



*The Women's Bar Association
of the State of New York*

presents

*Convention 2023
Continuing Legal Education Series*

**Bias and Discrimination in the
New York Courts:
Formulating a Solution**

June 3, 2023
10:30 am - 11:30 am

Presenter: Hon. Edwina Richardson-Mendelson

BIAS & DISCRIMINATION IN THE NEW YORK COURTS: FORMULATING A SOLUTION

WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK 2023 CONVENTION

HON. EDWINA G. RICHARDSON-MENDELSON
DEPUTY CHIEF ADMINISTRATIVE JUDGE FOR JUSTICE INITIATIVES

ACCESS^{TO} JUSTICE



OFFICE FOR JUSTICE INITIATIVES (OJI)

Mission: To ensure meaningful access to justice for those passing through the doors of every New York State Court regardless of income, background or ability.

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ACCESS TO JUSTICE



JUDICIARY CIVIL LEGAL SERVICES



CHILD WELFARE AND FAMILY JUSTICE



YOUTH AND EMERGING ADULT JUSTICE



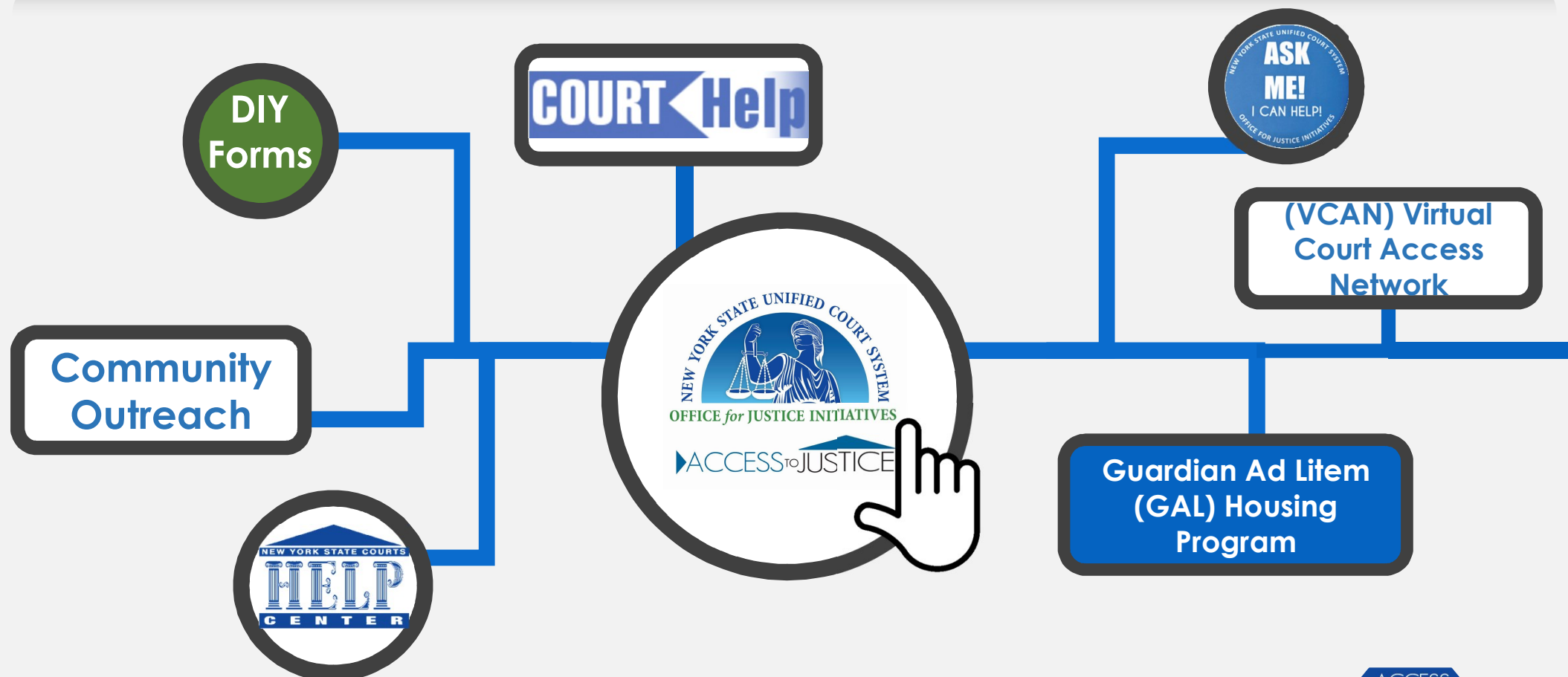
POLICY AND PLANNING

DIVISION OF ACCESS TO JUSTICE

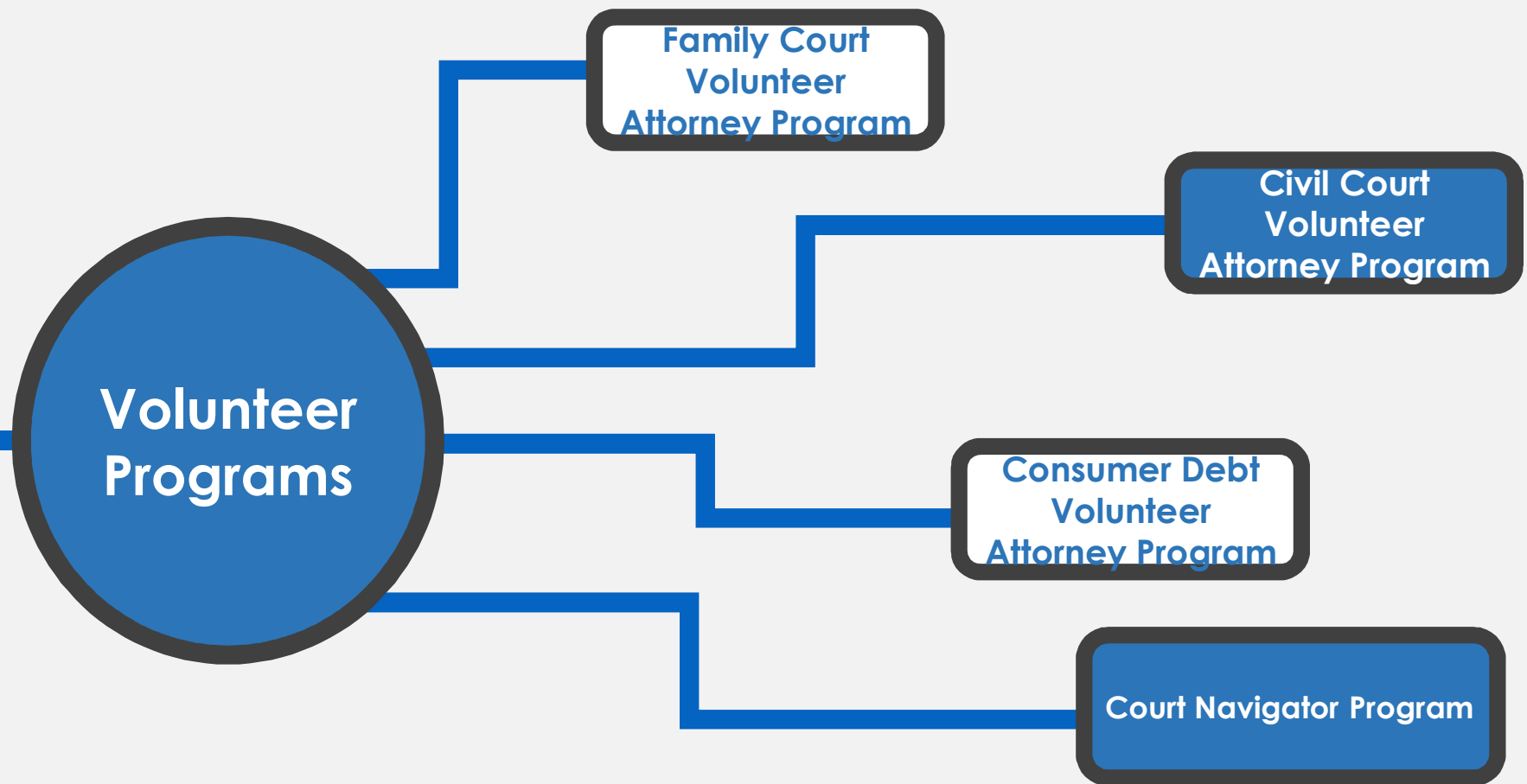


The Access to Justice Division's mission is to provide access to justice in all NY State Courts for people of all backgrounds, incomes, and abilities. This is accomplished through pro bono programs, self-help services, technological tools and by securing stable and adequate non-profit and government funding for civil and criminal legal services programs.

DIVISION OF ACCESS TO JUSTICE



DIVISION OF ACCESS TO JUSTICE



VIRTUAL COURT ACCESS NETWORK (VCAN)



To enhance access to justice and bridge the digital divide, the Office for Justice Initiatives is overseeing the expansion of Virtual Court Access Networks (VCAN) locations that provide the public with a safe and private location within their community to access court services and resources. Community locations include public libraries, community centers and houses of worship.

Expansion is possible through partnerships with the Statewide Rural Justice Task Force Working Group, OCA's Division of Technology, the Center for Justice Innovation (CJI), the Permanent Commission on Access to Justice, various legal service provider organizations and grant funding secured by the Child Welfare Court Improvement Project (CWCIP) to enhance virtual access to Family Courts. Approximately 20 sites outside of New York City have been identified in the 3rd, 5th and 9th Judicial Districts.



JUDICIARY CIVIL LEGAL SERVICES



- Judiciary Civil Legal Services (JCLS) funding is authorized by our Chief Judge and approved by the Governor and Legislature
- OJI has programmatic oversight over the Judicial Civil Legal Services program that enables more New Yorkers to meet their legal needs, resulting in better outcomes in the essentials of life for themselves, their families and their communities, such as:
 - Housing
 - Family matters
 - Access to healthcare and education
 - Subsistence income
- JCLS public hearings on the civil legal needs of New Yorkers are held by the Chief Judge each year



JUDICIARY CIVIL LEGAL SERVICES



2022 Grants

5-Year Period Beginning January 1, 2022

\$96 MILLION

- 82 Contracts
- 81 Civil Legal Services Providers, located throughout the State

\$17 MILLION

- New York State Interest on Lawyer Account (IOLA) Fund



DIVISION OF CHILD WELFARE AND FAMILY JUSTICE



CHILD WELFARE COURT IMPROVEMENT PROJECT



- Federally funded OJI initiative
- Collaboration with state and local child welfare stakeholders including people with lived experience for systems change
- Mission: To promote safety, family stability, and well-being of abused and neglected children.

DIVISION OF CHILD WELFARE AND FAMILY JUSTICE



CHILD WELFARE COURT IMPROVEMENT PROJECT

Child Welfare Agency Collaborations

- 25 Local Child Welfare Court Improvement Project Working Groups
- NYC Adoption Finalization Project

Hearing Quality

- Child Permanency Mediation
- Better for Families
- Reasonable Efforts Judicial Academy

Quality Legal Representation

- Fall 2022 Summit: The Road to Quality Legal Representation in New York

Trauma Informed Care Practices for Family Courts

- Trauma Informed Care Practices
- Solution Focused Language
- Professionals Engage in Self-Care
- Organizational Wellness

DIVISION OF CHILD WELFARE AND FAMILY JUSTICE



CWCIP TRAINING AND TECHNICAL ASSISTANCE

- Family Preservation and Reunification
- Family First Prevention Services Act
- Trauma Informed Care and Solution Focused Strategies
- Permanency Mediation
- Indian Child Welfare Act Practices
- Adoption and Kinship Guardianship Practices





YOUTH AND EMERGING ADULT JUSTICE

RAISE THE AGE LEGISLATION

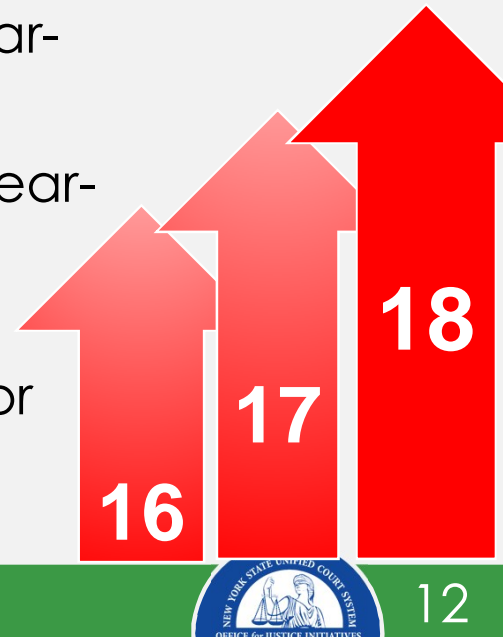
April 10, 2017 – Legislation is signed Raising the Age of both juvenile and criminal responsibility from:

16 to 17 in 2018, and
17 to 18 in 2019.

Phase 1: October 1, 2018: RTA law took effect for 16-year-olds.

Phase 2: October 1, 2019: RTA law takes effect for 17-year-olds.

Youth's age on date of the incident/crime determines designation as Juvenile Delinquent, Juvenile Offender or Adolescent Offender.





YOUTH AND EMERGING ADULT JUSTICE

SOCIAL SCIENCE IN JUVENILE JUSTICE

Brain Science shows that adolescents lack sound judgment and engage in risky behavior without consideration of consequences because their brains are still developing.

The Supreme Court has firmly established that the criminal justice system may not treat youth under the age of eighteen who commit crimes in the same manner as they treat adults.

- Adolescents are uniquely ripe for intervention and rehabilitation.
- Young people who are prosecuted in the juvenile justice system have lower rates of recidivism.



YOUTH AND EMERGING ADULT JUSTICE

EMERGING ADULT JUSTICE

While most states set the age of criminal responsibility at 18 years old, research shows the brain does not finish fully maturing until about the mid-20s. In New York, emerging adults make up 10% of the population, but 24% of arrests.

New pilot courts in Manhattan, Brooklyn, Queens, New Rochelle and Mount Vernon are specifically designed to address the 18 – 25 years old Emerging Adult population.

The Office for Justice Initiatives is committed to support these critical access to justice efforts in criminal justice.

DIVISION OF POLICY AND PLANNING



DIVISION OF POLICY AND PLANNING



PROBLEM-SOLVING AND ACCOUNTABILITY COURTS

Problem-solving courts look to the underlying issues that bring people into the court system, and employ innovative approaches to address those issues, such as judicial monitoring, coordinating with services, and treatment.

The primary goal of **accountability courts** is the protection of others — specific victims of past harm and potential future victims

Opioid Intervention
Adult Drug Treatment
Human Trafficking
Mental Health
Veterans Treatment
Family Treatment
Emerging Adult

Impaired Driving
Domestic Violence
Integrated DV

Active PSC Grants

- Opioid Court Expansion Grant
 - \$5,800,000 to Build Opioid Courts in Rural Communities and Develop an Opioid Court Center of Excellence
- Adult Drug Court Equal Justice Grant
 - \$1,650,000 to Reduce Racial and Ethnic Disparities in all Treatment Courts
- Family Treatment
 - \$1,750,000 to expand FTC Practices into Rural Communities



DIVISION OF POLICY AND PLANNING



ELDER JUSTICE

The Division of Policy & Planning's [Elder Justice Resource Guide](#) is a comprehensive database of elder justice resources.

Our elder Justice Innovation Grant is a \$1,000,000 to Modernize Data Systems, Creating Training Materials for Lay Guardians, and Standardize Guardianship Forms and Templates

FORECLOSURES

The Division of Policy & Planning assists in the management and oversight of the statewide inventory of foreclosure cases.

DPP helps develop policies and procedures to ensure that both lenders and homeowners are treated fairly and to ensure that unrepresented New Yorkers can connect with free civil legal services providers. DPP also provides regular training and education for UCS staff on best practices and case updates.



EQUAL JUSTICE IN THE COURTS

New York State Chief Judge Janet DiFiore:

“The access to justice crisis is, in so many vital respects, a racial and equal justice crisis affecting the legitimacy of our system.”

September 13, 2021

Chief Judge's Hearing on Civil Legal Services
New York State Court of Appeals Albany, NY



➔ EQUAL JUSTICE IN THE COURTS

Mission Statement:

The mission of the Unified Court System (UCS) is to deliver equal justice under the law and to achieve the just, fair and timely resolution of all matters that come before our courts.

In the service of our mission, the UCS is committed to operating with integrity and transparency, and to ensuring that all who enter or serve in our courts are treated with respect, dignity and professionalism. We affirm our responsibility to promote a court system free from any and all forms of bias and discrimination and to promote a judiciary and workforce that reflect the rich diversity of New York State.

➔ EQUAL JUSTICE IN THE COURTS

Call to Action:

The New York State Unified Court System's mission statement calls on each one of us - every Judge and every court employee - to deliver equal justice for all, free of bias and discrimination of any kind.

➡ EQUAL JUSTICE IN THE COURTS



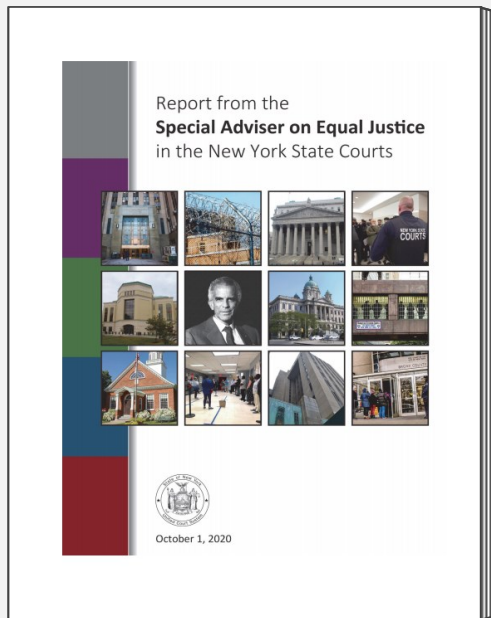
Image provided by Secretary Jeh Johnson and team

➔ EQUAL JUSTICE IN THE COURTS

In June 2020, Chief Judge DiFiore commissioned former U.S. Secretary of Homeland Security Jeh Johnson as Special Adviser on Equal Justice in the Courts to conduct an in-depth review of the courts' policies, practices rules, and programs as they relate to issues of racial and other bias.

Process:

- Reviewed past reports and ongoing work addressing racial bias in New York State Courts
- Examined demographics of the judiciary
- Solicited information and conducted interviews with court staff at all levels and with external practitioners
- Report Released in October 2020, with 13 practical recommendations to combat bias and discrimination in the court system



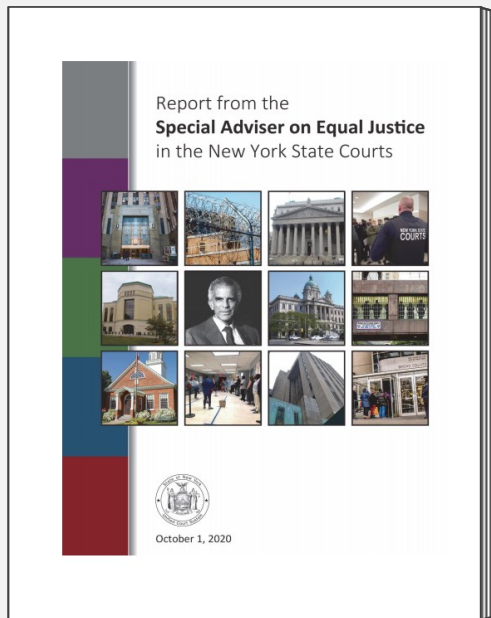
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Implementation:

Deputy Chief Administrative Judge for Justice Initiatives Hon. Edwina G. Mendelson was appointed to lead the court's day-to-day efforts to implement the Special Adviser's recommendations.

The Implementation Committee is comprised of judicial leaders, court managers, court personnel, consultants and justice system stakeholders, all tasked with developing detailed plans and timelines for implementation.

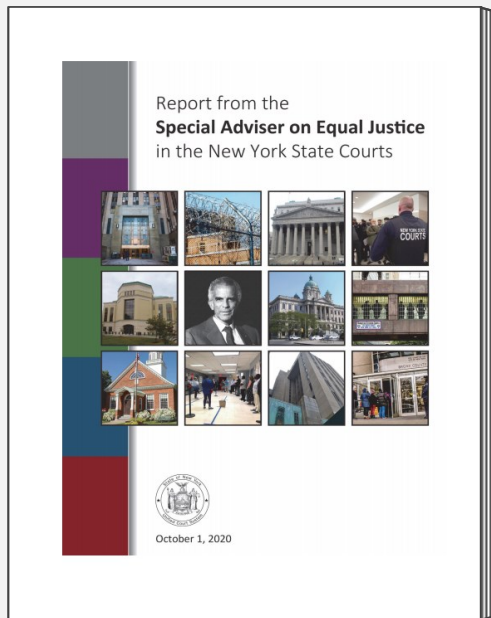


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Implementation Committee:

- Counsel's Office
- Department of Public Safety
- Division of Professional and Court Services
- Division of Technology and Court Research
- Division of Human Resources
- Franklin H. Williams Judicial Commission
- Jury Support Office
- New York State Judicial Institute
- New York State Justice Task Force
- Office of Diversity and Inclusion
- Office for Justice Initiatives
- Office of the Inspector General
- *Perception Institute and Welfare Research, Inc. (Consultants)*



RECOMMENDATIONS

The thirteen recommendations recommended by Secretary Johnson and his team in the Equal Justice Report are as follows:

1. A Commitment from the Top	8. Continue Progress on Translation and Interpretation Services
2. Promote Existing Institutions	9. Improve Data Collection and Stewardship Practices
3. Expand Bias Training	10. Improve Diversity and Inclusion within Human Resources Practices
4. Address Juror Bias	11. Enhance Trust between Court Officers and the Community
5. Adopt a Social Media Policy	12. Facilitate Navigation of Courthouses
6. Strengthen the Inspector General Process for Bias Complaints	13. Ensure Implementation of Change
7. Review of Rules Changes for Bias	Equal Justice Report, pgs. 79 – 100

RECOMMENDATIONS

1. **A Commitment from the Top: Zero Tolerance for Racial Discrimination**

Goals and milestones include:

- Judicial leaders– first to engage in mandatory racial bias education trainings
- Promote diversity in the judiciary and on UCS Advisory Committees
- Engage Office of Justice Support and Town and Village Resource Center
- Local Equal Justice Champions established to promote system improvement
- Promote community outreach and engagement
- Annual Report to include Diversity & Inclusion, and EJIC updates

RECOMMENDATIONS

2. **Promote Existing Institutions**

Specific action plans developed to support the long-standing entities tasked with addressing issues of racial justice in the courts

- Franklin H. Williams Judicial Commission
- Office of Diversity and Inclusion
- Office of the Inspector General

Action plans include a commitment to bolstering resources and supporting these offices in their strategic planning.

RECOMMENDATIONS

3. **Expand Bias Training**

- Subject matter experts engaged to develop comprehensive racial bias, cultural awareness and procedural justice education programs
- Mandatory for all judges and non-judicial staff, including the Town and Village courts
- Enhanced training will be developed for court officers

RECOMMENDATIONS

4. **Address Juror Bias**

In July 2021, UCS launched a juror orientation video, *Jury Service and Fairness*, to specifically address implicit bias. Video and transcript are available at:
<http://www.nyjuror.gov/index.shtml>.

Additionally, UCS has adopted new and amplified civil and criminal pattern jury charges related to juror bias.

