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Introduction: Report of the New York State Judicial Commission on Minorities

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Cover Page Footnote

None.

INTRODUCTION

*Hon. Sol Wachtler**

Our nation and our State are celebrating the two hundredth anniversary of the Bill of Rights. We are justifiably proud of this uncommon accomplishment. At the same time, we have a very real obligation to continually examine our institutions to make sure that the rights we so nobly guarantee are truly available to all.

We are the beneficiaries of such an examination of the system of justice in New York by the New York Judicial Commission on Minorities, chaired by Ambassador Franklin H. Williams.¹ The Report of the New York State Judicial Commission on Minorities, presented to me in April 1991, is the culmination of a three and one-half year study begun in 1988 to advise me of ways in which we can more effectively achieve fair and equal treatment for all in our justice system. For this study and this Report, we owe an enormous debt of gratitude to the distinguished men and women who served so diligently on the Commission.

The Commission was first formed at the suggestion of the Coalition of Blacks in Court, the members of which represent various judicial and nonjudicial organizations. My initial action was to find an exceptional chairperson for the Commission, and in this context I consulted with various leaders of the African-American community, including the Deputy Chief Administrative Judge charged with the responsibility of the New York City courts, Hon. Milton L. Williams. The person ultimately chosen for this position was Ambassador Franklin H. Williams, our first Ambassador to Ghana and President of the Phelps Stokes Foundation. He was an acknowledged leader of the African-American community and one of the most remarkable men I was ever privileged to meet. After several meetings he undertook the chairmanship but insisted that the work be funded from outside sources so that there be no perception of control by the Unified Court System. He and I visited many foundations in order to secure proper funding. Although the Office of Court Administration provided office and backup secretarial services, the entire financial burden of the Commission's work was carried by contributions from the foundations which the Ambassador and I visited.

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1. Due to the untimely death of Ambassador Williams in May of 1991, James Goodale, Esq. succeeded Ambassador Williams as Chair of the Committee.

The Commission's mandate was to determine how the public and court participants perceive the treatment of minorities in the courts. I also asked the Commission to review the representation of minorities in nonjudicial positions in our courts and, if underrepresentation was found, to recommend ways to increase such representation. Finally, the Commission was to review the judicial selection processes, elective and appointive, to determine which results in greater minority participation.

Throughout the period that the Commission studied these issues, we had the privilege of working with many of the members on specific projects and more general concerns. In 1989, at the request of the Commission, the Office of Court Administration prepared an in-depth study on the participation of minorities and women in the nonjudicial workforce. The results of that study, called the Report on the Participation of Minorities and Women in the Unified Court System's Nonjudicial Workforce, indicated that minorities were represented in many job groups in equal proportion to their availability. The findings of the study also revealed jobs and locations where we had to do more.

Immediately following the completion of the Report, I asked a committee of judicial and nonjudicial administrators² to recommend management strategies and instructions that would increase the participation of minorities and women in the Unified Court System's workforce. The result of the committee's work was the Unified Court System's Workforce Diversity Program, designed to be the foundation for the Judiciary's ongoing commitment to equal employment opportunity and to the goal of a diverse workforce. Minority Commission members generously contributed support, ideas and suggestions to the committee, and together we realized a program that Ambassador Williams described as establishing "New York as the standard-bearer for affirmative action at its best."³

The development of a Diversity Program and the energetic implementation of its strategies and initiatives cannot alone eliminate bias in the justice system. I commend the members of the Judicial Commission on Minorities and its distinguished Chair, Ambassador Wil-

2. The Committee consisted of Hon. Robert J. Sise, then Deputy Chief Administrative Judge for the Courts Outside of New York City; Hon. Milton L. Williams, Deputy Chief Administrative Judge for the New York City Courts; Jonathan Lipman, Esq., Deputy Chief Administrator for Management Support; and Hon. Kathryn McDonald, Administrator of the New York City Family Court and Chair of the New York State Judicial Committee on Women in the Courts.

