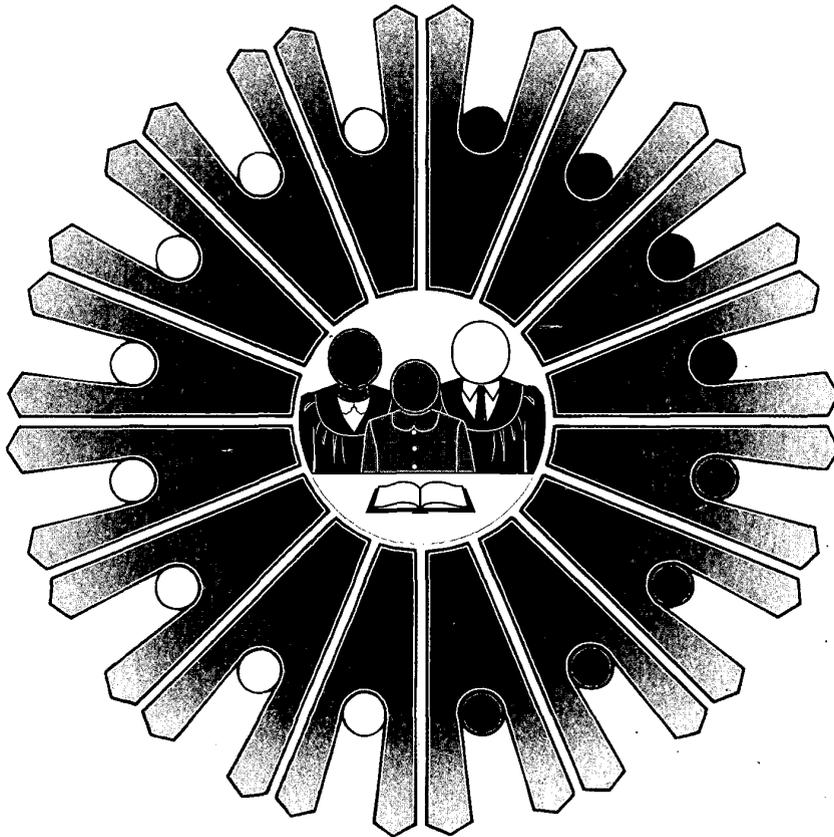




Access to Justice for Persons of Color:
*Selected Guides and Programs for
Improving Court Performance*

Judicial Mentoring:
*Starting, Organizing, and Sustaining a Program
for Mentoring Persons of Color to the Bench*



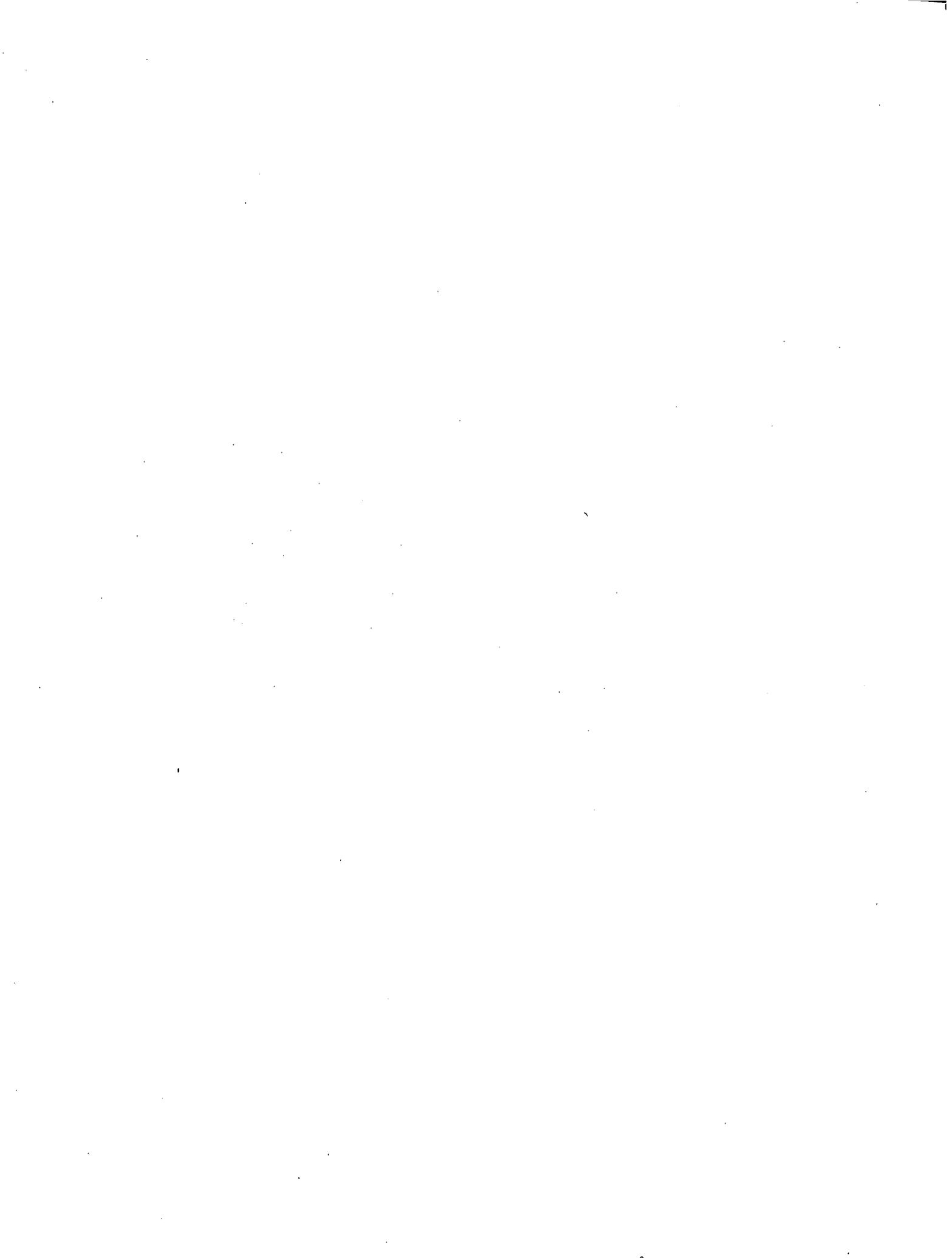
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About the Cover

The project logo, "Equal Justice," was designed by Seattle graphic artist Sekio Matsumoto. The original design on the cover of *Model Guide 1* depicts people of all races and ethnic backgrounds encircling "the scales of justice," with their arms raised in celebration. The shading and gradation of the colors represents a fusion of these diverse peoples into an indivisible whole, while still maintaining their individual identity. The balanced scales encircled by the people characterize one of the most fundamental principles of our society—*equal justice under law*.

The cover of this *Model Guide 5* illustrates a slight variation of the original logo design; two judicial mentors offer their support to a promising attorney of color who aspires to a career on the bench. Experienced judges are vital to increasing diversity in the judiciary. The design symbolizes the insight and guidance that judges can offer minority attorneys through appropriate, professional mentor-mentoree relationships.

Not only has Mr. Matsumoto's design become a recognized symbol of efforts to promote equality and fairness in the justice system, it has received worldwide acceptance as an expression of diversity and inclusiveness. The design was originally conceived by Mr. Matsumoto in 1977 when he was asked by the American Baptist Churches, USA to demonstrate inclusiveness of a diverse racial, ethnic, and linguistic population in the national church membership. The Washington State Minority Justice Commission in 1994 asked Mr. Matsumoto if he could adapt his concept from a celebration of religion to a celebration of justice. The result was the "Equal Justice" version of the logo, which was virtually identical to its depiction on the cover of *Model Guide 1*. This adaptation was originally used for the *1994 Annual Report of the Washington State Minority and Justice Commission* and was later adapted again in 1995 by the *First National Conference on Eliminating Racial and Ethnic Bias in the Courts*. Most recently, the logo was adopted by the *National Consortium Monitor*, the newsletter of the *National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts*.