RECOMMENDATIONS

5. **Adopt a Social Media Policy**

UCS has adopted an anti-discrimination and anti-harassment policy that incorporates a social media policy. The policy comports with First Amendment considerations and provides clear guidelines regarding prohibited online communications.

The anti-discrimination and anti-harassment policy is available at: <https://nycourts.gov/whatsnew/pdf/UCS-AntiDiscrim-AntiHarass.pdf>.

RECOMMENDATIONS

6. Strengthen the Inspector General Process for Bias Complaints

Goals and milestones include:

- Engage in a robust campaign and communications strategy to identify the role of the IG's Office
- Educate court system staff and court users about procedures to lodge formal and informal bias complaints
- Clarify and enhance the existing “no retaliation” policy
- Develop processes to notify complainants and complaint subjects regarding status and outcome of complaints where appropriate
- Track and annually report on complaints received, investigated and substantiated
- Eva Moy (emoy@nycourts.gov) appointed as Ombudsperson for bias matters

RECOMMENDATIONS

7. **Review of UCS Proposed Rules and Legislation for Disparate Impact**

Counsel's Office – Legislative team, assisted by standing advisory committees to the Chief Administrative Judge and the Franklin H. Williams Judicial Commission, Office of Diversity & Inclusion, and Office for Justice Initiatives, will review the OCA legislative agenda, UCS rules and policies, and other key legislative proposals for bias and disparate impact.

RECOMMENDATIONS

8. **Continue Progress on Translation and Interpretative Services**

UCS will continue the robust implementation of the 2017 NYS Advisory Committee on Language Access strategic plan and will provide quarterly progress updates.

Additionally, uniformed court officers, security personnel and court staff will receive regular training to learn best practices for working with deaf court users and those with limited English proficiency.

RECOMMENDATIONS

9. Improve Data Collection

UCS is enhancing data transparency by:

- Making user-friendly, publicly available reports
- Collecting judicial and non-judicial demographic data
- Improving data entry by staff training and expansion of UCMS
- Collecting data points that capture race, ethnicity, sex and age in various courts and case types

RECOMMENDATIONS

10. Improve Diversity and Inclusion within HR Practices

UCS is increasing transparency in human resources practices, including candidate selection, interview, reclassification, and performance evaluation, by:

- Increasing and promoting diversity initiatives to recruit, maintain and promote diverse applicants for all UCS positions
- Engaging court managers throughout the state to monitor system improvement and to evaluate success
- Enhancing the HR website to clarify, highlight, and explain the application and hiring process

RECOMMENDATIONS

11. Enhancing Trust between Court Officers and Local Communities

- Creating robust community-and-the-courts outreach programs
- Engaging in community listening sessions
- Collaborating with local law enforcement community affairs entities to learn and develop sustainable outreach strategies
- Establishing enhanced training on cultural awareness, tenets of customer service, trauma informed care, and procedural justice for court officers
- Establishing a Community Affairs Officer in each court facility
- Nameplates are now a standard part of officer uniforms

RECOMMENDATIONS

12. Facilitate Navigation of Courthouses

The Office for Justice Initiatives is expanding the Court Navigator Program, where specially trained non-attorney volunteers

- Welcome the public to court buildings
- Offer directional help
- Provide information and written materials,
- Provide general assistance

UCS will also improve directional courthouse signage for courtrooms, Help Centers, interpreters and other critical areas of courthouses.

RECOMMENDATIONS

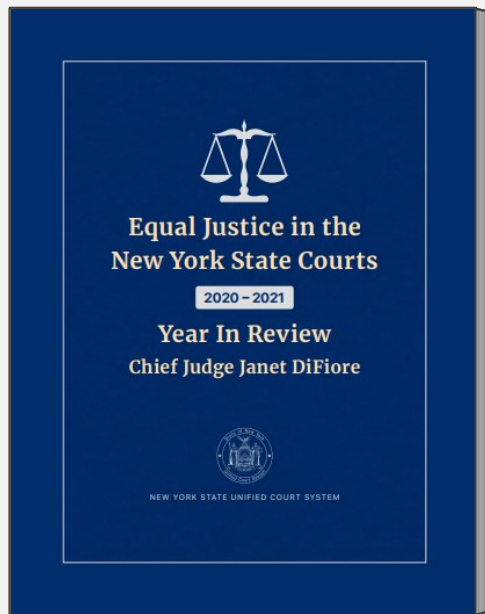
13. Ensure Implementation of Change

Judge Carmen Beauchamp Ciparick has been appointed by Chief Judge DiFiore to serve as the permanent monitor of the Equal Justice in the Courts initiative.

Additional monitors will provide further accountability over our efforts. These monitors may be court connected organizations, such as the Franklin H. Williams Commission, or come from external sources such as court users and the public at large.

➔ YEAR IN REVIEW REPORT - 2022

The Equal Justice in the New York State Courts: Year in Review Report was released on November 17, 2021, detailing the court system's progress implementing recommendations made in the October 2020 Equal Justice Report. The Report is available at: <https://www.nycourts.gov/LegacyPDFS/publications/2021-Equal-Justice-Review.pdf>

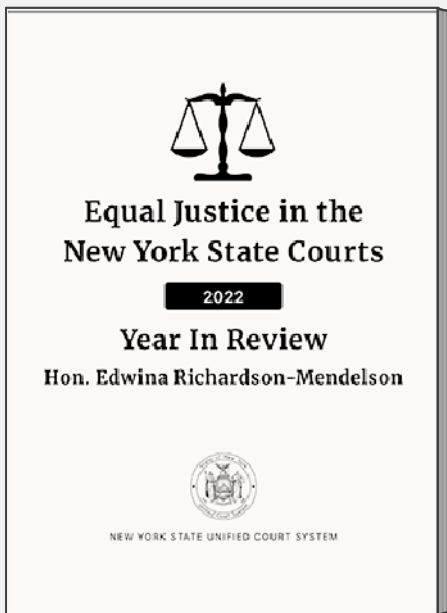


Equal justice reforms described in the Year in Review report include:

- A commitment by the Chief Judge to a zero tolerance policy for racial bias and discrimination,
- Mandatory and comprehensive racial bias training for all judicial and non-judicial court employees,
- An updated social media policy with clear guidelines on what constitutes bias and prohibited conduct,
- Targeted changes in our Human Resources job and promotional interview practices to effectuate a commitment to diversity and inclusion, and
- Creating a new juror orientation video educating jurors on the dangers of implicit bias and helping to ensure fair and neutral decision-making.

➔ YEAR IN REVIEW REPORT - 2023

The second annual Equal Justice in the New York State Courts: Year in Review Report was released on March 8, 2023, detailing the court system's progress implementing recommendations made in the October 2020 Equal Justice Report. The Report is available at: <https://www.nycourts.gov/LegacyPDFS/publications/22-Equal-Justice-Review.pdf>



Equal justice reforms described in the Year in Review report include:

- Mandated comprehensive racial bias training for all judges and nonjudicial staff.
- Expanded resources of the Office of Diversity and Inclusion, the Franklin H. Williams Judicial Commission and the Office of the Inspector General to advance efforts to promote a diverse and bias-free work environment.
- Designated an ombudsperson within the Office of the Inspector General to advise potential claimants of their options and to facilitate the filing of racial bias and discrimination claims. (The designated ombudsperson is Eva Moy, emoy@nycourts.gov)
- Implemented new initiatives to foster trust between members of the public and our court officers.
- Created Equal Justice Committees, comprised of judges and court staff in every Judicial District in the state, engaging with members of the bar and community members, charged with implementing reforms at the local level with the aim of changing our institutional culture.

EQUAL JUSTICE COMMITTEES

At the direction of DCAJ Richardson-Mendelson, Equal Justice Committees have been created in each Judicial District in New York to review existing procedures within their local courts, solicit input and provide feedback from judges, court staff and stakeholders, and generate creative local programs to advance the courts' equal justice initiative within their jurisdictions.

Equal Justice Committees are staffed by judicial and nonjudicial staff, including clerks, court officers, analysts, court attorneys, and more. Some Equal Justice Committees also include representatives from local bar associations, community organizations, and legal service providers. Contact your local Committee to find out how you can get involved.

➔ EQUAL JUSTICE COMMITTEES

Civic Engagement

Second Judicial District (Brooklyn) “Courts and Communities in Conversation” initiative under the leadership of Hon. Joanne Quiñones visited Brooklyn High School for Leadership and Community Service and the inaugural session of the Courts and Communities in Conversation series.

“In a matter of minutes, the grumblings of students balking at having to spend their lunch period listening to ‘those people in suits’ quieted as each speaker discussed their unique career path in the courts and shared personal stories of triumphing over adversity. The speakers were real, raw and vulnerable.

They spoke candidly about their hardships, from overcoming a speech impediment and struggling as a teenage mom to living through gun violence and experiencing homelessness, some revealing truths they had never previously spoke out loud. The speakers stressed the importance of believing in oneself and not giving up.”

(See, “Second Judicial District Equal Justice Committee Recognizes ‘Celebrate Diversity Month,’” Brooklyn Eagle, April 25, 2022)

➔ EQUAL JUSTICE COMMITTEES

Community Outreach

The Fifth Judicial District worked with the New York State Court Officers Academy to ensure that new officers are sensitized to the need for community engagement. In one “community engagement” effort, court officers in the Fifth Judicial District brought children to Walmart for a “Shop with a Cop” experience.



➔ EQUAL JUSTICE COMMITTEES

Fostering an Inclusive Environment

On October 28, 2022, the Sixth JD presented founding members of the Oneonta County NAACP, Lee and Joanne Fisher, with a portrait which is now displayed at the Otsego County Court Annex Building in Cooperstown. The Fishers were honored for their nearly 30 years of service in promoting justice and equal rights. The Hon. Brian D. Burns, Otsego County Supreme Court, noted his "aspiration was that the portrait would inspire future judges to remain dedicated to providing equal justice and send a message to those appearing in court that they would be treated fairly and with respect, without regard to race or gender."



INTERSECTIONALITY

Bias can be based on many types of identifiers, including but not limited to:

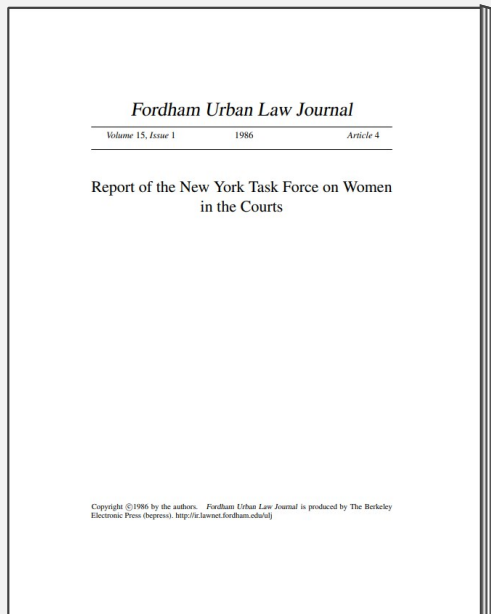
Race	Ancestry
Ethnicity	Disability
Sex	Pregnancy
Sexual Orientation	Age
Gender Identity	Gender Expression
Marital or Parental Status	Parental Status
Religion	Socioeconomic Status
National Origin	Military Service or Veteran Status
Body Size/Weight	And many others...

➔ WOMEN IN THE COURTS

In 1986, the New York Task Force on Women in the Courts, after a twenty-two-month investigation, issued a report on the status and treatment of women appearing, practicing, or employed in the Unified Court System.

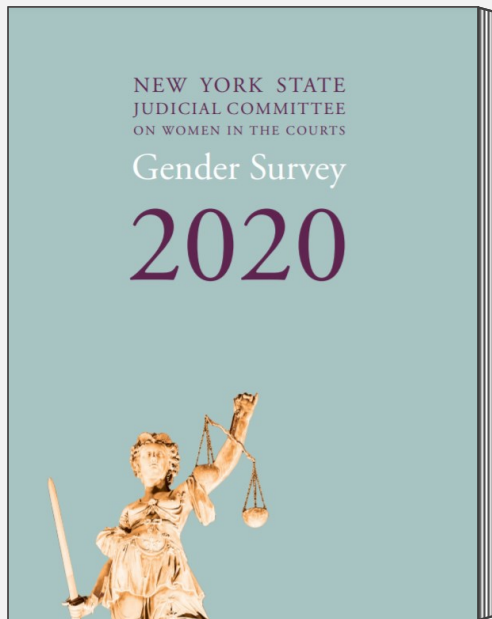
This report found that “gender bias against women litigants, attorneys and court employees is a pervasive problem with grave consequences. Women are often denied equal justice, equal treatment and equal opportunity.”

In response, the New York State Judicial Committee on Women in the Courts was appointed that year to combat gender bias within the New York State court system.



➔ WOMEN IN THE COURTS

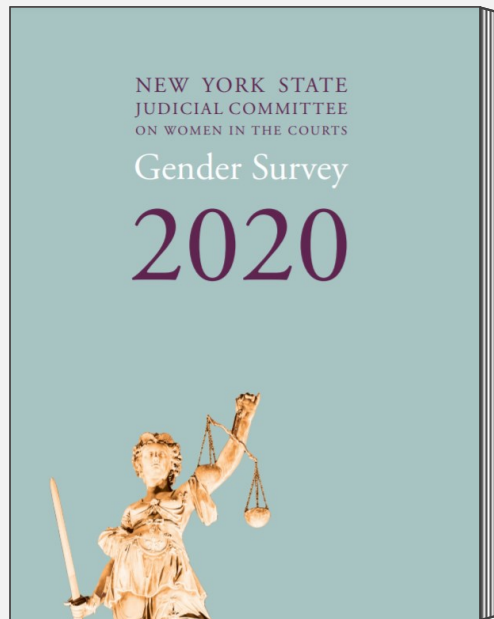
In 2019, 33 years after the 1986 report, the Judicial Committee conducted a survey to review what had changed in the 33 years since the release of the 1986 report. The survey received over 5,000 responses from attorneys registered in New York State.



The results of the survey were compiled and released in 2020. These results revealed that, while the treatment of women in the court system had improved since the original report was released in 1986, there are still significant reports of gender-based bias, discrimination and harassment.

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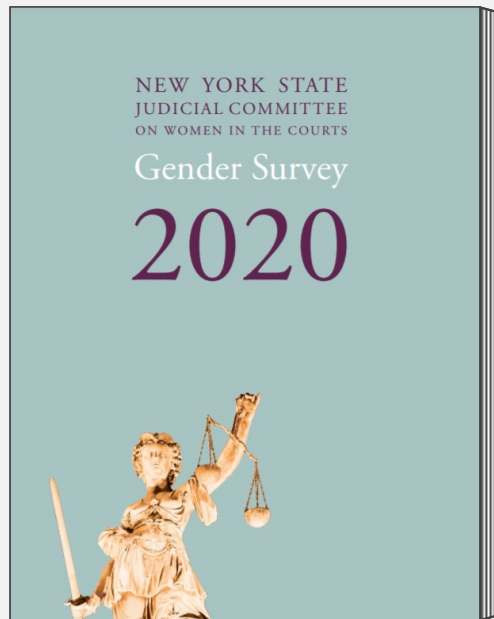


Subject Areas Examined Include:

- Courthouse Environment/Sexual Harassment
- Credibility and Court Interaction
- Domestic Violence
- Domestic Violence and Custody, Support, and Visitation
- Child Support
- Equitable Distribution and Maintenance Guidelines
- Gender-Based Violence
- Appointments and Fee-Generating Positions
- Negligence and Personal Injury
- Court Facilities

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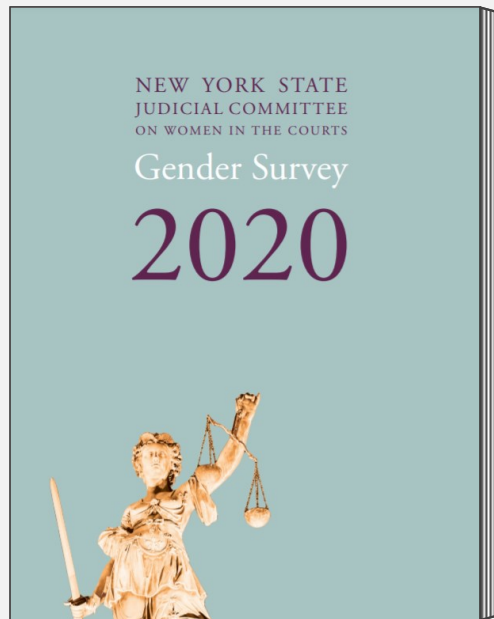


Examples of Areas of Improvement:

- Increase in number of women judges, particularly at the administrative and Appellate Court level
- More women employed in various court positions and levels traditionally occupied by men
- Some improvement in the number of case assignments to women

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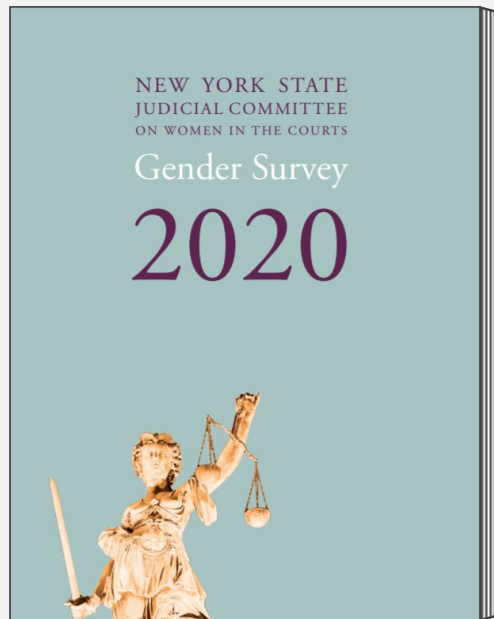


Examples of Areas of Inequity:

- Courthouse environment and sexual harassment data indicates that inappropriate conduct from male lawyers continues
- Credibility and court interaction reflect lingering bias against women participants in court proceedings and the judicial process
- Data and comments collected on sexual harassment indicates an atmosphere of inappropriate behavior experienced by female lawyers, litigants, and witnesses

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Recommendations:

Each set of findings in the 2020 survey is accompanied by recommendations on how to address and improve those subject areas where there still appears to be instances of gender bias and discrimination.

Implementation of these recommendations is part of the Equal Justice in the Courts initiative. The work to combat all forms of bias and discrimination is complex and multilayered, and often these efforts will intersect.

➔ ALREADY IMPLEMENTED REFORMS AS RECOMMENDED IN THE 2020 GENDER SURVEY

- The Committee's strongest and most important recommendations focus on the complaint process
- Substantial improvements have been made, along with time frames for completion and discipline:
 - In court's website and courthouse signage,
 - To alert users to Inspector General's process, and
 - To strengthen the bias complaint process.
- We have also clarified and promoted the existing anonymous complaint, informal complaint and "no retaliation" policies to better assuage concerns about filing complaints
 - Additional communication with complainant during pendency of investigations
 - Training for Supervising and Administrative Judges, Deputy Chief Administrative Judges, District Executives, and Chief Clerks (among others) for handling such matters seriously and through a trauma-informed lens


➔ ALREADY IMPLEMENTED REFORMS AS RECOMMENDED IN THE 2020 GENDER SURVEY

- Unified Court System's Human Trafficking Intervention Courts
 - Committed to ensuring trauma-informed responses to justice-involved victims of sex trafficking
- Incorporate the key principles of problem-solving courts to address the unique needs of this vulnerable population:
 - Specially trained judges
 - Judicial monitoring
 - Linkages to services
- Available in all 5 boroughs of New York City, and throughout New York State, where they operate as “hub” courts with authority to hear cases from surrounding areas


➔ LGBTQ+ INCLUSIVITY

The New York State Unified Court System has issued a two-page bench card describing best practices to guide Judges in using LGBTQ+ inclusive language and pronouns.

The New York State Bar and ABA subsequently voted to approve the use of LGBTQ+ inclusive language in court proceedings nationwide.



The New York State Unified Court System
USING LGBTQ+ INCLUSIVE LANGUAGE AND PRONOUNS
UCS Benchmark and Best Practices for Judges



Judges have an obligation to foster a judicial environment free of bias, prejudice, and harassment.¹ It is "misconduct" to discriminate based on sexual orientation, gender identity, or gender expression.² Where a party or attorney has advised the court that their preferred [chosen] gender pronoun is "they," a judge may not require them to instead use "he" or "she."³

WHAT DOES "LGBTQ+" MEAN?

The term "LGBTQ+" refers to lesbian, gay, bisexual, transgender, and queer or questioning people. LGBTQ+ is a widely used and reasonably inclusive term, including those of non-heterosexual sexual orientations and transgender people. Other shorthand terms used with some frequency include the letters "1" for "intersex," "A" for "asexual" or "ally," "2S" for "two-spirit" (in Native American culture) and possibly others.

GENDER VARIANT/NEUTRAL PRONOUNS

Some persons may have a pronoun choice other than he/him/his/himself, she/her/hers/herself, or they/them/theirs/theirself. The pronoun list that follows is not an exhaustive list:

- sie (or ze, or zie)/hir/hirs/hirself
- e/ni/e/esself
- hi/hem/hes/himself
- nah/nah/nas/naself
- per/per/pers/self
- ze/zim/zee/s'zeeself

"TRANSGENDER" AND PRONOUN USE

"Transgender" is a broad term that includes people who do not identify with their assigned birth sex and may not conform to traditional gender expression. The term "trans"—with or without the asterisk—is commonly used shorthand. There are others who may choose another term such as non-binary, genderqueer, or queer. Judges and court personnel should keep in mind that being transgender, regardless of a person's gender expression, is entirely unrelated to sexual orientation. Transgender individuals, like others, may be attracted to partners of any gender.

A key point: there is no precise measure of when the process of changing one's gender or sex is complete. Surgery of any kind is not a prerequisite to being transgender, but for some it is a necessity. A transgender person may have some surgery, many surgeries, or no surgeries.

The process of confirming gender is sometimes referred to as transition, of which **Gender Confirmation Surgery ("GCS")** may be just a part. GCS, sometimes referred to as bottom surgery, was once called "sex change surgery" a term now disfavored. Transition often includes social and legal components as well.

If unsure of which pronoun to use to refer to a person, **ask the person**—it is not considered rude, indeed, asking is seen by most as a sign of respect. When referring to past events of a transgender person, maintain the individual's chosen pronouns presently in use for the historical narrative. For example, "Defendant lived with her wife until separation."

LANGUAGE IN COURT

courtroom conveys the message of orientation, gender identity or gender expression. It helps in avoiding a courtroom. When judges and court personnel are aware that a party is a judge should consider asking

IMPORTANT TERMS TO KNOW

AFAB/AMAB: Assigned female at birth/Assigned male at birth. Acronyms indicating that the individual's assigned sex at birth was in error.

Gender Confirmation Surgery ("GCS"): sometimes referred to as "bottom surgery," was once called "sex change surgery" a term now disfavored.

Gender expression: the way a person demonstrates their gender through outward manifestations such as clothing, mannerisms, style, etc.; this may not match gender identity.

Gender identity: an individual's perception of their own gender.

Gender non-binary: identifying as neither male nor female.

Gender nonconforming: Not identifying with a recognized gender.

Intersex: A term used to describe natural differences in sexual development/traits that affect approximately 1.7% of the population.

MBT/WBT: man born trans/ woman born trans

DISFAVORED TERMS

FTM (female to male) and MTF (male to female): acronyms indicating that a person has transitioned from one sex to the other.

Transsexual: A person that has transitioned medically from one sex or gender to another (disfavored due to the "change" implication).

TERMS TO AVOID

hermaphrodite, she-male, he-she, tranny, transvestite.

