

# Activities of the New York State Judicial Committee on Women in the Courts

1998-1999

## *Publications*

“On the Bench: Judicial Response to Gender Bias:” The Committee published a new booklet called “On the Bench: Judicial Responses to Gender Bias.” An effort to help judges respond creatively to potentially troubling situations, the booklet presents scenarios sketched from actual, recent courthouse incidents. These are followed by responses suggested by sitting judges. The booklet was circulated at the Judicial Seminars in July and will be distributed to all judges, including Town and Village Justices, in the fall. (*See Appendix A* for a copy of the booklet.)

The Unified Court System’s Sexual Harassment Policy and Procedure: In response to two U.S. Supreme Court cases defining employers’ obligations for preventing sexual harassment and creating complaint mechanisms, the Committee drafted a revised statement of the Unified Court System’s sexual harassment policy and claims procedures. Written in simple, clear, direct language and addressed in second person directly to employees, the statement of policy and procedures says in unequivocal terms that sexual harassment will not be tolerated. It also maps avenues of redress for employees and describes procedures for filing formal complaints. A booklet containing this statement will be ready for circulation at training sessions for employees in the winter.

Newsletter: The Committee continued to produce a newsletter addressed to both judges and nonjudicial personnel. Items describe court programs, provide information on resources, and summarize, very briefly, relevant court cases. The subject matter ranges from evidentiary rules in cases of violence against women and U. S. Supreme Court pronouncements on sexual harassment in the workplace to the difference between wages of women and men and the development of an on-line program to help domestic violence victims file petitions for orders of protection. (*See Appendix B* for a copy of the most recent newsletter.)

“Fair Speech: Gender Neutral Language in the Courts:” The Committee’s booklet on gender neutral remains in print and continues to command popular

attention, with demand for copies still strong. The booklet is distributed regularly at orientation and training programs for Unified Court System employees.

## *Judicial Education*

New Judges Orientation, December 1998: Committee members Hon. Juanita Bing Newton, Hon. David Klim and Hon. Donald Corbett, Jr., made a presentation on behalf of the Committee at the annual December orientation for newly-elected and newly-appointed judges. Using an early version of "On the Bench: Judicial Responses to Gender Bias," they engaged the group in a lively discussion.

"When Bias Compounds" Curriculum at the Summer Judicial Seminars, July 1999: At the suggestion of the Committee and using materials reformatted for this particular event, various speakers from both inside the court system and outside presented a curriculum entitled "When Bias Compounds: Insuring Equal Justice for Women of Color in the Courts." The curriculum, developed by the National Judicial Education Program under a grant from the State Justice Institute, was designed to give judges insight into the problems women of color face as litigants, witnesses, defendants, employees, lawyers and judges.

## *Local Gender Bias and Gender Fairness Committees*

Domestic Violence in the Workplace Awareness Day, October 1, 1998: For the third year, local gender bias and gender fairness committees joined in marking Domestic Violence Awareness Day, October 1<sup>st</sup>. A number of local committees organized programs, some in the morning and others at lunchtime, using speakers and videotapes to convey the day's message. Among those invited to speak were court administrators, government officials, representatives from Employee Assistance Programs, judges of domestic violence parts, advocates for victims, and survivors of domestic violence, who were often the most moving of those who made presentations. Committees also distributed materials by staffing informational tables in courthouses and arranging to have packets sent directly to court employees or court managers.

Meeting with Chairs of Local Gender Bias and Gender Fairness Committees: On April 28, 1999, the Committee hosted a day-long, joint meeting of the Committee and the chairs of local committees. Ways of handling complaints from the public was

the meeting's principal topic. In both small groups and plenary sessions, participants considered the difficulties posed by the various kinds of complaints made to the court system and effective methods of responding to them. Also, in an effort to continue the exchange of ideas that has characterized these annual meetings, each chair of a local committee made a presentation about committee activities in the past year. (See *Appendix C* for a copy of the Agenda.)

Other Local Committee Activities: Local committees have undertaken a host of projects besides their participation in Domestic Violence in the Workplace Awareness Day. Interested in education for various constituencies within the courts, they helped arrange and sponsor programs within their courthouses for judges, nonjudicial personnel and the public. They also assisted in organizing of children's centers in courthouses, explored possibilities for supervised visitation programs for Family Court litigants, and sponsored a clinic for those seeking divorces who are unable to pay for lawyers.