3. REPORT OF THE NEW YORK STATE JUDICIAL COMMISSION ON MINORITIES, Volume One, at viii (Letter of Transmittal).

liams, for exhaustively probing all aspects of the justice system and for reporting so thoroughly on their findings. The Report is indeed a significant contribution to our cause of justice.

I would note that while the Report presents perceptions and anecdotes depicting racial bias in our courts, and contains valuable recommendations for remedial action, the Report should not be read as an indication that the justice system is beset with racism. The goal of the Report, as eloquently stated by Ambassador Williams, is "not to enflame but to explain, to give context to the recommendations" of the Commission. Our common goal is the "creation of an atmosphere without even the appearance of racial bias. . . as we look to the new century."⁴

In an effort to achieve this goal, the Commission noted and investigated the perception that "minorities are stripped of their human dignity" when they enter the justice system. The Report graphically illustrates that the physical deterioration of many of our court facilities, too often coupled with the "assembly line justice" resulting from staggering caseloads, may lead to a perception of bias in the courts. To deal with this perception, the Commission recommends that New York City act to upgrade existing facilities and that the Judiciary become more "user friendly."

We share the concern expressed by the Commission that the courts are perceived to be alien. Towards this end we have required our nonjudicial personnel to participate in a cultural diversity training program designed specifically for the court system. Through this program, we seek to enhance the delivery of court services in our multicultural environment and to recognize the role that cultural values play in shaping our behavior. This training, which was extremely well received by our employees, serves as an important first step to changing the perceptions of court users.

We recognize the courts most often used by the public, the New York City Civil Court, the New York City Family Court and the New York City Criminal Court, can be confusing places. A telephone system providing general information about the courts has been developed to serve as a guide to these courts, and a pilot program explaining the Civil Court in both English and Spanish is now in place. Using a single telephone, the caller can hear information about Housing Court, Small Claims Court, and general Civil Court. With sufficient funding, we will implement and expand this system to include all three city-wide courts.

4. *Id.*

The Commission also recommended, among other things, increased minority participation on juries; a model program for law schools to increase the participation of minorities in the student body; initiatives by law firms and other employees to increase hiring of minority lawyers; and strategies for increasing minority participation in the judiciary.

I am pleased to note that our efforts to enhance minority participation in the nonjudicial workforce has been well received and, until the recent layoffs imposed by the budget crisis, has been quite effective. Internship programs for law students and court reporting students brought in more applicants than we could accommodate.

Preparation courses for our competitive examinations were developed and presented by incredibly talented and giving court employees to candidates across the State. We had clear indications that our initiatives were successful and that our workforce was, as we hoped, becoming increasingly diverse. One of the most difficult challenges that we now face is to regain what we lost in this area because of the underfunding of the courts and the resulting hiring freeze and layoffs.

The recommendations contained in the Report demonstrate the magnanimous spirit and rare dedication of this Commission. To carry on this spirit, and to achieve our common goal of the creation of an atmosphere free from even the appearance of racial bias, I have adopted the Commission's initial recommendation and will shortly appoint an ongoing implementation committee, including judges and attorneys who have demonstrated a commitment in this area. The committee will be known as the Franklin H. Williams Judicial Commission on Minorities. The committee will work closely with me to review the specific recommendations in the Report that have not already been implemented in our Workforce Diversity Program and to help us examine, monitor and remedy concerns about racial bias in the justice system.

I am particularly pleased that Hon. Fritz W. Alexander II, Associate Judge of the New York State Court of Appeals, has agreed to serve as an ex-officio member of the implementation committee (and as my liaison to the committee) and that Hon. Edith L. Miller and Hon. Nicholas Figueroa have agreed to serve as the Chair and Vice-Chair of the committee, respectively.

Like the Judicial Committee on Women in the Courts, the implementation committee's mandate will be as sweeping as necessary to eradicate bias in the courts. They logically will begin with the Minority Commission Report and, based on that Report and the interim progress achieved through the Workforce Diversity Program, will re-

port their recommendations and progress to me. We will, in this way, carry on the work of the Commission and Ambassador Williams and give life to his firm belief that we can serve as “role models for the best of the nation’s courts and others of our societal institutions.”

