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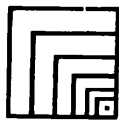
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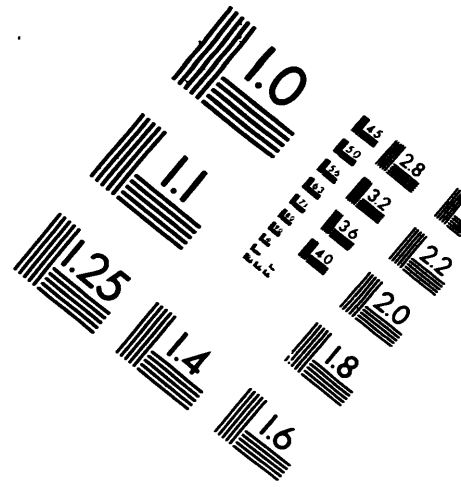
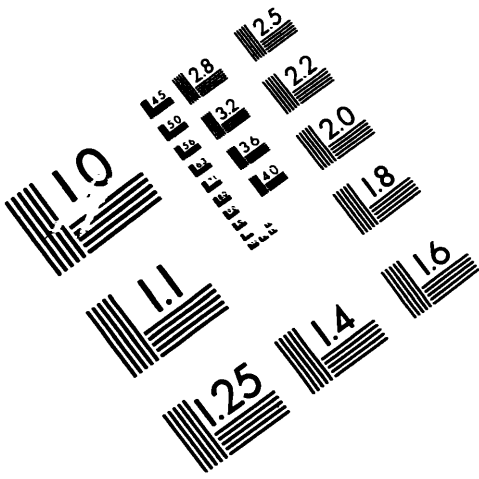
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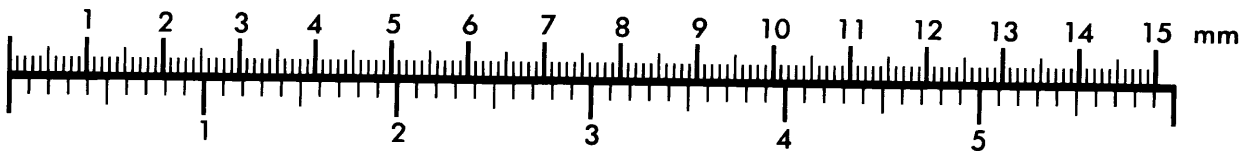


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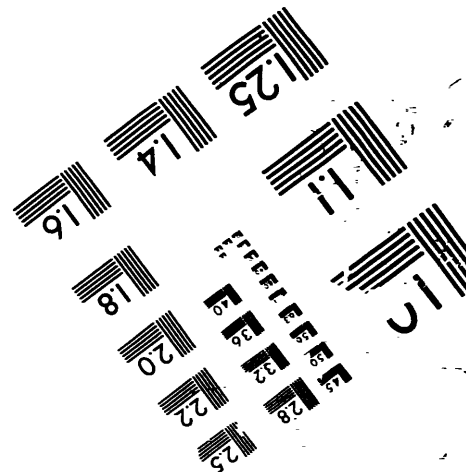
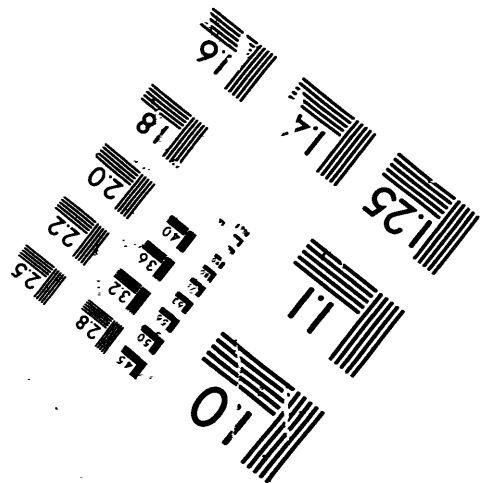
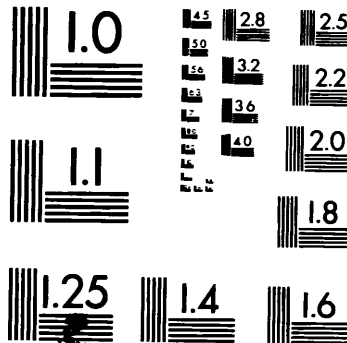
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# THE COMMITTEE TO PROMOTE PUBLIC TRUST AND CONFIDENCE IN THE LEGAL SYSTEM



Report to the Chief Judge  
and  
Chief Administrative Judge

May 1999



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# Public Trust and Confidence in the Legal System Examined

## SUMMARY OF ISSUES AND STRATEGIES

### 1. Bias and Prejudice (p. 6)

#### *Strategies:*

- a. Provide statewide sensitivity training and education programs for judges, law clerks, secretaries, clerks of the court and staff (including county clerk office personnel), security personnel and district attorneys (p. 7).
- b. Encourage bar associations and law schools to establish programs and offer classes which sensitize attorneys to issues of diversity (p. 8).
- c. Create incentives and disincentives for staff based on their treatment of those who use the court system (p. 9).
- d. Increase and provide more consistent attention to the needs of people with disabilities and people for whom English is not the primary language (p. 9).
- e. Promote greater representation of minorities in the justice system, particularly judges (p. 9).
- f. Provide plain language brochures regarding complaint and grievance procedures for court employees and members of the public who feel they have been subjected to discrimination (p. 9).

### 2. Access to Justice (p. 10)

#### *Strategies:*

- a. Recognize that legal services programs have been historically underfunded and that a plan needs to be developed based on demographics and areas of need that ensures stable and adequate funding for legal services, both civil and criminal (p. 11).
- b. Create a permanent fund for civil legal services (p. 11).
- c. Increase funding for public defenders' offices (p. 11).
- d. Increase compensation for assigned/appointed counsel under Judiciary Law §35 (p. 12).
- e. Encourage increased *pro bono* (free legal service) activities by lawyers (p. 12).
- f. Help law schools and appropriate agencies develop tuition assistance programs for law students similar to programs offered in medical schools (p. 13).
- g. Create *pro se* positions in court facilities to assist people in their efforts to represent themselves (p. 13).





- h. Make judges more aware of the inequitable bargaining position that can occur in matrimonial cases (p. 14).

### 3. Judicial Administration (p. 14)

#### a. User-Friendly, Comprehensible Court System (p. 15)

##### *Strategies:*

- i. Restructure the present court system to consist of two branches: one with local or limited jurisdiction and one with statewide jurisdiction (p. 15).
- ii. Develop videotapes and user-friendly educational materials to explain legal terminology, court etiquette/protocol, the procedures of each court, and restraints on judicial commentary (p. 16).
- iii. Develop a brochure for users of the courts (p. 16).
- iv. Install better signs in courthouses (p. 17).
- v. Expand children's centers in courthouses (p. 17).
- vi. Create an ombudsman position, possibly through the use of volunteers, to help people who have difficulty reading English understand instructions and complete forms and to navigate the courthouse (p. 17).
- vii. Provide more translators in courthouses (p. 18).
- viii. Provide procedural handbooks and training for all county clerk office personnel and court clerks who respond to inquiries from litigants to ensure that consistent and appropriate information is given (p. 18).
- ix. Provide in a public place (e.g., shopping mall or library) multilingual kiosks for paying fines, obtaining information regarding case status and directions to the courthouse, and curbside drop boxes for paying fines or delivering papers, similar to library depository boxes (p. 18).
- x. To assist the courts in making appropriate referrals, make available to judges and other court personnel information regarding community resources (p. 18).
- xi. Develop community justice centers, which reflect the culture and norms of the community they serve, for handling minor criminal matters (p. 19).

#### b. Jury System Experience (p. 19)

##### *Strategies:*

- i. Make jury summonses more explicit as to the term of service (p. 20).
- ii. Institute a *per diem* for Town and Village Justice Court jurors (p. 20).
- iii. Consider payment of parking allowances to jurors, especially for those jurors who are not paid for their service (p. 21).
- iv. Increase the use of technology (p. 21).



- v. Require judges and their staffs to report to the Commissioner of Jurors Office when a trial will not be proceeding on the scheduled date or at the scheduled time so jurors are not brought in unnecessarily (p. 21).
- vi. Remind judges to be more courteous and attuned to jurors' lives and needs (p. 21).
- vii. Ask judges to give jurors instructions regarding procedures and their role and conduct prior to the commencement of trial, allow note taking, give a special instruction if there are attorneys or judges on the jury panel, and give jurors a copy of instructions on the law (charge) to refer to during deliberations (p. 22).
- viii. Improve the system for payment of jurors so they receive their compensation more quickly (p. 22).

c. Delays in Justice (p. 23)

*Strategies:*

- i. Revise Article 31 of the Civil Practice Law and Rules (CPLR) and other discovery practices to reduce delay (p. 23).
- ii. Encourage amendment of CPLR §5001 to provide for interest on personal injury awards to be calculated and assessed from a fixed date prior to judgment, *i.e.*, date of accrual of the cause of action or date of commencement of the action or proceeding (p. 24).
- iii. Continue efforts to use computers to track cases and issue monthly status reports to judges to ensure that matters are handled expeditiously and are timely (p. 24).
- iv. Implement new approaches to calendar management practices (p. 24).
- v. Modernize court technology for chambers and administrative use (p. 25).
- vi. Make more consistent and persistent efforts by the bench and bar to discourage frivolous lawsuits and delaying tactics that squander valuable judicial resources as well as the finances of the litigants (p. 25).
- vii. Increase the number of judges, public defenders, prosecutors and support staff, as well as the number of court facilities (p. 26).
- viii. Re-examine the separate specialty parts within the Family Court which send the same family to different judges or hearing examiners for different aspects of a case (p. 26).
- ix. Develop adjunct programs to the court system to enable parties to learn skills to resolve their problems without the necessity of court intervention or to address related problems, such as chemical dependency, so that the cycle of crime or abuse can be broken (p. 27).
- x. Encourage judges to acknowledge and explain to the parties, jurors and counsel at the commencement of a matter when resolution of the case will be delayed and advise them of the reasons for the delay (to the extent appropriate), the anticipated length of the delay and alternatives available (p. 28).