## *Other*

Figures on Women in the Judiciary: As it has in previous years, the Committee compiled figures on the representation of women in New York State's judiciary. Women now comprise 24% of the bench, up from 23% in 1998 and 11% in 1986, when the New York Task Force on Women in the Courts issued its report. Women are 16% of the state's elected Supreme Court Justices (including those who serve on the Appellate Division), a figure that did not grow from 1998 to 1999. (See *Appendix D* for charts on the number and percent of women in various courts in New York.)

Complaints from Litigants: Complaints, mostly from litigants in family matters who often are victims of domestic violence, continued to find their way to the Committee. The Committee's role has been confined, for the most part, to making referrals to appropriate offices, but the Committee has begun to explore with OCA a more systematic approach to handling complaints, particularly those that fall short of violations of professional codes.

Counsel for Victims of Domestic Violence: The Committee, responding to a report from the Association of the Bar of the City of New York on the need for counsel to represent victims of domestic violence in Family Court, has explored ways of providing for appropriate representation. Realizing that the assigned counsel panels have been decimated by the low fee scale, the Committee has advocated legislative changes to raise these rates as well as exploring other models to meet this need.

National Gender Fairness Strategies Conference: In January, 1999, the Committee's Chair and Counsel attended a five-day conference on "Gender Fairness Strategies: Maximizing Our Gains." The Committee's Chair, who was the conference's chair as well, played a major role in planning the event and acted as moderator of the proceedings. The conference was organized by the National Association of Women Judges and the National Judicial Education Program and co-sponsored by the National Judicial College and the ABA Commission on Women in the Profession. Conference participants produced an action plan for continuing the work on gender in the courts that started with the task force reports of the 1980's.

Work With Local Organizations Both the Committee's Chair and Counsel have continued to work with organizations that advance the interests of the women in the courts. During the past year the Chair has written and spoken on behalf of women, particularly victims of domestic violence, on numerous occasion at events organized by the court system, bar associations and public service organizations.

The Committee's Counsel has worked in particular with the Lawyers Committee Against Domestic Violence. Among the Lawyers Committee's principal activities was organizing a two-day conference co-sponsored by the New York State Judicial Committee on Women in the Courts and the Appellate Division, First Department, among others. Entitled "Women, Children and Domestic Violence: Current Tensions and Emerging Issues," the conference drew a wide audience of lawyers from different kinds of practices. The Committee's Counsel assumed primary responsibility for compiling and producing the looseleaf of materials distributed to conference participants. During the first day of the conference the Committee's Chair was presented with a special "In the Trenches Award" for her work on behalf of victims of domestic violence. (*See Appendix E* for a description of the conference.)

## NEW YORK STATE JUDICIAL COMMITTEE ON WOMEN IN THE COURTS

**Hon. Betty Weinberg Ellerin, Chair**  
Hon. Kathryn A. McDonald, Chair Emeritus  
Fern Schair, Vice-Chair

Susan Bender, Esq.  
Patricia K. Bucklin, Esq.  
Alice M. Chapman  
Hon. Joan B. Carey  
Michael Colodner  
Hon. Donald J. Corbett, Jr.  
D. A. James T. Curry  
Hon. Sandra Feuersein  
Hon. Zelda Jonas

Hon. David G. Klim  
Maria Logus  
Hon. S. Michael Nadel  
Hon. Juanita Bing Newton  
Barbara Berger Opotowsky  
Hon. Terry Jane Ruderman  
Peter Ryan  
Adrienne White  
Jill Laurie Goodman, Counsel

**November 1999**

# Attachment A

# **O** **N THE BENCH**

**JUDICIAL RESPONSES TO GENDER BIAS**

**NEW YORK STATE JUDICIAL COMMITTEE ON WOMEN IN THE COURTS**

This pamphlet has been prepared by the New York State Judicial Committee on Women in the Courts, a committee appointed by the Chief Judge of New York to assure equal justice, equal treatment, and equal opportunity. Originally established in 1986 in response to a task force report detailing the effects of gender bias in New York State courts, the Committee primarily addresses concerns of women as litigants, attorneys, and employees within the court system.

