

Judicial Diversity: A Work in Progress



*New York State Bar Association
Judicial Section September 2014*

This report was approved by the New York State Bar Association Executive Committee on September 17, 2014

New York State Bar Association

Judicial Section

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Judicial Diversity in New York State: A Work in Progress

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JUDICIAL DIVERSITY IN NEW YORK STATE: A WORK IN PROGRESS

INTRODUCTION

Diversity matters in commerce, the professions, government, and academia. But nowhere is it more important than in the judiciary, the branch of government charged with safeguarding our country's constitutional democracy and dispensing justice to its citizenry. It is the ability to petition the courts that keeps people from seeking justice in the streets. If we are to successfully encourage the public to entrust disputes to our courts, we must endeavor to close the confidence gap that seemingly exists among certain demographic groups in our society. Statistics show that only sixty percent of Latino voters and fifty-one percent of African-American voters in New York State trust our state's judges to be fair and impartial, as compared to seventy-six percent of Caucasian voters.¹

This report attempts to advance our understanding of judicial diversity and inclusion through an analysis of the gender, racial, and ethnic composition of New York State's judiciary as compared with the general population and the population of attorneys. The data is broken down by judicial district to illustrate regional differences that will allow us to target diversity efforts to the areas most in need of improvement, and to showcase districts that reflect and promote diversity. The analysis utilizes data compiled primarily by the Office of Court Administration reflecting the latest available census figures. This report also provides accounts of both recent and historical judicial diversity achievements in New York State, and recognizes the judicial pioneers whose courage and perseverance have paved the way for a more diverse bench in New York State.

WHY DIVERSITY MATTERS

No one can seriously question that the life experiences of people differ, and that those differences impact individuals' views and perceptions. Men and women, and Caucasians and minorities, do not always view the world in the same way. It is this common sense premise that has shaped the increasing body of law protecting defendants' fundamental right to a true jury of

¹ Mark H. Alcott, *Achieving Gender and Ethnic Diversity in the Profession*, 78 N.Y. St. B. J., Nov.–Dec. 2006, at 6.

their peers.² Every day judges apply the law to the facts or real life experiences of the litigants appearing before them; it is only logical that judges' own life experiences may color their perceptions of those facts. Since more cases are decided by judges than juries, it is just as critical to ensure that the state's judiciary reflects the population it serves.

As former Chief Judge Judith Kaye observed, a diverse bench gives the public a belief that they are included in the justice system.³ There is value in symbolic representation—seeing someone who looks like you on the bench. Yet it is more than just the perception of fairness that impacts judicial efficacy. It is the actual quality of justice that suffers when judicial diversity is lacking. Although we know this intuitively, empirical studies have also confirmed that diverse judges decide certain types of cases differently than their white male colleagues and that minority and female judges on appellate benches can also influence the decisions of their colleagues and improve the collective decision-making process.⁴

In short, judicial diversity is essential because it provides equal opportunity to under-represented groups, presents role models to encourage our youth, inspires confidence in our justice system and, most importantly, promotes justice. New York's demographics are changing, and the judiciary must keep pace or risk undermining the public's confidence in our justice system and respect for the rule of law.

² See *Batson v. Kentucky*, 476 U.S. 79 (1986).

³ Archibald R. Murray & Judith S. Kaye et al., *The Road to the Judiciary: Navigating the Judicial Selection Process*, 57 ALB. L. REV. 973, 975 (1994).

⁴ See Pat K. Chew & Robert E. Kelley, *Myth of the Color Blind Judge: An Empirical Analysis of Racial Harassment Cases*, 86 WASH. U. L. REV. 1117, 1156–58 (2009); Adam B. Cox & Thomas J. Miles, *Judging the Voting Rights Act*, 108 COLUM. L. REV. 1, 51–52 (2008); Jennifer L. Peresie, *Female Judges Matter: Gender and Collegial Decision Making in the Federal Appellate Courts*, 114 YALE L.J. 1759, 1787 (2005).

EXECUTIVE SUMMARY

New York State has one of the most diverse populations in the United States,⁵ but the rich multiracial, multi-cultural tapestry of New York's people is not adequately reflected in its judiciary, particularly on monochromatic benches in certain upstate districts.

Judicial Departments and Judicial Districts

Administratively, New York's sixty-two counties are divided into thirteen Judicial Districts and four Judicial Departments. The First Department includes the First and Twelfth Judicial Districts, comprising New York County and Bronx County respectively. The Second Department includes the Second, Ninth, Tenth, Eleventh, and Thirteenth Judicial Districts, comprising Brooklyn, Queens, Staten Island, Long Island, Westchester, and the four counties immediately west and north of Westchester.⁶

The Third Department includes the Capital District and comprises the Third, Fourth, and Sixth Judicial Districts. This twenty-eight county department spans from Sullivan County north to the Canadian border and extends west across the southern tier.⁷ Finally, the Fourth Department is comprised of the Fifth, Seventh, and Eighth Judicial Districts in Central and Western New York, encompassing twenty-two counties including the cities of Syracuse, Rochester, and Buffalo.⁸

⁵ New York State ranks fourth of fifty-one states in diversity in the United States. *Diversity in the Classroom*, N.Y. TIMES, Dec. 23, 2011; see Kamille Wolf, *Out of Many, One People; E Pluribus Unum: An Analysis of Self-Identity in the Context of Race, Ethnicity, and Culture*, 18 AM. U. J. GENDER SOC. POL'Y & L. 747, 768 (2010).

⁶ The Second Department includes the following counties: Kings, Queens, Richmond, Nassau, Suffolk, Dutchess, Orange, Putnam, Westchester, and Rockland.

⁷ The Third Department includes the following counties: Albany, Columbia, Greene, Rensselaer, Schoharie, Sullivan, Ulster, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, St. Lawrence, Saratoga, Schenectady, Warren, Washington, Broome, Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga, and Tompkins.

⁸ The Fourth Department includes the following counties: Herkimer, Jefferson, Lewis, Oneida, Onondaga, Oswego, Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne, Yates, Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming counties.

Figure 1. Map of the four Departments of the New York Supreme Court, Appellate Division



Source: Wikipedia, 20 May 2011

This report's statistical findings reveal a sharp divide between upstate and downstate judicial departments, which is only partially explained by geographic differences in minority populations. The data show that in New York State 93% of all minority Supreme Court Justices, and 60% of female Supreme Court Justices, were elected in New York City.

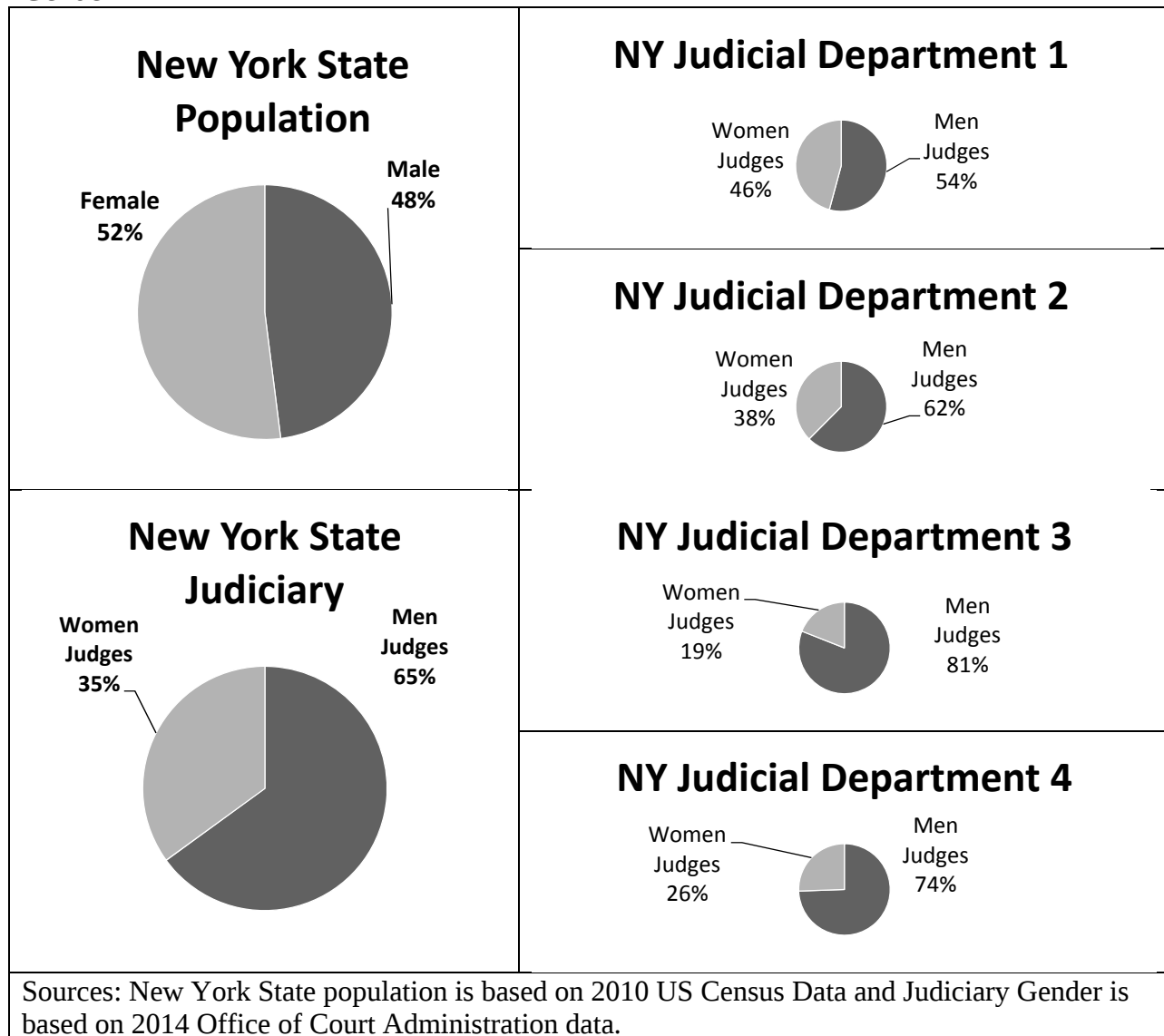
Women account for 52% of New York's total population, yet on the bench only 35% are women.⁹ In the First Department the Caucasian population comprises only 44% of the total population, but represents 65% of the judiciary, with 46% women. In the Second Department, Caucasians comprise 59% of the total population but represent 78% of the judiciary, with 38% women judges. Caucasians comprise 89% of the total population in the Third Department but account for 99% of the judiciary, with only two minorities serving on the bench in the entire Department, and no minorities on the Supreme Court. Women are also vastly under-represented, comprising only 19% of the judiciary in the Third Department. In the Fourth Department, Caucasians comprise 85% of the population and 94% of the judiciary, with 26% women judges.

⁹ Statistics based on 2010 United States Census and 2014 Office of Court Administration data.

Table 1. Comparison of Caucasian Population to Caucasian Judges

	Caucasian Population	Caucasian Judges
Department 1	44%	65%
Department 2	59%	78%
Department 3	89%	99%
Department 4	85%	94%
New York State	67%	81%

Figure 2. Charts of New York State Population by Gender and New York Judiciary by Gender



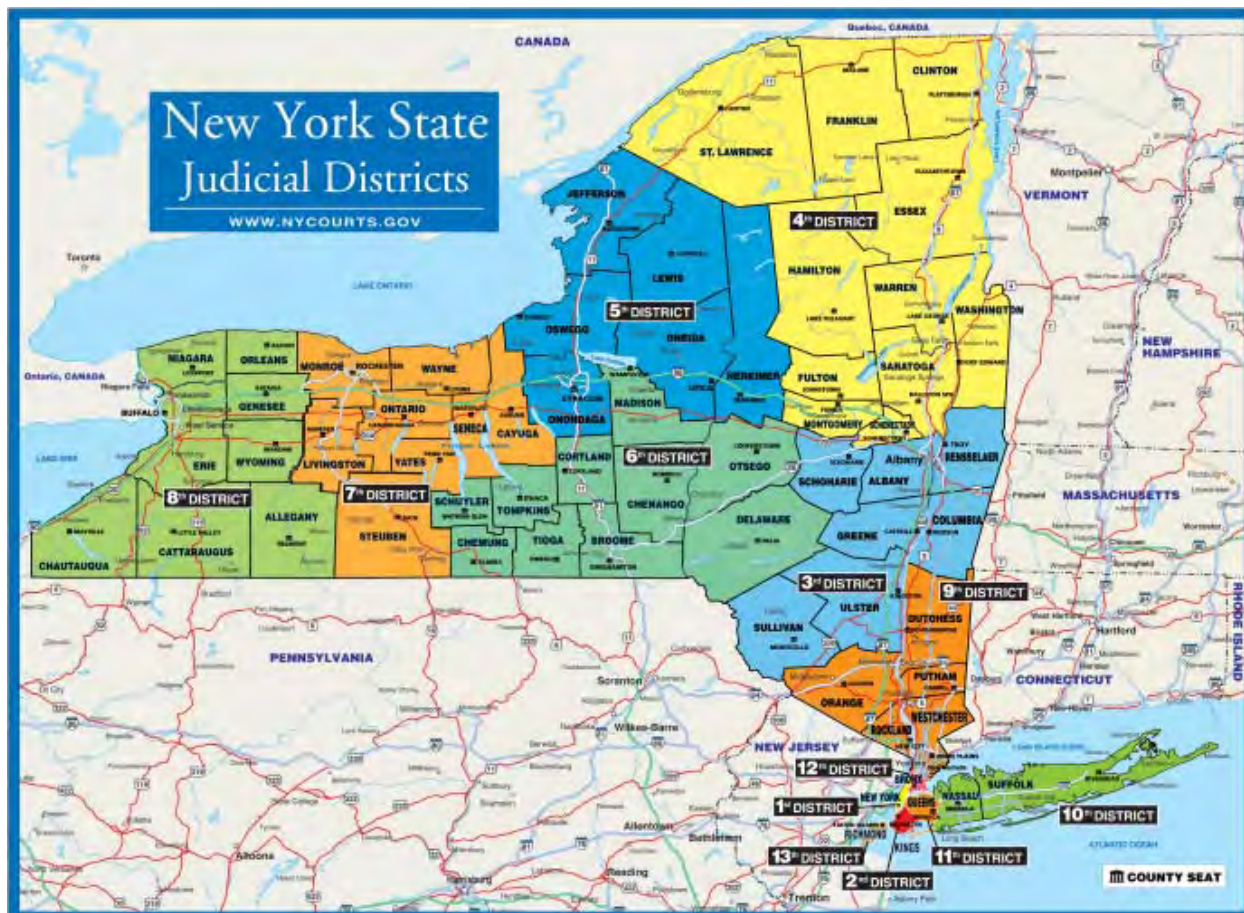
The statistics reveal that the Asian Pacific American population is under-represented throughout the state in comparison to their numbers in the population and in the bar. African-Americans and people of Hispanic heritage are under-represented in all but the First Judicial Department, and women and minorities are significantly under-represented in the Third and Fourth Judicial Departments.