- xi. Provide parties, especially those who represent themselves, and counsel with a written confirmation of the next court date to ensure timely appearance and to eliminate delay caused by late appearance or failure to appear (p. 29).
- xii. Require greater accountability by judges for the timely issuance of decisions (p. 29).

d. Adequate Funding to Assure Dignified Court Facilities that Promote Respect (p. 30)

*Strategies:*

- i. Formulate a budget and a strategic plan, both short term and long term, to develop resources to assure development and maintenance of dignified facilities that promote respect (p. 30).
- ii. Carefully monitor the cleaning requirements set forth in the Rules of the Chief Judge Section 34.1 and Appendix thereto to provide decent, clean, safe and accessible court facilities (p. 30).
- iii. Increase the number of magnetometers and the size of the courthouse foyers where possible, so people are not left waiting to gain entry to the courthouse (p. 31).
- iv. Establish areas where attorneys and clients can speak privately (p. 31).
- v. Establish separate waiting areas for victims and alleged perpetrators and their families (p. 31).
- vi. Make available food and beverages either through vending machines or a courthouse cafeteria (p. 31).
- vii. Seek information through questionnaires from court users and court personnel regarding the adequacies and deficiencies of court facilities and their ideas for improvement (p. 31).
- viii. Initiate community projects to “spruce up” the courthouse or its grounds (p. 31).

4. Legal and Judicial Ethics (p. 32)

a. Ethical Issues Regarding Attorneys and Attorney Civility (p. 32)

*Strategies:*

- i. Give continuing attention to attorney misuse of client funds (p. 32).
- ii. Make the public aware that errant attorneys and judges are accountable and subject to sanctions by opening to the public disciplinary proceedings once a *prima facie* case has been established (p. 33).
- iii. Encourage judges to exercise their authority to control and require civil behavior of attorneys (p. 34).
- iv. Ask law schools and bar associations to establish programs and offer classes on professionalism and civility (p. 34).



d. Influence of Politics on Judicial Selection (p. 37)

*Strategies:*

- i. Retain long terms of office for judges to limit the need for political activity and regulate the political activities and associations that judges may pursue (p. 37).
- ii. Reexamine Election Law provisions which prohibit judicial candidates from knowing who contributed to their campaigns (p. 37).
- iii. Discourage judicial candidates from seeking the endorsement of special interest groups or parties that require or give the impression that the judicial candidate has a position on an issue in contravention of Canons 2, 3, 4 and 7 of the Code of Judicial Conduct (p. 38).
- iv. Establish guidelines for fair campaign practices for judicial elections (p. 38).
- v. Seek agreement from appointed officials, elected officials and candidates and their staffs in other branches of government not to engage in personal attacks on judges (p. 38).

5. Media Portrayal and Public Understanding (p. 38)

a. Educating Students About the Justice System (p. 39)

*Strategies:*

- i. Advocate for expanded and practical coverage of the judicial system in school systems beginning at grade school level and continuing into secondary schools and college (p. 39).
- ii. Sponsor contests for students to develop a videotape and/or computer software regarding the judicial system that could be used for educational purposes (p. 40).
- iii. Explore the feasibility of initiating the production and broadcasting of a television program about the courts in which teenagers serve as the hosts/moderators (p. 40).

b. Public Knowledge and Understanding of the Justice System/Openness of Legal System (p. 40)

*Strategies:*

- i. Establish and/or expand Speakers Bureaus of judges and attorneys available to speak to schools, churches and civic groups (p. 40).
- ii. Produce with local radio (usually talk radio is the most receptive) a series of 30-second audio spots defining legal terms, court procedures and specific areas of law which will serve to inform the listening public (p. 41).





- iii. Develop, with bar associations, public service announcements regarding the role of courts and the judiciary (p. 42).
- iv. Initiate court open house education day for families (p. 42).
- v. Develop a series of videotapes and materials on legal topics for use in public libraries and schools (p. 42).
- vi. Publicize good deeds/contributions to the community by attorneys, judiciary, judicial staff, court employees and law schools (p. 42).
- vii. Establish a “Law Hot Line” or “Ask a Lawyer” newspaper column and/or a web site for educational purposes (p. 42).

c. Media Portrayal of Courts/Criticism of Courts by Public Officials (p. 42)

*Strategies:*

- i. Disseminate the videotapes and educational materials developed to the media for use in training persons who will be covering the courts (p. 42).
- ii. Designate a person in each district as the public information officer available to the media to answer questions beyond normal business hours (p. 43).
- iii. Develop and disseminate to all judges guidelines regarding allowable/ advisable judicial responses to the media and public inquiry and on handling criticism (p. 43).
- iv. See [4][d][v] at page 38.

d. Public Perception of Lenient Sentencing and Appeals Overturning Convictions (p. 43).

*Strategy:*

- i. Develop for dissemination to the media, schools and public libraries a videotape which addresses procedural safeguards afforded under our Constitution, considerations in sentencing and the appeals process (p. 43).



## **I. INTRODUCTION**

### **A. National and State Initiatives on Public Trust and Confidence**

Fostering public trust and confidence in the justice system is one of the principal goals of the Conference of Chief Justices, the Conference of Chief Administrators and the American Bar Association. To assure broad-scale efforts to improve public trust and confidence, these groups are joining with major court organizations to conduct a National Conference on Building Public Trust and Confidence in the Justice System in May 1999 in Washington, D.C. In the Spring of 1998 each State Chief Justice was invited to send a five-person delegation to the National Conference and was urged to form a State Committee composed of diverse representatives to identify issues affecting public trust and confidence in his or her respective State and to formulate strategies to address these issues.

The Committee to Promote Public Trust and Confidence in the Legal System, appointed by Chief Judge Judith S. Kaye and Chief Administrative Judge Jonathan Lippman, has been charged with this mission in New York State. With 31 members, the Committee represents the bench and bar, educators, legislators, local government officials, unions, business, civic and victims' rights groups, and the media. The Committee is co-chaired by Appellate Division Justice William C. Thompson and Supreme Court Justice Evelyn Frazee. The press release announcing the Committee and a list of the Committee members is included in Appendix A.

The planning group for the National Conference asked each State Committee first to compile a list of public trust and confidence issues in the State and then to develop

strategies to address these issues. The Committee's primary goal in preparation for the National Conference was to obtain input from the public to assist in identifying issues and strategies. Then, drawing upon the proposals forthcoming from the National Conference, the Committee will develop a strategic plan containing concrete reforms that address both systemic and educational issues critical to elevating public trust and confidence in New York's justice system.

### **B. State Committee Outreach**

Upon embarking on its assigned challenge, the Committee developed the following mission statement to guide its inquiry and deliberations:

The goal of the Committee is to enhance the public's trust and confidence in our legal system. The Committee's focus is twofold — first, to assure that there is a fair and just system by which people who have contact with the legal system are treated with respect and equality, and second, to bring about a greater understanding of and respect for the legal system.

The Committee then focused on the methods to study public trust and confidence issues in New York State. Five major issues were identified to focus the Committee's efforts: (1) Bias and Prejudice; (2) Access to Justice; (3) Judicial Administration; (4) Legal and Judicial Ethics; and (5) Media Portrayal and Public Understanding. A pamphlet describing the Committee, its membership and mission was prepared and distributed to invitees and other interested groups. A copy of the pamphlet is in Appendix B. The issues

and strategies to address them were further developed through public hearings held in New York City and Rochester, which included one hearing coordinated with the annual meeting of the New York State Bar Association. The people invited to testify at the hearings reflected diverse perspectives, interests and contacts with the legal system and included citizens, civic and community groups and representatives of the bench and bar. Lists of those who testified at the hearings are contained in Appendix C.

The Committee also formed two subcommittees for more in-depth study of the issues. The subcommittees, one on Systems and Institutions and one on Education, examined the public trust and confidence issues from their respective subcommittee perspectives and worked in conjunction with the full Committee to achieve the projected goals. The members of the subcommittees are listed in Appendix D.

In addition, the Committee utilized resources and guidance provided by the National Conference organizers and existing publications and reports on related topics. The Committee also benefitted from reports of two ABA Symposiums entitled *Bulwarks of the Republic: Judicial Independence and Accountability in the American System of Justice* (12/98) and *Public Understanding and Perceptions of the American Justice System* (2/99). The reports were prepared by James C. Moore, President of the New York State Bar Association (NYSBA), and a member of the leadership team who will attend the National Conference. Additional insight was provided by one of the Committee members who attended the Mid-Year Conference of the National Association of Court Managers.

Finally, the Committee reviewed relevant publications, including previous reports done by committees and task forces established by the Judiciary that involved issues similar or

related to the work of this Committee. A bibliography containing the publications most useful to this Committee's work is listed in Appendix E.

## II. PUBLIC TRUST AND CONFIDENCE IN THE LEGAL SYSTEM EXAMINED

### A. Public Trust and Confidence Perspectives

While a decline of public trust and confidence in the legal system may appear to be of recent origin, it has a long history. In an address to the American Bar Association delivered in August 1906, Roscoe Pound, then Dean of the Law Department of the University of Nebraska, observed that

dissatisfaction with the administration of justice is as old as law . . . [A]s long as there have been laws and lawyers, conscientious and well-meaning men have believed that laws were mere arbitrary technicalities, and that the attempt to regulate the relations of mankind in accordance with them resulted largely in injustice. But we must not be deceived by this innocuous and inevitable discontent with all law into overlooking or underrating the real and serious dissatisfaction with courts and lack of respect for law which exists in the United States today.

A recent study has noted that the public's trust and confidence in all governmental institutions have been the subject of decline over the past 30 years.<sup>1</sup> Yet, despite this phenomenon, there is a high level of confidence in the United States justice system (*i.e.*, courts, judges, lawyers and police) with as many as 80% of the people responding to a recent survey that, in spite of its problems, the American justice system is still the best in the world.<sup>2</sup> This same level of confidence does not apply to lawyers who are viewed favorably by only 14% of those polled.<sup>3</sup> While one might feel good about the high approval

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<sup>1</sup>Nye, Joseph S., Jr., Philip D. Zelikow, and David C. King (EDS), Why People Don't Trust Government. Cambridge, MA: Harvard University Press, 1997.

<sup>2</sup>Perceptions of the U.S. Justice System. American Bar Association. February 1999. M-A-R-C @ Research.

<sup>3</sup>*Id.*

rating for the judiciary, it is suggested that this may be residual and shrinking rather than growing. Thus, there is need to analyze all aspects of the legal system.<sup>4</sup>

In assessing the issues which seem to be at the heart of the public's disenchantment, the Committee has concluded that some of the dissatisfaction is based in reality; that is, the system is not responding adequately to the public's needs. Some of the dissatisfaction, however, comes from perceptions that are based on a lack of understanding and knowledge about the legal system. It is important to keep in mind that both the reality and the perception must be addressed since, as one person who testified at the public hearings noted, "Perception is reality through the eyes of the beholder."