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Acknowledgment and thanks should go to the members of the Organizing Committee of the *Pursuit of a Judicial Career for Attorneys of Color* seminar: Nia Cottrell, Carmen Delgado, Ada Ko, Gary Maehara, and Jacqueline Ware. Thanks also to the various organizations that sponsored the *Pursuit of a Judicial Career for Attorneys of Color* seminar: the Asian Bar Association of Washington, the Loren Miller Bar Association, the Northwest Indian Bar Association, Washington State Hispanic Bar Association, Seattle King County Bar Association, Washington State Bar Association, and the Washington State Minority and Justice Commission. Sincere gratitude to the distinguished faculty and panelists of the *Pursuit of a Judicial Career for Attorneys of Color* seminar, particularly to Justice Charles Z. Smith, Judge Faith Enyeart Ireland, and Judge Anne L. Ellington for their insights and contributions in adapting the *Pursuit of a Judicial Career for Attorneys of Color* materials for this *Guide*.

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*Preface**

Racial and ethnic bias have no place in the courts or anywhere in the justice system. Eliminating such bias and ensuring its absence is the keystone of equal justice. Eliminating bias involves not just dispensing with systems or procedures or letting go of individuals with a bad attitude, but including some affirmative steps and commitment of resources as well.

Eliminating bias from the courts and other aspects of the justice system is critical. This country and the rights and obligations of all who live here are defined by law—the Constitution and laws passed by Congress, states, and localities. If bias exists in the operation of this system for the enforcement and protection of rights, then a corruption exists that goes to the foundation of the nation. Therefore, this elimination of bias is not an exercise in political correctness; it is of fundamental and structural importance to the viability of our system of government.

Courts should undertake the exercise of self-examination to identify actual prejudice, discrimination, and those practices that appear discriminatory. This exercise is also salutary in and of itself. Effective outreach and a willingness to listen and self-examine bring people into the system and create a confidence in the interest, concern, and goodwill of the system. We must be ready to work together to redesign those aspects that have operated in a discriminatory, exclusionary, or otherwise unfair way. Equally important are the affirmative commitments of resources ranging from funds to time and energy, not just to eliminate the outcroppings of bias, but also to make justice equally available, fair, and impartial.

With so much of our effort to achieve a fair and just society, there is no ultimate right answer to the appropriateness of various initiatives under the Constitution or any philosophic or moral code. They are value choices for Americans to make. We, and those we represent in our local, state, and federal justice systems, must be energetic in devising ways to ensure that the individuals who comprise this pluralistic whole can effectively take advantage of the rights to which they are entitled. Those of us who in effect constitute our justice system, simply must have the judicial system, the most critical component of our democracy, respond to, and embrace the diversity of our country.

* This preface consists of excerpts from a luncheon address by Assistant Attorney General Eleanor D. Acheson entitled "The Importance of Eliminating Bias from Institutions of the Justice System in an Era of Challenges to Remedies for Inequality." Her address is published in the proceedings of *The First National Conference on Racial and Ethnic Bias in the Courts*, which are entitled *A New Paradigm for Fairness: The First National Conference on Eliminating Racial and Ethnic Bias in the Courts*. The proceedings were written by H. Clifton Grandy and were published in 1995 by the National Center for State Courts.

Foreword

“Equal access” to justice is, in theory, a fundamental characteristic of the courts; however, in practice, “equal access” remains an aspiration for all court systems. The principle of equal access is much broader than the rights of litigants and defendants. Equal access includes access to employment opportunities as part of the court’s staff or as a contract service provider to the court. Our nation’s workforce is rapidly becoming more heterogeneous by race, ethnicity, gender, age, physical ability, religion, language, and educational background. State court judges and managers need to understand how this increasing diversity will present both opportunities and challenges to those who utilize the courts and those who are part of the judicial workforce.

While minorities are overrepresented in the justice system as defendants in criminal cases and as inmates in jails and prisons, they are underrepresented as judges, judicial appointees, and employees. This underrepresentation has been well documented by the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts and individual state commissions tasked with identifying and documenting racial and ethnic bias in the judicial branch. The commissions of Arizona, the District of Columbia, Florida, Massachusetts, Minnesota, New York, New Jersey, Oregon, and Washington State have addressed the underrepresentation of minorities in the work force. For example, the New York commission found that minority underrepresentation in the courts fueled the perceptions of minority communities that the judicial branch is biased.

In March 1994, the American Bar Association in cooperation with the National Bar Association, the Native American Bar Association, the National Asian Pacific American Bar Association, and the Hispanic National Bar Association convened a meeting to explore racial and ethnic bias in the American justice system, the *Summit on Racial and Ethnic Bias in the Justice System*. Thus, the need for the State Justice Institute-funded *First National Conference on Eliminating Racial and Ethnic Bias in the Courts* (“*Conference*”), which was held in March of 1995 in Albuquerque, New Mexico. For the first time in the history of the state courts, more than 425 justices, judges, court administrators, judicial educators, attorneys, and court users gathered to focus on strategies to eliminate racial and ethnic bias in the courts.

Finally, the *Conference* provided an opportunity for participants to network and exchange invaluable information to assist them in addressing racial and ethnic bias in their state’s court system. Several major themes that can be addressed through diversity training emerged from the *Conference*. These themes included staying vigilant against bias through continuous self-examination of court operations, as well as reassessment of mechanisms for addressing the perception of and the existence of biased behaviors on the part of judicial and nonjudicial staff; managing court interpretation problems, which equates to fairness and equal access to justice for non-English speakers; protecting the rights of American Indians as sovereign nations and culturally distinct peoples who are guaranteed unique parental rights under the Indian Child Welfare Act; and mentoring persons of color to judicial service on the bench.

As the series title indicates, "Access to Justice for Persons of Color: *Selected Guides and Programs for Improving Court Performance*," the *Model Guides* are designed to address the above issues through the various programs contained under the following titles:

MODEL GUIDE 1

A Total Approach to Diversity: *An Assessment and Curriculum Guide for State Courts*

MODEL GUIDE 2

Bias in the Court! *Focusing on the Behavior of Judges, Lawyers, and Court Staff in Court Interactions*

MODEL GUIDE 3

Managing Language Problems: *A Court Interpreting Education Program for Judges, Lawyers, and Court Managers*

MODEL GUIDE 4

The Indian Child Welfare Act: *A Cultural and Legal Education Program*

MODEL GUIDE 5

Judicial Mentoring: *Starting, Organizing, and Sustaining a Program for Mentoring Persons of Color to the Bench*



NANCY E. GIST

Director

Bureau of Justice Assistance

The Need for Mentoring Persons of Color to the Bench

Achieving diversity among judicial officers is a goal for many state courts. According to the published reports of several commissions on racial and ethnic bias in the courts, persons of color must overcome numerous obstacles when negotiating a career path to the bench, including underrepresentation on or little influence over screening panels; the perception that minorities are held to higher standards or are treated more harshly in screening processes than nonminority candidates; and the perception that opportunities for judicial service are limited to predominately minority jurisdictions.

Some courts are implementing programs to help persons of color find career paths and opportunities from which they can launch meaningful or successful campaigns for judicial office, or gain access to political and judicial decision-making networks so they can participate in judicial appointment processes. One strategy to increase minority participation in judicial appointment processes is to include minorities on merit selection committees. For example, soon after Florida's race and ethnic bias commission addressed this matter in one of its reports, the governor appointed minorities to the screening panels, resulting in more minority candidates successfully clearing the screening process. With the names of minority candidates before him, the Florida governor nominated more than 25 minority judges during a very short period of time. Arizona addressed the same issue through a proposition that requires judicial screening panels to reflect the demographics of their jurisdictions.

There are other ways to help state courts increase minority representation on the bench.¹ One such innovation is building mentor-mentoree relationships among experienced judges and promising attorneys of color, with a goal of ultimately mentoring minority attorneys to the bench. A judicial mentoring program for persons of color should bring judges and lawyers together in places such as supreme courts and the offices of bar associations. There are only a few minority-mentoring programs, and there are fewer judges of color available to act as mentors. Consequently, it is no accident that judicial mentors are usually established nonminority (white male) judges, and mentorees are minority junior judges or aspiring attorneys; however, the goal of this judicial mentoring program is to establish and sustain substantive and appropriate relationships between attorneys of color and judicial decision makers—regardless of the racial or ethnic background of mentors.

¹ There are programs that focus on associating nonminority judges with minorities to counter the conditioning effects upon nonminority judges, who unfortunately see too many minority defendants and delinquent minority juveniles. This concept is based on the minority and nonminority lawyer-mentoring programs developed by the American Bar Association. Among the bar associations that have modeled mentoring programs after the ABA's strategy are the Arkansas Bar Association, the Cleveland Bar Association, and the Superior Court of the District of Columbia.

