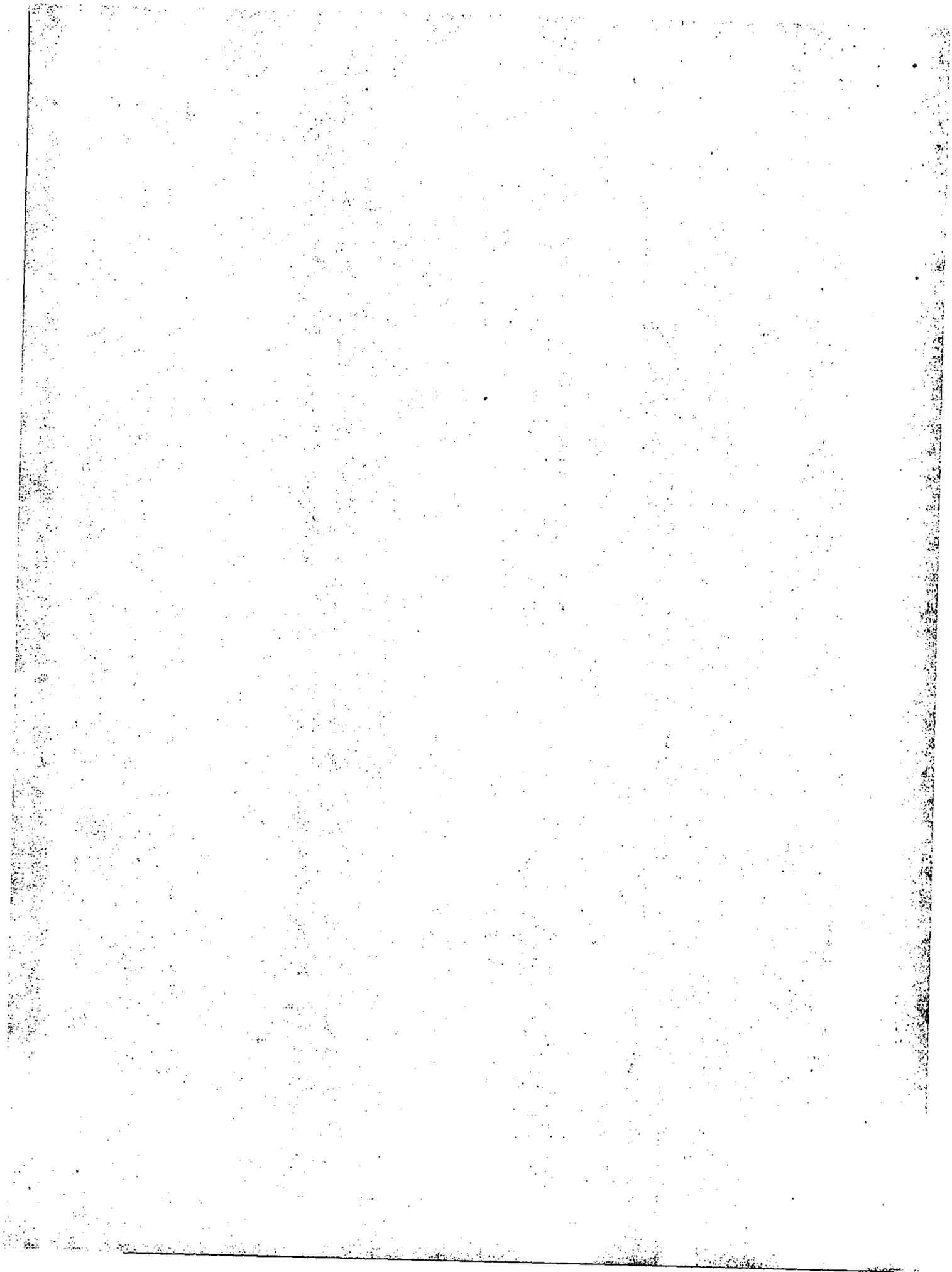
COURT SECURITY SERIES - 1992

	<u>Total</u>	<u>Total Women</u>	<u>Percent Women</u>
Court Officer (16)	1044	255	24.4%
Court Officer Sgt. (17)	132	24	18.2%
Sr. Court Officer (18)	1010	131	13.0%
Sr. Court Officer Sgt. (19)	236	7	3.0%
Security Supervisor (21)	6	0	0.0%
Assoc. Court Officer I (22)	15	1	6.7%
Assoc. Court Officer II (23)	19	2	10.5%
Prin. Court Officer I (24)	8	1	12.5%
Prin. Court Officer II (25)	14	1	7.1%
Security Coordinator (28)	7	0	0.0%
<b>Total</b>	<b>2491</b>	<b>422</b>	<b>16.9%</b>