The Systems and Institutions Subcommittee emphasized and predominately addressed changes to the system which would improve public opinion by those who have contact with it. The Education Subcommittee focused primarily on ways to make the public better informed about the legal system and to reduce misunderstanding.

This report presents strategies for addressing each of the five issues identified to be of public concern as gleaned from the Committee members' experience and observations, comment at the three public hearings, and various studies and articles.

## **B. Issues and Strategies**

### **1. Bias and Prejudice**

This issue addresses the way in which people who have contact with the legal system are treated. If the words of the Pledge of Allegiance "and liberty and justice

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<sup>4</sup>Concerns with police brutality and prejudicial application of the law, as with selective stops and citations or tickets, were raised in the public hearings. It is suggested that the Committee may need to expand its focus and bring representatives of various police agencies into the dialogue because the public views the police as part of "the system" of justice.



for all” are to have meaning, then all people should feel that we have a legal system that is free of bias and prejudice and which treats people equally regardless of race, color, national origin, religion, creed, gender, sexual orientation, age, marital status, social status, disability or limited English proficiency. Another aspect of equality, economic equality, is addressed separately under “Access to Justice.” If people feel that the system is fair, trust and confidence will follow. Two studies in this area have been conducted in New York State: *The New York State Judicial Commission on Minorities* (Franklin H. Williams Commission), which issued its Executive Summary, Volume I in April 1991, and *The New York State Task Force on Women in the Courts*, which issued its report in March 1986. The work of these two groups revealed that there are biases and prejudices in our judicial system and recommended specific measures to address those problems. Many of these measures have been implemented, but bias and prejudice are longstanding and insidious. Continuing vigilance and effort is needed to ensure fair and equal treatment for those who have contact with the legal system.

The Committee proposes the following strategies:

- a. Provide statewide sensitivity training and education programs for judges, law clerks, secretaries, clerks of the court and staff (including county clerk office personnel), security personnel and district attorneys.** A component of this training should address general expectations of professionalism and courtesy of representatives of the court when dealing with the public. In addition, sensitivity training should alert people to the

special problems faced by those from minority groups or with disabilities or limited English proficiency. This sensitivity training should be part of the initial training for all new court system employees, including judges.

A videotape would ensure consistency both in content and in the timely dissemination of the training and also serve as periodic reinforcement. The development of this videotape and any accompanying materials should be done in collaboration with bar associations and representatives of groups who are the subject of bias and prejudice. These representatives should be from various racial backgrounds and should include women, those who are visually, cognitively or hearing impaired, the physically disabled, those with limited English proficiency, and those who serve these populations, such as language and sign language court interpreters. This collaboration serves two purposes: it assures that the video and any materials that may be developed address the concerns of those who experience bias and prejudice and it establishes contact with community members that can serve as a bridge toward increasing public trust and confidence.

- b. Encourage bar associations and law schools to establish programs and offer classes which sensitize attorneys to issues of diversity.**
- c. Create incentives and disincentives for staff based on their treatment of those who use the court system.** Courteous and professional treatment of all those who use the courts should be reinforced through the implementation of (a) “Employee of the Month” postings and awards

recognizing outstanding conduct; (b) recognition of courteous and professional conduct on performance reviews as a criteria for promotion and job retention; and (c) disciplinary proceedings when there are serious breaches in the expected conduct. Awareness of these reinforcement programs should be part of the training referenced in (a) on page 7 above.

- d. Increase and provide more consistent attention to the needs of people with disabilities and people for whom English is not the primary language.** This includes availability of language and sign language interpreters and of other devices (auditory systems or real time transcription) for hearing impaired people, auditory and large print materials for visually impaired people and accessibility for physically challenged people (e.g., parking, the courthouse, courtrooms, restroom and cafeteria facilities).
- e. Promote greater representation of minorities in the justice system, particularly judges.**
- f. Provide plain language brochures regarding complaint and grievance procedures for court employees and members of the public who feel they have been subjected to discrimination.** Brochures should be written in clear language and contain specific information about procedures for seeking redress. The brochure should be available in the courthouse with signs publicizing its availability posted in public areas.

## **2. Access to Justice**

A widely held public view is that the legal system is based on wealth with one system of justice for the rich and one for the poor. Another group of citizens has also developed — the working poor whose income does not qualify them for free legal assistance, but who are not able to afford an attorney. The reduction of public funding of legal services for the poor at both the national and state levels has exacerbated this situation. If everyone is to have access to justice and if the public is to have confidence that there is fair and equal justice, it is imperative that there be improved and adequate legal assistance and access to justice for people of low income. As Supreme Court Justice Lewis F. Powell observed:

Equal justice under law is not merely a caption on the facade of the Supreme Court building. It is perhaps the most inspiring ideal of our society. . . . It is fundamental that justice should be the same, in substance and availability, without regard to economic status.

Fostering self-representation is not the answer to the lack of representation for the poor and working poor. There needs to be a reliable funding source to ensure that counsel is compensated in a fair and reasonable manner and that there are sufficient attorneys to handle these cases. Absent this, people go unrepresented or lack confidence in their attorneys. Legal services attorneys, public defenders or assigned counsel are often overwhelmed by the number of cases that they must handle and/or are inadequately compensated. This creates the impression that the poor are not receiving the attention their cases merit or that counsel takes the most expedient route, by plea bargaining or settling cases, because they are not

sufficiently compensated or do not have the time to vigorously pursue them.

Suggested strategies include:

- a. Recognize that legal services programs have been historically underfunded and that a plan needs to be developed based on demographics and areas of need that ensures stable and adequate funding for legal services, both civil and criminal.**
- b. Create a permanent fund for civil legal services.** The Committee endorses the proposal set forth in the Report to the Chief Judge for Funding Legal Services for the Poor (May 1998) for the creation of an Access to Justice Fund under the control of the IOLA (Interest on Lawyers Account) Board of Trustees.<sup>5</sup> This fund should be available for civil litigants and in addition to the funding for criminal defense. The Access to Justice Fund would be funded through a dedicated revenue stream from the state abandoned property fund (estimated \$40 million). If this source does not prove adequate, the general fund should provide the balance, at least to the extent of surpluses in the Court Facilities Incentive Aid Fund, that would otherwise be transferred to the General Fund. As a last resort, additional revenues could be derived from discrete increases in certain law-related fees.
- c. Increase funding for public defenders' offices.** These offices handle not only criminal, but also Family Court and Surrogate's Court matters (County

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<sup>5</sup>The Judiciary has submitted a bill to the Legislature to establish the Access to Justice Fund (OCA #99-124).

Law §§ 18-A and B). Attorneys in many public defenders' offices carry an excessive caseload which can compromise the quality of legal service that is rendered. Sufficient funds for investigators also are needed. Funding should be more proportionate to that given to District Attorneys' offices.

**d. Increase compensation for assigned/appointed counsel under Judiciary**

**Law § 35.** The present fee structure of \$25 per hour for out-of-court time and \$40 per hour for in-court time was last amended in 1985. This is wholly inadequate. As a result, capable, experienced attorneys are declining to serve as appointed or assigned counsel because they cannot afford to work at these rates and meet overhead expenses.

**e. Encourage increased *pro bono* (free legal service) activities by lawyers.**

A statewide *pro bono* survey conducted by the Unified Court System revealed that free legal work provided by New York State lawyers to poor people averaged 42 hours per lawyer in 1997. This is a collective effort by New York State lawyers of more than two million hours of free legal service to indigents each year. Few, if any other, professions can match this effort of service to the poor. Donation of free legal services should be encouraged to continue and increase. The administrative mechanism for soliciting participation by a broader array of attorneys and for matching the need to the provider could be established through organized efforts of bar associations and law schools. While free legal assistance plays a valuable role in providing representation to those with unmet legal needs, it should

not be the primary source of representation for the poor or deemed to be a reliable method of providing access to justice. There needs to be a legal services fund as mentioned in 2(b) at page 11 above. The use of *pro bono* legal services should be reserved to fill the gap of representation for those of moderate income who are unable to afford legal counsel, either by a reduced fee or no fee arrangements.

- f. **Help law schools and appropriate agencies develop tuition assistance programs for law school students similar to programs offered in medical schools.** These programs would forgive law school tuition debt in return for the student, upon graduation, serving for a designated period as counsel in an office that represents people of low income.
- g. **Create *pro se* positions in court facilities to assist people in their efforts to represent themselves.** A delicate situation is created if *pro se* positions are funded from the judiciary budget. Court system employees must not be seen as assisting one party to an action or proceeding over the other party(ies) if the courts are to be viewed as fair and impartial. In order to avoid issues of unauthorized practice of law, the individuals serving as *pro se* assistants should be specially trained to answer procedural questions only and not to give legal advice. To ensure truly equal access to justice, reliable funding needs to be established (see [2][a], [b], [c] and [d] above at pages 11 and 12 ). The creation of *pro se* positions should not be viewed as a preferred or reliable method of providing equal access to justice.

**h. Make judges more aware of the inequitable bargaining positions that can occur in matrimonial cases.** Temporary awards of attorneys fees and spousal support (maintenance), when appropriate, should be encouraged so economic pressure is not exerted to influence negotiations.<sup>6</sup> Sensitivity to the needs of a child for involvement of both parents in his/her life also should be heightened.

### **3. Judicial Administration**

This issue covers four areas of concern: (a) User-friendly, comprehensible court system; (b) Jury system experience; (c) Delays in justice; and (d) Adequate funding to ensure dignified court facilities that promote respect.

Survey data has revealed that exposure to the justice system tends to improve respect for it; yet at the same time, there is a perception that the justice system is too costly and slow.<sup>7</sup> The survey respondents also indicated a very high regard for juries and a belief that they are the best way of getting to the truth of a matter.<sup>8</sup> Thus, the operation of the court system, its procedures and its facilities are important components in obtaining and maintaining the public's trust and confidence. Suggested strategies are set forth below under each of the four sub-issues.

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<sup>6</sup>The Judiciary has submitted a bill to the Legislature to create a rebuttable presumption that an interim award of counsel fees in matrimonial cases is warranted (OCA #99-91).

<sup>7</sup>M-A-R-C Research for ABA, *supra*.

<sup>8</sup>*Id.*



**a. User-Friendly, Comprehensible Court System** - The court structure and nomenclature should be understandable to professionals and the public. Predictability and consistency in procedures and application of the law promote trust. The facilities also must be easily accessible to the public and accommodate their needs. There is an important distinction between being customer friendly and treating people fairly and with dignity and respect; some distance is needed in order to maintain authority. While the courts should not become too friendly, it is important that those within the system treat users of the system with dignity and respect. The following recommendations are made:

- i. Restructure the present court system to consist of two branches: one with local or limited jurisdiction and one with statewide jurisdiction.**<sup>9</sup> Within the general jurisdiction, branch divisions should be developed that are devoted to specialized areas of law, but with free transferability of judges and court support staff when expedient or economical to address the area(s) of greatest need. The most striking need for uniformity is in the Family and Supreme Courts in which the procedural anomalies of having two courts which can hear the same type of case is confusing to counsel and parties and wastes time and resources.