The First and Second Departments collectively encompass twelve counties and have a much more diverse Supreme Court bench than their upstate sister departments. In the First Department, there are 27 women and 28 minority Supreme Court justices. In the Second Department, there are 47 women and 34 minorities on the Supreme Court. The Third Department, which encompasses 28 counties in upstate New York, has never elected a minority to the Supreme Court bench since the court system was created more than 300 years ago.¹⁰ The Fourth Department encompasses 22 counties in central and western New York and currently has 17 women and two minorities on the Supreme Court bench. Statewide, a total of 95 women and 64 minority justices serve on the Supreme Court, the vast majority of whom sit in the New York City metropolitan area and surrounding suburbs.

¹⁰ New York State's court system traces its roots back to the seventeenth century. See Daniel C. Brennan, *The History and Justices of the Appellate Division, Third Department: 1896 to the Present*, N.Y. COURTS 3 (rev. ed. July 2014), available at <http://www.courts.state.ny.us/ad3/History.pdf>.

Judicial Districts:

Figure 3. Map of New York State Judicial Districts



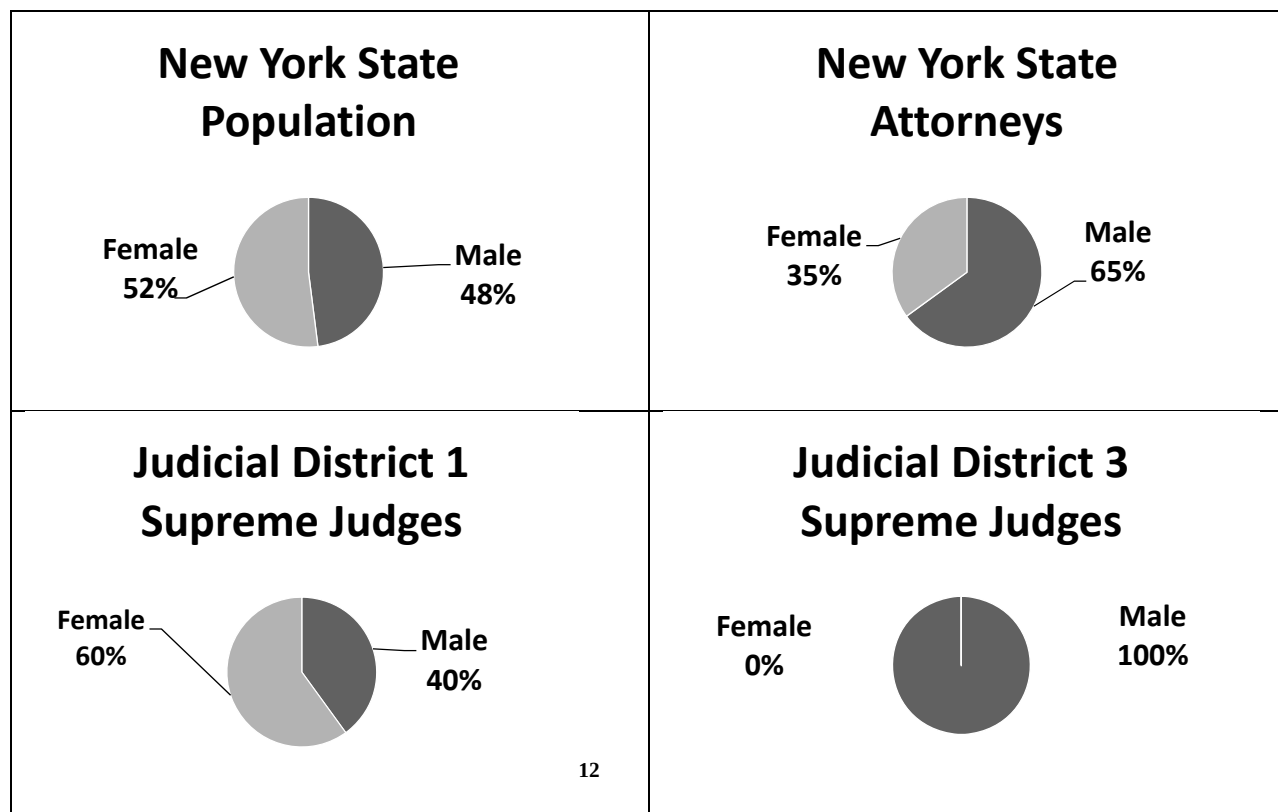
source: www.nycourts.gov

The striking gender disparity among the upstate and downstate Judicial Districts is difficult to explain given the fact that women comprise 52% of the overall population and 35% of the attorney population statewide.¹¹ In the First Judicial District (New York County), for example, women make up 60% of the Supreme Court Justices, while in the Third Judicial District (Albany, Rensselaer, Ulster, Columbia, Green, Sullivan and Schoharie counties), there is not a single woman on the trial level Supreme Court bench. Such a vast gender gap—60% in one district and 0% in another—is troubling given the fact that the pool of female attorneys in

¹¹ The percent of women attorneys is based on the latest available census figures (2010) and has likely increased to 39% today in view of 48%-50% female law school graduation rates over the intervening five year period.

both districts is very similar. Since there are just as many qualified women upstate, the disparity can be attributed only to a lack of access and opportunity.

Figure 4. Gender Diversity



The Diversity Report Card

People of color and women remain significantly under-represented on the bench. This under-representation most starkly manifests in our upstate judicial districts, but can also be observed in certain downstate districts with large minority populations. Statistical findings highlight the critical need for more determined and sustained efforts to pipeline minority lawyers into the judicial cohort, and recruit minorities to the legal profession.

Our analysis shows that efforts in the First and Second Departments have succeeded in increasing the numbers of minorities and women on the bench. We observe that in many downstate judicial districts the percentage of minority and women judges often matches or exceeds the percentage of minority and women lawyers. We further note that in some judicial

¹² Charts “Judicial District 1 and 3 Supreme Judges” refer to Trial Level Supreme Court Justices and do not include acting Supreme Court Justices or Supreme Court Justices who have been elevated to the Appellate Division.

districts, the percentage of minority judges even approximates or exceeds the percentage of minorities in the local population. Although these statistics suggest commendable progress, the numbers also show that in some downstate judicial districts, under-representation of certain minority groups – especially Asians and Hispanics – persists.

The Third and Fourth Departments, by contrast, lag far behind the First and Second Departments with respect to both minority and female representation on the bench. In the Fourth Department, the percentage of minorities in the general population exceeds the percentage of minorities on the bench. The percentage of women in both the general population and in the bar significantly exceeds the percentage of women on the bench in the Fourth Department. The picture is even more abysmal in the Third Department. The Third Department has a higher percentage of minority attorneys than minority judges, and has more than ten times the percentage of minorities in the general population than on the bench. Moreover, there are almost triple the percentage of women in the general population than on the bench in the Third Department.

One may posit that very large minority populations downstate—in contrast to the relatively small minority populations upstate—create a “critical mass” that makes possible robust representation of minority judges in the First and Second Departments. Certainly, it would be reasonable to suggest that a significant minority population creates a social and political environment that makes proportional representation far easier to achieve. However, the critical mass theory cannot explain the poor representation of women upstate. Moreover, even if minorities face formidable barriers because of their relatively low population numbers upstate, it only underscores the need for a concentrated and sustained effort to improve judicial accessibility and minority representation.

We hope that the findings contained in this report will cultivate a new mindset amongst the party leaders and appointing officials who stand as gatekeepers to our state’s judiciary.

**BENCHMARKS OF JUDICIAL DIVERSITY IN
NEW YORK STATE COURTS**

AFRICAN AMERICANS

Prepared by the Hon. Antonio I. Brandveen

Judge Francis E. Rivers (1893–1975)¹³

In 1943 Judge Rivers became the first Black judge on the City Court of New York. “A 1943 Time magazine article described him as ‘a Yale Phi Beta Kappa, a Columbia L.L.B., a first lieutenant in World War I and an assistant district attorney of the State of New York.’”¹⁴ Before taking the bench, Judge Rivers was a member of the New York State Assembly from the 19th District, New York County.

Judge Charles Toney (1880–1951)¹⁵

Judge Charles Toney, joining the bench with Judge James Watson (see below), was one of the first African-American jurists in New York State. He was elected to the Municipal Court of the Tenth Municipal Court District, Manhattan in 1930 (later the Civil Court of the City of New York), and maintained his seat until 1950. Judge Toney was born in Alabama and studied at Syracuse University. He began practicing law in New York in 1905. Active in community affairs in Harlem, he also served on the board of directors of the N.A.A.C.P. From 1931 until his death, Judge Toney lived on Sugar Hill in Harlem.

Judge James Watson (1882–1952)¹⁶

Judge James Watson emigrated as a young man from Jamaica in 1905 and received his LL.B. from the New York University School of Law in 1913. He was elected to the Tenth Municipal Court District, Manhattan in 1930, along with Judge Toney (see above), and he earned

¹³ *David Foote Rivers*, TENNESSEE STATE LIBRARY AND ARCHIVES, <http://www.tn.gov/tsla/exhibits/blackhistory/rivers.htm> (last visited Sep. 1, 2014).

¹⁴ *Id.*

¹⁵ See Editorials, 58 CRISIS 258, 259 (1951).

¹⁶ See ALUMNI CONNECTIONS (New York Law School), June 2007, at 2, available at <http://alumni.nyls.edu/Document.Doc?id=16>.

a reputation as one of the most able and popular judges in New York. He retired from the bench in 1950.

Judge Harold A. Stevens (1907–1990)¹⁷

Judge Harold A. Stevens was born on October 19, 1907 in John’s Island, South Carolina. He graduated from Benedict College in 1930 and Boston College Law School in 1936. Judge Stevens was admitted to the Bar in Massachusetts, New York, and South Carolina, as well as the United States Supreme Court. A member of the New York State Assembly from 1947 to 1950, Stevens was elected as a Judge of the Court of General Sessions in 1951 and remained in that position until 1955. Appointed a Justice of Supreme Court, First Judicial District (then New York and Bronx Counties) by Governor Harriman on July 6, 1955, he became the first Black person to hold that position. In November 1955 he became the first Black Justice to be elected to a fourteen-year term in the Supreme Court. The “firsts” continued: in January 1958 he was appointed to the Supreme Court, Appellate Division, First Judicial Department, the first Black person to hold that position. On January 1, 1969, he became the first Black Presiding Justice of the First Department. On January 7, 1974, he was appointed to the New York Court of Appeals as the court’s first Black judge.

Judge Fritz W. Alexander, II (1926–2000)¹⁸

Judge Fritz W. Alexander, II, Associate Judge of the Court of Appeals, was born in Apopka, Florida on April 24, 1926. He received an A.B. from Dartmouth College in 1947 and an LL.B. from New York University School of Law in 1951. A founding partner of Dyett, Alexander & Dinkins, Judge Alexander later became the District Director of the Upper Manhattan Rent Office. He was elected as a Judge of the New York City Civil Court in 1970 and as a Justice of the New York State Supreme Court in 1976. In 1982, Governor Hugh L. Carey appointed Judge Alexander to the Appellate Division, First Department. He was appointed to serve as a member of the New York State Commission on Judicial Conduct by

¹⁷ *Harold A. Stevens*, NEW YORK UNIFIED COURT SYSTEM, available at <http://www.nycourts.gov/courts/ad1/centennial/Bios/hastevens2.shtml> (last accessed Sept. 1, 2014).