1. 22 NYCRR 100.36(j)(3)-(5)
2. NY RULES OF PROFESSIONAL CONDUCT (r. 6.4(g)) (NY'S BAR ASS'N 2021)
3. NY Advisory Committee on Judicial Ethics, Op. 21-09 (2021).

7/2/2022

Within the LGBTQ+ community there has been a reclamation of some words historically used pejoratively against LGBTQ+ persons. Ex. Some folks use "queer" and "dyke" as positive, respectful terms. Although LGBTQ+ people may use these terms, they are often seen as derogatory when used by others. **Exercise extreme caution with respect to such words.**

7/2/2022

➔ LGBTQ+ INCLUSIVITY

Judges have an obligation to foster a judicial environment free of bias, prejudice, and harassment.

It is "misconduct" to discriminate based on sexual orientation, gender identity, or gender expression.

Where a party or attorney has advised the court that their preferred [chosen] gender pronoun is "they," a judge may not require them to instead use "he" or "she."

BIAS AND ETHICS



ABA MODEL CODE OF JUDICIAL CONDUCT

Canon 2

A judge shall perform the duties of judicial office impartially, competently, and diligently.

Rule 2.3

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

ABA MODEL CODE OF JUDICIAL CONDUCT

Canon 2

A judge shall perform the duties of judicial office impartially, competently, and diligently.

Rule 2.3 (Cont'd)

(C) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.

RULES OF THE CHIEF ADMINISTRATIVE JUDGE

PART 100. JUDICIAL CONDUCT

SECTION 100.3 A judge shall perform the duties of judicial office impartially and diligently

(B) Adjudicative Responsibilities

(4) 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, including but not limited to bias or prejudice based upon age, race, creed, color, sex, sexual orientation, gender identity, gender expression, 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.

RULES OF THE CHIEF ADMINISTRATIVE JUDGE

PART 100. JUDICIAL CONDUCT

SECTION 100.3 A judge shall perform the duties of judicial office impartially and diligently

(B) Adjudicative Responsibilities (Cont'd)

(5) 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, gender identity, gender expression, religion, national origin, disability, marital status or socioeconomic status, against parties, witnesses, counsel or others. This paragraph does not preclude legitimate advocacy when age, race, creed, color, sex, sexual orientation, religion, national origin, disability, marital status or socioeconomic status, or other similar factors are issues in the proceeding

ABA MODEL RULES OF PROFESSIONAL CONDUCT

Rule 8.4: Misconduct

Maintaining the Integrity of the Profession

It is professional misconduct for a lawyer to:

(g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

NEW YORK STATE UNIFIED COURT SYSTEM PART 1200 – RULES OF PROFESSIONAL CONDUCT

Rule 8.4: Misconduct

A lawyer or law firm shall not:

(g) unlawfully discriminate in the practice of law, including in hiring, promoting or otherwise determining conditions of employment on the basis of age, race, creed, color, national origin, sex, disability, marital status or sexual orientation. Where there is a tribunal with jurisdiction to hear a complaint, if timely brought, other than a Departmental Disciplinary Committee, a complaint based on unlawful discrimination shall be brought before such tribunal in the first instance. A certified copy of a determination by such a tribunal, which has become final and enforceable and as to which the right to judicial or appellate review has been exhausted, finding that the lawyer has engaged in an unlawful discriminatory practice shall constitute prima facie evidence of professional misconduct in a disciplinary proceeding.

BIAS HYPOTHETICALS



EXAMPLE VIOLATIONS OF JUDICIAL CONDUCT RULES PROHIBITING BIAS, PREJUDICE AND HARASSMENT

COLORADO

Colorado Code of Judicial Conduct Rule 2.3(B): A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

A judge in Colorado repeatedly used racial slurs in the presence of a Black employee and made insensitive comments to various Black employees and other professionals regarding police brutality, systemic racism and the Black Lives Matter movement.

EXAMPLE VIOLATIONS OF JUDICIAL CONDUCT RULES PROHIBITING BIAS, PREJUDICE AND HARASSMENT

YOU DECIDE: What response do you think is most appropriate?

1. Private admonition/reprimand/censure
2. Public admonition/reprimand/censure
3. Temporary suspension
4. Removal from the bench

EXAMPLE VIOLATIONS OF JUDICIAL CONDUCT RULES PROHIBITING BIAS, PREJUDICE AND HARASSMENT

Option 2 – Public Censure

The judge stipulated with the Colorado Commission on Judicial Discipline that these comments “undermined confidence in the impartiality of the judiciary by expressing... views about criminal justice, police brutality, race and racial bias, specifically while wearing [a] robe in court staff work areas and from the bench” in violation of Rule 2.3. The judge was publicly censured.

As part of the stipulation, the judge also resigned from their judicial position.

Matter of Chase, 485 P.3d 65 (Colo. 2021)

EXAMPLE VIOLATIONS OF JUDICIAL CONDUCT RULES PROHIBITING BIAS, PREJUDICE AND HARASSMENT

KANSAS

Kansas Code of Judicial Conduct Rule 2.3(B): A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

At a hearing, the judge asked a Black man who was a student athlete at a local college if he was a “Kansas boy.” He later asked if he could take a “wild guess” whether the man had a felony record before he received a college scholarship. At another hearing the same day, the judge referred to another Black man as a “Kansas boy.” The same judge also routinely used gender-based slurs to refer to women.

EXAMPLE VIOLATIONS OF JUDICIAL CONDUCT RULES PROHIBITING BIAS, PREJUDICE AND HARASSMENT

YOU DECIDE: What response do you think is most appropriate?

1. Private admonition/reprimand/censure
2. Public admonition/reprimand/censure
3. Temporary suspension
4. Removal from the bench

EXAMPLE VIOLATIONS OF JUDICIAL CONDUCT RULES PROHIBITING BIAS, PREJUDICE AND HARASSMENT

Option 3 – Suspension

At the judicial conduct proceeding, it was ruled that the judge's statements – referring to Black men as “boys” and that something about their appearance suggested they were not from the area or lead to questions of whether they had a prior felony record – violated Rule 2.3 by creating a reasonable perception of racial bias.

The judge was suspended for one year.

Matter of Cullins, 481 P.3d 774 (Kan. 2021)

EXAMPLE VIOLATIONS OF JUDICIAL CONDUCT RULES PROHIBITING BIAS, PREJUDICE AND HARASSMENT

CALIFORNIA

California Code of Judicial Ethics Canon 3B(5): A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, engage in speech, gestures, or other conduct that would reasonably be perceived as (a) bias, prejudice, or harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, gender identity, gender expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, or (b) sexual harassment.

A judge was presiding over a hearing on a petition for a restraining order. The petitioner alleged that her boyfriend had thrown rocks at her, spit on her, and committed other acts of violence against her. During witness testimony at the hearing, the judge remarked:

“I’m concerned about the throwing of the rocks and the spitting. I’ve been doing domestic violence now for 14 years. Usually that is the kind of behavior I see in Middle Eastern clients, but almost -- if I read a declaration where they say, ‘He spit on me, he threw rocks at me,’ almost always it’s a Middle Eastern client. If the declaration says, ‘He drags me around the house by the hair,’ it’s almost always a Hispanic client.”

EXAMPLE VIOLATIONS OF JUDICIAL CONDUCT RULES PROHIBITING BIAS, PREJUDICE AND HARASSMENT

YOU DECIDE: What response do you think is most appropriate?

1. Private admonition/reprimand/censure
2. Public admonition/reprimand/censure
3. Temporary suspension
4. Removal from the bench

EXAMPLE VIOLATIONS OF JUDICIAL CONDUCT RULES PROHIBITING BIAS, PREJUDICE AND HARASSMENT

Option 2 – Public admonition/reprimand/censure

The California Commission on Judicial Performance publicly admonished the judge, stating that these comments “suggest ethnic stereotyping that is inconsistent with the fair, impartial and dispassionate administration of justice; the remarks do not inspire public trust and confidence in the courts.”

Public Admonishment of Judge Nancy Pollard (Jul. 13, 2011)

EXPLICIT AND IMPLICIT BIAS

DEFINED BY PERCEPTION INSTITUTE

EXPLICIT BIAS

- Attitudes and beliefs we have about a person or group on a conscious level
- Often arise as the direct result of a perceived threat
- Makes people more likely to draw group boundaries to distinguish themselves from others
- Expressions of explicit bias are the result of deliberate thought
- Discrimination, prejudice, harassment, hate speech, etc.
- These expressions will be made freely if there are no social norms against them

IMPLICIT BIAS

- Attitudes and beliefs we have about a person or group without our conscious knowledge
- Often predict our behavior more accurately than conscious values
- Not easily subject to direct introspection
- A universal phenomenon, not limited by race, gender, etc.
- We *all* have implicit biases

IMPLICIT BIASES ARE

INCREASED BY:

- Stress
- Time pressure
- Multi-tasking
- Lack of clear criteria for decision-making
- Ambiguous or incomplete information
- Lack of familiarity with group

NOT REDUCED BY:

- Good intentions
- Someone else telling you to reduce your bias
- Suppressing bias
- Avoiding people from other groups
- Thinking you don't have bias

HOW CAN WE INTERRUPT OUR BIASES?

Experts say...

- Listen and observe carefully
- Use clear criteria for decision-making
- Slow down: Engage in mindful, deliberate processing
- Individuate: See the person, not the stereotype
- Develop protocols to keep yourself vigilant and accountable

CONSIDER AND REFLECT ON THE FOLLOWING QUESTIONS

- Have you observed or experienced implicit or unconscious bias in your workplace or in the courts?
- From your vantage point, what are some ways that these biases may have affected your work environment or court proceedings ?
- Do you have any recommendations for bias-related areas that we should focus on?

IF YOU SEE BIAS...

- Biases can be manifested in many ways and in varying degrees
- We all have a responsibility to foster an environment and culture that actively rejects harmful, discriminatory, or racially intolerant behavior
- Targeted interventions can address biased behavior
- More severe instances of bias and discrimination may merit reporting:
 - Office of the Managing Inspector General for Bias Matters
 - Attorney Disciplinary / Grievance Committee
 - New York State Commission on Judicial Conduct

JERRY KANG – IMPLICIT BIAS BENCH CARD FOR JUDGES

WHAT JUDGES CAN DO ABOUT IMPLICIT BIAS EVIDENCE-BASED RECOMMENDATIONS AND PRACTICES

I. DEFLATE (YOUR EGO) AND EMBRACE FALLIBILITY

1. Recognize that **you are fallible**.
2. **Avoid "moral credentialing"** simply because you have studied implicit bias.
3. Don't fret over *external* motivations for political correctness. Instead, **cultivate your internal motivation** to be fair.
4. Continue to **learn more** about all kinds of biases and decision-making errors not because education directly decreases those errors but because deeper awareness will support your internal motivation to improve continuously both individually and institutionally.

II. DEBIAS (WITH SHORT-TERM "SPOT CLEANING" AND LONG-TERM INTERACTIONS)

A. SHORT-TERM TACTICS

5. **Change the built environment** (e.g., photographs, art, posters, statues, books) to include regular, consistent **exposure to admired figures from diverse groups** and countertypical exemplars ("debiasing agents").

B. LONG-TERM TACTICS

6. **Expand social contact** with other, less familiar social groups directly and vicariously. In so doing, always **curate complexity, not caricature**.
7. **Leverage your market power** to nudge others to be mindful of whom they feature as speakers or experts because "we are what we see."

III. DEFEND (AGAINST THE BIAS THAT PERSISTS)

A. CAREFULLY CONSIDER BLINDING, DIMMING, OR TEMPORARY CLOAKING SOCIAL CATEGORY INFORMATION

8. Consider whether **blinding** may improve fairness and not simply pass through prior acts of discrimination by the judicial system and others.
9. Consider **dimming** by decreasing the intensity, salience, or completeness of social category information. For example, **you can keep the race field in documents but remove the photograph**.
10. Consider using the two-stage process of **temporary cloaking** to first **cloak identity and make a tentative decision**, then **uncloak** to check for unintended consequences.

B. GIVE YOURSELF AMPLE TIME, EMOTIONAL CALM, AND MENTAL ENERGY

11. Give yourself **ample time** to improve accuracy in

C. REMIND YOURSELF TO DELIBERATE CAREFULLY

13. **Remind yourself to be careful** instead of jumping to conclusions or relying on intuitions or gut feelings.

D. CABIN DISCRETION BY USING CHECKLISTS AND RUBRICS

14. For important subjective decisions you regularly make, **use a checklist, rubric, or algorithm** to help guide your decision making.
15. If no such checklist or rubric exists, work with your institution to **develop collaboratively** the substantive content of such **decision aids**. In doing so, watch out for algorithms that bake in biases or pass through prior acts of discrimination.

E. GIVE YOURSELF SPECIFIC COUNTERSTEERING INSTRUCTIONS

16. Identify the social categories that might trigger either explicit or implicit bias in any interaction or matter. Consciously **surface such dangers instead of trying to suppress them**.
17. Go beyond a general reminder to take care and **give yourself specific countersteering instructions** about the **specific relevant bias**.
18. **Because implicit bias can influence how we read body language, countersteer** and explicitly **signal respect and warmth to people who are members of an outgroup** or have marginalized status.

F. ENGAGE IN PERSPECTIVE SHIFTING AND CATEGORY SWITCHING

19. Before exercising discretion or making a judgment call against an outgroup member or a target of implicit bias, **briefly put yourself in the shoes of that person**.
20. Also, **try switching categories counterfactually** (for example, from Black to White) and see if your judgment changes.

G. PREFER DIVERSE DECISION-MAKING TEAMS

21. **Assemble diverse** decision-making **teams** so that one member's implicit biases might dampen out another's.

IV. DATA (TO CREATE EARLY WARNING SYSTEMS)

22. **Count your own exercises of discretion**, such as the clerks you've hired or the families you've had over for dinner. See if the data reveal a pattern that concerns you.
23. **Encourage institutional-level counting** of highly discretionary decision making to look for disparities by race and other social categories that cannot be

WHAT JUDGES CAN DO ABOUT IMPLICIT BIAS EVIDENCE-BASED RECOMMENDATIONS AND PRACTICES

WHAT IS IMPLICIT BIAS? An implicit bias is an attitude or stereotype about a social category that is not easily subject to direct introspection. In other words, we cannot easily ascertain our implicit biases simply by asking ourselves for an honest answer.

WHY DO WE CARE? Even if we reject explicit biases, we are likely to have implicit biases. They are pervasive and correlate to a small degree with worse treatment. **Unfortunately, even small cognitive effects** can compound over time and across populations to create large societal impacts.

WHAT CAN WE DO? The four basic strategies are **deflate, debias, defend, and data**. Brief explanations appear on the flip side but here's a visual checklist.



DEFLATE

- ✓ Recognize that you are fallible
- ✓ Avoid moral credentialing
- ✓ Cultivate internal motivation to be fair
- ✓ Keep learning to increase awareness



DEBIAS

- ✓ Change the built environment to display countertypical exemplars
- ✓ Expand social contact and curate complexity not caricature
- ✓ Leverage your market power to feature diversity of talent



DATA

- ✓ Count your own exercise of discretion
- ✓ Encourage institutional level counting
- ✓ Examine all red flags

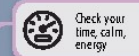


DEFEND



Blind, dim, or temporarily cloak

- ✓ Consider blinding but watch out for "pass through" discrimination
- ✓ Consider dimming the intensity of social categories, by removing e.g., salient photographs
- ✓ Consider temporary cloaking (cloak identity, make tentative decision, then lift cloak to check for unintended consequences)



Check your time, calm, energy

- ✓ Give yourself ample time
- ✓ Return to emotional and mental baseline before making hard decisions



Deliberate carefully

- ✓ Use checklists, rubrics, algorithms
- ✓ Develop decision aids collaboratively



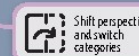
Cabin discretion

- ✓ Surface dangers of implicit bias instead of trying to suppress them
- ✓ **Countersteer against the specific bias**
- ✓ Signal respect and warmth to outgroup members



Countersteer

- ✓ Put yourself in the shoes of the other
- ✓ Switch categories counterfactually and test your judgment



Shift perspectives and switch categories

- ✓ Assemble diverse decision-making teams so that biases counter biases



Assemble diverse decision-making teams

- ✓ Assemble diverse decision-making teams so that biases counter biases



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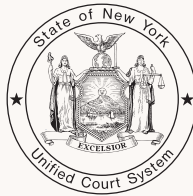


Equal Justice in the New York State Courts

2022

Year In Review

Hon. Edwina Richardson-Mendelson



NEW YORK STATE UNIFIED COURT SYSTEM

**“Make a career of
humanity. Commit
yourself to the noble
struggle for equal rights.
You will make a great
person of yourself, a
greater nation of your
country, and a finer
world to live in.**

Martin Luther King Jr.



The mission of the Unified Court System (UCS) is to deliver equal justice under the law and to achieve the just, fair and timely resolution of all matters that come before our courts.

In the service of our mission, the UCS is committed to operating with integrity and transparency, and to ensuring that all who enter or serve in our courts are treated with respect, dignity and professionalism. We affirm our responsibility to promote a court system free from any and all forms of bias and discrimination and to promote a judiciary and workforce that reflect the rich diversity of New York State.



NEW YORK STATE UNIFIED COURT SYSTEM

Equal Justice In The New York State Courts 2022 Year in Review

Hon. Edwina Richardson-Mendelson

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FOREWORD

HON. ANTHONY CANNATARO



Depictions of Justice, blindfolded and carrying scales, adorn courthouses throughout New York State. This allegorical figure represents a solemn promise that justice will be dispensed fairly and impartially to all in equal measure. Although our courts have long taken this responsibility seriously, Secretary Jeh Johnson's 2020 Special Adviser Report on Equal Justice identified inequities in court operations caused by insufficient resources, shortcomings in the culture of our high-volume courthouses, and a need for our courts to reaffirm their pledge to eliminate every trace of racism and bias from the delivery of justice services.

Over the last two years, I have been proud to witness our judicial and nonjudicial personnel rededicate themselves to delivering equal justice under the law by meticulously addressing the issues highlighted in Secretary Johnson's report. With the invaluable guidance of Honorable Edwina G. Richardson-Mendelson, Deputy Chief Administrative Judge for Justice Initiatives, New York's courts have made significant strides in implementing Secretary Johnson's recommendations. Our efforts have been far-reaching and touch upon every aspect of court system operations. As explained in further detail in this comprehensive Year in Review, we have adjusted and improved our discrimination policies, internal Human Resources procedures, anti-bias trainings, community outreach activities, juror education initiatives, and courtroom practices. Many of these changes have been well received by our personnel and court users. We thank the various stakeholders who have participated in the reform process, including legal services organizations, bar associations, and governmental partners in justice, among many others.

Although much progress has been made, our ongoing mission to ensure the delivery of equal justice has no end date. In the years to come, New York's court administration remains committed to promoting an atmosphere of diversity, inclusion, and respect for both our employees and our court users. I have every confidence that, with continued diligence and hard work, we can realize the promise of dignified and equal justice for all who have occasion to interact with our courts.

A handwritten signature in dark ink, consisting of a stylized 'A' followed by a series of loops and a long horizontal stroke.

Hon. Anthony Cannataro
Acting Chief Judge of the Court of
Appeals and the State of New York

HON. TAMIKO AMAKER



A cornerstone of the Constitution rests upon principles of dignity, equality, and fairness. It is the responsibility of our justice system to ensure that everyone who enters our courts is treated respectfully, fairly, and equally. Equal treatment is imperative, regardless of gender, financial status, religion, age, race, sexual orientation, color, or physical or cognitive impairment. Although our Judiciary has always prioritized equal justice, it became increasingly clear that more needed to be done. Cognizant of the stark reality that meaningful and sustainable changes to our court system were needed for the purpose of addressing racial bias, former United States Secretary of Homeland Security Jeh

Johnson was appointed to conduct a thorough and independent review of the policies and practices as they relate to issues of racism and bias within the New York State Unified Court System. After a comprehensive four-month study of our court system, Secretary Johnson issued the ensuing October 2020 Special Adviser's Report on Equal Justice in the Courts. The October 2020 Report made scores of substantive recommendations for improving the equality of justice delivered by our courts in New York State.

In response, the Unified Court System implemented a multi-layered, multi-year strategic plan to oversee the implementation of these recommendations. As this "Year in Review" Report details more expansively, significant progress has already been made towards transforming our court system into a model of fairness, equity, and inclusion. Notable advancements include: statewide roll-out of a juror orientation video to educate every juror about the dangers of implicit bias and ensure decision-making free of biases or stereotypes; creation and implementation of mandatory comprehensive racial bias training for all judges and nonjudicial staff; establishment of local Equal Justice in the Courts Committees throughout the State; and, implementation of community-based events and programs to enhance the trust between court officers, litigants, and communities of color.

Nothing we do is more important than ridding ourselves of any and all forms of bias and discrimination. I am proud of what we have accomplished in the New York State Judiciary to create a level playing field for all. I am proud to be a part of this court system. Every day our judges and professional staff rededicate themselves to furthering this access to justice, despite the overwhelming scope and size of our court system. But, as this Report demonstrates, our efforts will not stop. Because much work remains to be done and we will continue to innovate and explore ways to improve the delivery of justice, the quality of justice, and the accessibility of justice. I have every confidence that our courts will safeguard fair and equal justice, today and every day, for all New Yorkers.

I am grateful to Deputy Chief Administrative Judge for Justice Initiatives, Hon. Edwina G. Richardson-Mendelson, and everyone working tirelessly to honor Secretary Johnson's recommendations and the Unified Court System's commitment of delivering equal justice under the law. I thank Judge Richardson-Mendelson for her strong leadership of our Equal Justice in the Courts Initiative, and for preparing this Year in Review Report to mark our progress and share the work that has been done.

A handwritten signature in black ink that reads "Tamiko Amaker".

Hon. Tamiko Amaker
Acting Chief Administrative Judge

HON. EDWINA RICHARDSON-MENDELSON



The New York State Unified Court System's mission statement calls on each one of us - every Judge and every court employee - to deliver equal justice for all, free of bias and discrimination of any kind. The October 2020 Special Adviser's Report on Equal Justice in the Courts, by chronicling the institutional and systemic inequities in our court system, revealed how much more we all must do to fully achieve this mission. As Deputy Chief Administrative Judge for Justice Initiatives, I was tasked with implementing the recommendations contained in that Report. It is an honor and a privilege to lead these equal justice endeavors.


Rooting out bias and discrimination and implementing necessary cultural change is a challenging responsibility. There are moments where this work can be daunting and painful, but I am encouraged and sustained by the commitment and dedication which underscores this endeavor. I am fortunate to partner with court-based local Equal Justice in the Courts Committees across the state, all dedicated to our shared mission. While mindful that we have a long way to go, I am heartened by the progress that our teams have achieved. We have developed a new mandatory bias education program for all judges and court staff, including those who serve in Town and Village courts. Our equal justice committees are engaging at the local level to creatively fashion responses and remedies aimed at promoting a more diverse workforce and judiciary and improving the day-to-day experiences of all who enter and serve in our courts. We are collecting data at critical system points to gauge our success. While we have not sufficiently advanced our work to diversify Unified Court System Commissions and Committees, to perform disparate impact analyses on our internal policies and proposed legislation or to assign community affairs officers to every courthouse, we remain committed to moving those goals forward in the coming year.