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<sup>9</sup>The judiciary proposed a constitutional amendment to restructure the State's trial courts into a two-tiered system and to add a Fifth Judicial Department.

- ii. **Develop videotapes and user-friendly educational materials to explain legal terminology, court etiquette/protocol, the procedures of each court, and restraints on judicial commentary.** These materials should be multilingual and in large print. As a corollary to this, forms also should be developed for several courts or court procedures, *e.g.*, landlord and tenant matters. Members of the community to be served by the videotape and materials should be included in their development. This would establish a bridge to the community and give better assurance that the material is understandable to those who will be using it. The services of the bar associations and law schools also should be enlisted in developing these materials. This information should be posted on the Internet and made available at kiosks and in court clerks' offices and juror waiting areas. The videotapes and education materials also should be disseminated to public libraries and to schools.
- iii. **Develop a brochure for users of the courts.** This brochure should include such information as directions to the courthouse (by automobile or public transportation), location and cost of parking (with handicap parking facilities highlighted), an interior map of the public areas of the courthouse including the location of restrooms, smoking areas, food and beverage facilities (with the location of facilities for the physically challenged highlighted), information about magnetometers and

searches upon entry to the courthouse, inappropriate courtroom attire, courtroom etiquette, contact information for those needing an interpreter or other special assistance, and information of special interest to jurors. This information also should be made available on audiotape for the visually and cognitively impaired as well as in large type and in several languages. These materials should be reviewed and updated annually. The brochure should be mailed to prospective jurors and made available to attorneys to distribute to clients and witnesses.

- iv. **Install better signs in courthouses.** Signs should identify the location of various parts, courtrooms, restroom facilities, cafeteria, clerks' offices, and other areas commonly used by the public. Also, an information officer should be stationed at the main entrance or kiosks should be available to give information to people as they enter the building.
- v. **Expand children's centers in courthouses.** Children's centers have been a very positive development for those who cannot find or afford childcare in order to appear in court. Expansion of these facilities to more courthouses and consideration of making them available to jurors is encouraged.
- vi. **Create an ombudsman position, possibly through the use of volunteers, to help people who have difficulty reading English**

**understand instructions and complete forms and to navigate the courthouse.**

**vii. Provide more translators in courthouses.**

**viii. Provide procedural handbooks and training for all county clerk office personnel and court clerks who respond to inquiries from litigants to ensure that consistent and appropriate information is given.** A corollary to this is that all clerks' offices where the public has access should have a sign posted prominently that legal advice cannot be given.

**ix. Provide in a public place (e.g., shopping mall or library) multilingual kiosks for paying fines, obtaining information regarding case status and directions to the courthouse, and curbside drop boxes for paying fines or delivering papers, similar to library depository boxes.** This eliminates people having to park and come into the courthouse for these transactions and increases the convenience to the public and others. Consider locating Automated Teller Machines (ATM's) in courthouses near the courts that assess fines so people can easily obtain money to pay fines. Electronic or faxed filing of papers should be implemented where appropriate as a further way to ease access to the courts.

**x. To assist the courts in making appropriate referrals, make available to judges and other court personnel information**

**regarding community resources.** The compilation of this information should be in collaboration with bar associations, various agencies and community groups.

- xi. Develop community justice centers, which reflect the culture and norms of the community they serve, for handling minor criminal matters.** These are problem-solving courts that recognize the toll that low-level crime has on a community. Problems outside the reach of traditional court tools, such as homelessness, drug abuse and mental health issues, can be addressed in this setting. With community input, sanctions that pay back the community can be established, such as community service. These courts are a partnership with the community organizations and other agencies located in the community so that justice is immediate. The purpose is to provide a swift response to minor matters in the hope that, by addressing a situation in a timely and meaningful way, future criminal activity will be deterred. Ancillary benefits are that these courts help make the community feel a part of and invested in the legal system.

- b. Jury System Experience** - Summoning jurors to the courthouse is an integral part of the justice system, and the most common way for most citizens to have contact with the judicial system. It is imperative that this experience be positive if public trust and confidence is to exist. This was recognized in *The Jury Project* (Report to the Chief Judge, March 31, 1994),

which made recommendations on 20 standards affecting jury service. Further study was undertaken by the *Committee of Lawyers to Enhance the Jury Process*, which was asked to examine the procedural and ethical issues occasioned by the repeal of the bar's automatic exemption from jury service and to recommend improvements in the jury process. The Committee issued its report to the Chief Judge and Chief Administrative Judge in January 1999 and made ten recommendations which addressed the petit or trial jury aspect of the jury system. Currently, a task force is studying the grand jury system. Its report and recommendations are being released this month. The changes that have been made in the jury system as a result of these reports are laudable. In addition to the continued implementation of the excellent suggestions made by these projects, some additional adjustments and accommodations are needed:

- i. **Make jury summonses more explicit as to the term of service.** The "one day or one trial" notation leads to a false belief by many jurors that they only will be serving for one day. As a result, jurors often do not make advance arrangements for longer periods of service. Jurors should be provided with a brochure that provides more information about the courthouse and jury service (see [3][a][iii] at page 16) prior to their first day of service.
- ii. **Institute a *per diem* for Town and Village Justice Court jurors.** Increasingly, justice courts are conducting trials during the day causing

jurors to miss work. This situation should be brought to the attention of town and village governments with a request for allocation of budgetary resources to provide for payment of Town and Village Justice Court jurors.

- iii. **Consider payment of parking allowances to jurors, especially for those jurors who are not paid for their service.**
- iv. **Increase the use of technology.** For example, juror qualification questionnaires could be answered by e-mail or an automated telephone system.
- v. **Require judges and their staffs to report to the Commissioner of Jurors Office when a trial will not be proceeding on the scheduled date or at the scheduled time so jurors are not brought in unnecessarily.** Failure to do this wastes potential jurors' time, creates ill will and may result in an individual being deemed to have served and removed from jury rolls for four years unnecessarily. There also should be better communication between chambers and the jury office as to the time jurors are needed. It is disrespectful to require jurors to arrive in the morning when it is known that their services will not be needed until the afternoon.
- vi. **Remind judges to be more courteous and attuned to jurors' lives and needs.** Judges should ask if accommodation is needed for health problems (e.g., diabetes, pregnancy, claustrophobia) and let jurors

know in advance the anticipated schedule while on trial and if they will be required to stay beyond five o'clock so appropriate plans can be made.

- vii. Ask judges to give jurors instructions regarding procedures and their role and conduct prior to the commencement of trial, allow note taking, give a special instruction if there are attorneys or judges on the jury panel, and give jurors a copy of the instructions on the law (charge) to refer to during deliberations.** Note taking by jurors also should be allowed especially in complex or long cases. To promote attention to the testimony by all jurors, nondesignated jurors should be used with the extra jurors removed at the conclusion of the case just prior to deliberation.<sup>10</sup> Jurors also should be allowed to select the foreperson rather than random appointment by the court of the first juror who is sworn in.
- viii. Improve the system for payment of jurors so they receive their compensation more quickly.** Suggestions are to install ATM's in the courthouse which give a juror his or her jury compensation upon entry of a specially designated code or to provide jurors with vouchers upon completion of service which can be taken to the county treasurer or director of finance to receive cash.

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<sup>10</sup>The Judiciary has submitted a bill to the Legislature to eliminate the distinction between trial and alternate jurors in criminal cases (OCA #99-44).



**c. Delays in Justice** - Attention needs to be paid both to the expense and the delay in the delivery of justice. The two are intertwined as often delay increases the expense of litigation. There are basically three stages in the litigation process where delay can occur: (1) discovery process and preparation for trial, (2) being reached for trial once a case is placed on a trial calendar, and (3) the judge's rendering of a decision. While significant gains have been made in reducing case backlogs and ensuring timely decisions by judges through the use of computer tracking and monitoring of the length of time a case is in the court system (standards and goals) and the number of days from final submission of a matter until decision, more work needs to be done to further reduce delay. More accountability, efficiency, and effective case management is needed, but not to the point that we are obsessed with process and the substance gets lost. It is paramount that decisions be reasoned and matters handled appropriately. "Cookie cutter" justice is not the answer and would serve only to continue or exacerbate lack of public respect for the judicial system. Suggested strategies are:

- i. Revise Article 31 of the Civil Practice Law and Rules (CPLR) and other discovery practices to reduce delay.** Various Task Forces to Reduce Litigation Cost and Delay were convened throughout the State in 1996 and 1997. The recommendations from this effort should be examined and implemented. Consideration also should be given to the

work of the ABA Section of Litigation Report on Civil Discovery Standards presently underway and the recommendations which come from that review.

- ii. **Encourage amendment of CPLR §5001 to provide for interest on personal injury awards to be calculated and assessed from a fixed date prior to judgment, *i.e.*, date of accrual of the cause of action or date of commencement of the action or proceeding.**<sup>11</sup> Awarding prejudgment interest serves to reduce the incentive for defendants to possibly delay the conclusion of a case.
- iii. **Continue efforts to use computers to track cases and issue monthly status reports to judges to ensure that matters are handled expeditiously and are timely.** There should be a follow-up inquiry on matters that have been pending beyond the guidelines (standards and goals) for an explanation as to the situation.
- iv. **Implement new approaches to calendar management practices.**
  - requests for case status updates published on a web page with attorneys responding by e-mail;
  - stagger dockets or calendar calls into one-half hour time slots to prevent overcrowding and waste of attorney and client time waiting for the case to be called;

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<sup>11</sup>The Judiciary has submitted a bill to the Legislature to provide for prejudgment interest (OCA #99-27).

- mandatory use of scheduling orders for pre-note of issue cases to ensure timely development of the case for trial;
- institute a rule similar to that in matrimonial cases that requires the filing of a Request for Judicial Intervention (RJI) within a specified period of time after purchase of the index number, thereby creating a uniform starting date to foster better tracking of the length of time the case is pending (standards and goals);
- greater use of case conferences to foster settlement;
- electronic or faxed filing of papers with the court; and
- more use of phone conferencing to monitor status and hear argument of motions to eliminate the time (and expense) of counsel traveling to the courthouse.