“A judge ... is more than a moderator; [a judge] is affirmatively charged with securing a fair trial, and [a judge] must intervene sua sponte to that end, when necessary. It is not always enough that the other side does not protest; often the protest will only serve to emphasize the evil. **Justice does not depend upon legal dialectics so much as upon the atmosphere of the courtroom, and that in the end depends primarily upon the judge.**”

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Hon. Learned Hand

*Brown v. Walter*

62 F.2d 798, 800 (2d Cir. 1933)

**J**udges, no matter how experienced or how great their stores of good will, at some point may find themselves unsure about how to react when confronted with potentially difficult courtroom incidents in which gender is implicated. The fault may lie with the overheated words of attorneys or the unmindful actions of court employees; the answer may be neither obvious nor easily discerned. Yet, as Judge Learned Hand so acutely observed six decades ago, it is the job of judges to respond decisively, set matters straight, and so secure the fairness of the proceedings before them.

In an attempt to assist judges in meeting these challenges, the New York State Judicial Committee on Women in the Courts has prepared this pamphlet. It presents a series of scenarios, all of which have been taken from real life examples of gender bias that have come to the attention of the Committee within the past two years. Some of these scenarios draw on the very words that so recently have given offense. None is ancient history.

The scenarios are followed by suggested responses supplied by New York State trial judges, and, while they are all appropriate responses, they are by no means the only possibilities. They are offered in the hope that exploring these dilemmas away from the heat of courtrooms will help judges to hone the instincts on which they must rely if they are to respond effectively and with authority to difficult situations.

# Scenario One

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During a calendar call, an attorney, who has been negotiating a complicated settlement with an insurance company's lawyer, asks to be heard. She is visibly angry. She tells you that, while discussing the case in the hallway outside the courtroom, her adversary has treated her, she says, "in a degrading and demeaning fashion." Before she has a chance to expound on the incident—and before you have an opportunity to respond in any way—the opposing lawyer interjects, "Your honor, I am sorry if I have offended counsel—or should I say counselette—but, hey, she should know, if you can't stand the heat, you'd better get out of the kitchen."

## RESPONSES SUGGESTED BY SITTING JUDGES

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1. Have the attorneys appear in the robing room. On the record the participants should state what happened. Opposing counsel should be admonished for his comments, made initially, and, if appropriate, for what occurred in the hallway. Counsel should be told that any repeat conduct will result in the transcripts being forwarded to the disciplinary committee.
2. "Counselor, I was not privy to what occurred in the hallway. However, the comment you have just made in my presence is offensive and unprofessional. I am placing you on notice that such comments are not acceptable either in or outside the courtroom."
3. This is a situation calling for an off-the-record "robing room" conference with counsel. First, it is necessary to defuse the obvious acrimony between counsel. In the process, it is important for the Court to point out to counsel that personal attack—based on gender or any other individual qualities—is totally inappropriate and offensive. Second, and practically

speaking, it is important to help counsel clear the air so that settlement may be achieved, and the importance of this practical consequence should also be brought to counsels' attention.

## COMMENTARY

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When a lawyer makes this kind of remark, a judge must respond. While the precise nature of the response will depend on many things, including the stage in the proceedings, the judge's relations with the lawyers or the lawyers' relations with each other, a response—immediate and unequivocal—is essential.

## Scenario Two

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As you are leaving the bench for lunch, an attorney with several cases before you—let's call her Attorney A—approaches you and tells you this story:

Attorney A says that she arrived a few minutes before the clerk's office was open because she had a busy schedule and wanted to be get through filing papers early. Two women joined her and a short line formed. A male attorney—let's call him Attorney B—then arrived and went directly to the front of the line. Attorney A politely told him that there were others there before him and suggested that he take his place in the queue. Attorney B refused. Another attorney, also male, joined Attorney B at the front before the clerk's office was ready to do business. When the clerk arrived, the clerk turned to Attorney B and asked how she could help him. Attorney A said that she had arrived before Attorney B and that she would like to conduct her business so that she could leave. The clerk ignored her and helped not only Attorney B but the second male attorney before attending to Attorney A's papers.

Attorney A says that this is one more example of the gender bias she has experienced in the clerk's office, that she is regularly asked if she is an attorney, and even occasionally called "Hon." She says she is turning to you for help.