Promoting equal justice in our courts is among the most significant and personally fulfilling assignments I have had in my many years as an attorney, judge and administrative judge. This is work that requires full participation and unwavering commitment. I lead an Implementation Committee comprised of judicial leaders, court managers, court personnel, expert consultants, and justice system stakeholders, all dedicated to the successful ongoing implementation of the 13 recommendations made in the Special Adviser's Report (Appendix B). I have also met with court system leadership, judicial and bar associations, institutional and legal service providers, fraternal organizations, and other affinity groups and stakeholders to incorporate their feedback and develop workable strategies.

The progress we are making, as detailed in this report, gives me hope and confidence that we are creating a more just, equitable and inclusive court system. Thank you all for all that you do.

A handwritten signature in black ink, reading "Edwina Richardson-Mendelson".

Hon. Edwina Richardson-Mendelson
Deputy Chief Administrative Judge
for Justice Initiatives



**You should take great
comfort that many
in the court system ...
work hard to get it right
and make it better.**

Secretary Jeh Johnson

Special Adviser on Equal Justice in the Courts

LEADING FROM THE TOP: ZERO TOLERANCE

The 2020 Special Adviser's report revealed deep divisions and deeper wounds. It showed a malignant perception of racial bias and unfairness in our court system. Secretary Johnson's commission heard "over and over" again that our court system: is "under-resourced and over-burdened"; has a "dehumanizing effect" on litigants; fosters a "demeaning cattle-call culture"; and that all those flaws add up to "a disparate impact on people of color." It is fair to say it is not what any of us wanted to hear.

Our court leaders fully embraced the eye-opening and deflating report and enthusiastically endorsed the recommendations. In furtherance of that commitment, the court system has, among other achievements:

- Enacted a zero-tolerance policy for racial bias and discrimination.
- Adopted a "Mission Statement for the Unified Court System" that incorporates principles of equity, diversity and inclusion.
- Established a "Social Media Policy" with clear guidelines and boundaries on what constitutes biased and prohibited conduct (see [Appendix A](#)).
- Mandated comprehensive racial bias training for all judges and nonjudicial staff.
- Produced a new juror orientation video ([Jury Service and Fairness](#)) to educate every juror about the dangers of implicit bias and ensure decision-making free of biases or stereotypes.
- Expanded resources of the Office of Diversity and Inclusion, the Franklin H. Williams Judicial Commission and the Office of the Inspector General to advance efforts to promote a diverse and bias-free work environment.
- Designated an ombudsperson within the Office of the Inspector General to advise potential claimants of their options and to facilitate the filing of racial bias and discrimination claims. (The designated ombudsperson is Eva Moy, who may be reached at emoy@nycourts.gov)
- Implemented reforms in our Human Resources and promotional interview practices to effectuate a commitment to diversity and inclusion in our workforce.
- Implemented new initiatives to foster trust between members of the public and our court officers.
- Created Equal Justice Committees, comprised of judges and court staff in every Judicial District in the state, engaging with members of the bar and community members, charged with implementing reforms at the local court level with the aim of changing our institutional culture.
- Implemented new policies and protocols expressly designed for court officers and other uniformed personnel, such as specialized implicit bias training and the requirement of nameplates.

EDUCATING JUDGES AND NON-JUDICIAL STAFF: MANDATORY IMPLICIT BIAS PROGRAMS

The Unified Court System is requiring ongoing training, including Implicit Bias training, as part of its commitment to equal justice in the courts. This will be a continuing series of programs. The first installment – a 40-minute program entitled *Justice and Fairness for All: Dignity and Respect in the New York State Unified Court System* – set the stage. To ensure compliance, employees were required to complete the program by October 28, 2022 and provided with time during the workday to do so. The program clearly had an impact:

- More than 80 percent of those responding to a post-training survey agreed or strongly agreed that the session improved their understanding of implicit bias.
- Nearly all respondents (90.2%) agreed or strongly agreed that anyone can hold implicit bias against or in favor of any group.
- The vast majority of respondents (86.4%) agreed or strongly agreed that wanting to be fair is important, but that goal alone is not enough to overcome implicit bias.
- Nearly all respondents (89.8%) agreed or strongly agreed that in order to address implicit bias, it is important to stop and think before interacting with others.
- More than three-quarters of respondents (77.8%) agreed or strongly agreed that the training gave them strategies to prevent their biases from affecting their actions.
- Almost three-quarters of respondents (73.6%) either agreed or strongly agreed that the training will help them treat people more fairly.



Court employees were required to view an engaging program on implicit bias. Here, Rachel Godsil, co-founder of the Perception Institute and a professor at Rutgers Law, describes the subconscious workings of the brain.



PERCEPTION INSTITUTE
Research. Representation. Reality. Perception.org

EXPLICIT AND IMPLICIT BIAS
Defined by Perception Institute

EXPLICIT BIAS

- Attitudes and beliefs we have about a person or group on a conscious level
- Often arise as the direct result of a perceived threat
 - » Makes people more likely to draw group boundaries to distinguish themselves from others
- Expressions of explicit bias are the result of deliberate thought
 - » Discrimination, prejudice, harassment, hate speech, etc.
 - » These expressions will be made freely if there are no social norms against them

IMPLICIT BIAS

- Attitudes and beliefs we have about a person or group without our conscious knowledge
- Often predict our behavior more accurately than conscious values
 - » Not easily subject to direct introspection
- A universal phenomenon, not limited by race, gender, etc.
 - » We all have implicit biases

MEDIATORS AND ARBITRATORS

Under the Unified Court System’s Presumptive Alternative Dispute Resolution program, professional “neutrals” are resolving far more matters. It is essential to the success of the presumptive ADR program as well as the broader mission of equal justice for neutrals to be well-trained and highly sensitive to potential and actual inequities. For that reason, effective Jan. 1, 2023, all Alternative Dispute Resolution neutrals were required pursuant to administrative order to complete two hours of anti-bias training every other year. The objective is to:

- Increase awareness of bias and its impact.
- Provide ADR neutrals with the tools to help manage their biases.
- Reduce and/or mitigate the prospect that bias will affect outcomes.
- Promote inclusivity and cultural awareness in alternative dispute resolution services.

JURY ORIENTATION VIDEO

“The Implicit Bias video was not [a] formality. This messaging is critical to the process and was presented in an extremely intuitive, descriptive, thought-provoking manner. Stimulating for any level of intellectual thought – and simplistic enough that I took notes to bring home to my children.”

Unsolicited letter from a juror to the Erie County Commissioner of Jurors

The New York State Court System, in partnership with the Perception Institute, created a video to instruct jurors, at the very start of their service, on implicit bias — bias that is unconscious and automatic. Titled “Jury Service and Fairness,” the video describes what implicit bias is, explains why the way our brains work can lead to bias, and discusses strategies that jurors can employ to help ensure they are making decisions without relying on underlying biases or stereotypes. Since its release in July 2021, the video has been viewed by well over 407,000 jurors and prospective jurors.

Additionally, during Jury Week 2022 (week of Nov. 14), the office of Statewide Jury Coordinator Jessica Simard sponsored a weeklong social media campaign to stress the importance of serving. Each day of the workweek featured a different message — including a posting of the QR barcode empowering citizens to volunteer for jury service – published on UCS social media properties such as Facebook and Twitter.

Our efforts to engage jurors, to welcome them and to show them their service is vital and appreciated has resulted in many gratifying letters.



OFFICE OF DIVERSITY AND INCLUSION: ENSURING EQUITY AND DIVERSITY

The Office of Diversity and Inclusion (ODI) led by Director Tony Walters, provides resources to judicial and non-judicial personnel on diversity-related matters and identifies and develops practical mechanisms through which the court system attempts to ensure a diverse workforce and bias-free work environment. In pursuing its objective of ensuring an atmosphere where all people feel comfortable, valued and productive, ODI regularly works with other UCS offices and commissions such as the Franklin H. Williams Judicial Commission, the Richard C. Failla LGBTQ Commission, the Inspector General's Bias Unit and the New York State Judicial Committee on Women in the Courts.

During 2022, ODI continued its efforts in many areas, including:

- Hosting the UCS' Second Diversity Summit, an annual forum to educate and inform court employees on topics of diversity, equity and inclusion. Nearly 800 judges and nonjudicial staff attended the virtual program held in April. The theme for the 2022 Summit – “Words Matter: Language as a Tool to Break Down Barriers and Build Bridges” – explored the power of words, how the words we use affect how we act, and how others react. The summit featured a dynamic keynote address by Dr. Tyrone Holmes, an esteemed educator, consultant and author, who provided practical tips for navigating “uncomfortable conversations” and shared real-life experiences for how, despite our differences, we can connect with others in a positive way. Following the keynote address, there were three additional, interactive presentations that focused on Inclusive Language for Disabilities, Equal Justice through Language Access and Cultural Humility and LGBTQ Identity and Pronouns.
- Sponsoring cultural theme-month programming to enhance awareness of and respect for the traditions of all. 2022 programs included celebrations of Black History; Women's History; Asian American and Pacific Islander Heritage; LGBTQ Pride; Hispanic Heritage; Disability Employment Awareness; and Native American Heritage Month.
- Providing training programs for court personnel, including presentations to new recruits at the Court Officers Academy, during new employee orientation, at association meetings for Court Clerks, and Professional Development seminars.
- Expanding ODI's monthly series of “Diversity Dialogue” podcast interviews in which employees of various backgrounds discuss their path, their career and the importance of maintaining an inclusive workforce.
- Publishing a UCS-wide newsletter, *Mosaic*, that is produced three-times per year. Mosaic is widely disseminated as a tool for building understanding and appreciation of the need for diversity within the court system, while highlighting progress and benchmarks in these areas.
- Partnering with Equal Justice in the Courts committees in judicial districts around NYS on diversity-related initiatives and community-based events.
- Collaborating with the National Center for State Courts as part of a newly formed consortium of diversity, equity and inclusion professionals from state courts throughout the country.
- Networking with leaders of fraternal and affinity organizations through monthly updates. In December 2022, a meeting of the “Employee Resource Groups” provided a post-pandemic opportunity to reconnect and exchange updates among the various groups to foster a diverse, inclusive and supportive workplace for all court employees. Capt. Vincent Sinclair presented on the Court Officers Academy Community Outreach and Engagement Initiative.

The UCS Office of Diversity and Inclusion
Cervantes Society and Latino Court Officers Society Invite you to celebrate

HISPANIC HERITAGE MONTH



Inklusivity
FOR A STRONGER NATION

THURSDAY, SEPTEMBER 15, 2022 AT 12:30PM

Panel discussion featuring Justices from the Appellate Division, 1st Dept.

HON. ROLANDO T. ACOSTA, PRESIDING JUSTICE

HON. SALLIE MANZANET-DANIELS

HON. LIZBETH GONZÁLEZ

HON. MANUEL J. MENDEZ

HON. JULIO RODRIGUEZ

MODERATOR

HON. JOANNE D. QUINONES, KINGS COUNTY SUPREME COURT

Click here to register by September 12

A link to the Teams program will be sent to confirmed attendees on September 14



Hosted By
THE OFFICE OF DIVERSITY & INCLUSION

THURSDAY, MAY 13 AT 1:00PM ON TEAMS

**PATHWAYS TO INCLUSION:
PUBLIC SERVICE & LEADERSHIP IN THE COURT SYSTEM**

PANEL DISCUSSION TO FEATURE

Henry Chen

Lieutenant, New York County Civil Court

Melissa DeJesus

Principal Court Attorney to Hon. Shahabuddeen Ally, Supervising Judge, New York County Civil Court

Kris Singh

Principal Court Attorney to Hon. Vito C. Caruso, Deputy Chief Administrative Judge, Courts Outside NYC

Helen Zhu

Network Systems Technician III, Queens County Supreme Court

Hon. Lillian Wan, Moderator

J.S.C., Kings County Supreme Court

RSVP BY MAY 11

Click on this link to register: [AAPL Lunch & Learn Registration](#)

Questions? Email: diversity@nycourts.gov



Join the UCS Office of Diversity and Inclusion
in partnership with the Franklin H. Williams Judicial Commission as we celebrate

Native American Heritage Month

WHO ARE THE HAUDENOSAUNEE?

A discussion on the heritage, culture, and
experiences of local Indigenous peoples

Wednesday, November 16 at 12:30PM

Virtual Program (on Teams)

Presentation by the Buffalo Public Schools Native American Resource Program

Charity Hill, Matilda Martin, and Abbi Tallchief

with

Hon. Mark Montour, Associate Justice of the Appellate Division, Fourth Department,
and enrolled member of the St. Regis Mohawk Indian Nation

Please [click here to register](#) by November 10

The Teams link will be sent to confirmed attendees on November 15

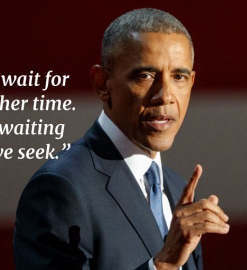


Mosaic

New York State Unified Court System
OFFICE OF DIVERSITY AND INCLUSION
Newsletter • October 2022 • Issue 4

*"Change will not come if we wait for
some other person or some other time.
We are the ones we've been waiting
for. We are the change that we seek."*

-Barack Obama



Director's Message:



Hello everyone. I wanted to take a moment to
reflect on the second anniversary of the Report
from the [Special Adviser on Equal Justice in the
New York State Courts](#), and offer my
observations on some of the amazing progress we
have achieved as a court family to address

institutional racism and inequity in our court system:

Under the committed and passionate day-to-day leadership of Deputy
Chief Administrative Judge Edwina Mendelson, and others (including
the Office of Diversity and Inclusion), the second anniversary of the
report has seen the flourishing of Equal Justice Committees across the

FRANKLIN H. WILLIAMS JUDICIAL COMMISSION: PROMOTING RACIAL AND ETHNIC FAIRNESS IN THE COURTS



*Co-Chairs of the Franklin H. Williams Judicial Commission:
Hon. Troy K. Webber, Appellate Division, First Department;
Hon. Richard Rivera, Acting Supreme Court Justice,
Albany County Family Court Judge and Supervising
Family Court Judge, 3rd Judicial District*

Three decades ago, New York established the first court-based commission in the nation dedicated to racial and ethnic fairness in the judicial system when then-New York State Chief Judge Sol Wachtler appointed Franklin H. Williams—a renowned civil rights attorney, United Nations representative and former Ambassador to Ghana—as Chairman of the New York State Judicial Commission on Minorities.

The Williams Commission, subsequently named for the Ambassador, was tasked with undertaking an independent and comprehensive

study of the court system and its treatment of communities of color. It has become a permanent fixture in the courts as each and every Chief Judge since Judge Wachtler — Judith S. Kaye, Jonathan Lippman and Janet DiFiore — have fully supported the mission and work of the Commission.

Today, the Williams Commission seeks to eradicate systemic racism in the court system and legal profession through multiple strategic initiatives. These include but are not limited to, advising court administrators and stakeholders on issues of racial and ethnic fairness in the courts; proposing policies to eliminate structural bias affecting communities of color in the judicial process; assessing community engagement to preserve public trust in equal justice under the law; and publishing periodic reports regarding racial and ethnic equity in the court system and in the legal profession.

The Williams Commission, now co-chaired by Appellate Division, First Department, Justice Troy K. Webber and Supervising Judge of the Family Court Third JD, Judge Richard Rivera, and led by Mary Lynn Nicolas-Brewster, provides a statewide voice while offering important programming, such as town halls and other events, at locales around the state. The Commission is a partner and resource for all of the equal justice committees.



PODCAST EPISODE

Promoting racial justice in New York's courts

The Capitol Pressroom



Mary Lynn Nicolas-Brewster, Executive Director of the Franklin H. Williams Judicial Commission, in November explained the important work of the Commission to host David Lombardo of Capitol Pressroom.

<https://open.spotify.com/episode/4mvGG1dXrSkAuZw4vXUp-GG?si=8RtY33k2RGWLd7iqwyJFcg>

The Commission continues to serve as a champion for the UCS and the public on race and bias issues by:

PROMOTING JUDICIAL DIVERSITY

- To improve judicial diversity, FHWJC expanded its Judicial Mentor Program, which pairs attorneys aspiring to the bench with sitting judges who provide support, encouragement and guidance.

ENCOURAGING ATTORNEY ENGAGEMENT AND ADVANCEMENT

- Participates in bar association diversity and equal justice initiatives.
- Partners with the New York County Lawyers Association to relaunch its special masters program, which allows for seasoned attorneys of color to handle cases involving complex discovery issues, predominantly in the Commercial Division.

SUPPORT LAW STUDENTS OF COLOR

- Develops programs in conjunction with law schools to improve the graduation rate and bar passage rate of persons of color.
- Collects and analyze data of racial and ethnic equity in the courts and the legal profession
- Develops surveys to track the impact of initiatives.
- Regularly publishes comprehensive reports and journal articles regarding equal justice, ethnic fairness and diversity.

HIGHLIGHTS OF THE COMMISSION'S EXTRAORDINARY ENGAGEMENT IN 2022 INCLUDE:

- To enhance trust and promote transparency, partnered with the leaders of the Office of Court Administration to [create a document](#) describing court user expectations and responsibilities
- Convened a meeting with advocates and stakeholders, including the New York City Law Department.
- Advocated for the urgent need to improve diversity in the Appellate Divisions and Court of Claims with Governor's Counsel and other key New York State leaders.
- Held a virtual program during Black History Month on the "Effects of Racism and Implicit Bias on Health and Wellness."
- Collaborated with Albany Law School to host "Pathways to the Legal Profession: Navigating and Excelling at a Law Firm." This panel presentation focused on providing students with advice and tips for entering private practice and achieving success.
- Hosted a screening of the Commission's Emmy-nominated documentary on Franklin Williams, "A Bridge to Justice: The Life of Franklin H. Williams," to elementary school children.
- Held a virtual program, "Navigating Housing Court and Evictions" to discuss the process of navigating housing and foreclosure matters.
- Hosted "Sneak Peek into the Hot Seat: The Judicial Interview," a program targeting attorneys aspiring to be judges.
- Held two Town Hall meetings to hear and respond to concerns expressed by UCS employees. HR has participated in all Town Hall meetings. (Special Adviser Johnson delivered a keynote address at the May 2022 session.)



COURT USER EXPECTATIONS & RESPONSIBILITIES

In furtherance of our mission, the UCS has developed this guidance on what court users can expect and their responsibilities when they come to court.

COURT USER EXPECTATIONS

Court users should expect:

- ✓ Fair and impartial treatment regardless of age, race, creed, color, sex, sexual orientation, gender identity, gender expression, religion, national origin (ancestry), military status, disability, predisposing genetic characteristic, familial status (including pregnancy), marital status, socioeconomic status or language barrier;
- ✓ Courtesy, respect, professionalism, and responsiveness from judges and court staff;
- ✓ Free court interpreters, upon request;
- ✓ Clear and understandable information; and
- ✓ Assistance navigating court facilities.

COURT USER RESPONSIBILITIES

Courts users should:

- ✓ Arrive on time;
- ✓ Cooperate with court security when you enter the courthouse;
- ✓ Treat everyone, including judges, court staff, attorneys and other court users, with courtesy and respect;
- ✓ Maintain proper conduct and decorum, as directed by the judge or other court staff;
- ✓ Respect the judge's rules in the courtroom;
- ✓ Notify court staff in advance, when possible, if you need an interpreter or an accommodation for a disability (ADA); and
- ✓ Not use electronic devices while in a courtroom without the permission of the judge.

THE INSPECTOR GENERAL: ROOTING OUT BIAS AND DISCRIMINATION



*Inspector General
Sherrill Spatz*

The Office of the Inspector General, led by Sherrill Spatz, is responsible for the investigation and elimination of infractions of disciplinary standards, criminal activities, conflicts of interest, misconduct, misfeasance and incompetence on the part of nonjudicial employees of the UCS, and persons or corporations doing business with the UCS, with respect to their dealings with the courts. The Inspector General receives complaints and information from the public and other sources about nonjudicial employees and takes appropriate action on such complaints; and undertakes investigations or studies of the functions, accounts, personnel or efficiency of any court unit and acts as liaison with federal, state

and local law enforcement and regulatory agencies on matters that fall within the scope of these responsibilities.

The Office has engaged in a robust informational campaign to explain and publicize its functions. The result has been a 300 percent increase in matters brought to the IG's office.

The Inspector General's Office has participated in educational programs for court personnel and court users about the protocols, processes and services it provides, including:

- The process for filing a complaint.
- The IG's jurisdiction and types of cases handled.
- Who may file a complaint, and how complaints may be filed anonymously.
- The procedures followed for complaints, including explaining how investigations are conducted and resolved.
- The strict no-retaliation policy of UCS regarding employee complaints.
- The court system's policy regarding social media postings.

YOU HAVE A RIGHT TO A BIAS-FREE COURTHOUSE

without regard to race, color, national origin, sex, sexual orientation, gender identity, gender expression, age, marital status, disability, religion, creed, domestic violence status, or genetic status. Further, all forms of sexual harassment are prohibited. The Unified Court System also provides equal access, fair treatment, and quality of service to all persons who use or do business in the courts and court-related agencies. The Unified Court System is further committed to ensuring non-discriminatory hiring policies and fair employment practices.

THE OFFICE OF THE MANAGING INSPECTOR GENERAL FOR BIAS MATTERS
is within the Office of the Inspector General and is responsible for reinforcing the Unified Court System's commitment to eliminating bias within the courthouse. The Office also conducts confidential investigations in connection with allegations of discrimination and bias that affect the conditions and terms of employment, or that relate to services provided by court system personnel.

WHO CAN FILE A COMPLAINT?
Judicial and non-judicial employees of the Unified Court System, court users and members of the public can file a complaint regarding allegations of bias.

THE INVESTIGATIVE PROCESS
Investigations are conducted by trained professionals. If allegations are substantiated, corrective action will be taken including, but not limited to, employee re-training, mediation, counseling, probation, suspension, termination, or referral to appropriate outside agencies.

TO OBTAIN MORE INFORMATION OR FILE A COMPLAINT YOU MAY CONTACT
OFFICE OF THE MANAGING INSPECTOR GENERAL FOR BIAS MATTERS
Office of Court Administration
25 Beaver Street
New York, New York 10004
PHONE: (646) 386-3507 TOLL-FREE: 1-877-2-END-BIAS
EMAIL: migbm@nycourts.gov

THE OFFICE OF THE MANAGING INSPECTOR GENERAL FOR BIAS MATTERS



*Kay-Ann Porter
Campbell, Managing
Inspector General for
Bias Matters*

The Office of the Managing Inspector General for Bias Matters, established nearly a quarter century ago, conducts confidential investigations involving allegations of discrimination and bias based upon race, sex (including sexual harassment), sexual orientation, gender identity, domestic violence status, prior criminal record (in certain circumstances), age, marital status, disability, national origin, religion, military status, gender expression or gender dysphoria that affect the workplace or the terms and conditions of employment of UCS personnel, including acts that relate to services provided by court system personnel to the public. That office is run by Kay-Ann Porter Campbell.