**v. Modernize court technology for chambers and administrative use.**

The difference in the needs of chambers and the needs of court support staff and administration should be recognized when software and equipment purchases are made. Effective training also should be given to promote full utilization of technological resources.

**vi. Make more consistent and persistent efforts by the bench and bar to discourage frivolous lawsuits and delaying tactics that squander valuable judicial resources as well as the finances of the litigants.** In this same vein, judges need to more consistently enforce orders. If litigants know that an order will be enforced and that there will

be penalties for noncompliance, the likelihood of noncompliance and the need for court intervention will decrease.

- vii. Increase the number of judges, public defenders, prosecutors and support staff, as well as the number of court facilities.** Judicial vacancies should be filled as soon as possible and judges should be added where needed and justified. There cannot be effective justice without adequate resources - human, facilities, and technological - to handle the ever increasing caseload. In 1998 there were over 3.4 million new filings (not including traffic and parking cases), representing a 23% increase in four years. During this same period, only a handful of new trial court judgeships were authorized. While resourceful efforts have been made to address the situation through the use of judicial hearing officers and the reassignment or reallocation of judges, this, in essence, is a patchwork situation and a stopgap measure only. It should not be a longstanding situation. The need for more judges, public defenders, district attorneys and the corresponding staff to adequately handle the burgeoning caseload, as well as the facilities in which to hear the cases, must be recognized and addressed.
- viii. Reexamine the separate specialty parts within the Family Court which send the same family to different judges or hearing examiners for different aspects of a case.** For example, an individual or family may be sent to the Domestic Violence Part for an order of

protection, to a hearing examiner with regard to support issues and to a judge for custody and visitation issues. If Family Court is to be governed by the Individual Assignment System (IAS), consideration should be given to assigning all matters involving a family and its members to one judge who can gain a historical perspective and familiarity with the member(s) of that family and effect a more holistic approach to meeting their needs for relief and assistance. It also will eliminate the “run around” feeling that litigants have from the present system.

- ix. Develop adjunct programs to the court system to enable parties to learn skills to resolve their problems without the necessity of court intervention or to address related problems, such as chemical dependency, so that the cycle of crime or abuse can be broken.**

The adversarial system is not always the best method for resolving conflicts as, for instance, in the area of child custody and visitation. Any adjunct programs should provide for appropriate training of the people involved in administering the program and delivering services and should be subject to oversight and monitoring. The following are examples of such programs:

- (a) Parent education programs for separating or divorcing parents with minor children aimed at reducing the negative impact of the parents’ conflicts on the children.** If parents are

able to learn to communicate effectively and resolve their own problems, the need to access the courts to resolve their conflicts should diminish. The reduction of an emotion-laden and stressful atmosphere can also reduce the negative impact of the divorce or separation on the children and help to avoid their involvement in Family or Criminal Court through Persons In Need of Supervision (PINS) petitions, juvenile delinquency (JD) petitions or criminal activity;

- (b) Voluntary mediation and other alternative dispute resolution programs.** These programs foster resolution of a conflict by the parties and can help the parties develop skills for handling future conflict. The mediator or dispute resolution professional is able to spend more time assisting the parties to reach a mutually agreeable disposition than can a judge;
- (c) Drug Courts which seek to address the underlying substance abuse problem that is at the heart of much criminal activity and family discord; and**
- (d) Teen Courts which seek to discourage criminal activity at the outset by subjecting teens to a trial by their peers and by creating a supportive network.**

- x. Encourage judges to acknowledge and explain to the parties, jurors and counsel at the commencement of a matter when**

**resolution of the case will be delayed and advise them of the reasons for the delay (to the extent appropriate), the anticipated length of the delay and alternatives available.** It is better to be honest with the parties and others involved in the proceeding from the outset if a matter will be delayed or not resolved as quickly as it should be than to give false hope and expectation.

**xi. Provide parties, especially those who represent themselves, and counsel with a written confirmation of the next court date to ensure timely appearance and to eliminate delay caused by late appearance or failure to appear.**

**xii. Require greater accountability by judges for the timely issuance of decisions.** If the 60-day rule for release of a decision (Rules of the Chief Judge Section 4.1 [a]) is to have meaning, judges should report on a monthly rather than a quarterly basis regarding the status of their decisions. Also, the rule reads that the 60 days runs from the date of final submission. Abuse of the intent of the rule can occur if a judge asks for a further submission from counsel toward the end of the 60-day period. This starts another 60-day period running. The rule should limit such extensions to two, for a total of 180 days for issuance of a decision. Also, there should be administrative follow-up if a decision appears on two or more monthly reports. These same modifications should be made to the Rules of the Chief Judge

Section 4.1 (b) regarding the reports of court stenographers or reporters.

**d. Adequate Funding to Assure Dignified Court Facilities that Promote**

**Respect** - The courthouse environment affects the outlook and attitude of all those who have contact, whether that be daily contact for employees and attorneys or just transactional contact for litigants, witnesses or jurors. Clean, well-maintained and dignified surroundings are more likely to engender a respect for the system and more courteous interpersonal contacts. The appearance of court facilities is important to maintaining the dignity of the institution. The following strategies are recommended:

- i. Formulate a budget and a strategic plan, both short term and long term, to develop resources to assure development and maintenance of dignified facilities that promote respect.** Clear lines of responsibility and adequate funding should be established. Town and Village supervisors and boards should be contacted and asked to create better facilities for Town and Village Justice Courts, such as raised benches and security.
- ii. Carefully monitor the cleaning requirements set forth in the Rules of the Chief Judge Section 34.1 and Appendix thereto to provide decent, clean, safe and accessible court facilities.** Individuals or committees should report monthly to the District Administrative Judge



regarding compliance by maintenance personnel with the Rules and cleaning checklist.

- iii. **Increase the number of magnetometers and the size of courthouse foyers, where possible, so people are not left waiting to gain entry to the courthouse.**
- iv. **Establish areas where attorneys and clients can speak privately.**  
This is especially necessary in sensitive criminal and family issues cases.
- v. **Establish separate waiting areas for victims and alleged perpetrators and their families.** This is particularly needed for domestic violence victims.
- vi. **Make available food and beverages either through vending machines or a courthouse cafeteria.**
- vii. **Seek information through questionnaires from court users and court personnel regarding the adequacies and deficiencies of court facilities and their ideas for improvement.**
- viii. **Initiate community projects to “spruce up” the courthouse or its grounds.** Such projects, with appropriate community dedication ceremonies, also could serve a community purpose, *i.e.*, a rose garden in memory of murdered children or slain police officers.

#### **4. Legal and Judicial Ethics**

This issue addresses ethical issues regarding attorneys and attorney civility, including respect for diversity, attorney solicitation, decline of professionalism, judicial independence and isolation, restraints on judges' ability to speak out in response to media, and the influence of politics on judicial selection. Standards of civility were developed by the *Task Force on Civility* (a/k/a Green Committee), effective January 1, 1998. In November 1995, the *Committee on the Profession and the Courts* (a/k/a Craco Committee) made recommendations to improve professionalism among the bar, client satisfaction, attorney discipline and court management. There should be increased efforts among the bench and bar to seek adherence to the recommendations of these two committees. Attorneys and judges must be credible, honest and straightforward. The public can detect superficiality and its presence leads to skepticism and a lack of respect. Additional strategies are:

##### **a. Ethical Issues Regarding Attorneys and Attorney Civility**

- i. Give continuing attention to attorney misuse of client funds.** While less than one percent of lawyers present this problem, the impression is that this is much more prevalent. To counter this perception, there needs to be:
  - (a) better awareness of the existence of the Lawyers' Fund for Client Protection** through continued and increased publication of awards

through press releases, public service announcements and brochures;

- (b) a more coordinated statewide effort to assist lawyers who may be experiencing personal problems (*e.g.*, alcohol or medication/drug abuse, mental illness) because most problems of misuse of client funds occur in situations in which the attorney is experiencing personal problems; and
- (c) programs for law school students and new admittees on the practical aspects of setting up and running a practice, with particular emphasis on how to handle trust funds, IOLA and other bank accounts.

- ii. **Make the public aware that errant attorneys and judges are accountable and subject to sanctions by opening to the public disciplinary proceedings once a *prima facie* case has been established.**<sup>12</sup> There should be procedural protections similar to those for a criminal proceeding for the attorney or judge involved in a disciplinary proceeding. The benefits of such a procedure are that it: eliminates the perception that lawyers and judges are a closed group that look to protect themselves; makes the public aware of the process; makes the public more aware of attorneys who are not upstanding so

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<sup>12</sup>The Judiciary has submitted a bill to the Legislature to open attorney disciplinary proceedings to the public (OCA #99-144).

it can be more discerning in selecting counsel; and makes possible a better system for tracking disbarred and/or suspended lawyers so they cannot open an office in another locale and repeat the offense.

- iii. **Encourage judges to exercise their authority to control and require civil behavior of attorneys.** Judges should be required to report unethical attorney conduct. Judges also should be mindful that they need to set an example of how to behave in a professional manner before attorney conduct and behavior can expect to be modified.
- iv. **Ask law schools and bar associations to establish programs and offer classes on professionalism and civility.** Bar associations should institute mentoring programs for new attorneys which should include professionalism and civility as well as substantive areas of practice. There need to be greater awareness efforts and attempts to elicit compliance with the standards as enunciated in the Green and Craco Committee reports.
- v. **Explore certification of attorneys as specialists in certain areas of the law upon passing a competency examination.** This would complement mandatory continuing legal education (CLE), which is a positive step in fostering attorney competence. Allowing an attorney who achieves a demonstrated level of competency in a particular area of the law to become certified as a specialist is a logical extension of competency programs.

- vi. **Require clear, written retainer agreements to reduce the opportunity for misunderstanding of fee arrangements.**

**b. Attorney Solicitation**

A recurrent theme during the hearings was concern with some of the inflammatory and unprofessional advertising by attorneys. Consideration should be given to developing guidelines that are in keeping with the First Amendment.

The following suggestions are made:

- i. **Monitor questionable advertising practices by attorneys and report those whose conduct is unethical or misleading to the attorney grievance committees.**
- ii. **Require attorneys to disclose to clients if their case will be referred to other counsel.**
- iii. **Create a brochure on how to select an attorney including questions one should ask during the initial interview.** The brochure also should supply information to the public as to the role of attorneys and their limitations and responsibilities as officers of the court.