¹⁸ *Fritz W. Alexander II*, NEW YORK UNIFIED COURT SYSTEM, available at <http://www.nycourts.gov/courts/ad1/centennial/Bios/fwalexander2.shtml> (last accessed Sept. 1, 2014).

Governor Carey in 1979 and was reappointed by Governor Mario M. Cuomo four years later. A long-time resident of Manhattan, Judge Alexander was a Trustee of the Law Center Foundation of New York University, Past President of the Dartmouth College Black Alumni Association, President of the Harlem Lawyers Association, and former Vice President of the Association of the Bar of the City of New York. Additionally, Judge Alexander was active in the National Bar Association, American Bar Association, Metropolitan Black Bar Association, and New York State Bar Association. Judge Alexander was appointed as an Associate Judge of the Court of Appeals by Governor Mario M. Cuomo on January 2, 1985. He was the first Black judge appointed to a full term on the court.

Judge Walter H. Gladwin (1903–1988)¹⁹

Judge Walter H. Gladwin was the first Black person to become a New York City Criminal Court Judge and an assistant district attorney in the Bronx. He also served as an Assemblyman representing the Seventh Assembly District from 1953 to 1957, making him the first Black Assemblyman in the Bronx. After his appointment to the bench in 1957 by Mayor Robert F. Wagner, Judge Gladwin presided over a number of notable cases. One such case involved the stabbing of Adele Morales Mailer, who was the second wife of the author Norman Mailer. Judge Gladwin graduated from City College in 1936 and New York Law School in 1941.

Judge Jane Matilda Bolin (1908–2007)²⁰

Judge Jane Matilda Bolin was the first Black woman to become a judge in the United States. Among other “firsts,” Judge Bolin was the first Black woman to graduate from Yale Law School, the first Black woman to join the New York City Bar Association, and the first Black woman to work in the office of the New York City Law Department. Judge Bolin was born in

¹⁹ *Walter Gladwin, 85, Former Bronx Judge And Assemblyman*, N.Y. TIMES, June 13, 1988, available at <http://www.nytimes.com/1988/06/13/obituaries/walter-gladwin-85-former-bronx-judge-and-assemblyman.html>.

²⁰ Douglas Martin, *Jane Bolin, the Country’s First Black Woman to Become a Judge, Is Dead at 98*, N.Y. TIMES, Jan. 10, 2007, available at http://www.nytimes.com/2007/01/10/obituaries/10bolin.html?ex=1326085200&en=e1eb946e241febe6&ei=5090&partner=rssuserland&emc=rss&_r=0.

Poughkeepsie, New York in 1908. Her father, Gaius C. Bolin, was the son of a Native-American mother and an African-American father. Her mother, the former Matilda Emery, was a white Englishwoman. Judge Bolin attended Wellesley College where she was one of two Black first-year students. At her graduation in 1928, she was named a Wellesley Scholar, a distinction given to the top 20 students in the class. At Yale Law School, Judge Bolin was one of only three women and was the only Black student in her class. Following her service in the office of the New York City Corporation Counsel, Judge Bolin was appointed to the Family Court by Mayor LaGuardia in 1939. She was reappointed by Mayors O'Dwyer, Wagner, and Lindsay, and served on the bench until 1978 when Judge Bolin reached the mandatory retirement age of 70. After retirement, Judge Bolin was a volunteer reading instructor in the New York City public schools and was appointed to the Review Committee of the New York State Board of Regents. Judge Bolin died in 2007 at the age of 99.

Judge Myles Paige (1899–1983)²¹

Mayor LaGuardia appointed Judge Myles Paige to a ten-year term on the New York City Magistrate's Court in 1936 at the age of 38. He was the first Black person to hold that position. Admitted to practice law in 1925, Judge Paige later became a Deputy Attorney General in charge of the Workmen's Compensation Division. Judge Paige, a Catholic and a member of the Fourth Degree of the Knights of Columbus, was an active civil rights worker in Harlem and headed the North Harlem Community Council. He was also a member of the Urban League, the National Executive Council, and the Alpha Phi Alpha fraternity. He was a commander of an American Legion post in Harlem and was a vice commander of a disabled veterans organization. Judge Paige was also a member of the Guild of Catholic Lawyers, the New York County Lawyers Association, and the Harlem Lawyers Association. He received a B.A. from Howard University where he played on the football team, and he received his LL.B. and LL.M. degrees from Columbia University Law School. Judge Paige lived in Harlem with his wife and two children.

²¹ See *M.A. Paige, First Black to Be a City Magistrate*, N.Y. TIMES, April 1, 1983.

Judge Mary Johnson Lowe (1925–1999)²²

Judge Mary Johnson Lowe was appointed to the New York City Criminal Court in 1971. Two years later she was appointed as an Acting Supreme Court Justice. Judge Lowe was elected to the Supreme Court in 1977, becoming the first Black female to hold that position. In 1978, President Jimmy Carter appointed her to the United States District Court for the Southern District of New York. She was the second African-American woman to be appointed to the federal bench. Judge Lowe served as a senior Judge from 1991 until her death in 1999. Judge Lowe received a B.A. from Hunter College of the City University of New York and graduated with honors from Brooklyn Law School in 1954 where she was the first Black Editor-in-Chief of the Brooklyn Law Review. The following year Judge Lowe received an LL.M from Columbia University School of Law. Judge Lowe was in private practice specializing in criminal trials from 1955 to 1971. She was a founding member of the Judicial Friends Association and the National Judicial Council of the National Bar Association. She also served as the New York Chair for Education and was the Bronx chapter president of the N.A.A.C.P.

Judge Samuel L. Green (1935–present)²³

Judge Samuel L. Green was appointed Buffalo City Court Judge in November 1973. Five years later Judge Green was the first African-American male outside of New York City to be elected to the New York State Supreme Court, Eighth Judicial District. On February 25, 1983, then Governor Mario Cuomo appointed Justice Green to serve on the Appellate Division, Fourth Department. He was the first African-American to serve in that position. He also served as Acting Presiding Justice of the Appellate Division, Fourth Department. In 2002 Justice Green was designated by Chief Judge Kaye to serve on the Court of Appeals for the June Session. He retired from the Appellate Division in December 2011.

²² See Biography, Lowe, Mary Johnson, FEDERAL JUDICIAL CENTER, <http://www.fjc.gov/servlet/nGetInfo?jid=1427&cid=999&ctype=na&instate=na>.

²³ See *Biographies of Former Justices of the Appellate Division, Fourth Department*, SUPREME COURT OF THE STATE OF NEW YORK, <http://www.nycourts.gov/courts/ad4/Court/former.html> (last accessed Sept. 1, 2014).

Judge Moxey Rigby (1892–1962)

Judge Moxey Rigby, a native of Long Island and a graduate of Freeport High School, was the first African-American judge elected in Nassau County and the first Black elected official on Long Island. He was elected to the Nassau County District Court in 1959. He was also Vice Chairman of the Freeport Housing Authority. Judge Rigby worked as a waiter and saved up enough money to go to Law School. He graduated from New York Law School in 1925, and was admitted to the Bar in New York State that same year.

Judge Alfred Robbins (1926–2003)²⁴

After graduating from Brooklyn Law School in 1957, Judge Alfred Robbins went to work for the Legal Aid Society. He moved to Hempstead, New York in the mid-1960s, and began working as an assistant district attorney. In 1971, Nassau County Executive Ralph Caso appointed Judge Robbins to the Nassau County District Court. He was subsequently elected to serve a full term in this position. In 1974, Judge Robbins became the first Black judge from Long Island to be appointed as the President of the Board of Judges in the District Court, and he later became the first Black judge on Long Island to be appointed as the Supervising Judge of that Court. Judge Robbins' abilities were evident early in his legal career, and he rose to the position of Justice of the New York State Supreme Court in 1979. He was the first Black person elected to the Supreme Court on Long Island, in the Tenth Judicial District.

Judge Robert J. Mangum (1921–present)

Judge Robert Mangum graduated from City College in 1942. He received a masters degree in sociology from New York University and graduated from Brooklyn Law School in 1949. In 1967, Governor Nelson Rockefeller appointed Judge Mangum to the New York State Court of Claims. He was the first Black judge to hold that position. Judge Mangum resigned

²⁴ *Paid Notice: Deaths Robbins, Hon. Alfred*, N.Y. TIMES, Oct. 8, 2003, available at <http://www.nytimes.com/2003/10/08/classified/paid-notice-deaths-robbins-hon-alfred-s.html>.

from the Court of Claims in 1978 and became General Counsel of Beth Israel Hospital in Manhattan.

Judge Sheila Abdus-Salaam (1952–present)²⁵

Judge Sheila Abdus-Salaam was born in Washington D.C. in 1952. She received a B.A. from Barnard College in 1974 and a J.D. from Columbia Law School in 1977.

Judge Abdus-Salaam served as a staff attorney with the East Brooklyn Legal Services Corporation after graduating from law school in 1977. She moved to the New York State Department of Law in 1980, serving as an Assistant Attorney General in the Civil Rights and Real Estate Financing Bureaus. She remained in this position until 1988, when she became General Counsel for the New York City Office of Labor Services.

Judge Abdus-Salaam was elected to serve as a Judge on the New York City Civil Court in 1991. She was then elected to the Supreme Court, New York County in 1994 where she served with distinction, and was re-elected in 2008. She was subsequently appointed to serve as an Associate Justice of the Supreme Court, Appellate Division, First Department in April 2009, by Governor David A. Paterson.

In 2013, Judge Abdus-Salaam made history when Governor Andrew M. Cuomo appointed her as the first African-American woman judge to serve on the New York State Court of Appeals.

²⁵ See Biography, *Hon. Sheila Abdus-Salaam*, Court of Appeals, NEW YORK STATE UNIFIED COURT SYSTEM, available at <http://www.nycourts.gov/ctapps/jasalaam.htm>.

ASIAN PACIFIC AMERICANS

Prepared by the Hon. Doris Ling-Cohan

Asian Pacific Americans (APAs) have been in the U.S. for more than 264 years, since approximately 1750, when Filipino sailors settled in Louisiana.¹ The first Japanese people to immigrate to the U.S. arrived on May 7, 1843.²

The first large-scale immigration of APAs into the U.S. occurred in 1848, with many immigrants from China being drawn to the U.S. during the California Gold Rush.³ Many subsequently immigrated to the U.S. to work as laborers building the country's first transcontinental railroad, which was completed on May 10, 1869.⁴ However, immigration of APAs was severely curtailed due to regressive and discriminatory immigration laws, such as the Chinese Exclusion Act of 1882 (22 Stat. 58), the Geary Act of 1892 (27 Stat. 25), the Immigration Act of 1924 (43 Stat. 153), and the Tydings-McDuffie Act of 1934 (48 Stat. 456), which were lifted by the Immigration Act of October 1965 (79 Stat. 911).

For much of the period that Asians were permitted to be in the country, they were denied the right to become a citizen and hence the right to vote, which was repealed for all Asians by the Immigration and Nationality Act of 1952 (66 Stat. 163), also known as the McCarran-Walter Act.⁵

In addition, for many years Asians were not permitted to become lawyers in this country. On May 18, 1888, the New York Times reported that Hong Yen Chang—who was born in China, educated at Yale, was a law graduate of Columbia, and who was “recently naturalized”—

¹ ANCESTORS IN THE AMERICAS, PROGRAM 1 - COOLIES, SAILORS AND SETTLERS: VOYAGE TO THE NEW WORLD, (PBS broadcast 1997), *available at* www.pbs.org/ancestorsintheamericas/program1_1.html.

² Asian/Pacific American Heritage Month, Pub. L. No. 102-450, <http://www.gpo.gov/fdsys/pkg/STATUTE-106/pdf/STATUTE-106-Pg2251.pdf>.

³ ANCESTORS IN THE AMERICAS, PROGRAM 2 - CHINESE IN THE FRONTIER WEST: AN AMERICAN STORY, (PBS broadcast 1997), *available at* www.pbs.org/ancestorsintheamericas/program2_1.html.

⁴ Asian/Pacific American Heritage Month, Pub. L. No. 102-450, <http://www.gpo.gov/fdsys/pkg/STATUTE-106/pdf/STATUTE-106-Pg2251.pdf>.

⁵ There were earlier laws that eliminated barriers to naturalization for specific groups of Asians, however, it was not until the Immigration and Nationality Act of 1952 when all remaining laws that prevented Asians from becoming naturalized U.S. citizens were universally repealed.

became the “only regularly admitted Chinese lawyer in this country.”⁶ This was after the New York State Legislature had to pass a special law in 1887, which permitted him to again apply for admission to the Bar. The legislative act was required because he “was refused admission at the General Term in New York City” by Judge Van Brunt, despite the “[e]xamining Committee [finding] he passed a very credible examination, and was deservedly awarded a diploma.”⁷ Mr. Chang subsequently moved to San Francisco to practice law, but the California Supreme Court turned down his application to the Bar, citing the federal Chinese Exclusion Act of 1882 and California law.⁸

New York State - 8.6% of the Population

APAs have been in New York for more than 184 years, since the arrival of Chinese sailors and peddlers in New York in the 1830s.⁹ APAs or people of Asian Pacific descent represent an estimated 8.6% (1,680,905 people) of New York State’s population based on the 2012 American Community Survey provided by the U.S. Census Bureau.¹⁰ However, it is important to note that, as acknowledged by the U.S. Census Bureau, it undercounts APAs.¹¹

⁶ *A Chinese Lawyer*, NY TIMES, May 18, 1888.