This *Model Guide* will help to promote judicial diversity in your jurisdiction by encouraging attorneys of color to consider a judicial career. It will also help to avoid common pitfalls and to achieve a worthy goal—ensuring that the complexion and character of our judiciary reflect the diversity of our communities. The *Guide* gives step-by-step plans and instructions covering a range of activities from planning, organizing, and hosting an event to match mentors with mentorees, to facilitating successful mentor-mentoree relationships, soliciting feedback, and implementing program follow-up.

A handwritten signature in black ink, appearing to read 'Roger K. Warren', written in a cursive style.

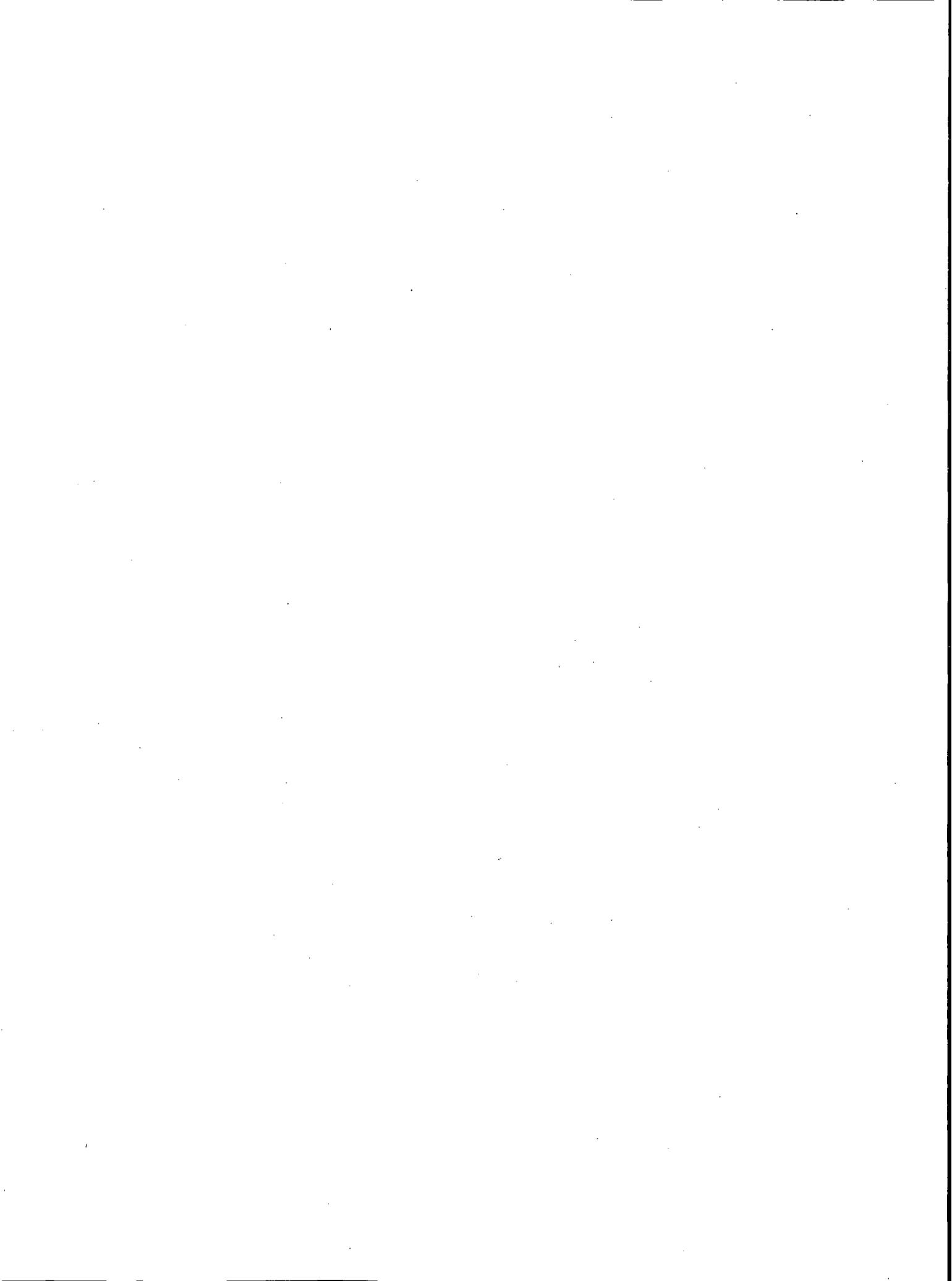
ROGER K. WARREN

President

The National Center for State Courts

Judicial Mentoring:

*Starting, Organizing, and Sustaining a Program
for Mentoring Persons of Color to the Bench*



Judicial Mentoring: A Guide on Starting, Organizing, and Sustaining a Program for Mentoring Persons of Color to the Bench

Table of Contents Page I

Introduction	1
Introductory Essay	1
Background	4
Judicial Mentoring	8
About This Guide	12
 Section I.	
Getting Started	15
Program Element One: Find and Disseminate the Facts	15
Program Element Two: Learn from the Success of Others	24
Program Element Three: Build Judicial Sponsorship	25
Program Element Four: Identify Resources	26
Program Element Five: Share Ownership	27
Program Element Six: Structure Your Program	28
Program Element Seven: Choose a Coordinator	30
 Section II.	
Planning a "How to Become a Judge" Conference for Attorneys of Color	32
Program Element One: Establish the Basics	32
Program Element Two: Arrange Logistics.....	34
Program Element Three: Plan the Agenda	37

Section III.

Organizing and Sustaining Your Judicial Mentor Program 46

Program Element One: Create a Mentorship Subcommittee 46

Program Element Two: Set Qualifications and Guidelines for Mentors and Mentorees 48

Program Element Three: Recruit Mentors and Mentorees 53

Program Element Four: Match Mentors and Mentorees 55

Program Element Five: Host Mentor and Mentoree Events 56

Program Element Six: Solicit Feedback and Implement Follow-up 57

Appendices:

Appendix A.

“How to Become a Judge” A1

- “How to Become a Judge”
Conference Handbook by the Association of the
Bar of the City of New York, Committee to Encourage Judicial Service A3

Appendix B.

“Pursuit of a Judicial Career for Attorneys of Color” B1

- Sample Program Materials from
the 1993 Seminar Held in Washington State B4

Appendix C.

Sample Conference Materials C1

- Cover Letter for Questionnaire on the
Interest of Minority Lawyers in Judicial Service C3
- Questionnaire on the Interest of Minority Lawyers in Judicial Service C4
- Conference Program Agenda and Registration Form C7
- Memorandum C12
- Press Release C14
- Excerpt from New York Law Journal C16
- Announcement by Puerto Rican Bar Association C17
- “Mentor Feedback Survey” C18
- “Mentoree Feedback Survey” C20

Judicial Mentoring:
*Starting, Organizing, and Sustaining a Program
for Mentoring Persons of Color to the Bench*

Introduction

Introductory Essay

Mentoring: A Judicial Perspective

Charles Z. Smith

Justice

Washington State Supreme Court

It is not uncommon in discussions on eliminating racial and ethnic bias in the courts for someone to suggest “mentoring” as a process for increasing the presence of persons of color in the judiciary.

On the surface this is a good idea. But not so if well-meaning members of the judiciary believe mentorship implies a righteous act on the part of judges not of color which naturally inures to the benefit of a lawyer or judge of color. To the contrary. The mentorial relationship need not necessarily be based upon racial, ethnic and cultural opposites. What is required is (a) a willing, experienced and wise member of the judiciary who will enthusiastically relate to (b) a willing and wise lawyer or less experienced judge who is interested in making a greater contribution to the legal profession through the judiciary. There should also exist some compatibility of personality, temperament and interest.

Certainly active and retired members of the judiciary know the process by which they came to the bench. Presumably each of them can serve as mentors for aspiring judges. Without a strong commitment to the process, though, no judge can be a successful mentor. The dictionary defines “mentor” as “a wise, loyal advisor” and “a teacher or coach.” This is a good working definition for the concept envisioned by this essay.