TRANSPARENCY IN HUMAN RESOURCE PRACTICES

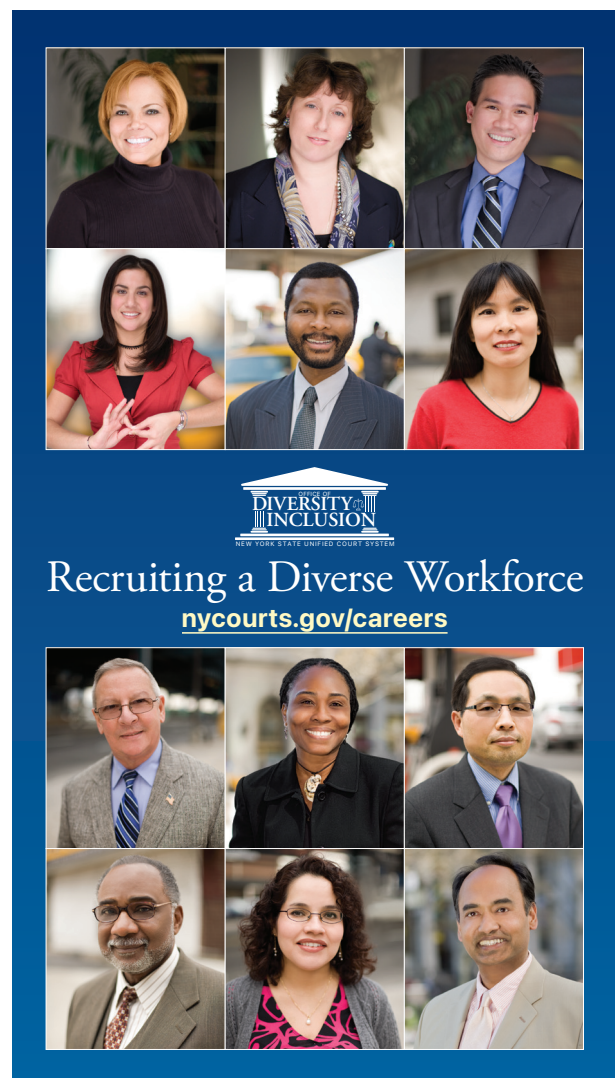
The Division of Human Resources (HR), under the leadership of Carolyn Grimaldi, is charged with providing support services to the court system for personnel administration; benefits administration; labor relations; peace officer training; career services and professional development; and equal employment opportunity policies.

HR is working closely with the Office of Diversity and Inclusion to promote open positions and is exploring the broadened use of advertising and enhanced social media outreach to connect to populations that may be unaware of the scope of opportunities available in the court system. In addition, HR is working with the Division of Technology and Court Research to develop and test an on-line application system that will reduce application barriers for job seekers. Additionally, until 2022, diversity-related interview questions and ratings were used only for managerial positions. Now, those queries are a part of all interviews.

HR added a "[Recruitment Resources](#)" website to the Inside UCS intranet site accessible throughout the court system, and a new "Diversity Recruitment Best Practices Guide." On the public-facing website, the Careers page includes new [exam information](#), exam-specific FAQs and updated study guides for open-competitive and promotional civil service exams. To increase transparency and accessibility, HR is working with the UCS Division of Technology and Court Research to create a portal website that will enable UCS employees to access important HR policies and documents outside of regular work hours.

In 2022, HR worked with the Office of Language Access to promote the Spanish Court Interpreter exam. HR continues to collaborate with the Office of Diversity and Inclusion to promote positions and to communicate policies and practices to fraternal organizations.

HR has participated in Town Hall meetings to hear and respond to concerns expressed by employees about HR policies, including hiring, promotion, interview and reclassification processes. In addition, HR will continue to update information on its *Inside UCS* and *Careers* website to inform employees and the public regarding policies, procedures and job opportunities.



The graphic is a blue rectangular box. At the top, it contains a 2x3 grid of six headshots of diverse professionals. Below this grid is the 'DIVERSITY of INCLUSION' logo, which includes the text 'NEW YORK STATE UNIFIED COURT SYSTEM'. Under the logo, the text 'Recruiting a Diverse Workforce' is written in a large, white, serif font, followed by the URL 'nycourts.gov/careers' in a smaller, white, sans-serif font. At the bottom of the graphic is another 2x3 grid of six headshots of diverse professionals.

FOSTERING TRUST BETWEEN COURT OFFICERS AND THE COMMUNITY

The original report of the Franklin H. Williams Judicial Commission some 30 years ago and the more recent report of Special Adviser Jeh Johnson both raised concerns with how public safety officers engage with the public. Public safety officers are often the first people visitors to our courts encounter, and the perceptions and experiences that result from that encounter—be they positive or negative—can influence the court user’s view of the entire court system. As noted in the Special Adviser’s report, perceptions matter:

“According to judges, public defender organizations, bar associations and numerous others, court officer mistreatment of litigants of color, their families, and attorneys of color is a significant barrier to achieving equity in the court system. We heard countless stories of court officers treating litigants and attorneys of color differently than their white counterparts or using dehumanizing language and excessive force. We recommend these changes for court officers specifically: court officers should be required to wear nameplates, and, similar to the NYPD Patrol Guide, OCA should publicly post the rules that court officers must follow in carrying out their official duties, including use-of-force guidelines.”

The Department of Public Safety (DPS), led by Chief Michael Magliano, is committed to transparency and accountability, leveraging the Chief’s authority in establishing standards and curricula for the Court Officers Academy, and for the Court Officers Rules and Procedures Manual. Since DPS serves as a liaison between law enforcement and the public safety community at the local, state, and federal levels, over the past year, the Department has focused on improving education and training programs and on engagement with local communities outside of the court setting.

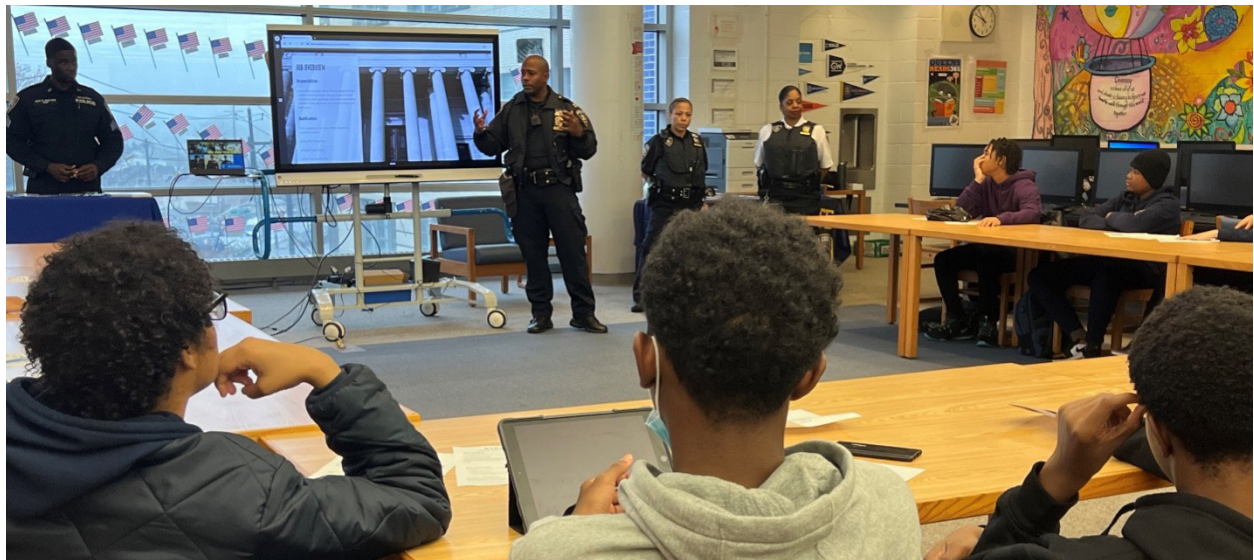


Lieutenant (Ret.) Edwin Kennedy, proudly displaying his nameplate

In reviewing multiple reports of public and stakeholder interactions with UCS Court Officers and other uniformed personnel, the Special Adviser concluded that the “mistreatment of litigants of color, their families, and attorneys of color is a significant barrier to achieving equity in the court system.” As of August 2022, all UCS Court Officers and uniformed personnel are required to complete the new UCS bias education program (Justice and Fairness for All: Dignity and Respect in the New York State Unified Court System). Along with the Perception Institute, UCS is presently developing a separate mandatory training specifically tailored to address bias and interactions with public safety officers. Additionally, all new court officer trainees are required to participate in a two-day course on Procedural Justice and tactical perception. This program, required by the New York State Division of Criminal Justice Service, is aimed at demonstrating the roles and responsibilities of uniformed officers as they relate to issues of fairness, implicit bias, integrity and transparency.

All uniformed personnel now wear nameplates on their uniforms while on duty. Our court officers serve as the public face of our court system and are often the first individuals the public encounters upon entering our facilities. Wearing a nameplate fosters an environment of trust and accountability. Being able to address a court officer by their name is humanizing and assists court users in feeling safe and welcomed.

In consultation with a firm that specializes in advising organizations on law enforcement policies and procedures, the UCS is completing a new court officer's manual that will include anti-bias materials. Every section of the existing manual is being updated, including tasks and responsibilities, safety and security and use of force—while adding new directives on items such as the proper use of social media.



Captain Vincent Sinclair, Lieutenant Erica Prosper and Mayor Tawya Young engaging with young people at the High School for Law Enforcement and Public Safety during Law Enforcement Week.



Lieutenants Jessica Herrera and Robert McGuinness participated in a NYPD Foundation Summer Youth Employment career day in August



Fifth JD Court Officer Kelley Shields accompanies a young child on a shopping trip.

DPS and numerous court officers have participated in a variety of community events over the past year. Joining with the New York State Police and the New York City Police Department, DPS has staffed events to promote career opportunities, youth development, safety awareness, toy drives and many others.

The Fourth JD created a “welcoming committee” that includes court officers to make the courthouse feel more inclusive for visitors. And, working with the Court Officer’s Academy, a majority of the officers were trained in verbal judo, tactical communication and procedural justice.

The Fifth JD is working with the Academy to ensure that new officers are sensitized to the need for community engagement. In one “community engagement” effort, court officers in the Fifth Judicial District brought children to Walmart for a “Shop with a Cop” experience.

The Sixth JD’s Court Officer Pilot Project was launched in July 2021 with the goal of increasing and improving court officers’ interactions with the public and improving

every court user experience at the initial point of contact. The project was initiated with the use of a simple script that emphasized positive statements, provided basic information and encouraged officers to communicate their availability and willingness to assist court users. The project also required that commanding officers set the example by being the first to act in this new role. Entering its third phase in July 2022, the project has evolved into a full customer service pilot project involving judges and non-judicial personnel and aimed at developing a more welcoming and respectful culture in every courthouse in the district’s ten counties.

Systemwide, the Unified Court System is committed to establishing a Community Affairs Officer in every court facility in New York State. Community Affairs Officers will be stationed at information desks in courthouse lobbies to greet members of the public and to provide basic information and assistance.

EQUAL JUSTICE IS LOCAL

“...We are trying to implement projects that will have an immediate, positive impact on court-users, while simultaneously developing long term strategies to address the systemic racism identified in the Jeh Johnson report.”

Porter Kirkwood, District Executive, 6th Judicial District

Reform does not occur without a total commitment from the top, and without total buy-in from every level. Tone and direction must come from the highest echelon of any organization to be successful, but implementation comes from every corner of every courthouse.

TELL US HOW WE ARE DOING!

The 6th Judicial District would like your help to make our courts better for you

Please take a photo of the QR code or visit the website below to tell us about your visit today.

<https://6jd-court-user-survey.questionpro.com>

To that end, Equal Justice Committees in each Judicial District (JD) — comprised of members who understand local dynamics, nuances that cannot be fully appreciated from a distance, regional politics and historic mores — function as something of a cabinet. If the Unified Court System has the big picture “bird’s eye view,” the Equal Justice Committees bring to the table a microscopic focus. These Committees are staffed by judges and professional court staff, including clerks, court officers, analysts, court attorneys, interpreters, court reporters and more. Some Equal Justice Committees also include representatives from local bar associations, fraternal and affinity organizations, legal service providers, educators and other members of the public. All committees are expected to engage with their community.

The Equal Justice Committees are our eyes and ears in the community. We rely on their wisdom, local “institutional knowledge” and imaginative solutions. (See Appendix C for a summary of the 2022 achievements of the Equal Justice Committees.)

A case in point is the Seventh Judicial District’s “Judicial Observation Project,” a unique initiative which had never been attempted in New York State nor, to our

knowledge, anywhere in the nation. Here’s how it works: A team of specially trained “observers” — individuals drawn from a diverse cross-section of the community who have received four weeks of extensive implicit bias training — was deployed to monitor the courtrooms of five cooperating judges for the expressed purpose of identifying instances of implicit bias. Their job is to tell us what we need to hear so that we may be of better service to our communities.

The Judicial Observation Project arose after members of the United Christian Leadership Ministry approached then-Seventh JD Administrative Judge Craig Doran in 2020 with the idea of bringing together community residents and judges and then shadowing judges in the courtroom. The observations of the team were carefully shared and discussed with the participating judges, staff and stakeholders so that all the participants can better understand how systemic and implicit bias manifests itself in the justice system.

The Sixth Judicial District is an object lesson in leading from the top, with Administrative Judge Eugene Faughnan and District Executive Porter Kirkwood devising and implementing creative initiatives.

To encourage court users and staff to offer feedback that will provide data on the efficacy of our equal justice and other efforts to improve service, the Sixth JD designed posters of employees at work and posted them conspicuously, inviting visitors to “tell us how we are doing.” The poster is displayed in courthouses throughout the district.

ENGAGEMENT AND ACTION THROUGH COMMUNITY OUTREACH

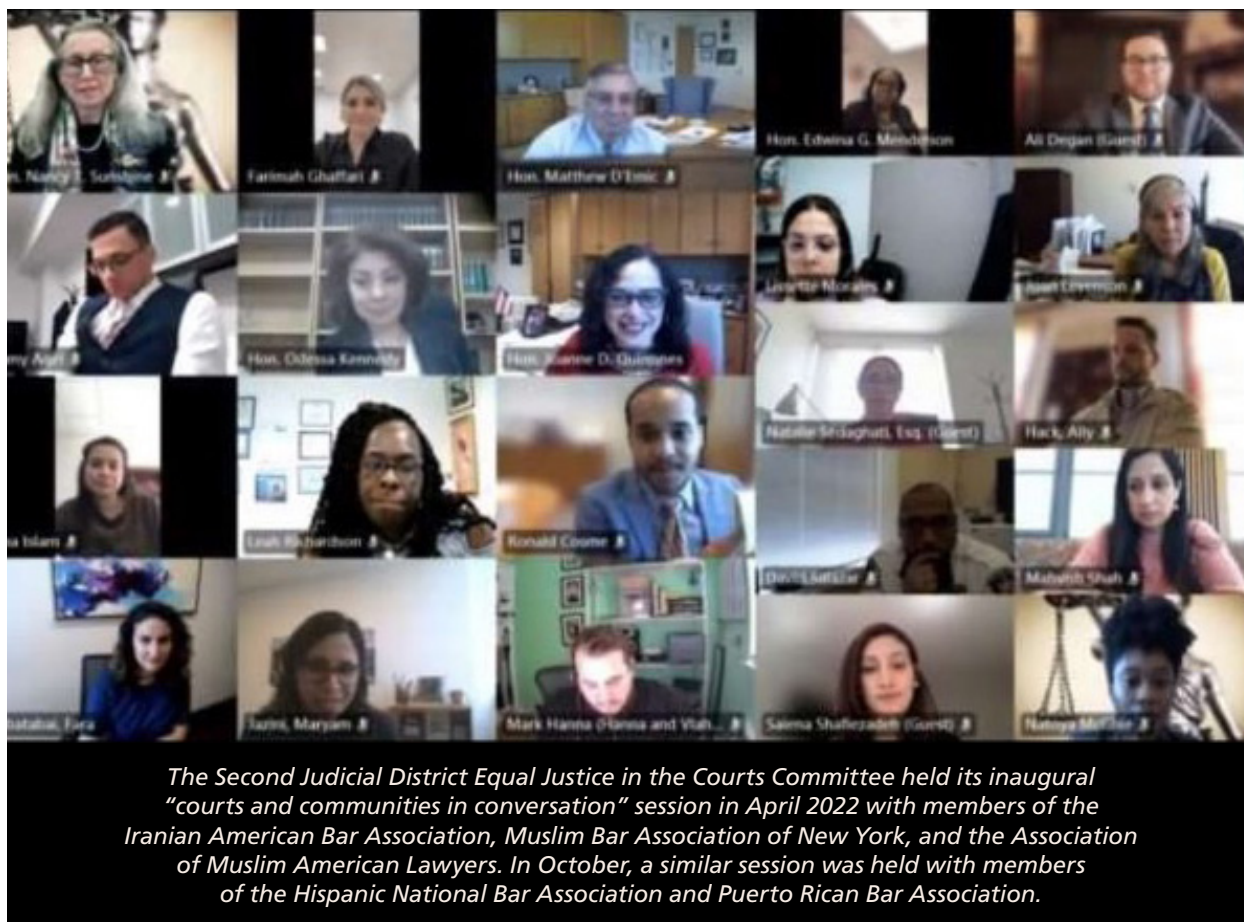
Equal Justice Committees throughout the state are actively engaged in outreach, with multiple and often interconnected goals: fostering a welcoming and inclusive atmosphere in the courts; encouraging people of all backgrounds to embrace jury service as an opportunity to participate, to have their voice heard; and to recruit individuals of every heritage and experience to work at every level in the court system.

An example is the Second Judicial District (Brooklyn) “Courts and Communities in Conversation” initiative under the leadership of Hon. Joanne Quiñones. This forum provides a platform for the community to share thoughts on how the court system is perceived and to discuss ways to improve relationships between the courts and the community. In April, which is Celebrate Diversity Month, the Second JD Equal Justice Committee held back-to-back events—a visit to Brooklyn High School for Leadership and Community Service and the inaugural session of the Courts and Communities in Conversation series. This segment of an April 25 article in the Brooklyn Eagle speaks volumes about the high school visit:

“In a matter of minutes, the grumblings of students balking at having to spend their lunch period listening to ‘those people in suits’ quieted as each speaker discussed their unique career path in the courts and shared personal stories of triumphing over adversity. The speakers were real, raw and vulnerable.

They spoke candidly about their hardships, from overcoming a speech impediment and struggling as a teenage mom to living through gun violence and experiencing homelessness, some revealing truths they had never previously spoke out loud. The speakers stressed the importance of believing in oneself and not giving up.”

(See, “Second Judicial District Equal Justice Committee Recognizes ‘Celebrate Diversity Month,’” Brooklyn Eagle, April 25, 2022)



In Rochester, the Seventh JD Equal Justice in the Courts Committee led by Judge Fatimat O. Reid, District Wide Coordinating Judge for Diversity, Equity and Inclusion, celebrated Black History Month by recognizing the trailblazers in the district. In a flyer, the committee noted: “Many ask why it is important to highlight the first African American to do something in the 7th JD. It is important to highlight their accomplishments because their legacy pinpoints the necessity of representation and identity.”

CAREERS IN THE COURTS

A few districts have implemented “Careers in the Courts” programs aimed at encouraging those who might not have contemplated employment in the courts to consider job opportunities in a particular Judicial District. Those impactful and important initiatives are aimed at demystifying the Unified Court System hiring process. Careers in the Courts events were held at multiple locations across the state, including Brooklyn High School for Leadership and Community Service; roughly a dozen schools serving predominantly minority populations in Albany, Rensselaer, Greene and Ulster counties; at least four locations in Queens; venues in Buffalo catering to Muslim and immigrant youth; and Pace Law School.



The Third Judicial District coordinated a Women in Careers Day as part of a continuing effort to spotlight careers in the courts and encourage people of all backgrounds to consider employment opportunities within the Unified Court System. From left to right, Amelia Lepore Sessions, Deputy District Executive for the 3rd JD; Hon. Sherri Brooks-Morton, Albany County Family Court; Pershia Wilkins, Associate Director of the Admissions Office for Albany Law School; and Tina Sodhi, Alternate Public Defender for the Albany County Office of the Alternate Public Defender.

In the 10th JD, the Long Island Hispanic Bar Association coordinated with the Judicial District to produce a Careers in the Courts film introducing diverse viewers to the many opportunities in the court system.

Additionally, in partnership with the Third JD, the court system retained a professional production team to create a recruitment film featuring more than a dozen individuals in a range of job titles across the state —clerical, court officer, interpreter, court reporter, drug court coordinator, librarian, IT expert, attorney.

The resulting short video will be used for job fairs, at Career in the Court visits to local schools and posted prominently on the court system’s social media properties. In addition, the script was written in-house to ensure that brief segments could easily be extracted if the court system is recruiting for a particular title, such as court reporter or clerical worker or interpreter. Those stand-alone segments will be posted to TikTok and other popular social media platforms. The Third JD consulted with three professional production teams and settled on a group in Albany, [YouthFX](#), that has produced videos for private companies similar to what the court system requires. As an added bonus, YouthFX works primarily with young people of color who are taught digital media, documentary and short fiction skills and then utilized in an apprentice role under seasoned professionals.



New York City Criminal Court's Equity, Diversity & Inclusion Task Force led by Hon. Raja Rajeswari co-sponsored an event in October: All You Want to Know About the OCA Hiring Process.

LISTENING SESSIONS

We know we must connect with and learn from people directly impacted by policies, procedures, traditions and generational biases — and that includes court users, judges, members of the bar and court staff. We must resonate with our own employees, those who turn to our courts for relief and individuals we hope will consider careers in the courts.

For instance, the Commission to Reimagine the Future of New York Courts led by former NYS Bar Association President Hank M. Greenberg has cast its net far and wide in order to get a complete picture of how pandemic-related innovations impacted people from every section of the community. Last fall, its Pandemic Practices Working Group chaired by Hon. Craig J. Doran held public hearings in Buffalo, Albany and Manhattan, and heard from dozens of people who offered observations and suggestions on ensuring an equitable and level playing field. As Justice Doran said:

“In order to get the most complete picture of how pandemic practices impacted—positively or negatively—court operations, we need to hear from people across the state. The experience in metropolitan New York City may well have been different than the experience in Western New York, and the experience in the Capital Region was also unique. To get the full picture, we need to hear from people in every region.”

TOPICS EXPLORED INCLUDED:

- The impact of court-adopted Covid-19 technology, practices/protocols and policy on the fair and efficient administration of justice in the state courts, including the use of remote technologies as well as modified in-person procedures for court proceedings.
- The ways in which pandemic practices impacted the efficacy of the New York State courts in providing comprehensive, timely and accessible legal services, including language access, to all litigants.
- New or reimagined uses for technology to improve efficiency and access to justice.
- Blending in-person and virtual practices to meet the varied needs of different court users.
- The importance of meeting the needs of New Yorkers without consistent access to the technology required for virtual court proceedings, and those who are not familiar with using such technology.
- The impact of pandemic practices on the work of counsel, judges and court staff.
- The use of technology to make courts more accessible for New Yorkers with limited mobility, who live in rural areas, who have childcare obligations, or who otherwise may struggle to attend court proceedings in person.
- The need for increased instruction and training on the use of technology for courtroom proceedings, for both litigants and legal services providers.

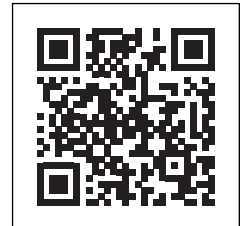
On a more local level, when the Hon. Teneka Frost (Schenectady City Court) and Hon. Kate Hogan (Court of Claims) were appointed to co-chair the Equal Justice in the Courts Committee in the Fourth Judicial District, their first step was a listening tour—and it’s fair to say they got an earful.

Among other things, they learned of the difficulties members of the St. Regis Mohawk Nation encounter in struggling to comply with court orders, and they heard that in the Montgomery County city of Amsterdam, applications for public defense services were only available in English even though a third of the population speaks Spanish. As a result of that conversation and a follow-up with the Office of Indigent Legal Services, Spanish-language application forms are now available throughout the state.