⁷ *Id.*

⁸ Ken Broder, *UC Davis Law Students Want Chinese Attorney Admitted to Bar 124 Years after His Death*, ALLGOV CALIFORNIA, <http://www.allgov.com/usa/ca/news/unusual-news/uc-davis-law-students-want-chinese-attorney-admitted-to-bar-124-years-after-his-death-140513?news=853135> (last accessed Aug. 29, 2014).

⁹ HISTORICAL TIMELINE: SELECTED DATES AND EVENTS OF ASIAN PACIFIC AMERICAN HISTORY, WASH. STATE COMM’N ON ASIAN PAC. AM. AFFAIRS, <http://www.capaa.wa.gov/data/timeline.shtml> (last accessed Jan. 31, 2014).

¹⁰ U.S. Census Bureau, 2012 American Community Survey, http://factfinder2.census.gov/bkmk/table/1.0/en/ACS/12_1YR/DP05/0400000US36. The figures included above represent data for the category of “race alone or in combination with one or more other races,” which would include all Asians and native Hawaiian and other Pacific Islanders, as well as people who identify with those categories who are among the mixed race population.

¹¹ U.S. Census Bureau, “Census Bureau Releases Estimates of Undercount and Overcount in the 2010 Census,” U.S. DEP’T OF COMMERCE (May 22, 2012), http://www.census.gov/newsroom/releases/archives/2010_census/cb12-95.html.

Immigrant advocates believe people of color and the poor are disproportionately undercounted due to language barriers, illiteracy, or lower education levels, a general misunderstanding of the importance of census participation, and lack of reach among undocumented immigrants, among other reporting problems. COMM. AGAINST ANTI-ASIAN VIOLENCE, CENSUS 2010: DEMOGRAPHIC CONTEXT, <http://caaav.org/census-2010-demographic-context> (last accessed Feb. 6, 2014); Robert Knox, *Census planning outreach; Asian festival a key to accurate count*, BOSTON GLOBE, Feb. 21, 2010, at Regional, South, 1, available at http://www.boston.com/news/local/articles/2010/02/21/census_using_quincy_chinese_new_year_festival_to_reach_out_to_undercounted_community/; THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS, CENSUS 2000 EDUCATION KIT, http://www.civilrights.org/publications/reports/census2000/6_1.html (last accessed Feb. 6, 2014).

The highest percentage of APAs in New York are Chinese, followed by Asian Indians, Koreans, and Filipinos. The following is a breakdown of the APA population in New York State:

an estimated 627,375 people of **Chinese** descent, representing 3.2% of the population;
an estimated 335,793 people of **Asian Indian**¹² descent, representing 1.7% of the population;
an estimated 229,530 people of **Other Asian**¹³ descent, representing 1.2% of the population;
an estimated 135,092 people of **Korean** descent, representing 0.7% of the population;
an estimated 104,432 people of **Filipino** descent, representing 0.5% of the population;
an estimated 38,365 people of **Japanese** descent, representing 0.2% of the population;
an estimated 27,759 people of **Vietnamese** descent, representing 0.1% of the population; and
an estimated 7,456 people of **Native Hawaiian and Other Pacific Islander** descent, representing less than 0.1% of the population (1,656 Native Hawaiians, 731 Guamanians or Chamorros, 1389 Samoans, and 3,680 other Pacific Islanders).¹⁴

Including those who identify as belonging to more than one race, there is an estimated total of 1,654,819 Asians living in New York State, representing 8.5% of the state's total population, and 26,086 Native Hawaiians and other Pacific Islanders representing 0.1% of the state's total population.¹⁵

¹² Including people who indicate their race as "Asian Indian" or report entries such as India or East Indian. See U.S. CENSUS BUREAU, AMERICAN FACT FINDER, GLOSSARY, <http://factfinder2.census.gov/help/en/glossary/a/asian.htm> (last accessed Feb. 10, 2014).

¹³ Includes people who provide a response of another Asian group, such as Iwo Jiman, Maldivian, Mongolian, Okinawan, or Singaporean, including respondents who checked the Other Asian response category on the census questionnaire and did not write in a specific group or wrote in a generic term such as "Asian" or "Asiatic." U.S. CENSUS BUREAU, AMERICAN FACT FINDER, GLOSSARY, <http://factfinder2.census.gov/help/en/glossary/a/asian.htm> (last accessed Feb. 10, 2014).

¹⁴ U.S. CENSUS BUREAU, 2012 AMERICAN COMMUNITY SURVEY, http://factfinder2.census.gov/bkmk/table/1.0/en/ACS/12_1YR/DP05/0400000US36. The figures included above represent data for the category of "race alone or in combination with one or more other races," which would include all Asians and native Hawaiian and other Pacific Islanders, as well as people who identify with those categories who are among the mixed race population.

¹⁵ *Id.*

New York City - 14.3% of the Population

Within New York City, APAs or people of Asian Pacific descent represent an estimated 14.3% (1,190,601 people) of the city's population based on the 2012 American Community Survey as provided by the U.S. Census Bureau.¹⁶

The highest percentage of APAs in New York City are of Chinese descent, followed by Asian Indians, Koreans, and Filipinos. The following is a breakdown of the APA population in New York City:

an estimated 522,619 people of **Chinese** descent, representing 6.3% of New York City's population;

an estimated 207,196 people of **Asian Indian** descent, representing 2.5% of New York City's population;

an estimated 164,345 people of **Other Asian** descent, representing 2.0% of New York City's population;

an estimated 91,582 people of **Korean** descent, representing 1.1% of New York City's population;

an estimated 69,481 people of **Filipino** descent, representing 0.8% of New York City's population;

an estimated 24,148 people of **Japanese** descent, representing 0.3% of New York City's population;

an estimated 12,078 people of **Vietnamese** descent, representing 0.1% of New York City's population; and

an estimated 3,548 people of **Native Hawaiian and Other Pacific Islander** descent, representing less than 0.1% of New York City's population (365 Native Hawaiians, 142

¹⁶ U.S. CENSUS BUREAU, 2012 AMERICAN COMMUNITY SURVEY, http://factfinder2.census.gov/bkmk/table/1.0/en/ACS/12_1YR/DP05/1600000US3651000. The figures included above represent data for the category of "race alone or in combination with one or more other races," which would include all Asians and native Hawaiian and other Pacific Islanders, as well as people who identify with those categories who are among the mixed race population.

Guamanians or Chamorros, 45 Samoans, and 2,996 other Pacific Islanders).¹⁷

There is an estimated total of 1,175,742 Asians (including mixed races) living in New York City, representing 14.1% of the city's total population, and 14,859 Native Hawaiians and other Pacific Islanders representing 0.2% of the city's total population.¹⁸

APA Judiciary in New York State's Courts

Some of the historic firsts in the New York State courts include:¹⁹

Hon. Randall T. Eng

First APA judge in New York State history to be appointed to New York City Criminal Court (1983).

Along with Hon. Peter Tom, one of the first APA judges elected to New York State Supreme Court (1991).

First APA judge to be elected to New York State Supreme Court, Queens County (1991).

First APA Administrative Judge of the Criminal Term, Queens County Supreme Court (2007).

First APA Presiding Justice, Appellate Division, Second Department (2012).

Hon. Arnold Lim

First APA to be appointed Family Court judge in New York City (2000); first APA Family Court judge in New York State.

Hon. Doris Ling-Cohan

First APA woman to be an appellate judge in New York State (2014).

First APA to sit on the Appellate Term (2014).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ A request was directed to all APA judges to self-identify accomplishments and this may not be the most complete set of firsts.

First APA woman to be elected to the Supreme Court in New York State (2002).

First APA to win a contested local district election for any public office and to be elected from Manhattan's Chinatown district (other than school board), when she was elected to the Civil Court (2nd Municipal Court District) in 1995.

First trial judge in New York State and third trial judge in the country to decide in favor of Marriage Equality in *Hernandez v. Robles* (2005).

Hon. Jeffrey Oing

First APA Supervising Judge for Civil Court, NY County (2009).

Hon. Toko Serita

First Japanese-American judge in New York State (2005), and to be appointed in New York City.

First APA female judge appointed to the New York City Criminal Court.

Hon. Peter Tom

First APA appointed to the Housing Court of the City of New York (1985).

One of the first APAs elected to the Civil Court of the City of New York (1987), as well as one of the first APAs to win a county-wide contested election in Manhattan.

First APA elected to the New York State Supreme Court, New York County (1990).

First APA appointed to the Supreme Court, Appellate Division (First Department, 1994).

First APA to serve as a Presiding Justice of the Appellate Division, First Department (Acting Presiding Justice, 2007 and 2009).

First APA to win the New York City Golden Gloves Boxing Championship.

Hon. Lillian Wan

First APA woman to be appointed to the Family Court bench in New York City (2012).

Conclusion

Although Asian Pacific Americans have been in New York State since the 1830s, and represent 8.6% of New York State's population, and 14.3% of New York City's population, only 22 of the 1250 state court judges are of Asian descent--representing 1.8% of all judges statewide.²⁰ A number of the state's courts do not have, and have never had, a judge of Asian descent, including the Court of Appeals and the Court of Claims.

²⁰ Judicial information is based on the 2/13/2014 Payroll, as provided by the Director Human Resources, NYS Unified Court System.

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HISPANICS/LATINO HERITAGE

Prepared by the Hon. Doris M. Gonzalez

Justice Emilio Nunez, Supreme Court, Appellate Division, First Department (Retired)²⁶

Justice Emilio Nunez was born in Bilbao, Spain, and immigrated to the United States at the age of eleven. He received his law degree from New York Law School and was admitted to the Bar in 1929. During his years of practice, he served as counsel to several South American countries and to the government of Spain. Nunez became the first Hispanic judge in the history of New York State after Mayor Vincent Impellitteri appointed Nunez as a New York City Magistrate in 1951. Nunez also became the first Hispanic to hold the successive offices to which he was appointed or elected. Nunez ascended to the Court of Special Sessions in 1952, where he served until Governor W. Averell Harriman appointed Nunez as a Judge of the City Court in March 1956. In November 1956, Nunez was elected to a full ten-year term in City Court. In 1957, Nunez served as an acting Supreme Court Justice until his election to the Supreme Court in 1962.

In 1968, Justice Nunez was appointed by Governor Nelson A. Rockefeller as a Justice of the Appellate Division of the Supreme Court, First Department, where he served until March 31, 1977.

Judge Jose Ramos-Lopez, Civil Court, New York City (Retired)²⁷

Justice Jose Ramos-Lopez was born in Bayamon, Puerto Rico, in 1915. He graduated from the University of Puerto Rico, received his LL.B. degree from St. John's University Law School in 1939, and was admitted to the Bar in 1940. Justice Ramos-Lopez served in the United States Armed Forces (USM) during World War II.

Justice Ramos-Lopez served as Deputy Commissioner of the New York City Department of Corrections from 1953 to 1954. He was appointed by Governor W. Averell Harriman as an Administrative Law Judge to the New York State Workers Compensation Board, and occupied

²⁶ Biography of Judge Emilio Nunez, NEW YORK STATE UNIFIED COURT SYSTEM, <http://www.nycourts.gov/courts/ad1/centennial/Bios/enunez2.shtml> (last visited Aug. 28, 2014).

²⁷ John P. Schmal, *Puerto Rican Pioneers in New York City: Forging an Urban Path*, LATINOLA (Dec. 26, 2006), <http://latinola.com/story.php?story=3891>.

that position from 1955 to 1958. He served as a member of the New York State Assembly from 1959 to 1967. Justice Ramos-Lopez was elected as a Judge of the Civil Court of City of New York in 1967, and was an Acting Supreme Court Justice (Special Narcotics) in New York County from 1973 to 1975.

Judge Felipe N. Torres, Family Court, New York City (Retired)²⁸

Judge Felipe Torres, born in Salinas, Puerto Rico in 1897, became a New York resident in 1919. He served in the Army during World War I, attaining the rank of Second Lieutenant, and served with the Selective Service System during World War II. He received his LL.B. from Fordham University in 1926, and was admitted to the Bar the following year. In 1940, Justice Torres earned his B.S. degree in social science from City College.

Judge Torres served in the Assembly from 1954 to 1962. Judge Frank Torres, Judge Felipe Torres' son, succeeded his father in the Assembly after his father's departure.

In 1963, Mayor Robert F. Wagner appointed Judge Felipe Torres a Judge of the Family Court. After retirement, Judge Torres continued to serve New York as a Judicial Hearing Officer in the panels for Supreme Court, Civil and Criminal terms, and the Family Court.

Justice John Carro, Supreme Court, Appellate Division, First Department (Retired)²⁹

Justice John Carro was born in 1927, received a B.S. from Fordham University in 1949, a J.D. from Brooklyn Law School in 1956, and was admitted to practice before the United States Supreme Court in 1966. Justice Carro received an M.A. from the University of Virginia in 1984. He served in the United States Navy from 1945 to 1947, receiving an honorable discharge as a First Lieutenant from the United States Army Reserve in 1949. Justice Carro was Assistant to Mayor Robert F. Wagner from 1960 to 1965, the first Puerto Rican to serve in his office.