**c. Judicial Independence and Isolation and Ethical Constraints on Judges' Ability to Speak Out in Response to Media**

A strong and independent judiciary is essential to maintaining respect for the legal system. This means that judges must be free from outside influences which can dictate their decisions. Judges also must be aware of societal concerns properly cognizable in the discharge of their duty. This is a delicate balance of

which the public is not particularly aware. To address the concerns in this area, the following suggestions are made:

- i. **Create standing committees in each district composed of bar, bench and court administrators to defend broad-based generalized attacks on the judiciary.** This may be supplemented or replaced by the appointment of an information officer in each district to respond to such attacks (see Media Portrayal and Public Understanding, [5][c][ii] at page 43 below).
- ii. **Produce and disseminate a handbook for judges which can serve as a centralized source for rules and guidelines regarding allowable/advisable judicial responses to media and public inquiry (e.g., judges' ability to speak out on the procedural aspects of a decision, as distinguished from the merits or substantive aspects) and extra-judicial activities.**
- iii. **Ask judges to take time to explain, in court, a settlement, decision or procedure, especially for cases that are of high public concern and interest.** This presents a good opportunity to show the openness of the judiciary and to educate the public.
- iv. **Ask judges to be more involved in community and educational activities.** This would help dispel the view that judges are isolated.

- v. **Heighten judicial awareness of the importance to public confidence in being on time for court, explaining delays (to the extent appropriate), and working a full day.**
- vi. **Seek review of mandatory sentencing laws with a view toward maximizing judicial discretion.**
- vii. **Educate the public regarding the role of judges and the limits on their power, using elementary and secondary education programs and other educational efforts. See *Media Portrayal and Public Understanding* (see [5][a][i], [b] and [d] at pages 39, 40 and 43 below).**

**d. Influence of Politics on Judicial Selection**

While proposals have periodically been made for an appointive system for the selection of judges, it does not appear that this change will occur in the near future. Whether judges are appointed or elected, politics will be present. The primary concern is to ensure that others are not in a position to influence judges' decisions. Strategies include:

- i. **Retain long terms of office for judges to limit the need for political activity and regulate the political activities and associations that judges may pursue.**
- ii. **Reexamine Election Law provisions which prohibit judicial candidates from knowing who contributed to their campaigns. This does not reflect reality because judicial candidates attend their**

fundraisers and can see who attends and, therefore, who has contributed. Public trust is eroded by such an incongruous procedure.

- iii. **Discourage judicial candidates from seeking the endorsement of special interest groups or parties that require or give the impression that the judicial candidate has a position on an issue in contravention of Canons 2, 3, 4, and 7 of the Code of Judicial Conduct.**
- iv. **Establish guidelines for fair campaign practices for judicial elections.** A handbook should be created which sets forth ethical restraints on judicial campaigns and judicial conduct and activities once elected (see [4][c][ii] at page 36). The Advisory Committee on Judicial Ethics and the Commission on Judicial Conduct should assist in developing this handbook.
- v. **Seek agreement from appointed officials, elected officials and candidates and their staffs in other branches of government not to engage in personal attacks on judges.**

## **5. Media Portrayal and Public Understanding**

This issue is concerned with the lack of public understanding of the judicial branch of our government, its role and the restraints and limitations placed upon it. Topics covered by this issue are (a) educating students about the system; (b) public knowledge and understanding of the justice system/openness of the legal system;



(c) media portrayal of courts/criticism of courts by public officials; and (d) public perception of lenient sentencing and appeals overturning convictions.

Except for the small percentage of people who have direct contact with the courts, the public learns about the court system and forms its impression about the legal system largely through media portrayal. Public perceptions are influenced by entertainment, movies and TV shows, as well as by news reporting. These portrayals may give only partial coverage of a court case — usually the most sensational portion — at the expense of the presentation of a more balanced report that would come from reporting the entire case, including the results of post-trial applications and appeals. This lack of public understanding often is fueled or exacerbated by media inaccuracies or inflammatory portrayal.

The combination of lack of public understanding and inaccurate or incomplete media portrayal impacts not only the perceptions about the judicial system, but the very way the judicial system operates. Public pressure has an effect on legislation involving the courts and judicial discretion and can affect judiciary budgets. It is, therefore, incumbent upon the court system and the bar to become more active in educating the public about the role and functioning of the judiciary and to ensure that media portrayal is accurate and balanced. Strategies in this regard are:

**a. Educating Students About the Justice System**

- i. Advocate for expanded and practical coverage of the judicial system in school systems beginning at grade school level and continuing into secondary schools and college.** Interactive videos

have been developed and could be utilized as one way to elicit student interest in this subject. Suggestions for curriculum design such as key points, goals and learning objectives on the legal system and the development of print, video and computer resources to support the learning objectives could be developed in a collaboration of teachers, school administrators, lawyers, judges and court administrators. Again, this serves a secondary salutary purpose by removing judges and attorneys from isolation and making a bridge to the community. As a corollary to this, an annual workshop or a video could be developed to “teach the teachers” about the subject area so they are more comfortable teaching about the judicial system.

- ii. Sponsor contests for students to develop a videotape and/or computer software regarding the judicial system that could be used for educational purposes.**
  - iii. Explore the feasibility of initiating the production and broadcasting of a television program about the courts in which teenagers serve as the hosts/moderators.**
- b. Public Knowledge and Understanding of the Justice System/Openness of Legal System**
- i. Establish and/or expand Speakers Bureaus of judges and attorneys available to speak to schools, churches and civic groups.** The following are some programs that could be established to

educate the public and improve the public image of judges and attorneys:

- court tours, which may include mock trial or moot court opportunities with a judge;
- moot court competitions in which judges and attorneys participate as judges or mentors;
- “People’s Law School” — designed to teach the public regarding the legal system and specific areas of law;
- “Tools for Schools” — collaborations between bar association and other civic organizations to provide school supplies in backpacks for children in low income area schools at the beginning of the school year;
- “Lawyers for Learning” — a program in which a bar association “adopts” a school in a low income area and attorneys meet with assigned students at least once a week to mentor and give guidance; and
- Judicial Advisory Councils composed of community leaders and activists, judges, and attorneys in all judicial districts in the state.

- ii. **Produce with local radio (usually talk radio is the most receptive) a series of 30-second audio spots defining legal terms, court procedures, and specific areas of the law which will serve to inform the listening public.**

- iii. **Develop with bar associations public service announcements regarding the role of courts and the judiciary.**
  - iv. **Initiate court open house education day for families.** This should be done as a special event, most appropriately on or about May 1st of every year (Law Day). This would be composed of displays, tours, videos and lectures with advance publicity.
  - v. **Develop a series of videotapes and materials on legal topics for use in public libraries and schools.** In addition to a general overview of the court system and procedures (see [3][a][ii] at page 16 above), particular “hot topics” could be covered such as issues of sentencing and tort reform. These could be made in conjunction with a “People’s Law School” program (see [5][b][i] at page 40).
  - vi. **Publicize good deeds/contributions to the community by attorneys, judiciary, judicial staff, court employees and law schools.**
  - vii. **Establish a “Law Hot Line” or “Ask a Lawyer” newspaper column and/or web site for educational purposes.**
- c. Media Portrayal of Courts/Criticism of Courts by Public Officials**
- i. **Disseminate the videotapes and educational materials developed (see [3][a][ii] at page 16 above) to the media for use in training persons who will be covering the courts.**

- ii. **Designate a person in each district as the public information officer available to the media to answer questions beyond normal business hours.** This individual would be available to respond when a story is written so that the court system will have input and the ability to control or impact content.
  - iii. **Develop and disseminate to all judges guidelines regarding allowable/advisable judicial responses to the media and public inquiry and on handling criticism (see [4][c][ii] at page 36).** As a corollary to this, the media also should be provided with guidelines as to permissible judicial comment.
  - iv. **See [4][d][v] at page 38 above.**
- d. Public Perception of Lenient Sentencing and Appeals Overturning Convictions**
- i. **Develop for dissemination to the media, schools and public libraries a videotape which addresses procedural safeguards afforded under our Constitution, considerations in sentencing and the appeals process.** Public forums on the topic, if possible, should be conducted and timed to coincide with a case of public interest.

### III. NEXT STEPS

With the additional input from the National Conference, the Committee's next step will be to formulate a plan to implement the strategies. A time line for implementation will be developed that takes into consideration both the importance of the need for the change as well as the feasibility of effecting it. As can be seen from the list of strategies, some of the strategies are long term and may be dependent for implementation upon cooperation from other entities outside the judicial system while others can be accomplished fairly quickly and simply within the judicial system structure.

Further insight can be gained by drawing on the observations of those people who have day-to-day contact with the court system in various ways, *e.g.*, attorneys, court employees, witnesses and litigants. This would be similar to the survey now completed by jurors at the conclusion of their service. The Committee is working on a model for such a questionnaire.

The recent appointment of a standing committee on Professionalism and the Law by Chief Judge Judith S. Kaye and Chief Administrative Judge Jonathan Lippman is a meaningful step in establishing a commitment to promoting the public's trust and confidence in the legal system and a way to anticipate and be responsive to society's legal needs. The same concept should be applied on a local level to the various groups that comprise or are involved in the legal system such as judges, attorneys, police, jail administrators, district attorneys, public defenders, court clerks, court administrators, parole, probation, and jury offices, community leaders and activists, and others who serve or are involved in court programs. The need to communicate and engage in dialogue about

our legal system and its future is critical to engender public trust and confidence in the system.

As with any change, resistance will be encountered. The Committee will address approaches to help build consensus as the task of implementing new structures and procedures is undertaken. Contact persons and groups with which there should be collaboration will be identified to assure a coordinated effort to promote public trust and confidence in the legal system.

In the last few decades, the role, and society's expectation, of the courts have changed from one of administering justice to one of ameliorating underlying problems through referral to or collaboration with social programs. The focus of the Committee's future work should not be just on gaining and improving the public's trust and confidence in the legal system but also on "What do we want our court system to look like in the next 25 years?" Efforts in this regard need to be continuous, rather than continual. That is, there should be ongoing, continuous dialogue, not just flashes of heightened awareness and discussion followed by long periods of silence and inaction. Public confidence is undermined rather than promoted if efforts such as this are undertaken and no real and meaningful change is effected.

While the suggested strategies and the job of improving public trust and confidence in the legal system may seem daunting, it should be kept in mind that often the most significant progress comes from many small steps. Clearly it is a much needed undertaking.

Respectfully submitted,

Hon. Evelyn Frazee (Co-Chair)  
Hon. William C. Thompson (Co-Chair)  
Peter A. Bellacosa, Esq.  
Gary Brown, Esq.  
Danny Donohue  
Hon. Jack Doyle  
Klaus Eppler, Esq.  
John D. Feerick, Esq.  
Hon. William J. Fitzpatrick  
Hon. Victoria A. Graffeo  
Dr. Karen R. Hitchcock  
Ruth Hochberger  
Barry Kamins, Esq.  
Hon. James J. Lack  
Glenn Lau-Kee, Esq.  
Harold O. Levy, Esq.