Many of us who have been privileged to serve as judges regularly encounter lawyers whom we would like to “recruit” into the judiciary or judges we would like to see at higher judicial levels. Not all of us, though, care to be involved in this process

through personal initiative. A formalized mentoring program, then, becomes the vehicle through which any judge, as a “wise and loyal adviser, teacher or coach,” can identify, inspire and recruit future members of the judiciary. Not every judge can be a mentor. Not every lawyer is good “judge material.” The mentoring process affords an opportunity to “test” the prospective recruit to determine whether that person has the interest, intellect, integrity, temperament and commitment to unselfishly pursue the judiciary as a career or to consider a higher level of judicial service.

In the mentoring process, particularly when the objects of our interest are persons of color, we must carefully avoid condescension and manifestation of the paternalistic and maternalistic syndrome which presupposes that those persons should be grateful for what we have to offer without regard to their own expressed wishes or determination. We can make ourselves available—based upon our experience in the judiciary—to counsel and advise persons aspiring to the judiciary. But we cannot unilaterally assume what they need to know or even wish to know.

All of us represent the totality of our experience. The judiciary and the process of selection or election is part of that experience. As mentors we can make ourselves available to share our experience with those who wish our assistance. Only the person receiving our assistance can actually evaluate the success of our mentoring efforts.

In matters of race and ethnicity, I do not prefer the words “minority” and “majority.” My preference is “persons of color” and “persons not of color.” This may be a distinction without a difference, but I am quite comfortable with it—being myself a person of color in the judiciary. I am firmly opposed to any mentoring project which absolutely requires that a *judge not of color* be matched with a *lawyer or judge of color*. In my ideal concept, judges of all racial, cultural and ethnic groups (those of color and those not of color) would be committed to serving as mentors for lawyers and judges of all racial, ethnic and cultural groups (those of color and those not of color). The essence of the “match” would be “judicial experience” meeting with “judicial aspiration” or “judicial inexperience.” When the ideal match occurs, it matters not whether either or both the mentor and the “mentee” or “mentoree” are persons of color or persons not of color.

I acknowledge that structured mentorship programs under an institutional format can be highly rewarding and successful. But I frankly prefer personal level mentorships which develop in the natural course of events. As one fortunate enough to have a number of mentors who encouraged my pathway to the judiciary and progress in it, I well know what it has meant to my judicial career.

Race and ethnicity were not significant considerations, although I acknowledge that, as a person of color, I might have engendered some special interest from my mentors (none of whom were persons of color).

Having been the fortunate beneficiary of the mentoring process, I feel a strong obligation to similarly encourage, recruit and advise outstanding lawyers to consider the judiciary as a career and to encourage young judges to aspire for greater judicial service at higher levels of court.

Formalized mentorship programs have their place. Absent an opportunity for natural development of mentorial relationships, institutional programs become a necessity. Organized groups like bar associations and judicial organizations might well develop mentorship programs which would aid continual recruitment of good candidates into the judiciary. Special emphasis should be placed upon under-represented groups. It would be a mistake, I believe, to limit groups on either side (mentor/mentoree) to persons of a particular group.

The essential key is inclusiveness. An ideal mentoring program matches women and men judges of all racial, ethnic and cultural groups (persons of color and persons not of color) with women and men lawyers and judges of all racial, ethnic and cultural groups (persons of color and persons not of color) to the end that our judiciary at all levels will more adequately reflect our populations.

Whether on an individual level or on an organizational level, any mentoring program which can foster fuller participation in the judiciary by all of our citizens is an ideal worth pursuing with enthusiasm.

Background

Origin of mentor and mentoring The origin of the word “mentor” dates back to Homer’s 8th century B.C. epic poem *The Odyssey*. Before leaving for the Trojan War, the poem’s hero, Odysseus, entrusts the care and education of his son, Telemachus, to his friend, Mentor. In the late 17th century, French philosopher Francois Fenelon added more depth to Mentor and his relationship with Telemachus. In his novel, *The Adventures of Telemachus* (1699), Fenelon portrayed Mentor as an elder, guide, teacher, and counselor who is thoughtful, enthusiastic, idealistic, and practical. Since that time, the name “Mentor” took on a new connotation and usage as a common noun. By the middle of the 18th century, schoolmasters, tutors, and counselors were called “mentors.” Today, the term is used in different contexts to define a variety of relationships. Essentially, the term refers to an experienced career or professional person who acts as a wise sponsor, model, advisor, or coach.

Use of the term “mentoree” The term “mentoree” is used in this *Guide* to refer to attorneys of color who are the focus of the guidance or counsel of an experienced judge. “Mentoree” is a coined term; the sum of the “ee” suffix added to the word “mentor.” The noun suffix, “ee,” is used to characterize a recipient, beneficiary, or person furnished with a specified action such as an appointee, designee, or grantee.

Preference for “mentoree over protégé and protégée

The term “mentoree” was preferred over the terms protégé (masculine) and protégée (feminine) to refer to a man or woman under the protection and tutelage of a mentor. In the mentor/protégé relationship, the mentor is generally an influential person who personally and proactively promotes the career and professional interests of the protégé. In this relationship, the protégé or protégée is usually groomed to take over the position, power, and authority of the mentor. The term connotes a type of succession, inheritance, or fulfillment of intra- or inter-family agreement or obligation. Because a mentor could possibly wield his or her authority to protect and preserve this obligation, regardless of the ineptitude of the protégé, many judges are uncomfortable with the relationship this term conveys. Hence, the preference for “mentoree.”

Contemporary Mentoring¹

The phenomenon of mentoring is not clearly conceptualized, leading to confusion as to just what is being measured or offered as an ingredient for success. Mentoring appears to mean one thing to developmental psychologists, another thing to business people, and a third thing to those in academic settings. Based upon Kram (1958), Noe (1988a), and Olian et al., (1985), it appears that protégés who have close contacts with a mentor see two primary dimensions to the benefits obtained from the relationship: job and career benefits through information and external brokering provided by the mentor, and psychosocial benefits from the emotional support and friendship obtained within the relationship.

¹ The following section is adapted from M. E. Conner and W. A. Anderson, *Mentoring in the Judiciary*, JERITT Monograph Two (1992), p. 5-7.

Attributes of mentoring: The following terms define the contemporary characteristics of mentoring, which can be used when establishing a mentor/mentoree relationship.

Acceptance and encouragement: The mentor takes the mentoree “under his or her wing,” makes the mentoree feel welcome and offers emotional support.

Advice and guidance: Suggestions are offered by the mentor not only about mastering individual tasks, but also about overall career planning.

Access to resources: Mentors share their knowledge of the “informal network” within the profession.

Challenges and opportunities: Using the mentor’s position within the profession, mentorees are given chances to demonstrate their skills that they may not get without a mentor.

Clarify values and goals: Mentors offer the benefit of their experience and wisdom in helping mentorees identify the “big picture” and the unwritten rules.

Coaching: Similar to an athletic coach, the mentor observes the job performance of the mentoree and offers corrective feedback.

Information: Mentors, because of their position with the organization or profession, have access to information mentorees do not. Mentors hand down information to hasten the mentoree’s mastery of the job.

Protection: Again, using the positional status, mentors protect mentorees from becoming overextended or being assigned dead-end tasks.

- Role model:** Mentors demonstrate appropriate job behaviors, attitudes, and social skills through their actions.
- Professional rewards:** Simply being a mentor or a mentoree elevates the standing of both within a profession. Also, the successful accomplishments of the mentoree reflect well on both mentor and mentoree.
- Socialization host and guide:** The mentor counsels the mentoree on accepted behaviors and social norms, and introduces the mentoree to leaders within the profession.
- Sponsorship and advocacy:** Mentors “go to bat” for their mentorees, by promoting the mentoree’s skills and abilities.
- Acquisition of knowledge:** Information is provided by mentors not necessarily related to an individual job task that will assist mentorees in their overall mastery of the job.
- Training and instruction:** Mentors provide direct, hands-on assistance to mentorees in helping them complete job assignments.
- Visibility and exposure:** Mentors, through their informal conversations with other opinion leaders and through the assignment of high-profile tasks, make sure the efforts of their mentorees are seen and recognized.

Judicial Mentoring

Judicial mentoring A judicial mentoring program for persons of color should bring together minority judges and lawyers in places such as the supreme court, the offices of majority law firms, and bar association offices. Through their guidance, mentors actually remove the mystery and abstraction from the process of becoming a judge.