COURT SECURITY SERIES - 1993

	<u>Total</u>	<u>Total Women</u>	<u>Percent Women</u>
Court Officer (16)	1008	250	24.8%
Court Officer Sgt. (17)	132	24	18.2%
Sr. Court Officer (18)	1068	137	12.8%
Sr. Court Officer Sgt. (19)	239	7	2.9%
Security Supervisor (21)	5	0	0.0%
Assoc. Court Officer I (22)	16	1	6.2%
Assoc. Court Officer II (23)	21	2	9.5%
Prin. Court Officer I (24)	8	1	12.5%
Prin. Court Officer II (25)	14	1	7.1%
Security Coordinator (28)	7	0	0.0%
<b>Total</b>	<b>2518</b>	<b>423</b>	<b>16.8%</b>

**APPENDIX D**



APPENDIX D

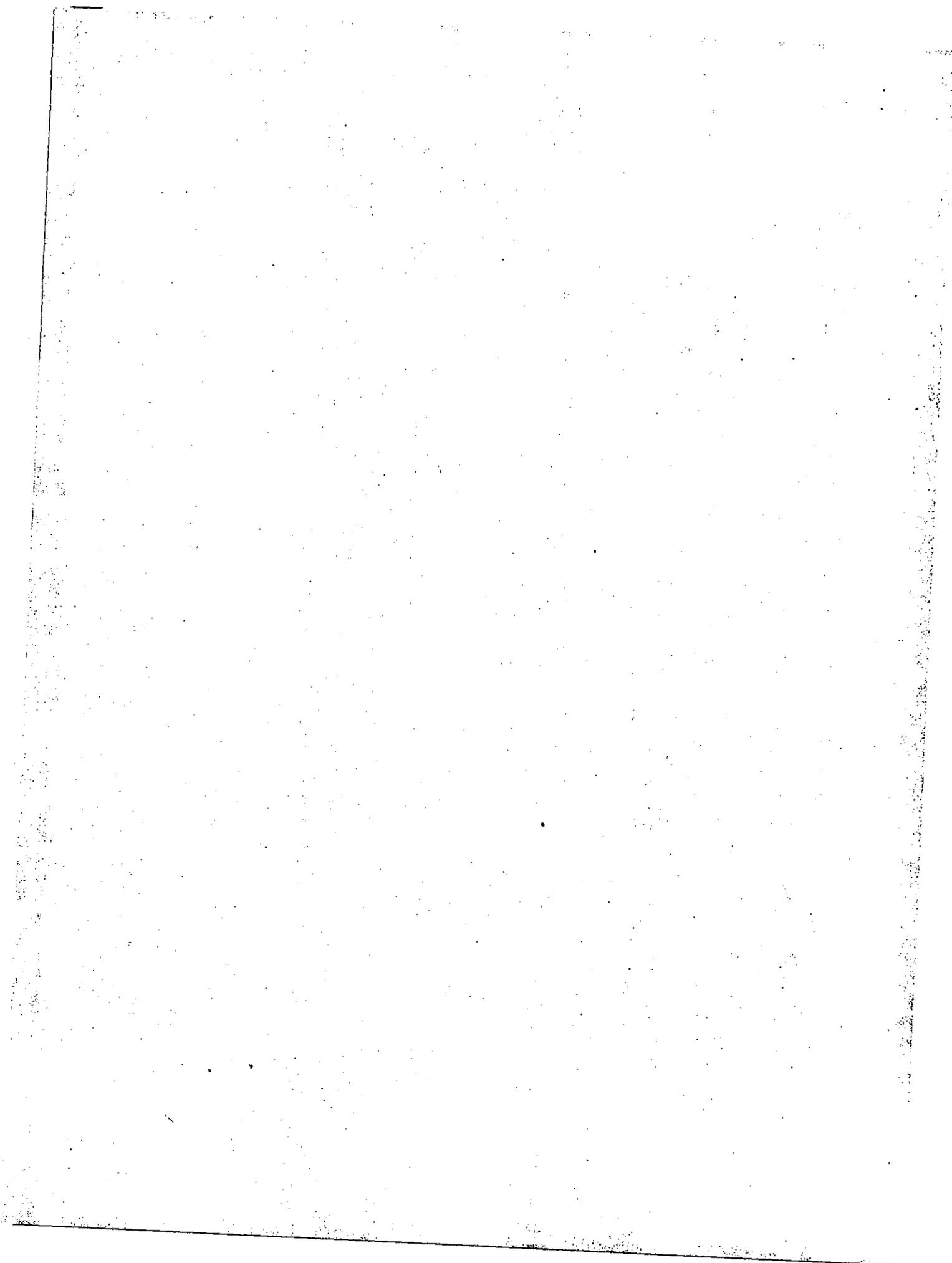
HIGHER SALARY GRADES - 1992

	<u>Total</u>	<u>Total Women</u>	<u>Percent Women</u>
JG 23	703	227	32.3%
JG 24	583	376	64.5%
JG 25	224	112	50.0%
JG 26	223	72	32.3%
JG 27	690	407	59.0%
JG 28	189	69	36.5%
JG 29	92	35	38.0%
JG 30	188	45	23.9%
JG 31	678	229	33.8%
JG 32	56	9	16.1%
JG 33	12	1	8.3%
JG 34	17	5	29.4%
<b>Total</b>	<b>3655</b>	<b>1587</b>	<b>43.4%</b>

**HIGHER SALARY GRADES - 1993**

	<u>Total</u>	<u>Total Women</u>	<u>Percent Women</u>
JG 23	709	234	33.0%
JG 24	587	394	67.1%
JG 25	224	113	50.4%
JG 26	214	72	33.6%
JG 27	689	413	59.9%
JG 28	194	76	39.2%
JG 29	112	45	40.2%
JG 30	183	43	23.5%
JG 31	692	237	34.2%
JG 32	52	12	23.1%
JG 33	15	3	20.0%
JG 34	16	3	18.8%
<b>Total.</b>	<b>3687</b>	<b>1645</b>	<b>44.6%</b>

**APPENDIX E**



TESTIMONY BEFORE THE  
COMMITTEE TO EXAMINE LAWYER CONDUCT  
in MATRIMONIAL ACTIONS

February 23, 1993

Good morning. I am Kathryn McDonald, and I am here in my capacity as Chair of the New York Judicial Committee on Women in the Courts.<sup>1</sup>