Another example: At a Judicial Summit at Siena College outside Albany for judges of the Third and Fourth JDs, College President Chris Gibson and Deputy Chief Administrative Judge Richardson-Mendelson moderated a well-attended discussion of the difficult conversations that must take place, and are taking place, to ensure equal justice in the courts.

JURY DIVERSIFICATION

The Jury Office is working in conjunction with the Office of Diversity and Inclusion and Division of Technology and Court Research to pinpoint neighborhoods where response rates are particularly low and to provide that information to local Commissioner of Juror offices. The Statewide Jury Response Improvement Project, a multi-year effort approved in April 2022, is creating a zip code-oriented dashboard that will enable commissioners to constantly monitor response rates neighborhood by neighborhood. Additionally, the Jury Office is focusing on greater public engagement, utilizing social media and other media to promote jury service. For five straight days during “Jury Week” in November 2022, the Jury Office promoted service, including widespread posting of the QR code that links directly to the juror volunteer site. The Jury Office is cognizant that the 62 Commissioners of Jurors across the state are critical partners in advancing the cause of jury diversification.



Dr. Betty Campbell, the first African American female commissioner of jurors in New York State, tells a wonderful story during her juror recruitment efforts:

“Early in my tenure as commissioner, I had a conversation with a young man of color who was summoned for jury service. He said to me, ‘Listen, I don’t trust the system. I took a plea, because I didn’t think I could get a fair trial. I didn’t think anybody would look like me in the jury box, and so I ended up taking a plea. I don’t want anything to do with this system.’

I said to him, ‘You can do for someone else what you think other people wouldn’t do for you, and that’s answer the call and be present.’ He needed to know how important it is to have a diverse jury pool. He came back the next day for jury service.”

“He came back!”

The 13th JD Equal Justice in the Courts Task Force led by the Administrative Judge Desmond A. Green, County Clerk Stephen J. Fiala, Nadine Johnson, Esq. and Irini Bekhit, Esq. held an event titled: “Civic Engagement & You: Jury Service Matters” in the Central Jury Room at the Richmond County Courthouse. Students from Curtis High School and members of the legal community were in attendance. Part of the program featured the showing of the UCS Video on Implicit Bias.

On a local level, our equal justice committees stress that the constitutional promise of a jury of one’s peers is hollow if people shun jury service. The message our committees are sending is: Jury service is more than an obligation, more than a civic duty. Rather, it’s perhaps the most direct way to ensure that the voice of the community is heard when a neighbor’s life or liberty or well-being is at stake. One notable effort is the Ninth JD’s program in May: “Jury Duty Matters: Why Minority Juror Representation Matters.”

FOSTERING A SAFE, WELCOMING AND INCLUSIVE ENVIRONMENT

The very environment—how it looks, how it presents itself, how it feels—can help foster a positive experience, or a negative experience. Creating a welcoming and inclusive environment can be as simple as including among a gallery of judges the portraits of jurists of various backgrounds. The photographs, portraits and artworks displayed in our governmental buildings speak volumes about what we as a culture choose to remember, as well as what we as a society choose to forget. The 10th Judicial District (Nassau County) Equal Justice in the Courts Committee, for instance, closed out 2022 by unveiling Eastman Johnson's exquisite painting, *A Ride for Liberty-The Fugitive Slaves*. The painting, which depicts an enslaved family boldly charging for the relative safety of the Union lines by the light of a dull dawn, was a gift from the Equal Justice in the Courts Committee. It will be a permanent part of the building.

On October 28, 2022, the Sixth JD presented founding members of the Oneonta County NAACP, Lee and Joanne Fisher, with a portrait which is now displayed at the Otsego County Court Annex Building in Cooperstown. The Fishers were honored for their nearly 30 years of service in promoting justice and equal rights. The Hon. Brian D. Burns, Otsego County Supreme Court, noted his "aspiration was that the portrait would inspire future judges to remain dedicated to providing equal justice and send a message to those appearing in court that they would be treated fairly and with respect, without regard to race or gender."

The Third Judicial District's equal justice committee is led by the Hon. Richard Rivera, District Executive Christy Bass, Deputy District Executive Amelia Lepore Sessions, Jessica Douglas, Lillian Moy, Esq., and Anna Wilkinson. A poster telling the story of James Campbell Matthews, the first African American elected to the New York State Judiciary, was prepared for display in the Albany County Surrogate's Court.

In a creative effort to leverage the Court's historical artwork and architecture to advance the causes of justice and inclusivity, the Appellate Division, First Department, Anti-Bias Committee, led by Associate Justice Dianne T. Renwick, partnered with the Madison Square Park Conservancy in presenting Pakistani-American visual artist Shahzia Sikander's latest work, "Havah ... to breathe, air, life." The exhibit includes a statue in female form with interactive elements in the park, plus a version on the courthouse roof.



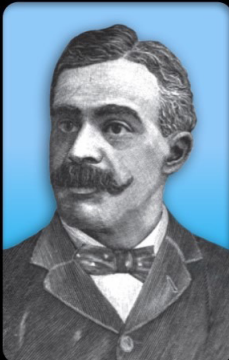
Deputy Chief Administrative Judge Norman St. George joined Deputy Chief Administrative Judge Edwina G. Richardson-Mendelson and 10th District Administrative Judge Vito DeStefano for the unveiling of "A Ride for Liberty-The Fugitive Slaves" at Nassau County Supreme Court. Left to right: Nassau County District Court Supervising Judge Tricia M. Ferrell; Bishop Phillip E. Elliott, Antioch Baptist Church; Deputy Chief Administrative Judge Norman St. George; Nassau County District Court Judge Andrea Phoenix; Deputy Chief Administrative Judge Edwina G. Richardson-Mendelson; Nassau County Bar Association President Rosalia Baiamonte and District Administrative Judge Vito DeStefano.



Portrait of Lee and Joanne Fisher, on display at the Otsego County Court Annex Building in Cooperstown. In attendance from left to right: Lee Fisher, Joanne Fisher, Hon. Brian D. Burns, Supreme Court Justice, Hon. Eugene D. Faughnan, Administrative Judge of the 6th Judicial District, Hon. John F. Lambert, Otsego County Judge, Hon. Michael Getman, Otsego County Judge, Porter L. Kirkwood, Esq., District Executive – 6th JD, Tony Walters, Director of the Office of Diversity and Inclusion and Hon. Mark G. Masler, Supreme Court Justice.

James Campbell Matthews

First African American Elected Judge in New York State



Early Life

James Campbell Matthews was born November 6, 1846. Shortly after his birth, the Matthews family moved to Albany, NY where his father opened a barber shop.

In 1861, his mother and father passed away and he was taken in by two Quaker women, Phoebe Jones and Lydia Mott.

His education came under risk in his youth with the opening of the segregated Wilberforce school as this caused him to be removed from his previous school. However, with the help of Hon. William A. Rice, he was able to earn a scholarship to the Albany Boys' Academy.

Career

While working as a clerk at the Congress Hall Hotel, Mr. Matthews began attending Albany Law School and became the first African American to graduate from the institution.

In his time as a lawyer, he worked to desegregate Albany public schools and he was active in many African American political organizations.



President Grover Cleveland appointed Mr. Matthews as recorder of deeds for Washington DC on March 9, 1886, a position formerly occupied by Frederick Douglass, however the senate rejected his appointment. President Cleveland then appointed him to serve while congress was in recess. Despite his competent completion of his duties, when the senate reconvened, they rejected his appointment a second time.

After his time in Washington, Mr. Matthews returned to Albany and was elected Judge of the Albany Recorder Court, the city's primary criminal court, becoming the first African American Judge in New York State and only African American in the country to hold such a high judicial position.

Later Life

After losing reelection, he returned to practicing law as an attorney until his retirement in the early 1920s.

James Campbell Matthews passed away November 1, 1930 and is buried in Albany Rural Cemetery.

New York State Unified Court System
Third Judicial District



This Shahzia Sikander image is included in a press release announcing the exhibit.

As Justice Renwick noted in the announcement of this groundbreaking collaboration:

“Women are foundations of our society. Throughout history we have been champions for freedom, equal rights, and justice. For the first time since the Court’s historic opening well over 100 years ago, the figure of a woman finally and rightfully will stand on equal footing with the male philosophers and lawgivers who line the other pedestals.”

Added Presiding Justice Rolando T. Acosta:

“While our existing art is beautiful and meaningful, it has remained static. Theories of justice have gradually expanded to include previously marginalized groups, and we want to invite voices from such groups into our courthouse to gather new perspectives on our system of justice.”

The exhibit will be in place through June 2023. For more information, visit <https://madisonsquarepark.org/art/exhibitions/shahzia-sikander-havah-to-breathe-air-life/>.

ROADMAPS: FACILITATING NAVIGATION AND ACCESS

A courthouse can be an imposing and intimidating place, and one of the Special Adviser’s recommendations was to utilize the first individuals court visitors usually encounter — court officers — to “welcome litigants and answer basic questions about how to navigate the building and adhere to general procedures and practices.”

The Sixth Judicial District took the lead in establishing a rigorous pilot program that codifies this welcoming behavior into the officers’ daily activity. The rationale:

“If our court officers cheerfully greet the public at the door, rather than waiting for them behind x-ray machines or magnetometers, it will fundamentally change their relationship with court users. Over time, this active customer service model, will enhance trust between court officers and the community and provide a positive interaction at the moment of entry into our facilities. Furthermore, it will tangibly reduce the public’s level of tension and anxiety when attending court proceedings.”

Other steps pursued by equal justice committees include providing lactation rooms within courthouses where breast-feeding mothers can feed their children in a place of relative comfort and privacy, as opposed to a restroom or the lobby of a busy courthouse, and sponsoring Continuing Legal Education programs on maintaining a bias-free courtroom.



Another way of nurturing an environment that honors the mission of the Equal Justice Committees is to recognize outstanding achievements of our judicial and non-judicial staff. Here, the Hon. Tamiko Amaker was honored for her efforts by the NYC Criminal Court Equal Justice Committee. Judge Raja Rajeswari (left), chair of the Committee, presents the award as Judge Amaker (center) gets a congratulatory hug from Deputy Chief Clerk Regan Williams. (Photo by David Handschuh/UCS)

TAKING THE SHOW ON THE ROAD: EXHIBITS AND AWARENESS

The local Equal Justice committees enjoy the autonomy to develop programming and initiatives that address local problems and concerns and are encouraged to share their ideas with the other committees and the rest of the state. Several wonderful exhibits that were the brainchild of one region or another have or will be shared in other regions. One of them is a tribute to Sojourner Truth, the abolitionist/civil rights activist/women's rights advocate who became the first Black woman to successfully sue a white man in 1828 when she regained custody of her son who was sold out of state.



Sojourner Truth exhibit, Ulster County Courthouse

The exhibit, including nearly 200-year-old documents preserved at the New York State Archives in Albany, was displayed at the Ulster County Courthouse in Kingston as part of a Juneteenth celebration. It was created largely through the efforts of Ulster County Surrogate Sara W. McGinty who, after taking office in 2017, learned that the county archives contained a treasure trove of documents relating to the case. The exhibit was developed through the cooperative effort of Judge McGinty, Ulster County Clerk Nina Postupak, County Archivist Taylor Bruck and Ulster County Commissioner of Jurors/Local Historian Paul O'Neill.

In the Fourth Judicial District, the committee is working with a local artist to explore commissioning a moveable mural that evokes sentiments of inclusion and equity. The mural would be displayed throughout the state.



The Lemmon Case traveling exhibit in Niagara County in October.

Ninth Judicial District Administrative Judge Anne E. Minihan views the Lemmon Case exhibit when it was displayed in Putnam County.

A traveling exhibit focused on *Lemmon v. New York*, an 1860 landmark case in which the Court of Appeals mandated the release of eight enslaved persons, including six children, who were brought into New York by their Virginia slaveholders. In that case, the Court of Appeals upheld by a 5-3 margin a decision by Judge Elijah Paine Jr. of the Superior Court of New York City. The exhibit, titled “The Lemmon Case: 1852-1860, A Prelude to the Civil War,” is being toured around New York State at various courthouses by the Historical Society of the New York Courts. The exhibit includes a short documentary narrated by James Earl Jones.

EQUAL JUSTICE IS INTERSECTIONAL

Bias and discrimination take on many forms. Everyone has implicit biases against, or in favor of, people based on a variety of characteristics, backgrounds and identifiers. Our strategies to combat racism are interlinked with simultaneous efforts to address bias related to gender, sexual orientation, gender identity or gender expression, disability, religion, marital status, socioeconomic status and more. Our efforts to realize equal justice within our court system will only be truly successful when all those, regardless of who they are and where they are from, will be able to meaningfully participate in our legal system without fear of retribution or harassment.

In 1986, the New York Task Force on Women in the Courts issued a report on the status and treatment of women appearing, practicing or employed in the Unified Court System. The report found that “gender bias against female litigants, attorneys and court employees is a pervasive problem with grave consequences. Women are often denied equal justice, equal treatment and equal opportunity.”

Thirty-three years later, under the leadership of Hon. Betty Weinberg Ellerin, Chair of the Judicial Committee on Women in the Courts, the Judicial Committee conducted a survey to assess progress. Subject areas examined by the survey include:

- Courthouse Environment/Sexual Harassment
- Credibility and Court Interaction
- Domestic Violence
- Domestic Violence and Custody, Support, and Visitation
- Child Support
- Equitable Distribution and Maintenance Guidelines
- Gender-Based Violence
- Appointments and Fee-Generating Positions
- Negligence and Personal Injury
- Court Facilities

The survey prompted over 5,000 responses from attorneys registered in New York State. The results, compiled and released in 2020, revealed that while the treatment of women in the court system had improved, significant incidences of gender-based bias, discrimination and harassment persist.



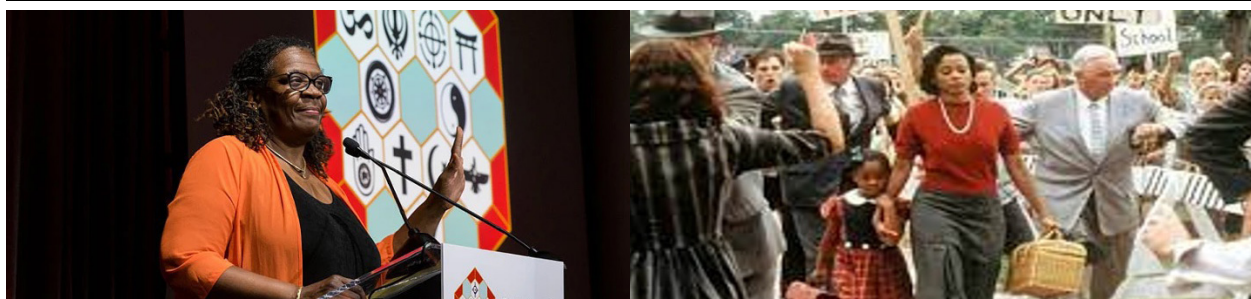
The 2020 Gender Survey also contains several recommendations to address instances of harassment and discrimination as identified by the survey. These recommendations are brought to court administration and to a variety of stakeholders within the legal community, including bar associations, judicial leaders, law schools, state legislators and others. Led by Deputy Chief Administrative Judge Richardson-Mendelson, implementation of the recommendations from the Judicial Committee on Women in the Courts is a key element of our work to achieve equal justice in our court system.

As the Spanish-American philosopher and essayist George Santayana noted nearly 120 years ago, “Those who cannot remember the past are condemned to repeat it.” Bias based on religious beliefs or against those of various faiths and those identifying as agnostic or atheist is a persistent theme throughout the history of humankind with people suffering discrimination, ostracization and persecution. Sometimes the bias is overt and easily identifiable; perhaps more often, it is subtle and implicit. In either case, the quest for equal justice must include efforts to counter religious bias and intolerance, through both education and corrective action. The UCS continues to develop programs and participate in other national and local programs to address such bias.



Left: 21-Day Practice on Creating Inclusive Spaces and Combating Islamophobia, American Bar Association Section of Civil Rights and Social Justice – April 2022

Right: 12JD Equal Justice Committee Antisemitism program - January 2023



Left: Deputy Chief Administrative Judge Richardson-Mendelson presents renowned civil rights activist Ruby Bridges with the 2022 James Parks Morton Interfaith Award. The Interfaith Center of New York is a secular non-profit organization with a mission to “overcome prejudice, violence, and misunderstanding by activating the power of the city’s grassroots religious and civic leaders and their communities.”

Right: Ruby Bridges, clutching her mother’s arm and escorted by federal marshals, walks the racial gauntlet in 1960 simply to attend school

SUPPORTING OUR LGBTQ+ COMMUNITY

The New York State Court System was at the vanguard of promoting fairness and equity for members of the lesbian, gay, bisexual, transgender, and queer communities; in 2017, then-Chief Judge Janet DiFiore established the first court-based commission in the United States committed to address the concerns of the LGBTQ+ community. The Richard C. Failla LGBTQ Commission, named after the first openly gay person elected to state Supreme Court, works closely with local entities.

For instance, the Commission worked with the Ninth Judicial District Access to Justice LGBTQ+ Subcommittee and the Office for Justice Initiatives to create a benchcard for judges: "Using LGBTQ+ Inclusive Language and Pronouns." The helpful benchcard explains what LGBTQ+ means, what "transgender" means and the respectful way to refer to individuals of the LGBTQ+ community.

IMPORTANT TERMS TO KNOW

- | | |
|---|--|
| <ul style="list-style-type: none">• AFAB/AMAB: Assigned female at birth/ Assigned male at birth. Acronyms indicating that the individual's assigned sex at birth was in error.• Gender Confirmation Surgery ("GCS"): sometimes referred to as "bottom surgery," was once called "sex change surgery" a term now disfavored.• Gender expression: the way a person demonstrates their gender through outward manifestations such as clothing, mannerisms, style, etc.; this may not match gender identity. | <ul style="list-style-type: none">• Gender Identity: an individual's perception of their own gender.• Gender non-binary: Identifying as neither male nor female.• Gender nonconforming: Not Identifying with a recognized gender.• Intersex: A term used to describe natural differences in sexual development/traits that affect approximately 1.7% of the population.• MBT/WBT: man born trans/ woman born trans. |
|---|--|



Capital Pride Parade: More than 50 members of the court family joined together June 12, 2022 for a Pride Month parade in Albany.

The Failla Commission also works with local Equal Justice Committees and other entities to sponsor a series of Pride Month (June) events and other activities across the state. This year the Commission:

- Marched for the first time in the Capital Pride Parade in Albany.
- Celebrated the first openly LGBTQ+ Supreme Court Justice elected in the Eighth Judicial District (Hon. Grace Hanlon) in a ceremony at the Robert H. Jackson Center in Jamestown, New York.
- Gave the first "Judge Paul G. Feinman Award" to Justice Adam Silvera, Administrative Judge, Supreme Court, Civil Term, New York County.
- Partnered with the Judicial Institute on a CLE analyzing "Anti-LGBTQ+ Policies and the Future of LGBTQ+ Rights in the United States."

EMBRACING INNOVATIVE PROGRAMMING

The court system encourages outside-the-box thinking as a means of strengthening existing institutions, including the judicial system. To that end, the Equal Justice Committees are expected to look at problems anew, to take a fresh angle whenever necessary.

PROFESSIONAL DEVELOPMENT ACADEMY

“One mission of the Williams Commission is to ensure that court leadership reflects the rich diversity of the communities of our state. This program was designed to support that mission.”

Hon. Richard Rivera, Supervising Judge of the Family Court Third JD,
Co-chair of the Franklin H. Williams Judicial Commission

In May, the Franklin H. Williams Judicial Commission announced the launch of the Professional Development Academy in partnership with the Unified Court System’s Office of Diversity and Inclusion, the New York State Judicial Institute and the Court System’s Division of Human Resources’ Training and Professional Development Office. The Professional Development Academy is a two-day in-person program for court personnel, targeting non-judicial employees in grades 12 through 21.

The Professional Development Academy launched at the New York State Judicial Institute in White Plains, where court personnel in the 12th Judicial District (Bronx County) and the Ninth Judicial District (Dutchess, Orange, Putnam, Rockland and Westchester counties) received guidance in cover-letter and resume writing, the interview process, presentation and public speaking skills, as well as networking and the importance of mentorship.

The program promptly expanded. The Sixth Judicial District held a two-day Professional Development Academy Oct. 26-27 in Binghamton along with the Franklin H. Williams Judicial Commission and the Office of Diversity and Inclusion. Attendees were treated to tutorials on interviewing, writing cover letters and resumes and career opportunities in the court system. A gradual statewide rollout is starting in 2023.

EXPANDED COURT NAVIGATOR PROGRAM

Trained volunteer Court Navigators help unrepresented litigants access and complete court forms, provide one-on-one assistance and offer moral support to individuals as they make their way through a very large and confusing court system. In several New York City Housing Courts (Bronx, Manhattan, Brooklyn and Queens) and in Bronx Civil Court, navigators actually accompany unrepresented litigants in the courtroom and in some instances respond to factual questions from the judge.

The program, which began back in 2014, dovetailed beautifully with Secretary Johnson’s recommendation that the court system designate an “individual within each courthouse to welcome litigants and answer basic questions about how to navigate the building and adhere to general

procedures and practices.” Although the COVID-19 pandemic forced a hiatus, the Office for Justice Initiatives launched a Virtual Court Navigator Pilot Program staffed by students from CUNY John Jay’s APPLE Corps program who completed a thorough week-long training. Court users from nine counties sought assistance for issues such as custody, child support, visitation, divorce, housing, estates, paternity, name change and other issues. The pilot program was a resounding success, and an effort is underway to establish a permanent, statewide hybrid Navigator program incorporating both in-person and virtual assistance. In addition to recruiting and training undergraduate students to serve as Virtual Court Navigators, the Office for Justice Initiatives collaborated with Westchester County to provide in-person navigators at several VCAN (Virtual Court Access Network) faith based court access locations in summer 2021 and at the Westchester County Supreme and Family Courthouse in summer 2022. The Office for Justice Initiatives in collaboration with Westchester Supreme and County Court, has provided additional in-person navigator trainings to assist court users at the courthouse on a more consistent basis.

VCAN (VIRTUAL COURT ACCESS NETWORK)

“Access to justice is not simply about the availability of funding for legal services. Instead, we have embedded within our culture a focus of wanting to help those most in need. Given the socio-economic struggles our community experiences daily, we strive to open the gates of justice to all who come before the Court.”

Support Magistrate John Aman, Erie County

Virtual Court Access Networks (VCAN) provide remote access to courts in a safe, convenient community location. They help bridge the digital divide by utilizing community-based stations/hubs or rooms in settings such as libraries, Houses of Worship, Community Centers and other locations. VCAN sites have proven immensely helpful for court users who:

- Lack the means of transportation, childcare, computer equipment or internet service to fully participate in court matters.
- Need help filing paperwork on a pending matter, or a new emergency matter.
- Need assistance locating and accessing legal resources or other community services.

NEED HELP FILING?

- ☒ Do you need to file a Family Offense petition with Brooklyn Family Court?
- ☒ Do you need to respond to a Kings County Civil/Housing Court notice?
- ☒ Do you need to file a HP action (to obtain repairs) with Kings County Housing Court?

WE CAN HELP YOU!

Starting October 17
Visit the Virtual Court Access Network

Brooklyn Family Court
Family Offense Petitions
can be filed Monday & Tuesday
9:00am – 3:00pm*

Brooklyn Housing Court
actions can be filed
Wednesday & Thursday
9:00am – 3:00pm

*Free counseling advocacy and victim compensation application services are available on site

Red Hook Community Justice Center

88 Visitation Place
Brooklyn, NY 11231
(718) 923-8288

In conjunction with the Center for Court Innovation and the Division of Technology, the Office for Justice Initiatives has launched a VCAN site within the Red Hook Community Justice Center in Brooklyn. There, court users can file emergency petitions with Family Court, respond to a Civil/Housing Court notice or petition in Kings County.