You know the clerk fairly well, and you think it is possible that she is an equal opportunity offender, i.e., that she finds ways to offend everyone, men as well as women.

### RESPONSES SUGGESTED BY SITTING JUDGES

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1. I am assuming from the facts in the scenario that the judge has a degree of rapport with Attorney A. I would first attempt to defuse Attorney A's concerns by suggesting that despite appearances this might not be a gender bias incident. In particular, I might suggest to Attorney A that the events had

to do with this particular clerk's approach to the job. However, I do think the scenario indicates that there is a problem that should be addressed. Accordingly, I would take up the issue with the appropriate administrator and suggest that a first come, first served procedure be developed and adhered to. This will eliminate problems in the future.

2. First, approach the Clerk and notify her that you've received some general complaints concerning preferential treatment of some attorneys over other people, without mentioning the specific incident. Suggest a possible solution to help customers in order of arrival to avoid a possible claim of discrimination. If the suggestion is rebuffed, I would advise the attorney to file a complaint against the clerk.
3. Tell Attorney A you would like to have a positive impact on the future behavior of the clerk and ask her permission to speak to the clerk and use this as an example of improper procedures at the clerk's office.

## COMMENTARY

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If a lawyer complains to a judge about the behavior of nonjudicial personnel and the offensive conduct took place outside the courtroom, the judge's role may be limited, but he or she should see that the appropriate person—the chief clerk or the administrative judge, for example—knows about the complaint. Also, the lawyer should receive an assurance that this kind of behavior is a matter of concern both to the judge and the court system. Often the assurance will be implicit in a cordial response to the complaint.

## Scenario Three

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In the midst of insistent but gentle cross-examination in litigation over a automobile collision the defense lawyer addresses the plaintiff (a woman) by her first name although all other witnesses up until now have been addressed by last names and appropriate titles. Cross-examination of the next witness, the physician (also a woman) who treated the plaintiff at the hospital emergency room following the crash, begins with the attorney addressing the witness as Dr. but, when the questioning moves to the physician's professional judgment, the defense attorney again slips into use of the first name.

### RESPONSES SUGGESTED BY SITTING JUDGES

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1. I would call the cross-examining counsel to the bench and instruct him to address all witnesses by their appropriate title. Thereafter, I would allow the cross-examination to continue. If the action was repeated, I would admonish the defense attorney in the presence of the jury.
2. I maintain in my courtroom a list of 10 rules to practice in [my part] that are distributed to all attorneys. Among those rules is the instruction that all parties be addressed by their surnames, including all witnesses, attorneys and clients. In the event that this rule is not followed, I have no compunction about correcting the examiner directly before the jury by saying simply, "Excuse me, Counsel, I believe the witness is Ms. \_\_\_\_\_, Dr. \_\_\_\_\_, etc." I would do this, of course, only after providing a direction privately at the bench regarding the attorney's informality. I also try to refer to court staff, officers, clerks and reporters, as well as jurors, by their surnames, if possible, introducing staff to the jury at the beginning of *voir dire*.

## COMMENTARY

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Although this kind of behavior is almost invariably the product of calculation on the part of an attorney—and it is never acceptable—nonetheless, with a jury present, it is best to give the offending attorney a warning before he or she is reprimanded in open court.

*Fair Speech: Gender Neutral Language in the Courts*, a pamphlet published by the New York State court system, may be a helpful resource when issues of language arise. On the subject of informal versus formal forms of address it says “ Using first names to refer to litigants and witnesses should be avoided not only because the informality is inappropriate to the courtroom setting but also because it is patronizing. The motives for calling someone Maria or Jeanette may be habit on the part of a court official or an attempt by a woman’s own lawyer to put her at ease. However, all litigants, including defendants in criminal cases, deserve a proper form of address, and the dignity conferred by the formal designation may do more to make a witness comfortable than the intimacy implied by the use of a first name.”

## Scenario Four

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During a break in the proceedings, while the jury is deliberating, you hear two court officers telling sexually offensive jokes. They are talking to each other, but nonetheless you hear quite clearly what they are saying.

### RESPONSES SUGGESTED BY SITTING JUDGES

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1. I would confront the court officers. While they are in uniform in the courtroom they represent the court. Offensive jokes demean the court and cause the public to lose confidence in our judicial system. I would have them stop.
2. I would ask them to stop. If the situation occurred again, I would again tell them to stop and follow up with a report to their supervisor, if appropriate.
3. Tell them, "A lot of people find that kind of talk offensive ... including me."