Elizabeth D. Moore, Esq.  
Jeanne Mullgrav  
Hon. Roberto Ramirez  
Carol Ann Rinzler  
Rachel F. Robbins, Esq.  
Dr. Richard A. Shick  
Hon. Claire Shulman  
Hon. Richard D. Simons  
Dr. Herman A. Sirois  
Hon. Ronald B. Stafford  
Hon. Charles J. Tejada  
Hon. Helene E. Weinstein  
Hon. Charles L. Willis  
Hon. Mary M. Work  
Peter L. Zimroth, Esq.  
Patricia K. Bucklin, Esq. (Counsel)

May 1999



## APPENDIX A



## APPENDIX A

### NEWS

New York State  
Unified Court System

Jonathan Lippman  
Chief Administrative Judge

### Further Information:

David Bookstaver,  
Communications Director  
Mai Yee, Assistant Director  
(212) 428-2500

Release: Immediate, November 17, 1998

### State and National Initiatives to Build Public Trust and Confidence in the Justice System

**NEW YORK**—The Unified Court System announces that a five-member delegation from New York, including Chief Judge Judith Kaye and Chief Administrative Judge Jonathan Lippman, will participate in the National Conference on Building Public Trust and Confidence in the Justice System in Washington, D.C., May 13–15, 1999. The goal of the conference is to form a national coalition to address public trust issues and to have each state develop its own strategic plan to improve its justice system. To assist the New York delegation, the Chief Judge has appointed the Committee to Promote Public Trust and Confidence in the Legal System, a high-level advisory committee that will develop a list of public trust concerns and propose strategies to address the issues raised. This advisory committee, chaired by Appellate Division Justice William C. Thompson and Supreme Court Justice Evelyn Frazee, comprises representatives of the bench and the bar, the media, university professors, businesses, unions, civic groups, victims rights groups, legislators and local government officials.

The New York delegation to the conference, sponsored by the American Bar Association, the Conference of Chief Justices and the Conference of State Court Administrators, will consist of

- Chief Judge Judith S. Kaye
- Chief Administrative Judge Jonathan Lippman
- New York State Bar Association President James C. Moore
- League of Women Voters President Evelyn Stock
- New York Urban League President and CEO Dennis M. Walcott

Chief Judge Kaye said, "I am pleased that New York will be represented in the National Conference on Building Public Trust and Confidence in the Justice System—a historic event that promises to be both productive and enriching. The conference provides a unique opportunity for national colloquy on a subject of serious concern to court administrators around the country. I am proud to lend our state's support and look forward to a healthy exchange of ideas and experiences.

The advisory committee we have assembled boasts a distinguished and diverse roster of members and will undoubtedly provide much insight on public perception of the justice system in our state."

Chief Administrative Judge Lippman added, "I would like to thank the other members of the delegation, James Moore, Evelyn Stock and Dennis Walcott, for agreeing to represent New York at the conference with Chief Judge Kaye and myself. I would also like to extend my gratitude to Justice Thompson and Justice Frazee and the individual members of the advisory committee whose research and recommendations will provide the basis for our work at the conference."

The conference will develop a national action plan and determine the role of national organizations in assisting states to effectuate their strategies. A subsequent conference will likely be held the following year.

The Committee to Promote Public Trust and Confidence in the Legal System is expected to hold public hearings around New York State later this year. (A list of committee members is attached.)

###

**The Committee to Promote Public Trust  
and Confidence in the Legal System**

Hon. Evelyn Frazee (Co-Chair), Justice of the Supreme Court, Seventh Judicial District

Hon. William C. Thompson (Co-Chair), Associate Justice of the Appellate Division, Second Department

Peter A. Bellacosa, Esq., Partner in the law firm of Kirkland & Ellis, New York City

Gary Brown, Esq., Assistant Attorney General in Charge of the Westchester Regional Office of the Attorney General, Westchester County

Danny Donohue, President of the Civil Service Employees Association, Inc., Albany

Hon. John D. Doyle, County Executive of Monroe County

Klaus Eppler, Esq., Partner in the law firm of Proskauer Rose LLP, New York City

John D. Feerick, Dean of Fordham University School of Law, New York City

Hon. William J. Fitzpatrick, District Attorney of Onondaga County

Hon. Victoria A. Graffeo, Associate Justice of the Appellate Division, Third Department

Dr. Karen R. Hitchcock, President of the State University of New York at Albany

Ruth Hochberger, Editor-in-Chief, *New York Law Journal*, New York City

Barry Kamins, Esq., Partner in the law firm of Flamhaft Levy Kamins & Hirsch, Brooklyn, New York

Hon. James J. Lack, Member of the New York State Senate and Chair of the Senate Judiciary Committee, Suffolk County

Glenn Lau-Kee, Esq., Partner in the law firm of Koo, Larrabee & Lau-Kee, LLP, Ardsley, New York; Past-President of the Asian American Bar Association of New York

Harold O. Levy, Esq., Associate General Counsel, Citigroup, Inc., New York City

Elizabeth D. Moore, Esq., Partner in the law firm of Nixon, Hargrave, Devans & Doyle, LLP, New York City

Jeanne Mullgrav, Director of Court Programs, Victim's Services Agency, New York City

Hon. Roberto Ramirez, Member of the New York State Assembly, Bronx County

Carol Ann Rinzler, Author and former grand juror, New York City

Rachel F. Robbins, Esq., General Counsel, J.P. Morgan & Co., Inc., New York City

Dr. Richard A. Shick, Dean of Canisius College, Buffalo

Hon. Claire Shulman, Borough President of Queens County

Hon. Richard D. Simons, Retired Judge of the Court of Appeals, and Counsel to the law firm of McMahon, Grow & Getty, Rome, New York

Dr. Herman A. Sirois, Superintendent of Levittown Public Schools, Nassau County

Hon. Ronald B. Stafford, Member of the New York State Senate and Chair of the Senate Finance Committee, Clinton County

Hon. Charles J. Tejada, Judge of the Court of Claims and Acting Supreme Court Justice, First Judicial District; Past-President of the Association of Judges of Hispanic Heritage

Hon. Helene E. Weinstein, Member of the New York State Assembly and Chair of the Assembly Judiciary Committee, Brooklyn

Hon. Charles L. Willis, Former Justice of the Supreme Court; Of Counsel to the law firm of Harris Beach & Wilcox, Rochester, New York

Hon. Mary M. Work, Judge of the Ulster County Family Court

Peter L. Zimroth, Esq., Partner in the law firm of Arnold & Porter, New York City

## APPENDIX B





# ... .. **and Confidence in the Legal System**

Hon. Evelyn Frazee (Co-Chair), Justice of the Supreme Court,  
Seventh Judicial District

Hon. William C. Thompson (Co-Chair), Associate Justice of the  
Appellate Division, Second Department

Peter A. Bellacosa, Esq., Partner in the law firm of Kirkland & Ellis,  
New York City

Gary Brown, Esq., Assistant Attorney General in Charge of the  
Westchester Regional Office of the Attorney General,  
Westchester County

Danny Donohue, President of the Civil Service Employees  
Association, Inc., Albany

Hon. Jack Doyle, County Executive of Monroe County

Klaus Epler, Esq., Partner in the law firm of Proskauer Rose LLP,  
New York City

John D. Feerick, Dean of Fordham University School of Law,  
New York City

Hon. William J. Fitzpatrick, District Attorney of Onondaga County

Hon. Victoria A. Graffeo, Associate Justice of the Appellate  
Division, Third Department

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New York at Albany

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New York City

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Kamins & Hirsch, Brooklyn, New York

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Chair of the Senate Judiciary Committee, Suffolk County

Glenn Lau-Kee, Esq., Partner in the law firm of Kee and Lau-Kee,  
New York City; President of the Asian American Bar  
Association of New York

Harold O. Levy, Esq., Associate General Counsel, Citigroup, Inc.,  
New York City; Member, New York State Board of Regents

Elizabeth D. Moore, Esq., Partner in the law firm of Nixon,  
Hargrave, Devans & Doyle, LLP, New York City

Sarah E. Moss, Esq., Vice-President and General Counsel, Pitney-  
Bowes, Inc., New York City

# **THE COMMITTEE TO PROMOTE PUBLIC TRUST AND CONFIDENCE IN THE LEGAL SYSTEM**

Jeannine Manningray, Director of Court Programs, Victim Services,  
Inc., New York City

Hon. Roberto Ramirez, Member of the New York State Assembly,  
Bronx County

Carol Ann Rinzier, Author and former grand juror, New York City

Rachel F. Robbins, Esq., General Counsel, J.P. Morgan & Co.,  
Inc., New York City

Dr. Richard A. Shick, Dean of Canisius College, Buffalo

Hon. Claire Shulman, Borough President of Queens County

Hon. Richard D. Simons, Retired Judge of the Court of  
Appeals, and Counsel to the law firm of McMahon, Grow &  
Getty, Rome, New York

Dr. Herman A. Sirois, Superintendent of Levittown Public Schools,  
Nassau County

Hon. Ronald B. Stafford, Member of the New York State Senate  
and Chair of the Senate Finance Committee, Clinton County

Hon. Charles J. Tejada, Judge of the Court of Claims and Acting  
Supreme Court Justice, First Judicial District; Past-President  
of the Association of Judges of Hispanic Heritage

Hon. Helene E. Weinstein, Member of the New York State  
Assembly and Chair of the Assembly Judiciary Committee,  
Brooklyn

Hon. Charles L. Willis, Former Justice of the Supreme Court; Of  
Counsel to the law firm of Harris Beach & Wilcox, Rochester,  
New York

Hon. Mary M. Work, Judge of the Ulster County Family Court

Peter L. Zimroth, Esq., Partner in the law firm of Arnold & Porter,  
New York City

Patricia K. Bucklin, Esq., Counsel to the Committee, New York  
State Office of Court Administration

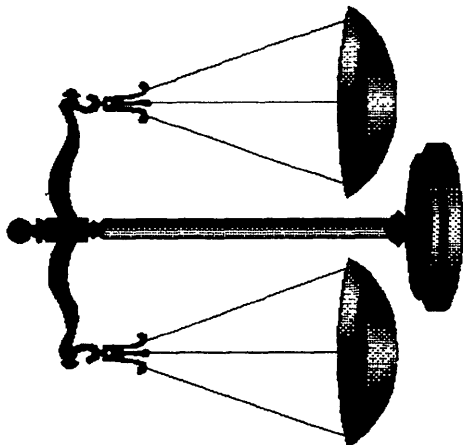
Written comments are encouraged and  
should be sent to:

The Committee to Promote Public Trust  
and Confidence in the Legal System  
State of New York  
Office of Court Administration  
4 ESP, Suite 2001  
Empire State Plaza  
Albany, New York 12223-1450

Hon. Evelyn Frazee (Co-Chair)  
Justice of the Supreme Court  
Seventh Judicial District

Hon. William C. Thompson (Co-Chair)  
Associate Justice of the Appellate  
Division, Second Department

## APPENDIX B



## A MESSAGE FROM CHIEF JUDGE JUDITH S. KAYE

There is nothing more important than the public's trust and confidence in our legal system. The very nature and existence of an independent judiciary depend on it.