There are only a few minority mentoring programs, and there are fewer judges of color available to act as mentors. Consequently, it is no accident that judicial mentors are usually established nonminority (white male) judges and mentorees are minority junior judges or aspiring attorneys.

Despite this fact, the goal of any judicial mentoring program should focus on granting minority judges and attorneys access to decision makers within the judiciary and networking opportunities, rather than on the racial or ethnic background of mentors. The insightful introductory essay by Justice Charles Z. Smith of the Supreme Court of Washington State addresses this issue honestly and eloquently.

There are programs that focus on associating nonminority judges with minorities to combat the conditioning effects on nonminority judges who unfortunately see too many minority defendants and delinquent minority juveniles. This mentoring concept is modeled after a program developed by the American Bar Association (ABA), which matches minority mentorees with nonminority mentors. Among the bar associations that have adopted this ABA program are the Arkansas Bar Association and the Cleveland Bar Association.² The approach described here also has elements of the mentoring program of the Superior Court of the District of Columbia.

**Studies document
underrepresentation of
persons of color on the bench**

Underrepresentation of persons of color on the bench is well documented by various task forces and commissions. For example, Massachusetts cited in its commission's final report the following:

- Minorities are underrepresented on the screening panels;
- Minority members of screening panels have little power to advocate for minority candidates;
- Minority applicants believe they are held to higher standards than nonminority candidates;

² "Recommended Action for Increasing Representation of Minority Lawyers Within the Profession," Arkansas Bar Association, Committee on Opportunities for Women and Minorities in the Legal Profession, fact sheet, reproduced in the Consortium's fifth annual meeting notebook.

- Minority applicants believe they are treated more harshly in the screening process; and
- Minority applicants are often limited to courts with jurisdictions that serve primarily minority populations.

Examining opportunities in your jurisdiction

Examining the perceptions and realities of opportunities for persons of color in your jurisdiction to ascend to the bench and build a career in judicial service requires an in-depth assessment of your judicial system.

Assess all levels of judiciary

Judicial decision makers are at all levels of our justice system—justices, judges, quasi-judicial bench officers (which are known by various titles, such as magistrate, master, and commissioner). Your assessment should include an examination at each level where decision makers exist.

Assessments related to *judges* should be carried out at the state level and should include an examination of demographics among judicial assignments. For example, are all of the state's minority judges concentrated in one or two metropolitan areas? If so, is this consistent with the state's demographics? Is it consistent with the racial and ethnic composition of the litigants who come before the court?

Assessments related to quasi-judicial positions (e.g., masters, referees) may need to be carried out at the local level, depending on how your state's personnel system is organized.

Identify barriers If an assessment reveals underrepresentation among persons of color in your jurisdiction's judiciary, you should next identify barriers to minority representation on the bench. Many state task forces and commissions have identified judicial appointment processes as a primary barrier. If your assessment reveals similar findings, you will be glad to know there are innovative strategies that will help you increase minority representation on the bench.

Strategies for increasing minority representation

Some states are including minorities on merit selection committees, which identify the pool of candidates from which the governor nominates judges.

In Arizona, a proposition mandates that the composition of a judicial screening panel reflect the demographics of its community.

In Florida, soon after its commission's interim report was published, the governor appointed minority members to the panels. With minority members on the Florida panels, the lists of names of judicial candidates included minorities. With the names of minority candidates before him, the Florida governor nominated more than 25 minority judges during a very short period of time to address the underrepresentation documented by the commission.

About This Guide

Purpose of the *Model Guide*

This *Model Guide* is a primer to assist you in designing a mentor program to promote judicial diversity in your jurisdiction by motivating attorneys of color to consider a judicial career. The *Guide* presents activities and suggestions that have proven helpful in establishing and maintaining other judicial mentoring programs. In the *Guide* we refer to these activities and suggestions as “program elements.” Adapt and customize the program elements to meet the unique needs of your jurisdiction.

By using the information contained in this *Guide*, you can help your program avoid common pitfalls and achieve a worthy goal: to ensure that the complexion and character of our judiciary reflect the diversity of our communities.

How this *Guide* is organized

This *Guide* has three sections. The suggestions presented in each section are drawn from the experience of various programs throughout the country. In particular, many ideas are based on the mentoring program established by the Association of the Bar of the City of New York.

Section I. Getting Started

Section I describes the foundations of a sound mentoring program. These are suggestions to consider during the initial planning stages. Suggestions include:

1. Finding the facts about judicial diversity and judicial positions in your jurisdiction;
2. Learning from the successes and failures of other mentor programs;
3. Building judicial sponsorship;
4. Identifying needed resources;

5. Building community support for your program by sharing ownership;
6. Structuring your program; and
7. Choosing a coordinator to run the mentorship program.

Section II. Planning a “How To Become a Judge” Conference

This section walks you through the process of organizing a “How to Become a Judge” conference. A “How to Become a Judge” conference provides a forum for disseminating facts about judicial diversity and judicial positions in your jurisdiction. A conference also presents an opportunity to distribute your materials and launch your mentoring program in the community. Process activities include:

1. Establishing the basics, such as selecting a conference title and theme;
2. Arranging logistics; and
3. Planning the agenda.

Section III. Organizing and Sustaining Your Judicial Mentor Program

Section III outlines activities that will help your program’s progress and sustain its momentum. These activities include:

1. Selecting an Advisory Committee to lend authority to, advise, and oversee your program;
2. Setting qualifications and guidelines for mentors and mentorees;
3. Recruiting mentors and mentorees;
4. Matching mentors and mentorees;

5. Hosting mentor and mentoree events; and
6. Soliciting feedback and implementing follow-up.

Summary of purpose

This *Guide* is truly written as a guide. It is not a formula etched in stone. Our efforts to diversify the bench will succeed not because we follow rigid rules but because we perceive and sensitively address the needs of our jurisdictions and our communities within our own context. Reach out to the brilliant solo practitioner, the experienced attorney who has been beaten by the screening panels, the dedicated government lawyer, the hardworking law firm associate, as well as the novice, many of whom may dare to dream of a judicial career *only because they meet you*, a well-thinking jurist, who believes that the face of America can reflect us all.

Section I. Getting Started

Program Element One: Find and Disseminate the Facts

The first step in building a judicial mentoring program is to collect complete and accurate information about the judiciary in your jurisdiction. This will ensure that you are a knowledgeable advocate and will enable you to design a program that specifically meets the unique needs of your jurisdiction. In particular, you should gather information about:

- Judicial diversity
- Judicial positions
- Criteria and process for judicial appointment or election

Judicial diversity

Conduct an assessment of the current state of judicial diversity in your jurisdiction. Just as an effective advocate marshals her or his facts for the jury, it is important that you obtain reliable information by conducting thorough research about diversity.

Know the numbers! How representative is the judiciary in your state or county?

Where to obtain information

Contact court administrative offices, research organizations, or community groups to find out about research or other information on judicial diversity.

What information is important? Statistical comparisons of historical and current data from among the following categories may be useful:

- Overall population
- Minority population
- Overall pool of judicial candidates
- Pool of minority candidates
- Appointed judges of color
- Elected judges of color

Judicial positions Compile a comprehensive list of the judicial positions that exist in your jurisdiction. Prepare presentations or write handbooks or articles that identify the different courts and judicial positions. Include administrative law judges, magistrates, and hearing officers. Assume that no one knows anything about the existence of judicial or quasi-judicial positions.

Example In its 1996 “How to Become a Judge” handbook, The Association of the Bar of the City of New York presented the following comprehensive information:³

- New York City Courts
 - Appointments to Terms on the Family Court and Criminal Court and to Interim Appointments to Fill Unexpired Terms for Vacancies on the Civil Court

³ “How to Become a Judge” (1996) handbook by the Association of the Bar of the City of New York Committee to Encourage Judicial Service, pp. A4-A5. The complete handbook is contained in Appendix A of this *Guide*.