I am delighted that your Committee, with its collective experience, intelligence, and concern, is addressing the plight of litigants in matrimonial cases. The issues are not glamorous -- but they are enormously important to people caught in the turmoil of contested matrimonial cases. New York State courts hear over 14,000 contested cases a year.<sup>2</sup> Easily two-thirds involve minor children.<sup>3</sup> For the men, women and children represented by those figures, the court system is suddenly a pivotal force in their lives.

Many issues were raised in this Committee's Notice of Public

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<sup>1</sup> The mandate for this Committee comes from the work of the New York State Task Force on Women in the Courts. In 1986, the Task Force found that "[G]ender bias against women litigants, attorneys and court employees is a pervasive problem with grave consequences." The Committee that I chair was appointed to implement specific recommendations of the Task Force and to address its overarching concerns about gender bias in the Courts.

<sup>2</sup> NYS Office of Court Administration. Contested cases for 1992 numbered 14,259. There were 51,158 uncontested cases.

<sup>3</sup> Marsha Garrison, Symposium -- Good Intentions Gone Awry: The Impact of New York's Equitable Distribution Law on Divorce Outcomes, 57 Brooklyn L. Rev. 621, 649 (1991) [hereinafter, Garrison, Divorce Outcomes]. Professor Garrison found that 70% of the contested cases she sampled for 1984 involved minor children.

Hearing and in the report of the Department of Consumer Affairs that inspired the appointment of this Committee.<sup>4</sup> I am going to confine myself to a few. First, to put this discussion in context, we must acknowledge that the failings of laws, lawyers, and the legal system do not affect all litigants in divorce cases equally. They fall most heavily on women. This is a subtext of the Department of Consumer Affairs Report. I want to expand on this point and ask you to make it an explicit part of the text of your deliberations.