²⁸ See Eric Pace, *Felipe N. Torres, 96, Former Legislator and Retired Judge*, N.Y. TIMES, Apr. 5, 1994, available at <http://www.nytimes.com/1994/04/05/obituaries/felipe-n-torres-96-former-legislator-and-retired-judge.html>.

²⁹ Biography, *Justice John Carro*, NEW YORK UNIFIED COURT SYSTEM, <http://www.nycourts.gov/courts/ad1/centennial/Bios/jcarro2.shtml>.

Justice Carro was appointed to the Criminal Court in 1969, became an Acting Supreme Court Justice in 1976, and was elected a Supreme Court Justice in 1977. Governor Hugh L. Carey appointed Justice Carro to the Appellate Division in 1979, making Carro the first Puerto Rican to be designated an Appellate Court Justice and elected as a Supreme Court Justice from Bronx County. Justice Carro has been an adjunct professor at CUNY and Fordham University, and is a former founder and Chairman of the Board of the Puerto Rican Forum and former board member of ASPIRA and the Puerto Rican Legal Defense Fund. Justice Carro served as President of the Puerto Rican Bar Association, former member of the Supreme Court Justice Association, and co-chairman of the Committee on Revision of the Criminal Law of the Criminal Justice Section of the New York State Bar Association. Judge Carro also served as President of the Association of the Judges of Hispanic Heritage, Inc.

The foregoing pioneers have paved the way for many more firsts by Latino judges throughout the years. The following are but a sampling of the many achievements secured by Latino judges within New York State.

Bronx County

Hon. Irma Vidal Santaella, a community activist, was the first Latina elected to the Supreme Court in 1983.³⁰

Hon. Luis A. Gonzalez³¹ was appointed to the Housing Court of the City of New York in 1985, and elected to Civil Court one year later. He was elected to the Supreme Court, Bronx County in 1987. Justice Gonzalez was appointed to the Appellate Term, 1st and 12th Judicial Districts as an Associate Justice, and subsequently became Administrative Judge for Civil and Criminal Matters, Bronx County. In 2002, Judge Gonzalez was appointed to the Appellate Division, First Department by Governor Pataki, and was named Presiding Justice of the

³⁰ See DIANE TELGEN, NOTABLE HISPANIC WOMEN 369 (1993).

³¹ See Biography, *Presiding Justice Luis A. Gonzalez*, NEW YORK STATE SUPREME COURT, NEW YORK STATE UNIFIED COURT SYSTEM, http://www.nycourts.gov/courts/ad1/justicesofthecourt/justices_gonzales.shtml.

Appellate Division First Department in 2009.

In 1995, Hon. Yvonne Gonzalez served on the City Council until she was elected to Civil Court, Bronx County. In 1998, she was elected to the Supreme Court.

Hon. Lucindo Suarez,³² Supreme Court, Bronx County was appointed to the Appellate Term, 1st and 12th Judicial Districts in February 2000, and was named Presiding Justice of the Appellate Term in 2002.

Hon. Sallie Manzanet-Daniels³³ was the youngest Justice of Hispanic heritage to be elected to the Supreme Court of the State of New York. In October of 2009, Governor Paterson appointed her the first Latina to the Appellate Division, First Department.

Hon. Nelida Malave-Gonzales, elected in 2012, is the first Hispanic Surrogate in the Bronx.

New York County

Hon. Rita Mella, elected in 2012, is New York County's first Hispanic Surrogate.

Kings County

Hon. Gilbert Ramirez,³⁴ blinded in early adulthood, was appointed to the Family Court Bench by Mayor John Lindsey in 1968, and served in that capacity until his election to the Supreme Court in 1975. As a Judge, he recorded all his court sessions and was famous for replaying key moments in his courtroom to jog his memory. Mayor Rudolph Guiliani

³² See Press Release, Lucino Suarez Appointed to Appellate Term of the Supreme Court for the First Judicial Department (January 25, 2000), http://www.courts.state.ny.us/press/pr2000_02.shtml.

³³ Biography, *Associate Justice Sallie Manzanet-Daniels*, NEW YORK STATE UNIFIED COURT SYSTEM, http://www.nycourts.gov/courts/ad1/justicesofthecourt/justices_manzanet-daniels%20.shtml.

³⁴ *Gilbert Ramirez Park*, NYC PARKS, <http://www.nycgovparks.org/parks/gilbert-ramirez-park/history> (last accessed Sept. 1, 2014).

proclaimed the date of Justice Ramirez's retirement, in 1997, as Justice Gilbert Ramirez Day. Hon. Ramirez was the first Puerto Rican elected to the New York State Assembly.

Hon. Margarita Lopez-Torres was the first Latina elected to the Civil Court in 1992, and became the first Hispanic Surrogate in Kings County in 2006.

Hon. Betzy Barros,³⁵ elected to the Civil Court in 1995, went on to become the first Latina elected to the Supreme Court in Kings County in 1997. Governor Cuomo appointed her to the Appellate Division, Second Department in April 2014.

Hon. Reinaldo Rivera³⁶ was elected to the Supreme Court in 1991, and in 2002 was appointed to the Appellate Division Second Department.

Hon. Richard Rivera became the first Puerto Rican elected to office as Civil Court Judge in 1990. In 1997, he was appointed Supervising Judge of Kings County Civil Court, and subsequently elected to the Supreme Court. Justice Rivera died during his first term.

Hon Jeanette Ruiz³⁷ was appointed to Supervising Judge Kings County, Family Court in 2012.

Hon. Ariel Belen³⁸ became a Supreme Court Justice in 1995. In 2005, he was appointed to the Appellate Term, 2nd and 11th Judicial Districts. He was Administrative Judge for Civil Matters in the Supreme Court, Kings County, was appointed to the Appellate Division, Second Department in 2008.

³⁵ Press Release, Governor Cuomo Announces Appointments to the Appellate Division of the Supreme Court (April 15, 2014).

³⁶ *Associate Justice Reinaldo E. Rivera*, NEW YORK STATE UNIFIED COURT SYSTEM, http://www.nycourts.gov/courts/ad2/justice_rivera.shtml.

³⁷ Brendan Pierson, *New Supervising Judge Takes Reins in Brooklyn*, NEW YORK LAW JOURNAL, Dec. 12, 2012, available at <http://www.newyorklawjournal.com/id=1202580787498>.

³⁸ Charisma Miller, *Justice Ariel Belen to leave bench; Longtime Brooklyn jurist cites pay issue*, BROOKLYN DAILY EAGLE, Aug. 17, 2012, available at <http://www.brooklyneagle.com/articles/justice-ariel-belen-leave-bench-longtime-brooklyn-jurist-cites-pay-issue-2012-08-17-155000>.

Queens County

In 1994, Hon. Jaime Rios³⁹ was the first Hispanic elected as a Judge of the Civil Court. In 1995, he was elected to the Supreme Court and appointed to the Appellate Term, 2nd and 11th Judicial Districts in 2001.

Hon. Diccia Pineda-Kirwan was the first Hispanic woman to be elected as Judge of the Civil Court in 2002. In 2009, she was elected to Supreme Court.⁴⁰

Hon. Gilbert Badillo,⁴¹ in 1986, was appointed to Housing Court in Bronx County. He was reappointed to successive terms and was the Supervising Judge of Housing Court, Queens County.

Hon. Fernando Camacho,⁴² in 1997, was appointed to the Criminal Court. Appointed to the Court of Claims in 2008, he was named Administrative Judge for Criminal Matters.

Richmond County

Mayor Bloomberg swore in Hon. Raymond Rodriguez, Staten Island's first Hispanic Judge, on February 7, 2013.⁴³

³⁹ See Angy Altamirano, *Spotlight on justice: Judge Jaime Rios, Associate Justice of the Appellate Term of the State Supreme Court*, THE QUEENS COURIER, available at <http://queenscourier.com/2013/spotlight-on-justice-judge-jaime-rios-associate-justice-of-the-appellate-term-of-the-state-supreme-court/> (last accessed Sept. 1, 2014).

⁴⁰ *Dominican Pineda-Kirwan takes oath as first Hispanic woman in NY Supreme Court*, DOMINICAN TODAY, Jan. 15, 2014, available at <http://www.dominicantoday.com/dr/world/2010/1/15/34491/DominicanPineda-Kirwantakes-oathas-first-Hispanic-woman-in-NY-Supreme>.

⁴¹ Biography, *Hon. Gilbert Badillo*, NEW YORK STATE UNIFIED COURT SYSTEM, http://www.nycourts.gov/admin/directory/badillo_gilbert.shtml (last accessed Sept. 1, 2014).

⁴² Profile, *Hon. Fernando Camacho*, PRACTICING LAW INSTITUTE, http://www.pli.edu/Content/Faculty/Hon_Fernando_Camacho/_/N-4oZ1z12e9g?ID=PE1167999 (last accessed Sept. 1, 2014).

⁴³ Jillian Jorgensen, *Staten Island's first Hispanic judge takes oath of office*, SILIVE.COM, Feb. 7, 2013, http://www.silive.com/news/index.ssf/2013/02/staten_islands_first_hispanic.html.

Westchester County

Hon. Nilda Morales Horowitz was elected to Family Court in 2001.

Hon. Maria Vasquez-Doles was elected in 2013 to the Supreme Court of the 9th Judicial District.

Outside City Boroughs

Hon. Hector D. LaSalle sat in the Matrimonial Division in Suffolk County Supreme Court. In 2014, Governor Cuomo appointed him to the Appellate Division, Second Department.⁴⁴

Court of Appeals

The Honorable Carmen Ciparick⁴⁵

On December 1st, 1993, Judge Carmen Ciparick became the first Hispanic Judge appointed to the New York State Court of Appeals. Following her initial appointment to the Court in 1993 by Governor Mario Cuomo, she received another appointment by Governor Eliot Spitzer in 2007. She served on the New York State Court of Appeals until her retirement in 2012.

Judge Ciparick, a native of Washington Heights, completed her undergraduate studies at Hunter College in 1963, and obtained her J.D. from St. John's University School of Law in 1967. She launched her legal career as a staff attorney with the Legal Aid Society of New York City, and later served as Assistant Counsel for the Judicial Conference of the State of New York, Chief Law Assistant of the Criminal Court of the City of New York, and Counsel in the Office of the New York City Administrative Judge. She received her first judicial appointment in 1978, as

⁴⁴ Biography, *Associate Justice Hector D. LaSalle*, NEW YORK STATE UNIFIED COURT SYSTEM, http://www.nycourts.gov/courts/ad2/justice_lasalle.shtml (last accessed Sept. 1, 2014).

⁴⁵ Biography, *Honorable Carmen Beauchamp Ciparick*, NEW YORK STATE UNIFIED COURT SYSTEM, <http://www.courts.state.ny.us/ctapps/jciparick.htm> (last accessed Sept. 1, 2014).

a Judge of the Criminal Court of the City of New York, and ascended to the New York State Supreme Court in 1982. She served on the Supreme Court until her appointment to the Court of Appeals in 1993.

The Honorable Jenny Rivera⁴⁶

On January 15, 2013, Governor Andrew M. Cuomo nominated Hon. Jenny Rivera to the Court of Appeals. The New York State Senate confirmed Rivera's appointment on February 11, 2013. Rivera follows Judge Judith Kaye as the second judge to serve on the Court of Appeals without prior service on any bench, and is the first Latina Judge to hold that distinction.

Judge Rivera has spent her entire professional career in public service. She clerked for the Honorable Sonia Sotomayor, on the Southern District of New York, and also clerked in the Second Circuit Court of Appeals Pro Se Law Clerk's Office. She worked for the Legal Aid Society's Homeless Family Rights Project, the Puerto Rican Legal Defense and Education Fund (renamed Latino Justice PRLDEF), and was appointed by the New York State Attorney General as Special Deputy Attorney General for Civil Rights. Judge Rivera has been an Administrative Law Judge for the New York State Division for Human Rights, and served on the New York City Commission on Human Rights. Prior to her appointment, she held a tenured faculty appointment at the City University of New York School of Law, where she founded and served as Director of the Law School's Center on Latino and Latina Rights and Equality.

Federal Court

Hon. Jose Cabranes⁴⁷ was appointed to the United States Court of Appeals for the Second Circuit in 1996. He served as a United States District Court Judge for fifteen years and was serving as Chief Judge of the Court when he ascended to the Court of Appeals.

⁴⁶ Biography, *Honorable Jenny Rivera*, NEW YORK STATE UNIFIED COURT SYSTEM, <http://www.nycourts.gov/ctapps/jrivera.htm> (last accessed Sept. 1, 2014).

⁴⁷ Biography, *Jose A. Cabranes*, UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT, <http://www.ca2.uscourts.gov/judges/bios/jac.html> (last accessed Sept. 1, 2014).

Hon. Sonia Sotomayor⁴⁸ was nominated to United States District Court for the Southern District of New York by President George Bush in 1991, and in 1997 President Clinton nominated her to the United States Court of Appeals for the Second Circuit. In 2009, President Obama nominated her to replace retiring Justice David Souter. She was confirmed in 2009.

Hon. Victor Marrero⁴⁹ was appointed by President Clinton in 1999 to the United States District Court for the Southern District of New York.