Outside of New York City, the Office for Justice Initiatives along with the Rural Justice Task Force, the Division of Technology, the Office of Alternative Dispute Resolution, the New York State Permanent Commission on Access to Justice and other stakeholders, has identified 17 additional locations for VCAN sites. Services offered at those VCAN sites will be tailored to the unique needs of the community.

LOOKING TO THE FUTURE: CHALLENGES AND OPPORTUNITIES

“Diversity is not just window-dressing, or just for the perception of the public. Diversity brings to our court the benefit of different cultures, experiences, and views. So the result is that our court becomes different and better, we change when we interact with this diversity. And as a result, enriched by all of this, we grow into a court that better serves our communities.”

Support Magistrate John Aman, Erie County

FUNDING

Strategic partnerships and creative use of grant funds has helped support several court-based initiatives, both statewide and local.

For instance, the Third Judicial District utilized grant funds, not state resources, to hire a professional film company to produce a high-end, fast-paced recruitment video aimed at encouraging young people of all backgrounds and of all interests and from every corner of the state to consider careers in the courts. The 10th JD linked with the Hispanic Bar Association to create a local recruitment film. The Williams Commission partnered with several local bar associations in Bronx County to offer a statewide livestreamed program on systemic racism and its impact on mental health. A federal grant received from the Child Welfare Court Improvement Program helped purchase Virtual Court Access Network equipment throughout the state. The State Justice Institute and Casey Family Programs support implicit bias trainings.

There are some funding issues that, while they affect the work of the courts, lay outside the court’s control. The failure to raise 18-b rates in over 20 years has had a direct impact on the quality of legal representation in our highest volume courts. It is particularly difficult to recruit and retain attorneys who are financially able to represent children and indigent adults at the current authorized compensation level. Ensuring high-quality legal representation for children and indigent adults is a high priority of the Office for Justice Initiatives.

“Problems so extensive and systemic in nature can only be addressed by a new, wholesale investment in resources, technology, people and infrastructure. Obviously, [the courts] do not have the power to make these changes alone”

Report from the Special Adviser on Equal Justice, October 1, 2020

DATA COLLECTION AND ANALYSIS

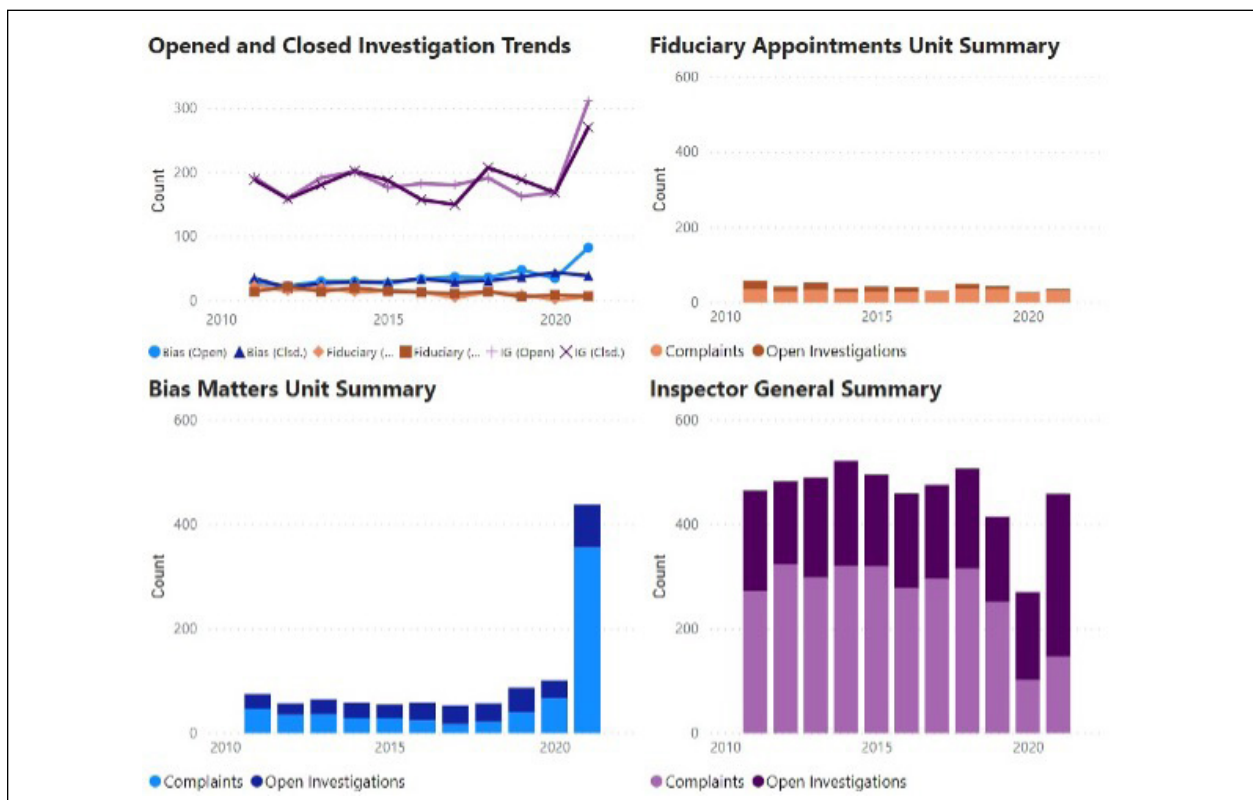
Embracing a “what gets counted, counts” mindset, the Unified Court System is posting data to publicly document our success in increasing diversity in the courts and decreasing the disparate impact of the criminal justice system on people of color. That data, which is available on the UCS website at <https://ww2.nycourts.gov/court-research/srjd-report.shtml>, enables the court system and the public to readily identify problem areas.

The Division of Human Resources is expanding data collection and survey methodology to capture and improve workforce data quality for adverse impact analysis and workforce trend analysis.

In 2022, HR met with special interest groups and employees to discuss expanding racial, ethnic and gender identity data collection to foster inclusiveness and to better capture the diversity of the UCS workforce. HR continues to monitor disparate impact for all civil service examinations and routinely conducts data analysis relating to the composition of the UCS workforce, providing reports on judicial and non-judicial diversity data to the Equal Employment Opportunity Commission (EEOC), the United States Department of Justice (Grants & Contracts), special interest groups, affinity organizations, and the Franklin H. Williams Judicial Commission.



Further, the Inspector General’s office is providing a Multi-Year Perspective Dashboard to document the number of complaints filed and the type of allegation received by the Office of the Inspector General and each of its two specialized units, Bias Matters and Fiduciary Appointments. Also provided is the number of investigations conducted and closed each year the complaints were received. The dashboard summarizes, by year, data for each year into dynamic tables and graphs.

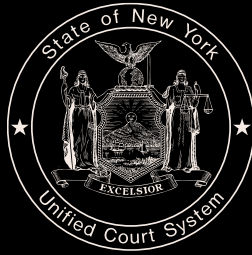


However, we are keenly aware of the continuing need for more granular, reliable and up-to-date racial and ethnic data, as well as survey data from staff, community partners and court users. Satisfaction surveys can help courts identify problems, inefficiencies, and things that visitors to the court might find confusing or unsafe. Surveys can also promote trust in the justice system and provide all court stakeholders with a voice. For far too long, society and societal institutions—including the courts—turned a blind eye to a problem that was hiding in plain sight. Accountability, and change, come from confronting reality.

SUPPORT

The Unified Court System’s *unified* quest for equal justice in every sense of that phrase is an everyday, all day commitment that demands constant attention, eternal vigilance and coordination among the various critical components of this effort: the equal justice committees, the Office of Diversity and Inclusion, the Franklin H. Williams Judicial Commission, the Richard C. Failla LGBTQ Commission and the Judicial Committee on Women in the Courts. Randy Bowens, who joined the Office for Justice Initiatives as Statewide Equal Justice Coordinator in December, can be reached at rcbowens@nycourts.gov.





EVER UPWARD!

The state seal of New York State, officially adopted in 1778, contains dual Latin mottos: the primary motto, Excelsior, which means “Ever Upward;” and the secondary motto adopted in 2020, E Pluribus Unum, Latin for “Out of Many, One.” Both richly apply to the mission for equal justice and the incredible commitment that runs throughout the court system.

To be sure, there is a great deal of work to be done, but the critical point, as this report illustrates, is that it is being done. The progress made in just two years is simply remarkable, and a testament to the work of the “equal justice champions” — and that includes the committees, judges, court leaders, court officers, managers and staff — whose diligence, sincerity, creativity and commitment statewide and locally parlays into an “out of many, one” benefit for the entire Unified Court System. The future is bright, brighter perhaps than any time in the history of the New York courts, as we build on our successes and climb ever higher.

APPENDIX A: FURTHER ADDRESSING BIAS IN THE COURT SYSTEM



Janet DiFiore



*The Chief Judge of the State of New York
and
The Chief Administrative Judge*

Lawrence K. Marks

MEMORANDUM

February 3, 2021

TO: Judges and Non-Judicial Personnel of the Unified Court System

FROM: Janet DiFiore 
Lawrence K. Marks 

SUBJECT: Further Addressing Bias in the Court System

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As you know, last October we received a report from former U.S. Secretary of Homeland Security Jeh Johnson, acting as the Chief Judge's Special Adviser on Equal Justice in the Courts, that presented a broad, independent, in-depth review of court system policies, practices, rules and programs as they relate to issues of racial and other bias. The Johnson Report contained a set of practical recommendations aimed at advancing diversity and inclusion within the court system and ensuring equal justice under the law. We are pleased to report that Deputy Chief Administrative Judge Edwina Mendelson has been overseeing our day-to-day efforts to implement and expand upon the Report's recommendations to the fullest extent possible.

One important recommendation in the Johnson Report is to strengthen current court system practices investigating bias complaints against court personnel. Recently a matter was brought to our attention that strongly illustrated this point. Last spring our Inspector General's Office received a complaint alleging that a court employee had posted an extraordinarily insensitive comment to a widely publicized photo of George Floyd in police custody -- with a police officer kneeling on his neck -- shortly before his death. Following an IG investigation, disciplinary charges were filed against the employee; and thereafter, the matter was settled through stipulated penalties and without a hearing. This was a mistake. While settlement of disciplinary matters can serve appropriate goals, settlement of cases involving allegations of racial or other bias inevitably fosters a perception that such conduct, though penalized, is nonetheless tolerated within our ranks. It is not. As the Johnson Report underscores, the perception of such tolerance is pernicious and long-lasting, and seriously impacts the court system's ability to conduct its public mission in a manner that truly honors the dignity of all who serve it and appear before it.

Consequently, and commencing immediately, we will require a full disciplinary hearing in all matters where an Inspector General investigation has substantiated a claim of discriminatory conduct by a UCS employee. Those disciplinary proceedings will be conducted in full conformity with the procedures set forth in our collective bargaining agreements, and will comport with all dictates of due process. Upon a finding by a hearing officer sustaining a charge of discriminatory conduct, the respective Deputy Chief Administrative Judge (either inside or outside of New York City, depending on the employee's location) responsible for reviewing the hearing officer's findings and recommendations shall consult with a special panel consisting of the other Deputy Chief Administrative Judge, the Deputy Chief Administrative Judge for Justice Initiatives and the Director of the court system's Office of Diversity and Inclusion. The special panel will advise on the appropriate penalty to be imposed. This will promote both statewide consistency and the broadest possible scope of collective wisdom and experience in this critical area.

Another of the Johnson Report's central recommendations is mandatory anti-bias training for all court system personnel. Such training is currently being developed, and you will be receiving more information about this in the coming weeks. In the meantime, however, those court officials who participated in the ill-advised decision to settle the aforesaid disciplinary matter will be participating in immediate anti-bias training.

In addition to these developments, we are issuing today the attached anti-discrimination and anti-harassment policy applicable to all non-judicial and judicial UCS personnel. This policy prohibits communication that demeans or disparages others on the basis of race, sex, gender identity, and a host of other personal attributes. The policy restates and reemphasizes an undeniable truth: service in the court system carries concomitant responsibilities of public conduct, including the responsibility to maintain the reputation of the courts as a forum where all participants are treated with equal dignity and respect, both inside and outside the workplace, both in person and on social and other media. Where comment projects racist or other offensive sentiments, its impact upon the courts is immediate, irreparable and completely unacceptable. As we have stated in the past, our approach toward such behavior must be "zero tolerance". Our policy will help to detail the expectations and standards that all court personnel must meet.

We will be sharing additional details with you in the coming weeks as we further proceed with implementation of the Johnson Report recommendations. As we move forward, we thank you for your support and assistance in fulfilling our court system's most important and fundamental responsibility: the assurance of equal justice under law.

Attachment

UCS Anti-Discrimination and Anti-Harassment Policy

The New York State Unified Court System (UCS) affirms its zero tolerance for any and all forms of bias, discrimination or harassment. We hereby renew our collective commitment to ensuring equal employment opportunities and a bias-free environment for all UCS personnel, litigants, lawyers, job applicants and other members of the public. UCS embraces its duty to promote a court system free from all forms of discrimination and bias based upon race, color, national origin, religion, creed, sex (including sexual harassment), sexual orientation, age, marital status, disability, genetic status, gender identity or expression, or domestic status. UCS recognizes and will uphold every individual's right to be treated with respect and dignity, and to work in a professional atmosphere that promotes fairness and equality.

UCS personnel must conduct themselves in a manner consistent with UCS policies and Rules, and with an understanding of their duties and responsibilities as public servants. Accordingly, all UCS personnel should take time to revisit the provisions of the UCS Employee Handbook, Sexual Harassment Policy & Procedure, Discrimination Claim Policy & Procedure, E-Mail and Internet Policies, as well as the Rules of the Chief Judge and Rules of the Chief Administrator, e.g. Part 50 and Part 100, as may be applicable to their position with the UCS, and which further maintain standards to promote public confidence in a fair, impartial, and independent court system and judiciary.

All UCS personnel are hereby reminded that engaging in conduct that is threatening, harassing, demeaning, bullying, or disparaging on the basis of race, color, national origin, religion, sex, sexual orientation, age, marital status, disability, genetic status, gender identity or expression, or domestic violence status, whether in-person, online or through any other verbal, written or electronic means, is a violation of UCS policies and Rules. Such discriminatory, harassing, threatening, or disparaging communications or materials include, but are not limited to, epithets, slurs, negative stereotyping, demeaning jokes, and vulgar, profane, insulting, or offensive language or content showing hostility or aversion toward an individual or group on the basis of the above.

UCS personnel who are found to have engaged in conduct that violates UCS policies and/or Rules against harassment and discrimination will be subject to appropriate administrative, remedial and/or disciplinary action, including termination.

Bias, discrimination, or harassment by or against UCS judicial or nonjudicial personnel will not be tolerated.

APPENDIX B: RECOMMENDATIONS

The thirteen recommendations by Secretary Johnson and his team in the Equal Justice report are as follows:

1. *A Commitment from the Top*
2. *Promote Existing Institutions*
3. *Expand Bias Training*
4. *Address Juror Bias*
5. *Adopt a Social Media Policy*
6. *Strengthen the Inspector General Process for Bias Complaints*
7. *Review of Rules Changes for Bias*
8. *Continue Progress on Translation and Interpretation Services*
9. *Improve Data Collection and Stewardship Practices*
10. *Improve Diversity and Inclusion within Human Resources Practices*
11. *Enhance Trust between Court Officers and the Community*
12. *Facilitate Navigation of Courthouses*
13. *Ensure Implementation of Change*

Equal Justice Report, pgs. 79 – 100

APPENDIX C: LOCAL EQUAL JUSTICE COMMITTEES

APPELLATE DIVISION, FIRST DEPARTMENT

Chair: Hon. Justice Dianne T. Renwick

The Anti-bias Committee is composed of judges and non-judicial staff from the Court and its auxiliary agencies. It is charged with evaluating the state of diversity and inclusion in the Court and making recommendations to the Presiding Justice as to how the Court might promote inclusivity and address racial, gender-based, and other forms of bias, both internally and in the Court's public facing operations, including judicial writings.

In the past two years, the Committee has organized staff trainings on implicit bias and similar issues, periodically disseminated information to staff to raise awareness about diversity and bias-related issues and reviewed and clarified the Court's internal policies on reporting and addressing workplace discrimination.

The Committee also researched and completed a comprehensive guide intended to assist the Court with appropriate language and identifiers when writing about race, ethnicity, gender, sexual orientation, mental health or disability. Our guide was one of the resources consulted in the area of gender and sexual orientation for the latest edition of the New York Law Reports Style Manual.

In addition, the Committee is working with existing educational programs to provide students with mentoring and civic education through mock-trial programs, panel discussions, and in-class lectures.

Early on, the Committee also began evaluating how best to contextualize the Court's historical artwork and architecture to further inclusivity and the cause of justice. Our Representation of Justice Initiative encompasses all of our work to date in a sustained program through which we will continue to add to and contextualize the Court's existing art. This endeavor includes the Court's exciting new partnership with the Madison Square Park Conservancy in presenting renowned artist Shahzia Sikander's latest work, "Havah ... to breathe, air, life," which will include a large statue in female form in Madison Square Park with interactive elements and, and most significantly for our Court, a smaller female statue on the courthouse roof.

The installation will be in place from January through June 2023. For more information, visit <https://madisonsquarepark.org/art/exhibitions/shahzia-sikander-havah-to-breathe-air-life/>.

COURT OF CLAIMS

Co-chairs: Hon. Walter Rivera; Hon. Maureen Liccione

The Equal Justice Committee of the Court of Claims is fully committed to ensuring the fair and equitable treatment of all users and stakeholders of the Court of Claims, including litigants, court staff and the public. We aim to reduce barriers to access faced by pro se litigants and incarcerated persons in state custody by encouraging law schools and bar associations throughout the state to provide pro bono legal services and dedicated lawyer referral panels.

The Committee held its inaugural meeting in a hybrid format on April 22, 2022 and attended a program at Siena College hosted by the Equal Justice Committees of the 3rd and 4th Judicial Districts in conjunction with Siena College and the UCS Office for Justice Initiatives entitled "A Dialogue On Race And Justice" on the same date. Following said meeting, a Mission Statement was

created and subcommittees were formed, the Indigent Pro Se Representation (IPSR) subcommittee and a language access subcommittee. The IPSR subcommittee developed a PowerPoint presentation and met with 12 interested stakeholders with specific subject matter expertise in creating and implementing a representation program for indigent, pro se litigants.

The Committee met with Court of Claims “A” Judges on July 27, 2022 to apprise them of all Equal Justice Committee endeavors to date and to solicit feedback. Judges volunteered to serve as liaisons to the committees of the Judicial Districts in their respective regions.

The Committee’s vision and goals for 2023 include partnering with bar associations, large law firms’ pro bono programs, and law schools to provide representation to indigent, pro se litigants and the establishment of a New York State Court of Claims Pro Se Clerk.

NEW YORK CITY CIVIL COURT

Chair: Hon. Matthew Raso

Former Chair: Hon. Cheryl J. Gonzales

The Civil Court Equal Justice Committee continued to focus on developing communication tools to reach the Civil Court community about our mission and availability to assist with issues of bias in Civil Court. The committee created a video to be distributed to Civil Court personnel which identified our members, explained the concepts of bias and implicit bias, and invited employees to reach out to the committee members if they encounter instances of bias and implicit bias.

The committee recently discussed Ijeoma Oluo’s book, “So You Want to Talk about Race” and will expand the discussion to a larger group.

On May 11, 2022, the Equal Justice committee members participated in a training conducted by mediators of the Peace Institute. The “Making Space for Conflict Talk” training focused on ways to engage and elicit information from employees who express concerns and issues.

Committee members from each borough formed borough subcommittees to develop programs and address borough specific issues. On May 11, 2022, the Queens subcommittee sponsored a Disability Etiquette and Awareness training with The Mayor’s Office for People with Disabilities. In October 2022, members of the Queens subcommittee visited the Growing Up Green Charter School and spoke with students of the school’s first 8th grade graduating class. The Staten Island subcommittee plans to host two classes from Bridge Prep on January 27, 2023. We plan to host town hall meetings in each borough and continue to conduct community outreach in schools.

Our committee co-sponsored the following programs: June 8, 2022, with the 12th JD Gender Fairness Committee - “The LGBTQ experience in Literature, Media & Art”; June 23, 2022 with the 2nd JD Advisory Council Demystifying the OCA Hiring Process; and July 28, 2022 Civility in the Courts, Sexual Harassment, Bias and Ethical Implications with NYS Courts, Office for Justice Initiatives.

NEW YORK CITY CRIMINAL COURT EQUITY, DIVERSITY & INCLUSION TASK FORCE (“EDIT”)

Chair: Hon. Raja Rajeswari

EDIT is dedicated to the mission of ensuring equal access to justice for ALL court users of the NYC Criminal Courts. We are committed to treating everyone with RESPECT.

Advocate, Educate and Eliminate: EDIT is committed to moving forward with these critical initiatives, to lead in the ongoing next steps to achieve equal justice for all.

Advocate for additional resources to close the equity gap that is prevalent in criminal court whether is based on race, gender, age, sexual orientation, language skills or financial ability as we march towards a more perfect court environment. Recruiting a work force that resembles the multi-cultural tapestry of New York is critical to ensuring diversity and inclusion in the workplace.

Educate all court users including employees of UCS that there is a zero-tolerance policy to eliminate discrimination. Empower their knowledge and create empathy and understanding through training regarding cultural humility and language access to combat both implicit and explicit bias.

Eliminate all barriers to achieve equal justice under the law for all court users in criminal court by enforcing a transparent and easily accessible complaint process to report discrimination or bias without any fear of retaliation or demotion is crucial for the success of this step to achieve meaningful change.

The Systemic Reform Subcommittee

One initiative is the creation and implementation of a centralized office in each criminal court that will help court users navigate the complexities of criminal court. This initiative is in the information gathering phase with visits to several Help Centers in New York City courts. The The Office for Justice Initiatives' Access to Justice Division will be assisting this subcommittee in implementing new Help Centers.

The Courthouse Environment Committee

The subcommittee arranged and participated in two training sessions in diversity, inclusion, and proper pronouns provided by the GOAL liaisons of the NYPD in Queens Criminal Court and has successfully begun to designate Gender Neutral bathrooms for staff.

The Community Outreach Committee

This subcommittee's focus is on educating underserved/underrepresented communities on career opportunities in the courts in 2023.

Looking Forward to 2023

EDIT is planning a series of presentations including CLE's and lectures in furtherance of the committee's mission. With the leadership of the Chair, the goal of the committee is to make critical recommendations to elevate the courts in New York so it can serve as a national model in every measurable statistic, to increase diversity and eliminate bias for litigants.

NEW YORK CITY FAMILY COURT

The New York City Family Court is pleased to report the following 2022 activities and plans of its five county committees on equal justice in the courts. All virtual presentations by individual counties were available to all NYC Family Court staff and, in some instances, available more widely to attendees outside Family Court. In addition, the New York City Family Court held a meeting with its related agencies and advocates to facilitate a presentation by Kay-Ann Porter Campbell.

BRONX COUNTY FAMILY COURT

Co-chairs: Hon. Sarah Cooper; Clerk of Court Ruth Whalen; Deputy Clerk of Court Stephen Byrne; Captain Joe DiBello

- Local youth created a lobby mural (photo below) depicting the breaking of racial barriers.
- Van Cortlandt Park Alliance presented the history of slavery in the park.
- The court discussed, with related agencies, the next steps in its equal justice efforts, including an implicit bias survey of the staff and a possible study conducted by CUNY on judicial approaches to reducing bias.