- Election to the Civil Court of the City of New York
- Housing Part of the Civil Court
- New York State Courts
 - Election to the Supreme Court of the State of New York
 - Interim Appointments to Fill Vacancies and Unexpired Terms on the Supreme Court
 - Acting Supreme Court Justice
 - Supreme Court, Appellate Term, 1st and 12th, and 2d and 11th Judicial Districts
 - Supreme Court, Appellate Division, First and Second Departments
 - Court of Claims
 - Surrogate's Court
 - Court of Appeals
 - Judicial Hearing Officer
 - Supreme Court Special Master
 - Civil Court Arbitrator
 - Civil Court Small Claims Arbitrator
 - Family Court Hearing Examiner
 - Community Dispute Resolution Mediator
- State Administrative Law Judge

- United States Courts
 - Court of Appeals and District Court
 - United States Magistrate
 - United States Bankruptcy Judge
 - Administrative Law Judge
 - Arbitrator for Eastern District

Criteria and process for judicial appointment or election

For each of the judicial positions you identify, provide the following information:⁴

- General comments. This may include information about:
 - The election or appointment process
 - The appointing body (for appointed positions)
 - The nomination and election procedure (for elected positions)
 - Where to obtain further information about the position
 - How to submit applications or questionnaires
 - Responsibilities of the position (for quasi-judicial positions)
- Jurisdiction

⁴ Adapted from “How to Become a Judge.”

- Selection process. Expand on the information provided in the General Comments about the election or appointment process.
- Eligibility requirements. The eligibility requirements for judicial appointment or election are often defined by statute. Provide statutory citations so that the reader may obtain updated information. Include a list of the crucial elements, including qualifications such as:
 - Years of admission
 - Specialized knowledge
 - Residency
 - Competence
 - Temperament
 - Experience
- Term and salary

**Describe the unofficial criteria
and process**

The unofficial criteria for becoming a judge are often defined by bar associations and politicians. Where appropriate, describe the role and composition of screening panels and provide information about panelists and their areas of interest or specialization. Know the role of county leaders, ward leaders, or other relevant political figures, especially if the concept of “waiting your turn” is applicable to your jurisdiction.

Example The Association of the Bar of the City of New York, Committee to Encourage Judicial Service, published a comprehensive handbook of courts and judicial positions in connection with its 1996 “How to Become a Judge” conference. The handbook “is intended to provide a description of the methods of judicial selection, the relevant governmental, political and other bodies that participate in the selection processes, as well as the statutory and other criteria applicable to the selection process for each judicial position. This booklet also describes a number of paid and unpaid quasi-judicial positions, such as arbitrator and hearing examiner.”⁵

The entire handbook, including its appendices, is contained in Appendix A of this *Guide*.

Following are two sample descriptions from the handbook.⁶

Election to the Civil Court of the City of New York

General Comments - Political party nomination (especially the Democratic Party nomination, in all counties except Richmond) is very important for election. In the counties, the presence of competing factions within the political parties has provided an opportunity for many well-qualified persons to be nominated in spite of past political inactivity. Interested persons should communicate with any screening panels and the various political party organizations active in their respective districts.

⁵ 1996 “How to Become a Judge,” p. A7.

⁶ 1996 “How to Become a Judge,” pp. A13-A14.

1. **Jurisdiction** - City-wide jurisdiction over actions and proceedings for the recovery of money and chattels; foreclosure of mechanics' liens and liens on personal property up to \$50,000 exclusive of costs and interest; summary proceedings to recover possession of real property; and unlimited jurisdiction to enter judgment upon a counterclaim for the recovery of money. N.Y. Const. Art. 6, § 15(b) (McKinney 1996 Supp.).
2. **Selection Process** - Election from former Municipal Court districts or former county-wide City Court districts. See Commentary to N.Y. City Civ. Ct. Act § 102-a (McKinney 1996 Supp.).
3. **Eligibility Requirements**
 - a) New York City resident.
 - b) Admitted to practice as an attorney in New York for ten years before taking office.
 - c) Age Limit - Service until December 31 of the year in which the judge reaches the age of 70. N.Y. Const. Art. 6, § 25 (McKinney 1987).
4. **Term** - Ten years.
5. **Salary** - \$103,800. N.Y. Jud. Law § 221-e, as amended by L. 1994, c. 221-g (McKinney & Supp. 1996).

Housing Part of the Civil Court

General Comments - Judges of the Housing Part of the Civil Court are appointed by the Administrative Judge of the Civil Court from a list of candidates found qualified by the Advisory Council to the Housing Part of the Civil Court.

The Advisory Council is a statutory body composed of fourteen members, who serve without compensation, appointed by the Administrative Judge with the approval of the Presiding Justices of the Appellate Divisions of the Supreme Court for the First and Second Judicial Departments. The Advisory Council members represent the real estate industry (2), tenants' organizations (2), civic groups (2), bar associations (2), the public (4), the Mayor of the City of New York (1), and the Commissioner of Housing and Community Renewal (1). N.Y. City Civ. Ct. Act § 110(g) (McKinney 1995 Supp.).

Persons interested in positions such as Housing Judges should request questionnaires and additional information from:

The Honorable Jacqueline Silbermann
Administrative Judge
Civil Court of the City of New York
111 Centre Street
New York, New York 10013
(212) 374-8082

1. **Jurisdiction** - Actions and proceedings involving the enforcement of state and local laws for the establishment and maintenance of housing standards including, but not limited to, the Multiple Dwelling Law and the Housing Maintenance Code, and the Building Code and Health Code of the Administrative Code of the City of New York, as provided in N.Y. City Civ. Ct. Act § 110(a) (McKinney 1989).
2. **Selection Process** - Appointment by the Administrative Judge from a list of candidates nominated by the Advisory Council. N.Y. City Civ. Ct. Act § 110(f) (McKinney 1995 Supp.).
3. **Eligibility Requirements** - Admission to practice as an attorney in New York for five years, two of which must have been in active practice, before taking office. *Id.* at § 110(i). No age limit.
4. **Term** - Five years. *Id.*
5. **Salary** - \$95,376. *Id.* at § 110(f).

Disseminate your findings

Disseminate your findings creatively and strategically. Once you know the facts about judicial diversity and the process of becoming a judge in the context of your jurisdiction, you can present this information in a manner that both explains the problem and demystifies the process of becoming a judge. One way to distribute information is to plan and organize a “How to Become a Judge Conference.” Refer to Section II of this *Guide* for suggested conference planning activities. Disseminate your findings according to your audience to generate awareness about, interest in, and support for your program.

Program Element Two: Learn from the Success of Others

Identify other judicial mentor programs

Don't reinvent the wheel. Identify other judicial mentor programs that exist in your jurisdiction or in other jurisdictions. The Association of the Bar of the City of New York and its 1996 "How to Become a Judge" Conference is an ideal program model. Review the "How to Become a Judge" handbook in Appendix A of this *Guide*.

Research and review other programs. Learn from their successes and mistakes. Identify elements of these programs that will work in your jurisdiction.

Consider mentor programs in the court system for high school, college, or law student interns. Identify the critical components of these programs and determine what makes them successful.

Research other types of programs

Research other types of mentor programs and adapt appropriate elements to your program. Other types of court mentoring programs are described in an article in the June 1996 issue of *The Court Management and Administration Report*. The article is entitled "The Merits of Court Mentoring: A Key Element in Staff Development--Part I." Mentoring programs discussed in the article include:

- An employee-operated peer trainer program implemented in January 1996 in Pima County, Arizona.

- The Federal Judicial Center’s use of mentoring relationships as a component in leadership programs both for probation and pretrial officers, as well as for court staff and managers.
- How training teams serve as mentors to courts on handling high publicity criminal trials from the American Bar Association section on criminal law.
- A mentoring program for new state judicial educators from the National Association of State Judicial Educators (NASJE).

Consider elements of mentoring programs from other professions such as medicine, education, and business.

Program Element Three: Build Judicial Sponsorship

Recruit supporters Calling for judicial sponsorship of your judicial mentoring program may amount to “stating the obvious.” However, do not assume that judges will rush to get involved in your program. Strive to cultivate interest within your judiciary by proactively recruiting supporters.

Seek crucial endorsements Approach the chief justice of your state and ask for her or his endorsement of your program. If your state has a Task Force or Commission on Racial and Ethnic Bias in the Courts, ask the chairperson to endorse your program. Where appropriate, do the same with major bar associations, law firms, and community organizations. Be prepared to offer creative but appropriate ways that chief justices, judges, executives, and administrators can help your program. It may be necessary to create roles that these important stakeholders can play without overburdening them.