### COMMENTARY

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A response is necessary. If a judge hears conversations of nonjudicial personnel, others may as well. The level of response, of course, will depend on the particulars of the situation, but neglecting to condemn unacceptable behavior creates the risk of appearing to condone it.

# Scenario Five

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During a side bar discussion about setting a date for sentencing, a Legal Aid attorney mentions that she is planning a long weekend with her husband and child. The assistant district attorney says, "I didn't know you were married. With the way you've been handling this case, I thought you were a lesbian."

## RESPONSES SUGGESTED BY SITTING JUDGES

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1. Because the remark was made in front of the Judge, it requires a clear message that remarks about an adversary's sexuality are inappropriate and unprofessional.
2. "Why would you say a stupid thing like that, counselor? Someone once said it is better to keep your mouth shut and seem a fool then to open it and remove all doubt. I suggest you follow that motto."

## COMMENTARY

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An unambiguous response is critical. The offending attorney should know the judge has found this behavior unacceptable. Also, the target of the remarks needs a defense, which she cannot mount herself without making the situation worse.

A tougher response, in the form of a letter to the district attorney, the imposition of sanctions, a citation for contempt, or a referral to a disciplinary committee, also may be necessary depending on the exact circumstances of the attack. Judges might acquaint themselves with these alternatives so that they can use them with confidence when necessary.

# Appendix

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“A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials and others subject to the judge’s direction and control.”

“A judge shall perform judicial duties without bias or prejudice against or in favor of any person. A judge in the performance of judicial duties shall not, by words or conduct, manifest bias or prejudice based upon age, race, creed, color, sex, sexual orientation, religion, national origin, disability, marital status or socioeconomic status, and shall require staff, court officials and others subject to the judge’s direction and control to refrain from such words or conduct.”

“ A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon age, race, creed, color, sex, sexual orientation, religion, national origin, disability, marital status or socioeconomic status, against parties, witnesses, counsel or others.”

Code of Judicial Conduct  
22 NYCRR Part 100.3 (B)

## The New York State Judicial Committee on Women in the Courts

Chair Hon. Betty Weinberg Ellerin

Chair Emeritus Hon. Kathryn A. McDonald

Vice Chair Fern Schair

Members Susan Bender

Patricia Bucklin

Hon. Joan B Carey

Alice M. Chapman

Michael Colodner

Hon. Donald J. Corbett, Jr.

James T. Curry

Hon. Zelda Jonas

Hon. David G. Klim

Hon. S. Michael Nadel

Hon. Juanita Bing Newton

Barbara Berger Opotowsky

Carol Robles-Roman

Peter Ryan

Adrienne White

Counsel Jill Laurie Goodman

March 1999

# Attachment B

# The New York State Judicial Committee on Women in the Courts NEWSLETTER

## ***Maryland Court Sanctions Lawyer For Sexist Tactics at Deposition: Cites to New York Case***

In a recent ruling by a Maryland appellate court citing to a 1992 New York case, sanctions against a lawyer who called an adversary "babe" at a deposition were affirmed. The offending attorney also had said, when his opponent's client left the deposition for a few minutes to get a document, that she was going to meet " '[a]nother boyfriend' in her car."

The Court of Special Appeals of Maryland, in **Mullaney v. Aude**, 730 A.2d 759 (Md. App. 1999), condemned in strong language "the use of gender-based insults as a litigation tactic." The appellate court labeled the behavior a "crass attempt to gain an unfair advantage through the use of demeaning language."

The Court quoted with approval the trial court's statement that "These actions ... have no place in our system of justice .... [T]hey disgrace the entire legal profession and the system of justice that provides a stage for such oppressive actions."

The New York case that played a role in the Maryland court's decision, **Principe v. Assay Partners**, 154 Misc. 2d 702 (NY Co. sup. Ct. 1992), sanctioned an attorney for precisely the same kind of gender-based insults. The Maryland court quoted the New

York judge's statement that, "Seeking sanctions ... is not a display of an inability to overlook obnoxious conduct, but an indication of a commitment to basic concepts of justice and respect for the mores of the profession of law."