Hon. Dora Irizarry was a Criminal Court Judge from 1995 to 1997, and a Court of Claims Judge from 1997 to 2002. In 2003, President George Bush nominated her to serve as a Federal District Court Judge in the Eastern District of New York.⁵⁰

SUMMARY

Historically, Latino judges have increased in numbers throughout the years in most boroughs, with the exception of Richmond County. As of 2014, seventy-eight Latino judges (excluding city, town, administrative law, social security etc.) preside over cases throughout the state. However, of those seventy-eight judges, very few are elected or appointed within Westchester County and points north.

In November 2013, the first Hispanic, Justice Maria Vasquez-Doles, was elected to the Supreme Court in the 9th Judicial District (Westchester County)

No Hispanic Judges presently sit in the Third or Fourth Departments at the Supreme Court or Appellate Division Levels.

⁴⁸ *Biographies of Current Justices of the Supreme Court*, THE UNITED STATES SUPREME COURT, <http://www.supremecourt.gov/about/biographies.aspx> (last accessed Sept. 1, 2014).

⁴⁹ Profile, *Hon. Victor Marrero*, PRACTICING LAW INSTITUTE, http://www.pli.edu/Content/Faculty/Hon_Victor_Marrero/_/N-4oZ1z136ui?ID=PE464456 (last accessed Sept. 1, 2014).

⁵⁰ *Judge Dora L. Irizarry*, EASTERN DISTRICT OF NEW YORK, UNITED STATES DISTRICT COURT, <https://www.nyed.uscourts.gov/content/judge-dora-l-irizarry> (last accessed Sept. 1, 2014).

LESBIANS, GAY MEN, BISEXUALS AND TRANSGENDER PEOPLE*

*Prepared by the Hon. Michael R. Sonberg

New York State's first openly gay or lesbian judge was William Thom, who was appointed by Mayor Edward I. Koch to fill an interim vacancy on the New York City Civil Court in 1984. Mayor Koch was following the lead of California Governor Jerry Brown who, in 1979, appointed the first openly gay man to the bench in the United States, Los Angeles County Superior Court Judge Stephen M. Lachs.⁵¹

Richard Failla, who was appointed a judge of the New York City Criminal Court by Mayor Koch in 1985, was the first openly lesbian or gay person appointed to a non-interim judgeship in New York State.⁵² Judge Failla had been New York City's Chief Administrative Law Judge at the time of his appointment; his successor in that position, Charles D. McFaul, also was an openly gay man. Judge Failla's appointment was followed by Mayor Koch's appointment in 1986 of Mary Bednar to the Family Court, making her the first open lesbian on the bench. In 1988, Justice Failla was elected to the Supreme Court in New York County and Joan Lobis, who had been a Housing Court Judge since 1985, was elected to the Civil Court from New York County. Judge Lobis was elected to the Supreme Court in 1992, making her the first openly gay or lesbian person elected to the Civil Court as well as the first lesbian elected to the Supreme Court.

In the Second Department, Debra Silber was the first openly gay or lesbian person elected to the bench, when she was elected to the Civil Court in Kings County in 1998. She was followed by Jack Battaglia who was elected to the Civil Court in Kings County in 2000 and then to the Supreme Court, in 2006. None of the other counties in the Second Department has elected an openly gay or lesbian judge to a court of record.

⁵¹ See Will Dean, *Stephen Lachs made history as openly gay judge*, THE DESERT SUN, May 9, 2014, available at <http://www.desertsun.com/story/news/nation/lgbt/2014/05/09/stephen-lachs-lgbt-judge-advocate/8900005/>.

⁵² See Bruce Lambert, *R. C. Failla, Justice and Leader On Gay Rights Issues, Dies at 53*, N.Y. TIMES, May 12, 1993, available at <http://www.nytimes.com/1993/04/12/obituaries/r-c-failla-justice-and-leader-on-gay-rights-issues-dies-at-53.html>.

In the Fourth Department, Judge Ellen Yacknin of Rochester's City Court was elected in 2002, the first open lesbian or gay judge elected outside of New York City. She was followed, in 2004, by Judge Margaret Walsh, Albany County Family Court, the first open lesbian or gay judge elected in the Third Department.

In 2009, Governor David A. Paterson appointed New York County Supreme Court Justice Rosalyn H. Richter⁵³ and Sixth Judicial District Supreme Court Justice Elizabeth A. Garry⁵⁴, to the First and Third Departments of the Appellate Division, respectively. In 2012, Governor Andrew M. Cuomo appointed New York County Supreme Court Justice Paul G. Feinman to the Appellate Division, First Department bench.

As of February, 2014, excluding the three appellate division judges just mentioned, there are 16 lesbian or gay judges sitting in the 1st Judicial District, eight in the 2nd Judicial District, one in each of the 3rd and 4th Judicial Districts, two in the 7th Judicial District, one in each of the 9th and 11th Judicial Districts 11 in the 12th Judicial District.

Because there are no reliable statistics available on the number of LGBT people in New York State—or in the United States or any other part of the world for that matter—we are unable to utilize the same methodology in evaluating the representation of LGBT people as we have used with respect to other under-represented populations. While at today's total of 44 there certainly has been a meaningful increase over the past thirty years in the number of LGBT judges, that increase has been largely confined to appointed judges in New York City and elected judges and justices in the 1st Judicial District. The "openness" of lesbian and gay judges, both in New York City and in the rest of New York State, varies widely; while most LGBT members of the judiciary in New York City are indisputably open regarding their sexual orientation, a few are not, regarding it as a purely personal matter. Outside of New York City, judicial politics in some communities makes it inadvisable for judges who must stand for re-election on a relatively frequent basis to be too strongly identified with the LGBT community.

⁵³ See Biography, *Associate Justice Rosalyn H. Richter*, NEW YORK STATE UNIFIED COURT SYSTEM, http://www.nycourts.gov/courts/ad1/justicesofthecourt/justices_richter.shtml (last accessed Sept. 1, 2014).

⁵⁴ See Biography, *Justice Elizabeth A. Garry*, NEW YORK STATE UNIFIED COURT SYSTEM, <http://www.nycourts.gov/ad3/bios/garrybios.html> (last accessed Sept. 1, 2014).

A possible alternative methodology would be to compare the number of LGBT judges to the numbers of LGBT lawyers in various communities. Unfortunately, OCA does not collect such data. We would encourage OCA to include an optional question regarding sexual orientation on attorney registration forms, as the New York State Bar Association and other bar associations do on their membership forms.

NATIVE AMERICANS

Prepared by the Hon. Lizbeth González

There are nine recognized Native-American nations in New York State: Cayuga, Oneida, Onondaga, St. Regis Mohawk, Seneca, Tonawanda Band of Seneca, Tuscarora, Shinnecock and Unkechaug.⁵⁵ Most Native Americans live outside their nation territories in both rural and urban areas, with more than 112,000 persons living in New York City according to the 2010 United States census.⁵⁶

Sovereignty is governmental status, not ethnicity: each Native nation has its own unique adjudicatory system. The Onondaga, Tuscarora and Tonawanda Band of Seneca adhere to the Great Law of Peace of the Haudenosaunee in their government structure. The justice systems of these three Nations promote restorative justice through consensus. The Oneida adopted a court structure in 1997 with codes, statutes and a judiciary similar to those of New York State. The St. Regis Mohawk developed a separate court system as well. The Seneca are governed by written laws and a constitution that provides for elected officials; their judicial branch consists of a Peacemakers Court, a Supreme Court (the Council), a Court of Appeals and a Surrogate Court. The Unkechaug have adopted written Tribal Customs Rules and Regulations that incorporate aspects of traditional and contemporary practices of governance and adjudication. The Shinnecock have historically followed oral traditions and used community sanctions to resolve conflicts; they recently adopted a constitution that defines their internal government structure and rely primarily on state and federal courts for litigation.

In the 1980s, the Conference of Chief Justices launched a national project to encourage conversation and cooperation among the various state, federal and Native adjudicatory systems. To this end, New York State Chief Judge Judith Kaye and Chief Judge John Walker of the US Court of Appeals for the Second Circuit established the Tribal Courts Committee of the Unified Court System in 2003, chaired by Supreme Court Justices Marcy Kahn and Edward

⁵⁵ *Tribes by State*, 500NATIONS.COM, http://500nations.com/tribes/Tribes_State-by-State.asp (last accessed Sept. 1, 2014).

⁵⁶ 2010 United States Census, New York.

Davidowitz (now retired), to “explore ways in which the state, federal and tribal court systems can work to improve our understanding of one another’s justice systems and establish better ways of sharing information.”⁵⁷ In keeping with this mandate, the Tribal Courts Committee helped establish the New York Federal-State-Tribal Courts and Indian Nations Forum.

The Forum seeks to foster mutual understanding and minimize conflict among the various justice systems. During the course of its ten year existence, the Forum has focused on three priorities: implementation of the Indian Child Welfare Act (ICWA) which recognizes the exclusive jurisdiction of Indian Nations over child custody proceedings involving Native-American children; addressing potential jurisdictional conflicts among federal, state and Native justice systems; and educating judges, attorneys and providers about Native law and culture.

The Forum has recently focused on the recognition of domestic protection orders issued by Native adjudicatory systems; the recognition of marriages solemnized by officiants designated by Native nations; and reenactment of the Violence Against Women Act (VAWA) which extends new protections to Native-American women by empowering Native authorities to prosecute non-Natives for abuses committed on tribal lands. Most recently, the March/April 2014 edition of the New York State Bar Association Journal featured Indian Child Welfare Act articles authored by several Forum members.

On Election Day 2013, Western New York voters elected Mark A. Montour (Mohawk), a former Town Justice, Acting Buffalo City Court Judge, private practitioner, law clerk, Lancaster Town Councilperson and adjunct professor, to serve as the first Native American elected to the New York State Supreme Court. At his swearing-in, Justice Montour vowed to protect the rights of every resident and to recognize the sovereignty of the Native-American courts across the state. Upon his election, he was appointed to the Forum to help address sovereignty issues.

⁵⁷ *The First New York Listening Conference*, UCS BENCHMARKS, Winter, 2006, <https://www.nycourts.gov/publications/benchmarks/issue3/listening.shtml>.

A Brief History of Women on the Bench in New York State¹

Prepared by the Hon. Darcel D. Clark

In 1935, Justine Wise Polier became the first woman appointed as a judge in New York State. Mayor Fiorello La Guardia appointed Judge Polier to the Domestic Relations Court (later known as the Family Court). Four years later, in 1939, Mayor La Guardia appointed to the Family Court Jane M. Bolin, the first African-American woman Judge in the State of New York.

Birdie Amsterdam became the first woman to achieve an elected judgeship to the Municipal Court in 1940. She also became the first female appointed as Acting Justice of the City Court in 1954, the first woman to win election to the City Court a year later, and the first woman to be elected to the Supreme Court of the State of New York in 1958. Justice Amsterdam came to be known as the “first lady of the judiciary.” In 1977, Mary Johnson Lowe was the first African-American woman elected to the Supreme Court of the State of New York. The first Hispanic woman elected to the New York State Supreme Court was Irma Vidal Santaella in 1983, and in 2002, Doris Ling-Cohan became the first Asian Pacific American woman elected to the New York State Supreme Court.

Betty Weinberg Ellerin became the first woman Presiding Justice of the Appellate Division, New York State Supreme Court, First Department, in 1999. She also became the first woman appointed Associate Justice of the Court in 1985. Other notable firsts for women in the First Department include: Dianne T. Renwick, the first African-American woman Justice appointed in 2008; Rosalyn H. Richter, the first openly gay or lesbian appointed in March 2009; and Sallie Manzanet-Daniels, the first Hispanic woman ever appointed to the Appellate Division in the State of New York when, in October 2009, Governor David Patterson designated her to preside in the First Department.

In the Second Department, now Chief Administrative Judge, A. Gail Prudenti, was appointed Presiding Justice in 2002, the first woman to hold that position. The first woman appointed to the Appellate Division, Second Department, was Geraldine T. Eiber in 1984. The

¹ Source material for this history of women in New York State includes A. Gail Prudenti’s article *Women and Minorities in the Courts*, NYLJ, Oct. 30, 2013.

first African-American woman appointed to the Appellate Division, Second Department, was Sandra Townes in 2001. On April 15, 2014 Governor Andrew Cuomo appointed Betsy Barros as the first Hispanic woman on the Second Department Appellate Division.

Karen K. Peters became the first woman elected to the State Supreme Court in the Third Department in 1992, and the first woman Presiding Justice of the Third Department in 2012. The first woman appointed to the Appellate Division, Third Department, was Ann T. Mikoll in 1977.⁵⁸ Elizabeth A. Garry was the first openly gay or lesbian Supreme Court Justice appointed to the Appellate Division, Third Department, in 2009.

In 1991, M. Dolores Denman became the first woman to serve as Presiding Justice of the Appellate Division, Fourth Department. She was also the first woman appointed as an Associate Justice to that court in 1977. In 2000, The New York State Supreme Court Appellate Division Fourth Department Courthouse was named in her memory and as a tribute to Justice Denman. Governor David Patterson appointed Rose H. Sconiers to the Appellate Division, Fourth Department in 2010, making her the first African-American woman on that bench. Justice Sconiers also was the first African-American woman outside of New York City to be elected to the New York State Supreme Court.