Select key role players Selecting key role players during the planning stage of your program can determine success or failure down the road. Minority judges ideally serve as the backbone of a judicial mentor program for attorneys of color. Your program or your advisory committee should be chaired by at least one judge of color who is highly placed and well respected, and include a representative of each minority bar association so that, at a minimum, an African-American, a Latino or Hispanic-American, an American Indian, and an Asian-American or Pacific Islander are involved. It is especially important to include women judges of color.

Sell the program Ensuring a good start for your program will involve more than finding judges who can fill a conference speaking schedule or impanel a discussion group. Sustaining a successful program will require active participation and serious commitment by members of your judiciary. Convince them that your program is worthy of their time.

Program Element Four: Identify Resources

Another important planning activity is to gather resources to support the program. You can reduce your costs and workload by tapping into existing resources. Assess the availability of existing financial, volunteer, and relational resources.

Identify mutually beneficial relationships

Because your program offers opportunities to network with judges and future judges, bar members, and community leaders, law school officials and law student groups may be easily persuaded to get involved with your program. Reaching out to bar associations, law firms, and court administrative offices may provide additional opportunities to cultivate favorable ties.

Ask law schools and bar associations if your notices can be included with their regular mailings free of charge. Offer to provide sufficient numbers of copies to make the job less burdensome. Ask these organizations for access to mailing lists from which you can build and maintain your own mailing lists and databases.

Solicit financial and volunteer resources

Bar associations and law firms can donate seed money for various financial obligations such as catering services and printing costs. Court administrative offices can provide administrative support and issue press releases. Law schools can be a great resource for meeting facilities, volunteer-student staffing, and equipment needs such as computers and photocopiers.

Program Element Five: Share Ownership

Build community sponsorship

Insert judicial diversity into the public agenda by asking community, religious, and traditional leadership to endorse your program and its goals. Where a minority bar association is lacking, it is important that you be inclusive and make an extra effort to reach out to attorneys of color by contacting relevant legal or community organizations. Offer to provide speakers and write articles to promote events.

Stay culturally aware In any diversity-building effort, important cultural issues inevitably arise that require thoughtful consideration. For example, in some American Indian traditions, respect may be manifested by silence or hesitation to interrupt any person who is already speaking, which others could interpret as an unwillingness to participate in meeting discussions.

Key role players should be sensitive to and respect cultural differences. They should also have a basic awareness about cultural and community misapprehensions about our justice system, which may need to be addressed.

Program Element Six: Structure Your Program

Focus, structure, and delegation of responsibility are crucial to your program's success. According to the Judicial Education Reference, Information and Technical Transfer (JERITT) Project, "Mentoring programs, to be successful, must be thoughtfully developed and carefully administered. First and foremost there must be agreement on what the mentoring program is to accomplish."⁷

Decide on an administrative structure

Recruit qualified individuals to serve on a judicial mentoring program planning committee. At the outset, consider working as a committee of the whole. Later, you may define yourselves as a committee and develop an advisory committee of judicial endorsers. For more details about committee and subcommittee structuring, refer to Section III, Program Element One: Create a Mentorship Subcommittee.

⁷ M. E. Conner and W. A. Anderson, *Mentoring in the Judiciary*, JERITT Monograph Two (1992), p. 12.

Determine desired outcomes

The focus of your mentoring program will depend on the outcomes you intend to accomplish. Define your outcomes before you begin planning. "Programs that are created in a wave of enthusiasm without clear goals and outcomes will ultimately fail and create resistance and cynicism when similar initiatives are undertaken in the future."⁸

Examples of possible goals for a judicial mentoring program are:

- To increase representation of persons of color on the bench;
- To demystify the judicial appointment process;
- To provide access to decision makers within the judiciary; and
- "To expand the number of qualified candidates for judicial office by encouraging applications from persons who previously have not applied, including those from groups historically unrepresented or underrepresented in the judiciary as a whole, or in specific judicial offices, such as appellate courts."⁹

⁸ F. Toler and M. Zaffarano, "The Merits of Court Mentoring: A Key Element in Staff Development - Part I," *The Court Management and Administration Report* 7:6 (1996), p. 4.

⁹ "How to Become a Judge," p. A7.

Create a framework

Once you have decided on the desired outcomes for your program, create a program framework that mentors may customize. Your framework may include recommendations about:

- Duration of the mentor/mentoree relationship;
- Issues to cover and topics to discuss with the mentoree;
- Frequency of contact; and
- Methods for providing networking opportunities.

Program Element Seven: Choose a Coordinator

Identify desired attributes

The coordinator is the individual who will be the workhorse of your mentorship program. The coordinator should possess a broad range of knowledge coupled with certain unique skills. In any case, the following are attributes that you should consider when selecting your program's coordinator:

- Culturally sensitive
- A well-informed and enthusiastic advocate for judicial diversity
- Strong organizational skills
- Comfortable with delegating responsibilities to others
- Comfortable working with others
- A capable problem solver
- Reliable

Support your coordinator Having listed the attributes of such a person, it is important to note that a volunteer coordinator, who has other personal and professional responsibilities, will inevitably experience some difficulty in reaching program goals. Committee members should remain flexible concerning schedules and deadlines. Advisory committee members should be prepared to lend their informal authority in support of the coordinator's efforts. Committee support is absolutely crucial to the efficient management of the program.

Section II. Planning a "How to Become a Judge" Conference

One way to kick off your mentor program is to organize a "How to Become a Judge" conference. A "How to Become a Judge" conference provides an opportunity to:

- Create community awareness of and interest in the mentoring program
- Recruit mentorees and mentors
- Share facts about judicial diversity in your jurisdiction
- Disseminate information about judicial positions
- Clarify the process for judicial appointment or election

Holding such a conference biennially or annually is an excellent way to establish the program in your jurisdiction.

Program Element One: Establish the Basics

Preplan the basics of your conference before you begin the logistical and program planning. Preplanning ensures that your conference is timely and cost-efficient and meets the needs of your audience. Basic tasks include:

- Assessing interest in the conference
- Selecting the conference title and theme
- Determining the budget

Assess interest It is a good idea to begin your conference planning by assessing the extent of interest in the conference by your target audience. Knowing approximately how many people may attend the conference will assist you in subsequent planning tasks such as selecting a meeting facility, setting the budget, planning the agenda, even selecting faculty.

The Association of the Bar of the City of New York sent a questionnaire to all minority lawyers in New York City. The questionnaire assessed the interest of minority lawyers in judicial service, profiled the status of minority lawyers in New York City, and determined the extent of interest in a "How to Become a Judge" conference. This questionnaire and its cover letter from the chair of the subcommittee are contained in Appendix C on page C3.

Select a conference title Your conference title should clearly indicate the nature of the conference. Choose a title appropriate to your jurisdiction.

Example The Association of the Bar of the City of New York used the following description:

PURSUIT OF A JUDICIAL CAREER

A "nuts and bolts" conference organized as a guide to elective and appointive judgeships in New York City, with special emphasis on encouraging prospective judicial careers for minority lawyers.

Example According to seminar organizers, the title "Pursuit of a Judicial Career for Attorneys of Color" was chosen "after much thought and debate. The title given to the event will very much influence the audience. We wanted to make it clear that the program was intended especially for a minority audience."¹⁰

Decide on a theme To help you decide on a theme, consult with people who have inside knowledge of the judicial selection process. Use their insight to generate ideas and topics for panel discussions or small group sessions. For example:

- Consult with screening panel members. Ask screening panel members to candidly share their impressions of the overall qualifications of minority judicial candidates. Incorporate their insights into your conference theme and its agenda.
- Consult with minority bar associations. Approach the judiciary committees of your jurisdiction's minority bar associations. Speak with judicial candidates and assess their experiences before screening panels.

Program Element Two: Arrange Logistics

Select a location as soon as possible

Start early! Comfortable, attractive facilities will enable your audience to focus on the issues at hand. Seek out space that allows participants to meet as a large group and permits panels to convene in smaller rooms.

¹⁰ Sample materials adapted from the "Pursuit of a Judicial Career for Attorneys of Color" seminar are contained in Appendix B of this *Guide*.

The 1993 "Pursuit of a Judicial Career for Attorneys of Color" seminar was held at the University of Washington School of Law in the state of Washington. According to the organizing committee, holding your program at a prestigious law school, which is geographically central to the attorneys of color of your jurisdiction, works well. You should be able to prevail upon the dean to make the classrooms and other facilities you will need available at no or minimal expense.