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## ***Women's Wages Still Lag Behind Men's Rates of Pay***

Although women participate in the economy at a rate close to that of men and now comprise 46% of the labor force, their pay still lags behind that of their fellow workers who are male.

In 1998, women earned \$456 as full-time wage and salary workers while men earned \$598. **In other words, women earn 76 cents for every dollar men earn.** Many of female wage earners maintain households on their own. Almost a quarter of the families with children under the age of 18 are maintained by women.

For women of color the picture is even more stark. **African-American women earn 67 cents and Latinas 58 cents for each dollar men earn.**

The effects of the low wages earned by women often are devastating to women and their families they support. Nearly a third of all households maintained by women live in poverty.

**Chair: Hon. Betty Weinberg Ellerin; Newsletter Editor: Jill Laurie Goodman**  
25 Beaver Street, Room 878; New York, NY 10004; (212) 428-2794

# Attachment C

*Meeting of*  
*CHAIRS OF LOCAL GENDER BIAS AND GENDER FAIRNESS COMMITTEES with*  
*THE NEW YORK STATE JUDICIAL COMMITTEE ON WOMEN IN THE COURTS*  
*April 28, 1999*

10:30 Welcome: Hon. Betty Weinberg Ellerin

10:35 Greetings: Hon. Jonathan Lippman

*Approaches to Complaints*

10:40 OCA Complaint Handling: Hon. Ann Pfau

11:00 Small Group Discussions on Effective Ways of Handling Complaints

11:45 Plenary Discussion

12:30 Lunch

*Local Committee Activities*

1:30 Reports from Chairs on Local Committees Activities in the Past Year

2:30 Brainstorming

2:55 Concluding Remarks

# Attachment D

Women in the New York State Judiciary  
1999

**September 1999**

Compiled by  
The New York State Judicial Committee  
on Women in the Courts

## %Women in New York State Judiciary 1986, 1998, 1999

	1986	1998	1999
Court of Appeals	14%	29%	29%
Appellate Division	14%	19%	25%
Administrative Judges	5%	35%	41%
Supreme Court	8%	14%	15%
Acting Supreme Court*	16%	34%	31%
Surrogates Court	7%	16%	17%
Court of Claims	10%	12%	14%
County Court (Outside NYC)**	4%	7%	7%
Family Court (Outside NYC)	10%	27%	28%
District Court (Nassau and Suffolk)	7%	27%	33%
City Court (Outside NYC)***	5%	17%	19%
NYC Family	54%	51%	54%
NYC Civil Court	20%	48%	48%
NYC Criminal Court	21%	47%	38%
Housing Court	20%	41%	46%
<b>Totals</b>	<b>11%</b>	<b>23%</b>	<b>24%</b>

\* Judges from other trial level courts who are designated to sit in Supreme Court and Supervising Judges from New York'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 Family and/or Surrogates Court.

\*\*\* City Court Judges, Acting City Court Judges, and Chief Judges of the City Court.

## Women in New York State Judiciary 1999 (July)

Court	Women	Men	Total	% Women
Court of Appeals	2	5	7	29%
Appellate Division	13	40	53	25%
Administrative Judges	9	13	22	41%
Supreme Court	49	281	330	15%
Acting Supreme Court*	40	90	130	31%
Surrogates Court	4	20	24	17%
Court of Claims	8	51	59	14%
County Court (Outside NYC)**	8	114	122	7%
Family Court (Outside NYC)	19	48	67	28%
District Court (Nassau and Suffolk)	14	29	43	33%
City Court (Outside NYC)***	30	131	161	19%
NYC Family	21	18	39	54%
NYC Civil Court	39	43	82	48%
NYC Criminal Court	14	23	37	38%
Housing Court	19	22	41	46%
<b>Totals</b>	<b>289</b>	<b>928</b>	<b>1217</b>	<b>24%</b>

\* Judges from other trial level courts who are designated to sit in Supreme Court and Supervising Judges from New York'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 Family and/or Surrogates Court.

\*\*\* City Court Judges, Acting City Court Judges, and Chief Judges of the City Court.