Second, I would like to address suggestions about court administration. I will focus on these questions, not because lawyers' practices, professional ethics, and the other issues raised in your Notice of Public Hearings are less important but rather because, having sat on the bench and having participated in the administrative side of the courts, I think I have more to contribute in these areas.

Last, I will add a few suggestions based on my experiences in Family Court.

\* \* \*

In general, women enter the divorce process weaker and more vulnerable than their husbands. Not all women, not all the time, but more often than not, women have neither the resources nor the tactical advantages enjoyed by their husbands. All too often contested matrimonial cases become outright wars, which women are

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<sup>4</sup> Mark Green, Commissioner, Women in Divorce: Lawyers, Ethics Fees & Fairness, March 1992 [hereinafter Women in Divorce].

in danger of losing, not because their cases lack merit but because they cannot last out the seige. Yet what is at stake is central to the lives of litigants -- child custody, economic stability, and the ability to support children.

The information we have on divorce in New York shows us why generally men are in a stronger position than women when courts become a battleground for divorcing couples. To begin with, men usually have more money than their wives. Men's income is, on the average, considerably higher. The median income for women in contested cases for 1984, the best year for which we have figures, was one-third of their husbands'.<sup>5</sup> Only 3% of them had high status managerial or professional occupations, such as architect, business executive, engineer, military officer or professor; 18% of their husbands held these kinds of jobs.<sup>6</sup> Also women are less likely to be employed. In the sample of contested cases from 1984 only 73% of the wives were employed at all.<sup>7</sup> About 21% were full-time housewives.<sup>8</sup> Men are also more likely to own and control assets. Although marital homes typically were held jointly, husbands were disproportionately owners of most other kinds of assets, including

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<sup>5</sup> Garrison, Divorce Outcomes at 648. In part this is because women, on the average, earn less than men, even when they are employed full time. In 1991, women in full-time, year-round jobs earned less than 70 cents for every dollar earned by men. Figures from the National Committee on Pay Equity.

<sup>6</sup> Garrison, Divorce Outcomes at 653.

<sup>7</sup> Id. at 648. For men the figure in contested cases was 93%. Id. at 746.

cars, pensions, businesses, and real estate.'

Women were also more likely to have physical custody of the children. While custody may have many rewards, rarely are these financial. For a person trying to earn a living, single parenthood creates considerable hardships and a plethora of additional expenses. Yet women end their divorces with sole physical custody of young children over 80% of the time and men in less than 10% of the cases. (The rest of the cases represent split or joint custody.)<sup>10</sup>

When these often unequal adversaries meet in New York's courts, where contested divorce is a long and costly process, the party who has money to wage the battle indefinitely often emerges the victor. Lawyers' bills quickly mount and the non-monied spouse is at the mercy of the spouse who controls the assets and who has income available to keep paying a lawyer until the other side's resources are depleted. But the scenario is even bleaker because the non-monied spouse, usually, of course, the woman, often not only lacks funds to pay the lawyer; she may well find herself without money to pay the mortgage or buy clothes for the children. In theory, interim relief is available in the form of a pendente lite order directing the payment of maintenance, support, and even attorney fees. Even when these orders are granted in amounts generous enough to cover these costs, a husband can appeal or, if truly recalcitrant, simply refuse to pay. The spouse in whose favor the order has been entered is left responding to appellate

papers, making motions, seeking contempt, or using whatever other court processes are available -- all of which take more time and more money.

Commissioner Green's study attests to the way injustices fall disproportionately on women as a result of this system. It is not surprising that the complaints that triggered his investigation were from women,<sup>11</sup> or that he found a pattern of wives, often homemakers with children, who were unable to pay legal fees<sup>12</sup> or that he concluded that "[W]omen in particular are often denied a fighting chance for their rightful share of marital assets."<sup>13</sup>

What can be done to make contested divorces faster and cheaper and therefore more fair to women who are less likely to be able to outlast and outspend their adversaries? The answers to these questions are many and varied. I am going to address first the solutions that are in the province of judges and court administrators.