To foster such trust and confidence, we must assure that our legal system is fair and just, accessible to all individuals and responsive to the needs of our citizenry. The Committee to Promote Public Trust and Confidence in the Legal System will bring a renewed focus and energy to this important topic. We hope that the committee's work will generate a broad exchange of ideas and experiences, and result in concrete proposals to enhance public trust and confidence in our legal system.

I am enormously grateful to members who have agreed to serve the Judiciary in this capacity. I especially want to thank Appellate Division Justice William C. Thompson and Supreme Court Justice Evelyn Frazee for their willingness to co-chair this advisory committee.

## ESTABLISHMENT OF THE COMMITTEE

The Committee to Promote Public Trust and Confidence in the Legal System was established in November 1998, by Chief Judge Judith S. Kaye and Chief Administrative Judge Jonathan Lippman to identify initiatives that will further the public's understanding of and respect for our State's legal system. With 31 members, the committee represents the bench and bar, educators, legislators, local government officials, unions, business, civic and victims' rights groups, and the media.

## MISSION STATEMENT

The goal of the Committee to Promote Public Trust and Confidence in the Legal System is to enhance the public's trust and confidence in our legal system. The committee's focus is two-fold -- first, to assure that there is a fair and just system by which people who have contact with the legal system are treated with respect and equality, and second, to bring about a greater understanding of and respect for the legal system.

## ISSUES OF PUBLIC TRUST AND CONFIDENCE

The Committee commenced its work by identifying the issues of public trust and confidence in New York State. These include:

### 1. Issues of Bias

Treatment of people who have contact with the legal system

### 2. Access to Justice

Improved legal assistance and access to justice for people of low income  
Adequate legal services for low-income people and obligation of local and state governments

### 3. Judicial Administration

Delays in justice  
User-friendly, comprehensible court system  
Jury system experience  
Adequate funding to assure respectful court facilities

### 4. Legal and Judicial Ethics

Ethical issues regarding attorneys/attorney civility  
Attorney solicitation  
Judicial independence and isolation  
Influence of politics on judicial selection  
Ethical constraints on judges ability to speak out in response to media

### 5. Media Portrayal and Public Understanding

Media portrayal of courts/criticism of courts by public officials  
Public perception of lenient sentencing and appeals overturning convictions  
Public knowledge and understanding of the justice system/openness of legal system  
Educating students about our system of justice

A Subcommittee on Systems and Institutions and a Subcommittee on Education were created to further examine these issues from an institutional and educational perspective.

## NATIONAL INITIATIVE

The State committee was established in conjunction with a national initiative sponsored by the Conference of Chief Justices, the Conference of Chief Administrators and the American Bar Association. As part of this initiative, each Chief Justice was asked to form a committee to identify issues affecting public trust and confidence in their respective States and to formulate strategies to deal with them. To further the States' efforts, a National Conference on Building Public Trust and Confidence in the Justice System will be held May 13-15, 1999, in Washington, D.C.

The New York delegation to the National Conference will include:

- Hon. Judith S. Kaye, Chief Judge of the State of New York
- Hon. Jonathan Lippman, Chief Administrative Judge of the State of New York
- James C. Moore, President of the New York State Bar Association
- Evelyn Stock, President of the League of Women Voters
- Dennis M. W. , President and CEO of the New York Urban League

The National Conference will develop a national action plan and define the role that national organizations will play in assisting states to implement their targeted strategies. Following the National Conference, the New York State committee will develop a strategic plan containing concrete reforms that address both systemic and educational issues critical to elevating public trust and confidence in New York's justice system. An important component of the State committee's efforts will be a series of hearings throughout the State beginning in early 1999 to get input from the public.

## APPENDIX C



## APPENDIX C

### HEARING FOR THE COMMITTEE TO PROMOTE PUBLIC TRUST AND CONFIDENCE IN THE LEGAL SYSTEM

Marriott Marquis  
525 Broadway (between 45<sup>th</sup> and 46<sup>th</sup> Streets), New York City  
Friday, January 29, 1999  
1:00 P.M. - 4:00 P.M.

#### SPEAKERS

Eleanor Breitel Alter, Chair, Lawyers' Fund for Client Protection

Hon. Joan S. Kohout, President, Association of Judges of the Family Court of the State of  
New York

Hon. Thomas R. Sullivan, Chair, Committee on Continuing Legal Education

Hon. Lewis L. Douglass, Chair, Franklin H. Williams Judicial Commission on Minorities

Hanna S. Cohn, Esq., Director, Volunteer Legal Services Project

Hon. Samuel M. Levine, President, Board of Judges, District Court of Nassau County

Charles P. Inclima, Esq., President, Monroe County Bar Association

Hon. M. Dolores Denman, Presiding Justice, Appellate Division, Fourth Department

Louis A. Craco, Esq., Chair, Committee on the Profession and the Courts

James C. Moore, Esq., President, New York State Bar Association

Beverly Poppell, Esq., Chair, New York Bar Association Public Relations Committee

Louis C. England, Esq., President, Suffolk County Bar Association

Michael A. Cooper, Esq., President, Association of the Bar of the City of New York

Hon. Dora L. Irizarry, President, Association of Judges of Hispanic Heritage

Hon. Edwin B. Winkworth, President, New York State Magistrates Association

Stephen D. Hoffman, Esq., President, New York County Lawyers Association

Hon. Guy J. Mangano, Presiding Justice, Appellate Division, Second Department

Hon. Douglas Mills, President, New York State Association of City Court Judges

Susan Lindenauer, Counsel to the Executive Director, Legal Aid Society, New York County

**HEARING FOR THE COMMITTEE TO PROMOTE PUBLIC TRUST  
AND CONFIDENCE IN THE LEGAL SYSTEM**

New York County Lawyer's Association

14 Vesey Street

New York, New York 10007

Thursday, March 4, 1999

4:00 p.m. - 7:00 p.m.

**SPEAKERS**

Barbara Reed, Fund for Modern Courts, Inc.

Matthew Sapolin, Center for Independence of the Disabled in New York

Marvin Peguese, Staff Attorney, Lambda Legal Defense and Education Fund, Inc.

Kevin Doyle, Capital Defenders Office

Joan Vermeulen, Lawyers for the Public Interest

Phillis Cherebin, Senior Attorney, Bronx Legal Aid

Cathleen Clements, Esq., Legal Director, Office of Public Policy & Client Advocacy,  
Children's Aid Society

Susan Branigan, Congresswoman Carolyn Maloney's Office

Bruno Bianchi, Supervisor, Bronx Legal Aid

David Levin, Prisoner Legal Services

Ogden Lewis, Chair, Citizens Union

Dean Emanuelli, Esq.,

Hon. William C. Thompson, Jr., President, Board of Education, New York City

Sonny Carson

Artine Ferguson

**HEARING FOR THE COMMITTEE TO PROMOTE PUBLIC TRUST  
AND CONFIDENCE IN THE LEGAL SYSTEM**

Monday, March 29, 1999  
Monroe County Bar Center  
One Exchange Street, 5<sup>th</sup> floor  
Rochester, New York

**SPEAKERS**

Honorable James Morris, Brighton Town Justice

Richard Kirtland, Equal Rights for Fathers

Sheriff Andrew P. Meloni, Monroe County

Nancy Berlove, President, Sign Language Connection

Lenore Banks, State League of Women Voters

Ann Jones, League of Women Voters of Metropolitan Area

Sandra Frankel, Supervisor, Town of Brighton

Paula Clark, ACLU

Honorable Frank Geraci, Monroe County Court

Susan Soper, Church Women United - Coordinator of Task Force on Courts

Marion Strand, National Organization of Women

Honorable Michael J. Miller, Monroe County Family Court

Charles Perreaud, Monroe County Commissioner of Jurors

Tim Kelly, Rochester Interfaith Jail Ministry

Rosetta Darby McDowell, Esq, President, Monroe County Black Bar Association

Douglas Jones, Esq., Monroe County Bar Association, Chair: Courts Committee

Daniel Head, Past President, Equal Parents for Children

Raymond Hart, Father's Rights Association of New York State

Robert L. Laird, Deputy Director of Community Services, Action for a Better Community

Linda Kingsley, Esq., Corporation Counsel, City of Rochester

Anil K. Chaddha, Esq., Association of Indians in America - Rochester Genesee Valley Area

Gloria Lopez, Esq., Urban League

James S. Hinman, Esq., Attorney

Gloria Zinone, Former Monroe County Commissioner of Jurors



## APPENDIX D



## APPENDIX D

### **The Committee to Promote Public Trust and Confidence in the Legal System**

#### **Subcommittee on Systems & Institutions**

Dean John Feerick, Chair

Gary Brown, Esq.

Hon. William J. Fitzpatrick

Elizabeth D. Moore, Esq

Jeanne Mullgrav

Carol Rinzler

Rachel F. Robbins, Esq.

Hon. Claire Shulman

Hon. Richard D. Simons

Hon. Charles J. Tejada

Hon. William Thompson

Hon. Helene E. Weinstein

Hon. Charles L. Willis

Hon. Mary M. Work

#### **Subcommittee on Education**

Dr. Herman A. Sirois, Chair

Peter Bellacosa, Esq.

Hon. Jack Doyle

Klaus Eppler, Esq.

Hon. Evelyn Frazee

Hon. Victoria A. Graffeo

Dr. Karen Hitchcock

Ruth Hochberger

Barry Kamins, Esq.

Glenn Lau-Kee, Esq.

Dr. Richard A. Shick

Peter Zimroth, Esq.



## APPENDIX E



## APPENDIX E

### BIBLIOGRAPHY

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February 1998

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February 23, 1998

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October 1998

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TEXAS SUPREME COURT  
TEXAS OFFICE OF COURT ADMINISTRATION  
STATE BAR OF TEXAS