Ann Pfau became the first woman to serve as Chief Administrative Judge of the State of New York in 2007. Judge Betty Weinberg Ellerin became the first woman appointed as Deputy Chief Administrative Judge of the State of New York for the New York City Courts in 1982. Many years later, in 2009, Fern Fisher became the first African-American woman appointed to that same position.

The New York Court of Appeals has had a number of women judge “firsts” who served with distinction. In 1983, Governor Mario Cuomo appointed Judith S. Kaye the first woman to the Court of Appeals. She would eventually be named the first woman Chief Judge of the Court of Appeals in 1993. Governor Mario Cuomo also appointed the first Hispanic woman to the Court of Appeals when he selected Carmen Beauchamp Ciparick in 1994.

⁵⁸ Although she resided in the Fourth Department, Justice Mikoll was appointed to the Third Department because no women served on the Supreme Court bench in the Third Department.

Governor Andrew Cuomo, like his father, made New York State history in 2013 when he appointed Sheila Abdus-Salaam the first African-American woman on the New York State Court of Appeals. With the addition of Judges Jenny Rivera (2013) and Sheila Abdus-Salaam, who joined Judges Victoria A. Graffeo and Susan Phillips Read, the Court of Appeals has a female majority. This is not, however, the first time that women comprised the court's majority. In 2003, the Court of Appeals had its first female majority when Susan Phillips Read, Judith S. Kaye, Carmen Ciparick and Victoria Graffeo served together on the bench.

Several landmark reports have documented the history of women in New York State Courts. The first was at the direction of Chief Judge Lawrence C. Cook in 1986, when he established the New York Task Force on Women in the Courts. The report concluded that "gender bias against women litigants, attorneys, and court employees is a pervasive problem with grave consequences. Women are often denied equal justice, equal treatment, and equal opportunity."

Thereafter, in 1986, Chief Judge Sol Wachtler appointed the New York State Judicial Committee on Women in the Courts to implement the recommendations of the Task Force. The Hon. Kathryn McDonald was named the First Chair. In 1996, Chief Judge Judith Kaye continued to support the mandate set by the 1986 report, and the Committee on Women in the Courts issued an update. The 1996 report concluded that "Educational programs have been put in place, committees have been formed and have issued reports, statutes have been changed, court decisions have clarified laws, gender neutral language has become the norm, and the number of women in the profession, in the judiciary, and in the upper ranks of the courts' non judicial personnel has increased—yet women in the courthouses and the court system, may still find obstacles along the path of their legal claims, careers and professions that men rarely confront."

Fifteen years after the 1986 Task Force Report, a 2002 report by the Judicial Committee on Women in the Courts highlighted notable improvement. In 2011, the Judicial Committee on Women in the Courts celebrated its 25th anniversary, and today, continues to be the most important entity within our court administration, dedicated to monitoring and providing

recommendations on the issues that affect women in the courts. The current Chair is the Hon. Betty Weinberg Ellerin.

Currently, New York State has 1237 judges, 423 of whom are women. Accordingly, women represent 34.2% of the judges statewide. This indicates progress toward gender equity when compared to the figures from 1988 (11%), 1999 (24%), and 2000 (25%). Also, consider that nationally 29% (5,209 women out of the 17,871 total judges) of state court judges are women. Nevertheless, room for improvement remains, as indicated by the reports below. The following reports detail the number of women in New York's State judiciary during 1988, 1999, and 2001, along with gender by location in New York State as of October 2013.

Women in the New York State Judiciary 1988, 1999, and 2001⁶

<u>Court</u>	<u>1988</u>	<u>1999</u>	<u>2001</u>
Court of Appeals	14%	29%	43%
Appellate Division	14%	25%	26%
Administrative Judges	5%	41%	42%
Supreme Court	8%	15%	17%
Acting Supreme Court*	16%	31%	31%
Surrogates Court	7%	17%	18%
Court of Claims	10%	14%	13%
County Court (Outside of NYC)**	4%	7%	9%
Family Court (Outside of NYC)	10%	28%	37%
District Court (Nassau and Suffolk)	7%	33%	24%
City Court (Outside NYC)***	5%	19%	18%
NYC Family Court	54%	54%	60%
NYC Civil Court	20%	48%	47%
NYC Criminal Court	21%	38%	34%
Housing Court	N/A	46%	45%
Totals	11%	24%	25%

* Judges from other trial level courts who are designated to sit in Supreme Court and Supervising Judges from New York's Civil, Family and Criminal Courts.

** Judges who sit in County Court only and judges who combine service on the County Court with service on Family and/or Surrogates Court.

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

⁶ New York State Judicial Committee on Women in the Courts, *Women in the Courts: A Work in Progress 15 Years After the Report of the New York Task Force on Women in the Courts*, April 2002.

LAW SCHOOLS

Prepared by the Hon. Conrad D. Singer

The lack of diversity is similarly reflected in minority enrollment in New York State law schools. A cross-comparison of the ABA law school data and the New York State Unified Court System data reveals that although women comprise forty-eight percent of law school enrollees and have consistently constituted approximately half of the law school population for more than two decades they nonetheless comprise only thirty-four percent of the New York State judiciary.

Comparing the same data we found that students who identified as white dominate enrollment in New York State law schools at approximately sixty percent. The remaining forty percent of enrollees are unequally divided among five racial/ethnic minority groups. However, while people of color make up forty percent of state law school enrollment, these same minority groups only occupy nineteen percent of the seats of the New York State judiciary.

As the statistics demonstrate, law schools are graduating women in record numbers and have made strides in minority recruitment. While this is cause for optimism, law schools must remain vigilant in continuing minority recruitment efforts to ensure a continuing pipeline of diverse attorneys eligible for the bench.

RECOMMENDATIONS

1. This report should be released to the media to raise public awareness and encourage the decision makers in both the elective and appointive judicial selection systems to consider qualified diversity candidates for judicial office. The report also should be published on the New York State Bar Association's website and the results reported in the State Bar News.
2. The New York State Bar Association Task Force on Judicial Diversity established in 2002 and disbanded in 2008 should be reconstituted as a subcommittee of the NYSBA Committee on Diversity and Inclusion to provide ongoing monitoring and recommendations concerning judicial diversity.
3. The Judicial Section and the newly reconstituted Judicial Diversity subcommittee should collaborate with women and minority bar and judicial associations in an effort to attract diverse candidates to the bench.
4. The New York State Bar Association and the Judicial Section should promote enhanced communications with its members and the Office of Court Administration regarding the importance of accurate self-reporting for purposes of collecting diversity data.
5. The collection and analysis of statistical data requires significant staff support. Adequate staff should be made available so we can continue to evaluate and report on judicial diversity to the membership and to the public on a biennial basis.
6. Activities to enhance judicial diversity should include ongoing CLE programs on: (1) "How to Become a Judge" featuring panel discussions on election law and related ethical requirements; (2) securing nominations for Supreme Court; (3) making the ballot in City, County and Family Court; and (4) the appointment process for New York City Criminal and Family Courts, New York State Court of Claims Judges and United States Magistrate and District Court Judges.

7. We would encourage OCA to include an optional question regarding sexual orientation on attorney registration forms, as the New York State Bar Association and other bar associations do on their forms.

8. The Judicial Section should establish a Judicial Diversity Award to recognize individuals for their efforts to promote diversity on the bench throughout New York State. Recipients should embody the New York State Bar Association's commitment to diversity and inclusion at all levels of the judiciary.

CONCLUSION

The demographics of New York State have shifted significantly in recent decades. This report reveals that the judiciary, particularly upstate, has not kept pace. The composition of the government, including the judicial branch, must reflect the composition of the governed or risk losing credibility. The lack of judicial diversity in certain regions of New York is incompatible with the egalitarian ideals of our democracy.

Fortunately, our law schools have been graduating increasing numbers of women and minorities. Women have constituted almost fifty percent of law school classes for more than two decades. People of color now comprise approximately forty percent of law school classes. This pipeline of diverse lawyers presents an opportunity for New York State courts to increase the racial and gender diversity of our judiciary in the coming years.

It is our hope that this report will raise public awareness about the importance of judicial diversity and serve as a call to corrective action by the decision makers in both the elective and appointive judicial selection systems. We must strive for a judiciary that reflects the broad multi-cultural, multiracial fabric of New York's society.

While much has been achieved, much remains to be done to increase judicial diversity. The New York State Bar Association will continue to monitor progress in this area and will take

a more active role to transform New York's judicial system to a place where the voices of our diverse population resonate at every judicial level and in every corner of our great state.

APPENDIX

**NEW YORK STATE UNIFIED COURT SYSTEM
DIVERSITY ON THE BENCH
2014**

Judicial District	UCS Total Number of Judges	% Unknown Ethnicity	Women		White		Black		Hispanic		Asian		Native American	
			UCS Judges	Attmvs. 2010 Census	UCS Judges	Attmvs. 2010 Census	UCS Judges	Attmvs. 2010 Census	UCS Judges	Attmvs. 2010 Census	UCS Judges	Attmvs. 2010 Census	UCS Judges	Attmvs. 2010 Census
New York City	JD 1	1.4%	48.1%	40.0%	67.8%	82.6%	16.6%	3.7%	10.7%	4.3%	4.9%	8.3%	0.0%	0.0%
	JD 2	0.7%	51.0%	43.6%	59.7%	76.5%	29.2%	10.5%	9.0%	5.3%	2.1%	5.2%	0.0%	0.0%
	JD 11	0.0%	33.3%	36.4%	72.9%	64.1%	15.6%	9%	7.3%	12%	4.2%	14.1%	0.0%	0.0%
	JD 12	1.1%	40.7%	43.8%	55.6%	62.5%	16.7%	16%	23.3%	19.5%	4.4%	1.8%	0.0%	0.0%
	JD 13	0.0%	33.3%	35.6%	93.3%	83.4%	6.7%	5.4%	0.0%	5.4%	0.0%	3.9%	0.0%	0.0%
Total NYC	555	0.9%	44.7%	40.3%	65.3%	78.6%	19.5%	6.2%	11.5%	6%	3.8%	7.9%	0.0%	0.0%
Upstate	JD 3	0.0%	25.4%	33.1%	97.2%	94.6%	2.8%	1.8%	0.0%	1.1%	0.0%	2.4%	0.0%	0.0%
	JD 4	1.5%	16.7%	27.5%	100.0%	97.5%	0.0%	0%	0.0%	0.4%	0.0%	1.5%	0.0%	0.0%
	JD 5	0.0%	24.3%	33.5%	98.6%	94.5%	1.4%	2.7%	0.0%	1%	0.0%	1.2%	0.0%	0.0%
	JD 6	0.0%	20.4%	37.4%	100.0%	97.9%	0.0%	1.6%	0.0%	0%	0.0%	0.4%	0.0%	0.0%
	JD 7	0.0%	24.3%	30%	94.3%	90.1%	4.3%	7.9%	1.4%	0.5%	0.0%	1.6%	0.0%	0.0%
	JD 8	3.0%	28.3%	23.6%	89.6%	94.1%	8.3%	2.8%	1.0%	1.6%	0.0%	0.4%	1.0%	0.2%
	JD 9	0.0%	33.6%	28.7%	86.9%	88.9%	11.2%	4%	1.9%	3.1%	0.0%	2.8%	0.0%	0.0%
	Nassau	0.0%	32.2%	29%	89.7%	89.1%	9.2%	3.8%	1.1%	3.8%	0.0%	2.8%	0.0%	0.0%
	Suffolk	2.6%	30.3%	27.8%	89.2%	91%	4.1%	3%	5.4%	2.7%	1.4%	2.3%	0.0%	0.0%
Total JD 10	163	1.2%	31.3%	28.6%	89.4%	89.7%	6.8%	3.5%	3.1%	3.5%	0.6%	2.6%	0.0%	0.0%
Statewide Total	1250	0.9%	34.9%	34.8%	80.7%	84.7%	11.6%	4.9%	5.8%	4.2%	1.8%	5.1%	0.1%	0.0%

Notes:

2010 Census Availability Comparison Group: Lawyers, judges, magistrates, and other judicial workers 2100 (SOC 23-10XX)

2010 Census Location Comparison:

NYC: Counties: New York (JD1), Kings (JD2), Queens (JD11), Bronx (JD12), Richmond (JD13)

JD 3: Total of Kingston, Metropolitan Statistical Area and Albany County and Rensselaer County

JD 4: Total of Glens Falls, Metropolitan Statistical Area and Schenectady County and St. Lawrence County

JD 5: Total of Syracuse, Metropolitan Statistical Area; Utica-Rome, Metropolitan Statistical Area and Jefferson County

JD 6: Total of Binghamton, Metropolitan Statistical Area, Elmira Metropolitan Statistical Area and Ithaca, Metropolitan Statistical Area

JD 7: Rochester, Metropolitan Statistical Area

JD 8: Buffalo-Niagara Falls, Metropolitan Statistical Area and Chautauqua County

JD 9: Poughkeepsie-Newburgh-Middletown, Metropolitan Statistical Area and Rockland County and Westchester County

JD 10: Nassau county and Suffolk county

Judicial Information is based on the 2/13/2014 Payroll; Judicial District is based on Judge's payroll cost center information; Percent calculation is based on total known ethnicity