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**Serving As Elected Supreme Court Justices 1998 and 1999**  
(includes certificated justices)

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	1998	1999
Third Judicial District	18%	12%
Fourth Judicial District	0%	0%
Fifth Judicial District	0%	0%
Sixth Judicial District	0%	0%
Seventh Judicial District	16%	15%
Eighth Judicial District	23%	21%
Ninth Judicial District	11%	10%
Tenth Judicial District	7%	10%
<b>Subtotal Outside NYC</b>	<b>11%</b>	<b>10%</b>
First Judicial District	43%	45%
Second Judicial District	17%	18%
Eleventh Judicial District	13%	14%
Twelfth Judicial District	15%	14%
<b>Subtotal for NYC</b>	<b>21%</b>	<b>22%</b>
<b>Totals for New York State</b>	<b>16%</b>	<b>16%</b>

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**Serving As Elected Supreme Court Justices 1999**  
(August) (includes certificated justices)

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	Women	Men	Total	Percent Women
Third Judicial District	2	15	17	12%
Fourth Judicial District	0	15	15	0%
Fifth Judicial District	0	18	18	0%
Sixth Judicial District	0	11	11	0%
Seventh Judicial District	3	17	20	15%
Eighth Judicial District	7	26	33	21%
Ninth Judicial District	3	26	29	10%
Tenth Judicial District	6	57	63	10%
<b>Subtotal Outside NYC</b>	<b>21</b>	<b>185</b>	<b>206</b>	<b>10%</b>
First Judicial District	19	23	42	45%
Second Judicial District	13	59	72	18%
Eleventh Judicial District	7	43	50	14%
Twelfth Judicial District	4	24	28	14%
<b>Subtotal for NYC</b>	<b>43</b>	<b>149</b>	<b>192</b>	<b>22%</b>
<b>Totals for New York State</b>	<b>64</b>	<b>334</b>	<b>398</b>	<b>16%</b>

# Attachment E

Name \_\_\_\_\_  
 Organization \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Please register me for the following:

- Day 1: Mon., April 26 - \$25.00 CLE Credit Hours includes: Ethics 1 Skills 3 Professional Practice 2
- Day 2: Tues., April 27 - \$25.00 CLE Credit Hours includes: Ethics 1 Skills 2 Professional Practice 3
- Day 1 & 2: Mon. & Tues., April 26 & 27 - \$40.00 CLE Credit Hours includes: Ethics 2 Skills 5 Professional Practice 5

Please make checks payable to Fordham University School of Law, and return with this registration form to: David Quiles, Office of Academic Programs, Fordham University School of Law, 140 West 62<sup>nd</sup> Street, New York, New York 10023. Registration includes all listed events, conference publication, breakfast and lunch. For more information, call David Quiles at 212-636-6944.

Space is limited. Please return this form by April 21, 1999 to ensure registration.

# Women, Children AND Domestic Violence

## CURRENT TENSIONS and EMERGING ISSUES

### A CONTINUING LEGAL EDUCATION COURSE

April 26th and 27th, 1999  
 Fordham University School of Law

Sponsored by

- Appellate Division, First Dept., Hon. Betty Weinberg Ellerin, Presiding Justice
  - Fordham University School of Law: Battered Womens' Rights Clinic and Domestic Violence Advocacy Center
  - Lawyers Committee Against Domestic Violence
  - New York State Judicial Committee on Women in the Courts
- Sponsoring Organizations*
- Domestic Violence Report
  - The Legal Aid Society
  - Legal Services for New York City
  - Network for Women's Services
  - New York Legal Assistance Group
  - NOW Legal Defense and Education Fund
  - Sanctuary for Families Center for Battered Women's Legal Services
  - Victim Services

FIRST CLASS MAIL  
 U.S. POSTAGE  
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 GARWOOD, NJ

Continuing Legal Education  
 Fordham University School of Law  
 140 West 62nd Street  
 New York, New York, 10023