Judges must play an active role in moving their cases to resolution, and court rules and administrators should support and encourage judges' efforts to manage their cases. The recommendation for court conferences soon after the commencement of litigation, mentioned in the Notice of Public Hearing (number #9), is a good place to begin. I am indebted to Judge Howard Miller and a subcommittee he chaired on domestic disputes in the Ninth

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<sup>9</sup> Id. at 653-55.

<sup>10</sup> Id. at 717.

<sup>11</sup> Women in Divorce at 2.

Judicial District for a proposal that fleshes out this idea as well as for many other insights. (And I know Judge Miller on this Committee is familiar with this proposal, since she chairs Administrative Judge Angelo Ingrassia's local committee on women in the courts that appointed Judge Miller's subcommittee.) Judge Miller's subcommittee suggests requiring, through amendments to court rules, the filing of a Request for Judicial Intervention no later than forty-five days after the service of a summons and the scheduling of a preliminary conference soon after the case is assigned to a judge in response to the RJI. This proposal also recommends using these conferences to identify issues, including custody disputes; establish disclosure schedules with specific dates for exchanges of information; discuss pendente lite relief; and set dates for the completion of discovery and another conference to make sure that lawyers have adhered to the schedules and that the case will be ready for trial within a specified time. Judge Miller's subcommittee concluded that except in unusual cases six months was plenty of time for discovery.

I believe that having the clients present at these preliminary conferences is absolutely essential. The clients' presence will improve the perception of both bar and bench. The judges can demonstrate their ability to grasp the issues quickly and reduce potential motion practice. Counsel and clients will know the rules immediately. Indeed, the conference may help the litigants to see their real options earlier and more clearly.

A court rule requiring an RJI early in the case and a preliminary conference is, however, only the beginning. Judges themselves have a responsibility to act decisively to make sure that lawyers meet deadlines, and refrain from engaging in unnecessary or harassing motion practice. Matrimonial judges must be willing to enforce their own orders, including orders for pendente lite relief, and to use the various tools given to them to compel compliance. Among these are citations for contempt and the imposition of fees and sanctions up to \$10,000 for frivolous behavior.<sup>14</sup> Judges also should use more freely the less dramatic methods for controlling their cases. For example, they have the power to strike pleadings as a sanction for failing to obey discovery orders, prohibit a party from introducing evidence on a particular issue, or resolve a disputed matter adversely to the party disobeying the order.<sup>15</sup>

Court administrators, for their part, should see that assistance is provided to trial judges. For example, Judge David Saxe recently suggested that orders could be enforced far more effectively if the maximum sanctions for contempt were increased above the current level of \$250.<sup>16</sup> This seems like a reasonable

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<sup>14</sup> Rules of the Chief Administrator, 22 NYCRR Part 130.

<sup>15</sup> CPLR §3126. A New York County judge in a matrimonial case recently used another interesting tactic. He issued an order sua sponte restricting the parties, who had bombarded his chambers for months with letters at least daily and sometimes more often, to one written communication a week. Anonymous v. Anonymous, NYLJ, Dec. 14, 1992 (Sup. Ct. N.Y. Co.).

<sup>16</sup> David B. Saxe, Reflections on Matrimonial Lawyers, Judges and Practice -- Part II, NYLJ, Jan. 11, 1993, p. 2, col. 3.

suggestion. (As an aside, however, I respectfully dissent from that part of Judge Saxe's comments that ask for Judicial Hearing Officers to take some of the burdens from IAS judges. If we need more matrimonial judges, we should get them but ceding parts of a case only serves to diminish judges' control. Matrimonial judges can ill afford this).

I have a few other ideas for ways to make divorce cases move more quickly that come directly from my experiences in Family Court. To begin with, counsel should be mandated for all children in contested custody and visitation cases. I can assure you from my ten years as a sitting judge handling custody cases that this measure would protect children from parents' lawyers wooing and shorten considerably the time necessary to resolve their cases. Of course, parents of means should be responsible for paying for the services of their children's lawyers.