Racial and Ethnic Diversity by Judicial Department and Judicial District

	Caucasian				Black				Hispanic				Asian				Other			
	Population	Lawyers	Judges		Population	Lawyers	Judges		Population	Lawyers	Judges		Population	Lawyers	Judges		Population	Lawyers	Judges	
First Department	43.67%				25.31%				38.54%				7.71%				18.71%			
District 1	57.45%	82.60%	67.80%		15.56%	3.70%	16.60%		25.45%	4.30%	10.70%		11.32%	8.30%	4.90%		11.68%	1.10%	0.00%	
District 12	27.90%	62.50%	55.60%		36.47%	16.00%	16.70%		53.53%	19.50%	23.30%		3.58%	1.80%	4.40%		26.75%	0.20%	0.00%	
Second Department	59.35%				18.29%				19.85%				10.48%				8.74%			
District 2	42.80%	76.50%	59.70%		34.34%	10.50%	29.20%		19.81%	5.30%	9.00%		10.47%	5.20%	2.10%		9.34%	2.50%	0.00%	
District 9	73.44%	88.90%	86.90%		12.06%	4.00%	11.20%		18.02%	3.10%	1.90%		4.54%	2.80%	0.00%		7.04%	1.20%	0.00%	
District 10	77.09%	89.70%	89.40%		9.19%	3.50%	6.80%		15.59%	3.50%	3.10%		5.41%	2.60%	0.60%		5.91%	0.70%	0.10%	
District 11	39.72%	64.10%	72.90%		19.13%	9.00%	15.60%		27.51%	12.00%	7.30%		22.94%	14.10%	4.20%		13.69%	0.80%	0.00%	
District 13	72.89%	83.40%	93.30%		10.64%	5.40%	6.70%		17.29%	5.40%	0.00%		7.50%	3.90%	0.00%		6.38%	1.90%	0.00%	
Third Department	88.68%				5.16%				4.17%				2.24%				1.78%			
District 3	84.27%	94.60%	97.20%		8.41%	1.80%	2.80%		6.13%	1.10%	0.00%		2.75%	2.40%	0.00%		2.10%	0.10%	0.00%	
District 4	91.04%	97.50%	100.00%		3.60%	0.00%	0.00%		3.38%	0.40%	0.00%		1.42%	1.50%	0.00%		2.09%	0.60%	0.00%	
District 6	90.95%	97.90%	100.00%		3.27%	1.60%	0.00%		2.83%	0.00%	0.00%		2.62%	0.40%	0.00%		1.05%	0.10%	0.00%	
Fourth Department	84.68%				9.15%				4.41%				2.10%				2.01%			
District 5	86.55%	94.50%	98.60%		7.14%	2.70%	1.40%		3.85%	1.00%	0.00%		2.29%	1.20%	0.00%		1.72%	0.60%	0.00%	
District 7	83.27%	90.10%	94.30%		10.12%	7.90%	4.30%		5.40%	0.50%	1.40%		2.28%	1.60%	0.00%		2.15%	0.00%	0.00%	
District 8	84.57%	94.10%	89.60%		9.17%	2.80%	8.30%		3.97%	1.60%	1.00%		1.81%	0.40%	0.00%		2.09%	1.10%	1.10%	

Sources: Population is based on the United States Census Bureau's New York State Quickfacts (<http://quickfacts.census.gov/qfd/states/36000.html>). Please note that per the Census, "Hispanic" is considered an ethnicity and not a race. Attorney and Judge information is based on "New York State Unified Court System Diversity on the Bench 2014" (preceding chart).

Judicial Gender and Ethnicity by Department

Department	Caucasian Males		Caucasian Females		Minority Males		Minority Females		Total
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	
First	101	37.00%	77	28.21%	47	17.22%	48	17.58%	273
Second	268	53.49%	125	24.95%	45	8.98%	63	12.57%	501
Third	131	80.37%	30	18.40%	1	0.61%	1	0.61%	163
Fourth	159	71.30%	50	22.42%	7	3.14%	7	3.14%	223
Total	659	56.81%	282	24.31%	100	8.62%	119	10.26%	1160

Department	Males		Females		Total
	Count	Percent	Count	Percent	
First	148	54.21%	125	45.79%	273
Second	313	62.48%	188	37.52%	501
Third	132	80.98%	31	19.02%	163
Fourth	166	74.44%	57	25.56%	223
Total	759	65.43%	401	34.57%	1160

Department	Caucasian		Minority		Total
	Count	Percent	Count	Percent	
First	178	65.20%	95	34.80%	273
Second	393	78.44%	108	21.56%	501
Third	161	98.77%	2	1.23%	163
Fourth	209	93.72%	14	6.28%	223
Total	941	81.12%	219	18.88%	1160

Note: Chart does not include Appellate Judges and Court of Claim Judges.

Judicial Ethnicity by Location
New York State Unified Court System
April, 2014

Location	Total Number of Judges	Minority Judges	Asian	Black	Hispanic	Native American	White	Unknown Ethnicity
Court of Appeals	7	2	0	1	1	0	5	0
Appellate Divisions	55	15	2	8	5	0	40	0
Court of Claims	25	3	0	1	2	0	22	0
3 rd Judicial District	56	2	0	2	0	0	54	0
4 th Judicial District	62	0	0	0	0	0	61	1
5 th Judicial District	66	1	0	1	0	0	65	0
6 th Judicial District	45	0	0	0	0	0	45	0
7 th Judicial District	65	4	0	3	1	0	61	0
8 th Judicial District	92	9	0	7	1	1	80	3
9 th Judicial District	101	14	0	12	2	0	87	0
10 th Judicial District - Nassau	84	9	0	8	1	0	75	0
10 th Judicial District - Suffolk	72	6	1	3	2	0	64	2
1 st Judicial District- New York	182	55	9	29	17	0	124	3
2 nd Judicial District- Kings	136	52	2	38	12	0	83	1
11 th Judicial District- Queens	95	26	4	15	7	0	69	0
12 th Judicial District- Bronx	91	40	4	15	21	0	50	1
13 th Judicial District- Richmond	13	1	0	1	0	0	12	0
TOTALS	1247	239	22	144	72	1	997	11

04/25/2014

Judicial Gender and Ethnicity by Location
New York State Unified Court System
April, 2014

Location	Total Number of Judges	Unknown Ethnicity	Women Judges	% Women Judges	Minority Judges	Women Minority Judges	% Minority Judges
Court of Appeals	7	0	4	57.1 %	2	2	28.6 %
Appellate Divisions	55	0	22	40.0 %	15	7	27.3 %
Court of Claims	25	0	7	28.0 %	3	2	12.0 %
3 rd Judicial District	56	0	13	23.2 %	2	1	3.6 %
4 th Judicial District	62	1	11	17.7 %	0	0	0 %
5 th Judicial District	66	0	16	24.2 %	1	1	1.5 %
6 th Judicial District	45	0	7	15.6 %	0	0	0 %
7 th Judicial District	65	0	15	23.1 %	4	2	6.2 %
8 th Judicial District	92	3	26	28.3 %	9	4	10.1 %
9 th Judicial District	101	0	34	33.7 %	14	7	13.9 %
10 th Judicial District - Nassau	84	0	27	32.1 %	9	6	10.7 %
10 th Judicial District - Suffolk	72	2	21	29.2 %	6	2	8.6 %
1 st Judicial District - New York	182	3	88	48.4 %	55	29	30.7 %
2 nd Judicial District - Kings	136	1	70	51.5 %	52	37	38.5 %
11 th Judicial District - Queens	95	0	31	32.6 %	26	11	27.4 %
12 th Judicial District - Bronx	91	1	37	40.7 %	40	19	44.4 %
13 th Judicial District - Richmond	13	0	5	38.5 %	1	0	7.7 %
TOTALS	1247	11	434	34.8 %	239	130	19.3 %

Percent calculations are based on total known ethnicity.

04/18/2014

**Judicial Ethnicity by Location
Supreme Court Justices
April, 2014**

Location	Total Number of Justices	Minority Justices	Asian	Black	Hispanic	Native American	White	Unknown Ethnicity
1 st Judicial District Supreme New York Civil	20	6	1	3	2	0	14	0
1 st Judicial District Supreme New York Criminal	10	7	2	4	1	0	3	0
2 nd Judicial District Kings Supreme	41	18	0	14	4	0	23	0
11 th Judicial District Queens Supreme	36	12	1	10	1	0	24	0
12 th Judicial District Bronx Supreme	21	15	0	7	8	0	6	0
13 th Judicial District Richmond Supreme	13	0	0	0	0	0	1	0
3 rd District Supreme & County	11	0	0	0	0	0	11	0
4 th District Supreme & County	12	0	0	0	0	0	12	0
5 th District Supreme & County	15	0	0	0	0	0	15	0
6 th District Supreme & County	9	0	0	0	0	0	9	0
7 th District Supreme & County	14	0	0	0	0	0	14	0
8 th District Supreme & County	21	2	0	1	0	1	19	0
9 th District Supreme & County	23	3	0	2	1	0	20	0
10 th Nassau Co Supreme Court	21	1	0	1	0	0	20	0
10 th Suffolk Co Supreme	21	0	0	0	0	0	21	0
TOTALS	276	64	4	42	17	1	212	0

Judicial Gender and Ethnicity by Location
Supreme Court Justices
April, 2014

Location	Total Number of Justices	Women Justices	% Women Justices	Minority Justices	Women Minority Justices	% Minority Justices
1 st Judicial District Supreme New York Civil	20	12	60.0%	6	4	30.0%
1 st Judicial District Supreme New York Criminal	10	6	60.0%	7	4	70.0%
2 nd Judicial District Kings Supreme	41	17	41.5%	18	10	43.9%
11 th Judicial District Queens Supreme	36	8	22.2%	12	5	33.3%
12 th Judicial District Bronx Supreme	21	9	42.9%	15	9	71.4%
13 th Judicial District Richmond Supreme	13	1	100.0%	0	0	0%
3 rd District Supreme & County	11	0	0.0%	0	0	0%
4 th District Supreme & County	12	2	16.7%	0	0	0%
5 th District Supreme & County	15	3	20.0%	0	0	0%
6 th District Supreme & County	9	2	22.2%	0	0	0%
7 th District Supreme & County	14	5	35.7%	0	0	0%
8 th District Supreme & County	21	9	42.9%	2	1	9.5%
9 th District Supreme & County	23	10	43.5%	3	1	13.0%
10 th Nassau Co Supreme Court	21	6	28.6%	1	1	4.8%
10 th Suffolk Co Supreme	21	5	23.8%	0	0	0%
TOTALS	276	95	34.4%	64	35	23.2%

Judicial Ethnicity by Location
Appellate Division Justices
April, 2014

Location	Total Number of Justices	Minority Justices	Asian	Black	Hispanic	Native American	White	Unknown Ethnicity
Appellate Division- 1 st Department	14	7	1	3	3	0	7	0
Appellate Division- 2 nd Department	20	7	1	4	2	0	13	0
Appellate Division- 3 rd Department	6	0	0	0	0	0	6	0
Appellate Division- 4 th Department	10	1	0	1	0	0	9	0
Certificated Appellate Division Justices	5	0	0	0	0	0	5	0
TOTALS	55	15	2	8	5	0	40	0

Judicial Gender and Ethnicity by Location
Appellate Division Justices
April, 2014

Location	Total Number of Justices	Women Justices	% Women Justices	Minority Justices	Women Minority Justices	% Minority Justices
Appellate Division-1 st Department	14	7	50.0%	7	3	50.0%
Appellate Division-2 nd Department	20	7	35.0%	7	3	35.0%
Appellate Division-3 rd Department	6	3	50.0%	0	0	0 %
Appellate Division-4 th Department	10	3	30.0%	1	1	10.0%
Certificated Appellate Division Justices	5	2	40.0%	0	0	0 %
TOTALS	55	22	40.0%	15	7	27.3%

ACKNOWLEDGMENTS

The Committee is grateful to Chief Administrative Judge A. Gail Prudenti and the staff at the Office of Court Administration, Justice Betty Weinberg Ellerin and the Committee on Women in the Law, and the Franklin H. Williams Judicial Commission and its chair Justice Rose Sconiers for their invaluable assistance in compiling the data on the composition of the judiciary and the bar, and for creating the charts depicting that data that are appended to this report.

The Committee also wishes to thank NYSBA Senior Director of Membership and Judicial Section Staff Liaison Patricia Wood and NYSBA Marketing Manager Connie Schin for their considerable help in proofreading, formatting and publishing the report.

The Committee also acknowledges with gratitude the contributions of Law Interns Briana Christiano, Rhani Elrahman, Michael Lieberman, and Albany City Criminal Court Attorney Allison Clifford in researching and cite checking portions of the report.

Finally, we are indebted to Third Department Presiding Justice Karen Peters for her leadership on the issue of judicial diversity and for her guidance and encouragement.

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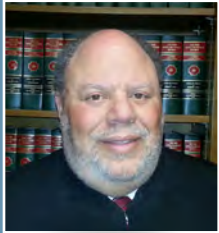
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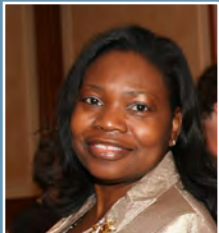
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