# WOMEN, CHILDREN AND DOMESTIC VIOLENCE: CURRENT TENSIONS AND EMERGING ISSUES

## DAY 1 (APRIL 26):

- 8:30 REGISTRATION AND COFFEE
- 9:15 WELCOME FROM FORDHAM UNIVERSITY SCHOOL OF LAW  
**Helen Herman, Director of Academic Programs**
- 9:30 KEYNOTE ADDRESS  
**Hon. Roger L. Green, Assembly Member, Chair of the Standing Committee on Children and Families**
- 10:00 WHEN ARE BATTERED WOMEN NEGLIGENT MOTHERS?  
**Moderator - Marlene Halpern, Supervising Attorney, Community Law Office, The Legal Aid Society, Monica Drinane, Attorney-in-Charge, Juvenile Rights Division, The Legal Aid Society**  
**Hon. Lee Elkins, Brooklyn Family Court**  
**Beth Harrow, Coordinator of the Family Law Unit, Brooklyn Legal Services Corp. A**  
**Leah A. Hill, Assistant Clinical Professor, Battered Women's Rights Clinic, Fordham University School of Law**  
**Gatherine Hodas, Social Work Supervisor, Park Slope Safe Homes**  
**Charles Hollander, Deputy General Counsel, Administration for Children's Services**  
**Susan Urban, Domestic Violence Coordinator and Director of Interagency Affairs, Administration for Children's Services**
- 1:00 LUNCH
- 2:15 PAVED WITH GOOD INTENTIONS: MANDATORY ARREST AND DECREASING THE THRESHOLD FOR ASSAULT  
**Moderator - Doreen Leithold, Director, Sanctuary for Families Center for Battered Women's Legal Services**  
**Hon. Laura Drager, Acting Supreme Court Justice, New York County**  
**Mary Haviland, Co-Director, Family Violence Project, Urban Justice Center**

- 8:30 REGISTRATION AND COFFEE
- 9:15 WELCOME FROM FORDHAM UNIVERSITY SCHOOL OF LAW  
**Leah A. Hill, Assistant Clinical Professor, Battered Women's Rights Clinic, Fordham University School of Law**
- 4:45 IN THE TRENCHES AWARDS: FIRST ANNUAL PRESENTATION TO AN OUTSTANDING JUDGE AND EXCEPTIONAL ADVOCATE  
**Hon. Betty Weinberg Ellerin, Presiding Justice, Appellate Division, First Department**  
**Maria L. Imperial, Executive Director, The Association of the Bar of the City of New York Fund, Inc.**
- 5:30 JUDGES PANEL: HOW EFFECTIVELY DO THE COURTS AND ADVOCATES ADDRESS THE SAFETY OF WOMEN AND CHILDREN?  
**Moderator - Hon. Michael Nadel, Court of Claims, and Chair, Domestic Violence Task Force of the Association of the Bar of the City of New York**  
**Hon. Judith Gische, Bronx Supreme Court**  
**Hon. Joseph Lauria, Brooklyn Family Court**  
**Hon. Esther Morganstern, Brooklyn Supreme Court**  
**Hon. William Rigger, Brooklyn Supreme Court**  
**Hon. Gayle Roberts, Bronx Family Court**
- 6:45 - 8:00 Reception for Judges and all Conference Participants
- ## DAY 2 (APRIL 27):

- 9:30 KEYNOTE ADDRESS  
**Hon. Ronnie Eldridge, City Council Member**
- 10:00 TRENDS AND TACTICS ON THE FEDERAL FRONT  
**Moderator - Andrea Williams, Staff Attorney, NOW Legal Defense and Education Fund**  
**Juley Fulcher, Public Policy Director, National Coalition Against Domestic Violence**  
**Leslye Orloff, Director, National Policy Project, AYUDA**  
**Joan Zorza, Editor, Domestic Violence Report**
- 1:00 LUNCH
- 2:15 THE ROLE OF ADVOCATES, GUARDIANS AND VISITATION CASES  
**Moderator - Hon. Jacqueline W. Silbermann, NYS Administrative Judge for Marital/Matrimonial Matters**  
**Mary Elizabeth Bartholomew, Staff Attorney, Sanctuary for Families Center for Battered Women's Legal Services**  
**Katherine Law, Director of the Law Guardian Program, Appellate Division, First Department**  
**Betty Levinson, Levinson & Kaplan**  
**Evan Stark, Associate Professor**  
**Graduate Department of Administration and School of Social Work, Rutgers University (Newark)**  
**Harrict Weinberger, Director of the Law Guardian Program, Appellate Division, Second Department**

This two-day program has been approved in accordance with the requirements of the New York State Continuing Legal Education Board for a maximum of 12 credit hours, of which 2 credit hours can be applied toward the Ethics requirement, 5 credit hours can be applied toward the Skills requirement, and 5 credit hours can be applied toward the Professional Practice requirement.