Another change I recommend is amending statutes to abolish the practice of referring bits and pieces of matrimonial cases to Family Court. Current law allows Supreme Court justices to pass on to Family Court just about any part of a matrimonial case except the marital status itself.<sup>17</sup> I find it hard to imagine how this arrangement could do anything but delay the proceedings. It forces the parties to come to a new courthouse and adjust to a new set of rules and procedures; and it also requires a new judge to become familiar with the case. And I am sure that truly litigious parties or lawyers find plenty of ways to play the two courts off against

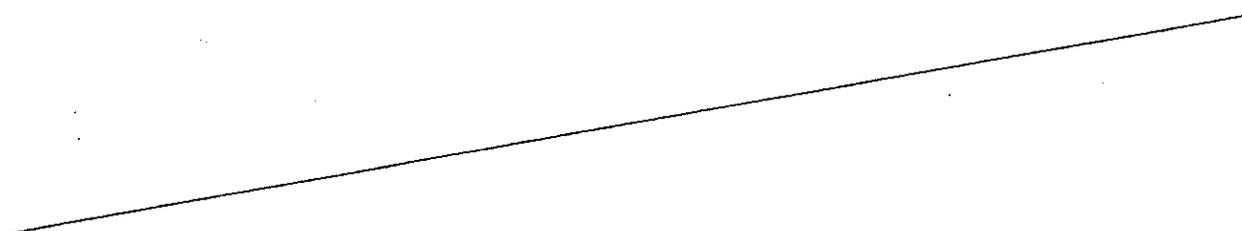
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<sup>17</sup> Family Court Act §§461(c), 464(a), and 467.

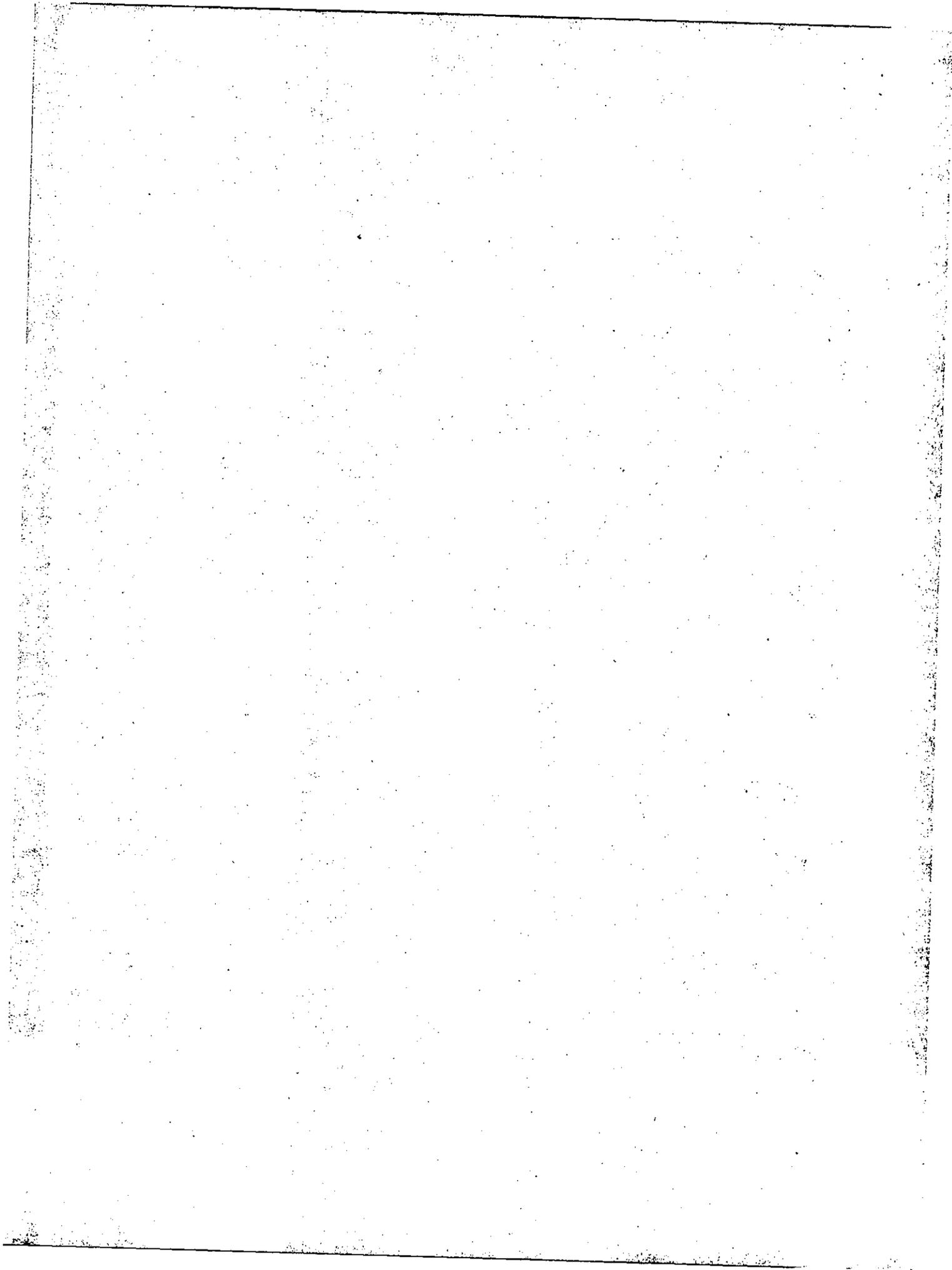
each other. The system makes no sense.