KINGS COUNTY FAMILY COURT

Co-chairs: Hon. Amanda White; Clerk of Court Ryan Darshan; Captain Steve Correa

- Replaced single occupancy staff restroom signage to be gender neutral.
- Provided lobby information that assists all, regardless of language, disability, digital fluency.
- Co-sponsored Hispanic Heritage Month and Pride events.
- Staffed a table at the KCSC Global Diversity Event to promote our Red Hook remote filing site.

Plans for 2023:

- Present a monthly viewing/discussion of videos about different perspectives on equal justice.
- Train staff how to respectfully and effectively deal with frustrated litigants.
- Survey staff, attorneys and litigants as to equal justice issues.

NEW YORK COUNTY FAMILY COURT

Co-chairs: Hon. Karen Lupuloff; Clerk of Court Juan Paez; Captain Robert Miglino

Presented programs on:

- *Nicholson v Scoppetta*, a decision regarding domestic violence and the removal of children.
- "Investigations of Bias in the Workplace," with Kay-Ann Porter Campbell.

- “LGBTQ 101,” with Matt Skinner.
- “Inclusive Language for People with Disabilities,” with representatives of the NYC Mayor’s Office for People with Disabilities.

QUEENS COUNTY FAMILY COURT

Co-chairs: Hon. Gilbert Taylor; Clerk of Court Keisha Kearsse; Captain Kevin Hanzich

- Hosted a presentation by Kay-Ann Porter Campbell.
- Administered a survey to countywide staff to gather information about individuals’ experiences related to bias in the court.
- Will host an educational series about historic communities and landmarks in the county.
- Will present a CLE on LGBTQ issues and second parent adoptions.

RICHMOND COUNTY FAMILY COURT

Hon. Alison Hamanjian; Hon. Karen Wolff

- Presented how the court system can help interrupt a cycle of intergenerational trauma and ensure equal access to justice.

Plans for 2023:

- A presentation on the history of Sandy Ground, the oldest inhabited free Black settlement in the United States, which was settled in the early 1800s and was a stop on the Underground Railroad.
- A presentation to court staff by Kay-Ann Porter Campbell.
- A Black History Month exhibit.
- A presentation on racial disparities in gun violence.
- A presentation on the needs of LGBTQ youth in foster care.
- A Holocaust remembrance focusing on Jewish History within Richmond County.

NEW YORK COUNTY SUPREME COURT CIVIL TERM

Chair: Hon. Deborah Kaplan

In implementing the mission, we have begun to see some successes in obtaining a diverse workforce. Through HR endeavors, we have seen the new employees reflect the diversity seen in our City and State. We recently hired a diverse group of employees including new court attorneys, court officers, as well as a new captain. Additionally, our prior events in April and May of 2022 were offered in person as well as virtually to ensure that all employees would be able to participate. Both events were widely attended. The Committee co-sponsored a diversity and inclusion summit and featured a presentation by Kay-Ann Porter Campbell, Managing Inspector General for Bias Matters.

SECOND JUDICIAL DISTRICT

Chair: Hon. Joanne Quinones

The Committee sponsored or took part in a wide variety of activities in 2022, including a career day at Brooklyn High School for Leadership and Community Service, a “courts and communities in conversation” with the Iran and Muslim Bar Association, a mental health and wellness program and rolled out an access and fairness survey for court users as well as an employee support survey. Among its other activities, it also:

- Co-sponsored a program with the Franklin H. Williams Judicial Commission and other court organizations on “Demystifying the OCA Hiring Process: How do I Get That Job?”
- Hosted a presentation by Kay-Ann Porter, Managing Inspector General for Bias Matters.
- Co-sponsored a Hispanic Heritage Month program.
- Established a partnership with the Brooklyn Public Library to highlight online court resources.
- Held a “Courts and Communities in Conversation” with the Hispanic National Bar Association and the Puerto Rican Bar Association.

THIRD JUDICIAL DISTRICT

Advisory Committee: Hon. Richard Rivera; District Executive Christy Bass; Deputy District Executive Amelia Sessions; Principal Court Analyst Jessica Douglas; CIP Coordinator Anna Wilkinson; Lillian Moy, Esq.

The mission of the Third Judicial District Equal Justice Committee is to promote diversity, inclusion, equity and cultural humility throughout the judicial and non-judicial workforce of the district as well as to the members of the public accessing our courts. By tasking sub-committees with focus areas dedicated to Access to Justice, Careers in the Courts, Virtual Court Access Network (VCAN), Gender Fairness and Implicit Bias Prevention with goals and initiatives in the areas of community outreach, training, needs assessments, social media marketing and advertising, we aim to proactively and strategically support and grow an institution that is accessible by, inclusive to, and representative of the members of the public engaging with the courts.

The various subcommittees of the Third Judicial District’s Equal Justice team were successful in advancing numerous committee objectives. Below is a description of our major achievements in 2022.

Careers in the Courts: Visited 11 schools, held 4 Court tours, attended several Careers Fairs at area higher education institutions. Secured funding for a Careers in the Courts video to aid in recruitment efforts; post- production of which is currently underway.

Virtual Court Navigator Program: Currently has 3 active sites; participated in meetings to make this project statewide; received funding through CIP COVID funds to aid in expansion. In the early stages of a Court Navigator Program in Greene County Courthouse.

Gender Fairness: Created and implemented the Courthouse Therapy Dog Program, which has 3 sites currently. Hosted The Power of a Woman’s Voice event. Cohosted with the Failla Commission a Court Team at the Capital Region Pride Parade

Other Equal Justice Events: Hosted two Sojourner Truth events; 4 Wellness Events for court staff; participated in a Block Party with Unity House to recognize DV Awareness month; held Adoption Day celebrations in four courts where children were gifted new books donated through a districtwide book drive; and coordinated a districtwide holiday drive to collect donations for local community organizations.

In 2023, the Third Judicial District's Equal Justice Committee endeavors to continue to support and grow the various programs implemented to further our Equal Justice Mission, as well as to expand and strengthen alliances with our local community partner organizations.

FOURTH JUDICIAL DISTRICT

Co-chairs: Hon. Kathleen B. Hogan; Hon. Teneka Frost

What Our Committee Accomplished in 2022:

- We worked with the Office of Indigent Legal Services to ensure applications for legal assistance were available in Spanish.
- Working in conjunction with Lisa Zayas, Director of the Office for Justice Initiatives' Access to Justice Division, opened three help centers in the Fourth Judicial District.
- Our Bias and Harassment Policy Awareness subcommittee drafted three proposed policy recommendations related to sexual harassment, training and filing a complaint.
- Working with the NYS Court Officers Academy, all the court officers in the Fourth Judicial District have been trained in verbal judo, tactical communication, and procedural justice.
- On April 21, 2022, with the support of Administrative Judges Felix Catena and Gerald Connolly, we hosted a summit for the judges of the Third and Fourth Judicial Districts at Siena College that was a dialogue led by Deputy Administrative Judge Edwina Richardson-Mendelson and Siena President Chris Gibson. We wanted to have an in-person gathering about the difficult conversations we must have to start making steps forward to ensure equal justice in the courts. The event was well-attended, and the conversation was robust and productive. Based on the feedback from the judges, we hope to host similar forums in the future.

Plans and goals for 2023:

- We are planning a Solomon Northup event in Saratoga County that will include Judge Richardson-Mendelson, Judge St. George, Solomon Northup's decedents, local historians, and leaders from our area.
- Under the leadership of the Hon. Stanley Pritzker, Appellate Division, Third Department, the subcommittee met with a local artist to discuss the commissioning of a movable mural that evokes sentiments of inclusion and equity that would be displayed in courthouses throughout the state. We are working with the Office for Justice Initiatives to secure funding for that project.
- Open more help centers in the Fourth Judicial District.

FIFTH JUDICIAL DISTRICT

Co-chairs: Hon. Julie A. Cerio; Hon. Felicia P. Davis

The Fifth Judicial District's Access to Justice Committee is committed to facilitating equal justice in the courts through its six subcommittees (Court Operations; Virtual Court Access Program; Community Outreach; Family Court/Domestic Violence; Diversity Equity and Inclusion; Translation and Interpretation), each of which focus on different ways to improve the court system and promote equal justice.

Major Achievements in 2022:



- Transitioned seven virtual court access kiosk sites to Onondaga County-based public libraries, for a total of eleven (11) virtual court access kiosks established throughout Onondaga County.
- Faith Leaders Breakfast on 12/13/22 to engage leaders from all faiths in the Syracuse area about the court system.
- Renovated lactation room in the Onondaga County Courthouse, which will be fully functional in early 2023.
- Updated placard court signs in Onondaga County Courthouse.
- Judicial Training Seminar on Sept. 26-27 during which Jeffrey Rachlinki, Professor of Law at Cornell Law School, spoke to the majority of 5JD judges about implicit bias.
- 5JD Court Officer community events at: Applebee's "Go for the Gold" on May 27, 2022; "Law and Order" event on May 12, 2022; Special Olympics Opening Ceremonies on June 24, 2022 in Ithaca, NY; National Night Out campaign in Syracuse, NY on Aug. 8, 2022.

Vision and Goals for 2023

- Establish Help Center in Onondaga County (City of Syracuse)
- Five new rural virtual access kiosk sites in each of the following counties: Oswego, Jefferson, Lewis, Herkimer and Oneida.
- New electronic signs in the Onondaga County Courthouse and Criminal Courts Buildings.
- QR codes on court signs to direct court users to important courthouse information and court calendars.
- Updated 5JD website with improved, multi-lingual information and links to videos showing how to navigate the Onondaga County Courthouse.

SIXTH JUDICIAL DISTRICT

Co-chairs: Hon. Hollie Levine; Hon. Seth Peacock; District Executive Porter Kirkwood, Esq.

The Sixth Judicial District Equal Justice in the Courts Committee's overall commitment is to improve our customer service model and improve our continuous efforts towards learning and bridging the gap. We strive to implement the recommendations from the Jeh Johnson report through educational initiatives, actively partnering with bar associations and local community stakeholders, as well as increasing transparency on matters of race and racial bias. Our greatest success thus far has been the "commitment from the top."

Our committee has the full support of our Administrative Judge, Hon. Eugene D. Faughnan as well as all the top administrators in the Sixth JD. In addition, the support from DCAJ-JI Richardson-Mendelson and her staff as well as DCAJ ONYC St. George and his staff, Chief Magliano, Chief Baccellieri and numerous others has been nothing short of amazing. Another success that we had in the year is our Survey Feedback Poster. We were able to utilize David Handschuh, who was able to photograph many of our court staff throughout the district. We were able to utilize those photos to create a poster that has been distributed to all of our court houses with the goal of encouraging our court users and staff to provide feedback so that we can gather data on the efficacy of our equal justice and other efforts to improve service. Our hope and vision for 2023, is to create an advisory committee consisting of a diverse group of individuals from our local communities to identify the needs and areas of improvement.

The Sixth Judicial District also wants to do outreach and education in the local school districts to share with students the various job opportunities that are available in the court system and encourage applications from a more diverse group of candidates to consider after high school and college.

Finally, it is our vision and goal to continue to sustain our Customer Service project that was initially rolled out in 2021. We plan to do this by including our customer service project in our orientation materials and by continuing to visit our courts to encourage and receive feedback from staff and court users. Our Customer Service Project will continue to be elevated ongoing. Overall, the Sixth Judicial District wants to continue to pave the way and ensure our overall commitment to improving these various efforts.

SEVENTH JUDICIAL DISTRICT

Co-chairs: Hon. William K. Taylor; Hon. Fatimat Reid

The Seventh JD was the first to establish the position of Districtwide Coordinating Judge of Diversity, Equity and Inclusion to streamline and focus priorities. It also:

- Hosted the first Asian American Pacific Islander Heritage Month in conjunction with Santa Clara County, California.
- Hosted several listening and learning sessions to obtain ideas on ways to modify the existing group structure.
- Offered enhanced programming and support for existing affinity groups. For example, the Black History Month committee co-hosted an event with the National Center for State Courts and developed a newsletter which included biographies and information on the first African Americans to achieve particular positions in the court system.
- Added several professional development opportunities for implicit bias training and forums for frank and open conversations.

The next step is to focus on quantitative data collection through surveys. In addition, we hope to establish goals for each subcommittee along with measurable metrics to use to determine if the sub-committees are achieving their goals. A long-term goal for the Embracing Our Community Committee (EOC) is to have a website/dashboard that is both internally and externally accessible to share how we are meeting our metrics and goals.

EIGHTH JUDICIAL DISTRICT

**Co-chairs: Hon. Kevin M. Carter; Hon. Barbara Johnson-Lee; Hon. Keith Kibler;
CIP Coordinator Aimee Neri**

The Committee lists the following achievements:

- Race Impact Analysis Training has been provided to Erie County Family Court Staff and Race Equity Coaching Circles will be offered to help participants put learning into practice.
- Established a Landlord Tenant Hub Court in December 2021. Over 900 cases have been transferred to the HUB Court since its inception. The ADR process is incorporated into these proceedings as appropriate.
- Partnering with local libraries to establish Community Kiosk Centers to provide access to court users.
- Implementation of a pilot Guardian Ad Litem program for landlord-tenant matters in Buffalo City Court for mentally impaired tenants.
- Jury diversification through community outreach.
- Faith-based community leadership event 10/19.
- Expansion of the Erie County HUB Court to Niagara County.
- Muslim and Immigrant Youth Career in the Courts and Legal Field Panel held.
- Unveiling of the Annual Family Court Children's Art Project.
- Lemmon Case being exhibited across the 8th JD.
- Virtual Court Access Network sites earmarked for local Tribal Nations.

NINTH JUDICIAL DISTRICT

**Co-chairs: Hon. Wayne Humphrey; Hon. E. Loren Williams; Commissioner of Jurors,
Betty L. Campbell, PhD**

The Committee lists the following achievements:

- Co-sponsor Black History Month Program with the FHW Commission.
- Co-sponsor Equal Justice in the Courts: Diversity, Inclusion and Cultural Humility in the Workplace with FHW.
- Importance of Jury Service – Jury Duty Matters: Why Minority Juror Representation Matters.
- Seeking to identify and coordinate a location in Westchester County for a Legal Hand and Prevention Center. Possible partnership with Pace Law School is being discussed.
- Creating a formalized internship/externship program where Pace Law students are given placement in the court.
- Efforts are underway to identify local libraries and other community partners to be used as Virtual Court Access Network sites.

- GAL Program is being piloted in the Westchester. Modeled after the NYC Housing Court program.
- Court Navigator Program resumed in-person at the Westchester County Courthouse in Summer 2022 and Fall 2022. The plan moving forward is to expand the program throughout the district.

10TH DISTRICT (NASSAU)

Co-chairs: Hon. Vito M. DeStefano; Hon. Andrea Phoenix

Since its inception, the Equal Justice in the Courts Committee of Nassau County committed to implementing the towering recommendations embodied in the Jeh Johnson Report. We hit the ground running during our first post-pandemic meeting held on September 21, 2021. Our over 60-member committee set timely goals to “bring the courts to the people.”

We have targeted the County’s three townships to establish community resource centers (CRCs). In one township, we have launched two CRCs, enabling visitors to upload court documents and make court appearances. We also endeavored to launch a consumer debt program in our District Court in conjunction with St. John’s Law School. This clinic will afford litigants free representation.

Remarkably, in less than one year, we have held seven CLEs on topics related to implicit bias and raising awareness. These programs have been in furtherance of our goal of becoming an accredited provider of free monthly CLEs for everyone. Additionally, our committee took a virtual field trip to the Metropolitan Museum of Art to view part of the Carpeaux Exhibition, featuring respected artist, Edmonia Lewis’ sculpture of emancipated enslaved persons. This experience further invigorated our committee to continue to invest in eradicating the badges of discrimination against any and all of us.

In conjunction with other organizations, a Careers in the Courts video premiered in our Supreme Court, dedicated towards promoting, educating and inspiring people of diverse backgrounds to consider a career in the courts. The premiere had approximately 100 guests in attendance, including superintendents and other school personnel.

In 2023, we hope to launch two CRCs in the other two townships, have the grand opening of our consumer debt clinic, obtain final approval to become a CLE provider and launch a speakers bureau and court tours to foster the goals of the Careers in the Courts video.

We closed out 2022 with an extraordinary unveiling of Eastman Johnson’s painting entitled, *A Ride for Liberty-The Fugitive Slaves*. Our committee is dedicating the painting to our court system, symbolizing our invested commitment to justice and liberty for all.

10TH JUDICIAL DISTRICT (SUFFOLK)

Chair: Hon. Cheryl A. Joseph

The Committee on Equal Justice in the Courts recently formed a Subcommittee focused on community outreach. The Subcommittee is working on plans for presentations, career fairs and career days that will include a diverse group of people and job titles for middle and high school students. Additionally, we are working to resume court tours for students with an emphasis on expanding this opportunity to include school districts that have not historically participated.

The next three phases underway are as follows:

- Planning and implementation of an implicit bias training for court personnel which will be spearhead by Charles Fox, the Diversity and Inclusion Officer for the Legal Aid Society in Suffolk County (and a member of the Committee). We are trying to address “diversity fatigue” and generate renewed interest in the topic through an innovative and interactive in person program. It is currently slated for Spring 2023.
- A community-based workshop on employment opportunities within the court system with information on the various job opportunities, how to apply, preparing the application, resume building, test prep and interview tips.
- In conjunction with Suffolk’s Access to Justice Committee, we have recommended the creation of an Office of Legal Resources, to be located in the Central Islip courthouse (and a satellite office in Riverhead) geared to indigent/lower income litigant who may not qualify for the assignment of counsel. The “OLR” would assist in streamlining a litigant’s search for legal representation by providing current information about various legal entities and services, general eligibility requirements and contact persons in Suffolk County. The Committees will be working together to facilitate the planning and launch of this invaluable resource.

11TH JUDICIAL DISTRICT (QUEENS SUPREME CIVIL)

Co-chairs: Hon. Lourdes M. Ventura; Alexandra Zervopoulos, Esq.

The Equal Justice Committee of Queens Supreme Court- Civil Term is committed to fostering an inclusive environment for all employees and court users within our court where diversity is embraced, everyone is respected, and access to justice is facilitated through educational endeavors, technological advancements, collaboration with the community, and the sharing of ideas and perspectives.

We kicked off 2022 by connecting with court personnel, stakeholders, and committee members which resulted in the formation of three subcommittees. The Community Outreach, Special Projects (formerly Gender Fairness) and Technology & Access subcommittees have been instrumental in advancing our goals concerning equal justice in the courts.

In 2022, we have engaged court personnel in monthly committee meetings. In conjunction with our IT department, we have created a QR code posted in our courthouses which lead court users to our court website. We have presented at various local Queens middle schools and high schools. The students have been informed about the role of the court within the community and introduced to future employment opportunities in the courts for their consideration. The school presentations have included judges, law clerks, clerks, officers and secretaries. We also initiated a speaker series and have had speakers address LGBTQ+ matters and the Inspector General for

Bias Matters complaint process. We have also commenced a dialogue with the Queens Public Library to partner and provide service to court users in outer Queens areas (i.e., Far Rockaway or other areas).

In 2023, we have more speakers lined up on racial justice and other topics of interest. We are working on an Equal Justice Committee content page to appear on the court website. We continue to program at different schools throughout Queens County. We are also hoping to bring back Take Your Children to Work Day and institute a Career Initiative Program.



11TH JUDICIAL DISTRICT (QUEENS SUPREME CRIMINAL)

Co-chairs: Hon. Donna M. Golia; Chief Clerk William M. Reyes

The Queens Supreme Court Criminal Term's goal for 2023 is to be involved with the community as much as possible, and to that end the committee has connected with the Queens Borough Presidents Office Deputy Chief of Staff and the event coordinator.

The primary goal for 2022 was to have open and honest discussion about how persons perceive their fellow employees, the general public and agencies that frequent or tenant our facility. Consensus was that all need to be treated with dignity and respect.

Although we lost several committee members in 2022 due to promotions, retirement and transfers to other jurisdictions, we are confident new members will join and our new founded relationship with the Borough Presidents Office will expand our outreach to the community and Court users who enter our buildings. After speaking with Administrative Judge Donna M. Golia, we would like to visit schools or invite students to our Courthouses. It is our goal to recognize every ethnic event as we possibly and feasibly can. We feel it is imperative to reach out to the youth of Queens County. It is our goal to reach out to as many community leaders and elected officials to help Queens County succeed in our endeavors.

12TH JUDICIAL DISTRICT (SUPREME CIVIL)

Co-chairs: Raymond Fernandez, Esq; Sophia B. Hershman, Esq.

The Committee was formed in May 2021 with the goal of fostering a safe environment for employees and court users to discuss issues specific to Bronx Supreme Civil and how best to implement the findings of the Jeh Johnson report. Over the last year, we have evolved into holding monthly programming to raise ethnic and cultural awareness. In June, we hosted our first AAPI event and co-sponsored an event for Pride month. For Hispanic Heritage, we held “lunch with a Judge” featuring our own Administrative Judge, Hon. Doris M. Gonzalez, speaking to our community about her upbringing and the importance of inclusivity.

Our goal for 2023 is to raise even more awareness and start conversations through programming and outreach. We will also continue expanding our ranks to ensure a cross-section of diverse members keep the conversations moving forward.

13TH JUDICIAL DISTRICT

Co-chairs: Chief Clerk Kenneth Fay; Irini Bekhit, Esq.; Nadine Johnson, Esq.

The poster is a vertical rectangular invitation. At the top, it reads "YOU ARE CORDIALLY INVITED TO ATTEND THE STREET NAMING CELEBRATION IN HONOR OF" in a small, black, sans-serif font. Below this, the name "Sheila Abdus - Salaam" is written in a large, elegant, black cursive script. In the center, there is a group photograph of five women. One woman in the back row is Judge Sheila Abdus-Salaam. The other four women are in the front row. Below the photo, the text "JUDGE SHEILA ABDUS-SALAAM WAY" is written in a bold, black, sans-serif font. Underneath that, the date "Date: Saturday, September 17, 2022" is listed. Then, the gathering time and location: "Gathering Time & Location: 12:00PM at the southwest corner of W 131st and Lenox Avenue/ Malcom X Boulevard". This is followed by the unveiling ceremony time: "Unveiling Ceremony: 1:00PM". Then, the VIP reception location: "VIP Reception: The Community Garden". Next, the RSVP deadline: "RSVP By: Friday, September 4, 2022". Finally, the contact information: "Contact: Valerie Pinckney-Williams" and the email address "vpinckneywilliams@gmail.com". The background of the poster features a faint, stylized image of a person in a white robe, likely a judge, holding a gavel.

YOU ARE CORDIALLY INVITED TO ATTEND
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Contact: Valerie Pinckney-Williams
vpinckneywilliams@gmail.com

Sponsored programs on the OCA hiring process, Hispanic Heritage and Global Diversity. Offered trainings on Extreme Risk Protective Orders and Raise the Age, information sessions on ADR and mandatory bias training.

The committee also took part in multiple events, including: the Staten Island Black Heritage Day; the naming of a street for Judge Sheila Abdus Salaam, the first Black woman to serve on the Court of Appeals; the Hispanic Heritage Month Celebration in Staten Island; the Asian Heritage Month Celebration of the 13th Judicial District; and several others.



NEW YORK STATE UNIFIED COURT SYSTEM