I have one last suggestion, which may seem radical. Ultimately, if we are to save litigants from the grueling and sometimes devastating experience that divorce under current laws has become, we must find ways to make our laws simpler and more predictable. The Child Support Standards Act was an attempt to do precisely this for parents, and, in general, it has succeeded. Parties to child support proceedings now know what to expect; they know what figures will be used to calculate the amount of the award, and they can do the arithmetic themselves. Yet enough flexibility is built into the law to allow for individual variations when necessary. Of course the Child Support Standards Act is not perfect, and it applies to a quite different set of circumstances from those presented by the break up of a marriage. The lesson about the value of simplicity and predictability, however, should not be ignored.

I know that I have covered only a few of the issues you face, but I also know that you have heard from many other voices during these hearings. For my part, I want to leave you with a sense of the importance of your work here, and once again to emphasize how much women in particular stand to gain from your caring attention to these issues. Thank you.



APPENDIX F



**CHAIRS OF ADMINISTRATIVE JUDGES' LOCAL COMMITTEES ON  
WOMEN IN THE COURTS OR GENDER BIAS**

**OUTSIDE OF NEW YORK CITY**

**Third Judicial District**

Hon. Anthony V. Cardona  
Administrative Judge  
Third Judicial District  
Albany County Courthouse, Room 357  
Albany, New York 12207  
(518) 487-5170

**Chair**

Hon. George B. Ceresia, Jr.  
Justice, Supreme Court  
Rensselaer County Courthouse  
Troy, New York 12180  
(518) 270-3721

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**Fourth Judicial District**

Hon. James N. White  
Administrative Judge  
Fourth Judicial District  
Montgomery County Courthouse  
Court Street  
Fonda, New York 12068  
(518) 853-8100/4432

**Chair**

Athena Kouray, Esq.  
525 State Street  
Schenectady, New York 12305  
(518) 374-1200

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**Fifth Judicial District**

Hon. William R. Roy  
Administrative Judge  
Fifth Judicial District  
Onondaga County Courthouse  
Syracuse, New York 13202  
(315) 435-2009

**Chair**

Hon. John W. Grow  
Justice, Supreme Court  
Court House  
300 N. James Street  
Rome, New York 13440  
(315) 336-0772

Sixth Judicial District

Hon. Robert W. Coutant  
Administrative Judge  
Sixth Judicial District  
Court House  
Binghamton, New York 13902  
(607) 778-2428

Chair

Hon. Judith O'Shea  
Judge, Family Court  
Chemung County, 6th District  
P. O. Box 588  
Elmira, New York 14902  
(607) 737-2902

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Seventh Judicial District

Hon. Charles L. Willis  
Administrative Judge  
Seventh Judicial District  
437 Hall of Justice  
Civic Center Plaza  
Rochester, New York  
(716) 428-5271/5054

Chair

Hon. Evelyn Frazee  
Justice, Supreme Court  
115 Hall of Justice  
Rochester, New York 14614  
(716) 428-2486

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Eighth Judicial District

Hon. James B. Kane, Jr.  
Administrative Judge  
Eighth Judicial District  
Erie County Hall  
Buffalo, New York 14202  
(716) 851-3273

Chair

Hon. Marjorie C. Mix  
Judge, Family Court  
25 Delaware Avenue  
Buffalo, New York 14202  
(716) 858-8189

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