The Association of the Bar of the City of New York held its 1991 conference at the House of the Association.

**Determine the scope of
your budget**

When setting your budget, consider the following costs:

- Name tags
- Copies
- Publicity
- Signs
- Sample application forms
- Flyers
- Sign-in sheets
- Letterhead
- Folders
- Envelopes
- Pens, pencils, and pads
- Handbook

- Coffee, tea
- Buffet lunch
- Reception
- Administrative support for on-site registration
- Travel/parking
- Postage
- Long-distance telephone
- Meeting room and equipment costs

Identify resources

Don't hesitate to set a registration fee to defray costs, but do be reasonable. Ask for in-kind donations from court administration, bar associations, and law schools.

For the "Pursuit of a Judicial Career for Attorneys of Color" seminar, each participating bar association contributed \$200 seed money to finance the program's pretuition expenses. The court contributed postage to solicit participants and judicial faculty and to maintain and update mailing lists. Seminar notebooks and printing expenses were donated. Tuition charged was \$50.00 for attorneys and \$20.00 for students.

Advertise the conference

Create excitement in the community about the conference! Make sure that people know:

- What the conference intends to accomplish
- When the conference is happening (day, date, and time)
- Where it is being held
- How to register

Use existing resources to market the conference. For the "Pursuit of a Judicial Career for Attorneys of Color" seminar, each minority bar association mailed a flyer about the program to its members. All the bar journals carried articles or announcements about the program. In addition, marketing was done by word-of-mouth among the minority bar associations.

Program Element Three: Plan the Agenda

Choose speakers Your selection of speakers and panel presenters sends a strong message. Select speakers who speak powerfully and persuasively. Strive for a panel that reflects the diversity you wish others to emulate. Examples of panels and presenters featured at the "Pursuit of a Judicial Career for Attorneys of Color" seminar are contained in Appendix B of this *Guide*. Here is a sample panel:

- Chief justice of your jurisdiction
- President of the bar association hosting the conference
- Head of an important screening panel
- Well-respected jurist of color

Ask speakers and panelists to serve in a variety of roles

Some speakers and panel presenters may be willing to serve in a variety of roles:

- Give welcome
- Serve as moderator
- Present the keynote address
- Provide an overview or summation

**Plan the opening program
for all participants**

The program or conference chairperson should deliver opening remarks and review the day's agenda. The morning speaker should motivate the audience with a substantive message for all to hear. Try to end the morning's activities by 11 a.m. so participants stay alert.

**Plan morning and afternoon
panels**

Arrange special interest panels for the late morning and afternoon sessions. Make it easy! Panels can present basic information in the context of a given court. Panelists should include women judges, jurists of color, screening panel members, and decision makers.

Example

Here is how the Association of the Bar of the City of New York planned it:

1. Panels defined by courts and elected or appointive office:
 - Supreme court and civil court (elected)
 - Court of claims (appointed)
 - Criminal court, family court, and interim civil court (appointed)
 - Federal court (appointed)
 - Housing court (appointed)
 - Administrative law judges and hearing officers (appointed)
2. Panel members:
 - Minority judges
 - Counsel to the governor, New York State

- Chair, judiciary committee, Association of the Bar of the City of New York
- Member, Mayor's Committee on the Judiciary
- Representative, senator's judicial screening committee (two senators)
- Chair, Advisory Council of the Housing Court

3. Sample questions for *elected* judge panelists:

- What do you do in your court?
- Do you have any support staff?
- How much experience do you really need?
- What kind of experience did you have?
- Did you have to appear before any screening panels?
- Did you have to be "connected" to run?
- How do you organize a campaign? When do you begin?
- Do you have to be rich to run for office?
- What role does the community play?
- Are government attorneys allowed to work if they run for judicial office?
- How do you raise money?
- Is it important to join a political club?

- Once elected, are judges free to hire their own staff or must you hire court attorneys and secretaries selected by elected officials or political clubs?
- What ethical constraints are imposed on judges?
- How has your life changed?

4. Sample questions for *appointed* judge panelists:

- What do you do in your court?
- Do you have any support staff?
- How much experience do you really need?
- What kind of experience did you have?
- How much trial experience do you need?
- Is it important to join a bar association?
- Does alternative experience count?
- What is the process by which one becomes a judge in your court?
- How many interviews are there?
- How did you prepare for your screening panel interviews?
- What kinds of questions were you asked?
- How were you treated?
- How do you respond if a panelist asks an embarrassing or insulting question?

- Do you need to organize any documentation such as:
 - tax records
 - grievance committee complaints
 - ten most recent trials, including the name, address, and telephone number of opposing counsel
 - ten judicial and professional references

5. Sample questions for screening panel and judiciary committee members:

- Is there a written description of your process?
- How is the screening panel structured?
- Is the screening panel divided into subcommittees?
- What is their function?
- How many members of your screening panel are:
 - attorneys or people of color?
 - women?
 - community representatives?
 - bar association representatives?
- Who selects the members of your screening panel?
- How many interviews must a candidate undergo?

- What kind of reference checks does your committee make?
- What happens when a judicial candidate receives a poor reference?
- Do you ever disclose the source of a poor reference or complaint?
- How do you rate candidates?
- How would you describe the ideal judicial candidate?
- What is the percentage of attorneys of color in the applicant pool?
- What tips and recommendations can you offer that would lead to a successful interview and a positive rating by your panel?

Example When planning their program, organizers of the "Pursuit of a Judicial Career for Attorneys of Color" seminar considered the following panel topics and issues:

- Judicial Screening Panel. Questions for this panel included:
 - Is there a written description of your process?
 - If so, is it available today?
 - How are the members of the screening committee selected?
 - Can a person find out in advance who is on the committee?

- What materials need to be submitted by the candidate in advance?
- What is the process for checking references?
- How does the interview take place?
- How is the rating done?
- What do's and don'ts or tips do you have to offer candidates for successfully completing the process?
- Can a rating be appealed or reviewed? If so, how?
- The Appointment Process. Questions for this panel included:
 - Who does the appointing?
 - How does a candidate get nominated?
 - What must be submitted?
 - Who screens, if anyone?
 - Who conducts interviews?
 - Does lobbying for the candidate help or hurt?
- The Election Process. Questions for this panel included:
 - How do spending limit bills affect judicial campaigns?
 - How do you run a campaign on tight money?

- What is the need for raising money to mount a viable campaign?
- What are the elements of a superior court campaign and how can it be organized?
- How do you prepare before filing?

Plan a “working” lunch

Use the lunch hour to provide networking opportunities. Program participants will enjoy having lunch with jurists of color, panelists, and other program participants. Consider an informal buffet lunch with random seating.

The “Pursuit of a Judicial Career for Attorneys of Color” seminar provided box lunches and randomly matched a mentor jurist with two or three participants for individual attention. If you like, include the cost of lunch in the registration fee. You can make this an optional activity for participants.

Pack some punch into your afternoon

Consider opening the afternoon session with a keynote address delivered by the chief justice or the mayor of your city or town.

Close the conference

Entice program participants to remain for the duration of the conference by planning a special event. Following the “Pursuit of a Judicial Career for Attorneys of Color” seminar, the chief justice of the state hosted a social hour for participants, faculty, and invited guests. This gracious gesture sent a clear message that the entire judiciary in Washington State cares about making itself more accessible and responsive to people of color in our society. In order to stress this message, the announcement of this event should be made at the conference, rather than having it published ahead of time.

Further references Appendix C of this *Guide* contains the following examples and sample documents from the Association of the Bar of the City of New York's 1996 "How to Become a Judge" conference:

- "Questionnaire on the Interest of Minority Lawyers in Judicial Service"
- Conference Program and Registration Form
- Memorandum
- Press Release
- Excerpt from New York Law Journal
- Announcement of Follow-up Conference
- "Mentor Feedback Survey"
- "Mentoree Feedback Survey"

Section III. Organizing and Sustaining Your Judicial Mentor Program

For your mentoring program to succeed, you will need to establish processes and ground rules that determine how the program will function. These processes and ground rules are the foundation of the program. They provide structure and guidance for organizing and sustaining the program. Processes and ground rules may include:

- Operating and decision-making procedures (e.g., by committee)
- Guidelines for selection and matching of mentors and mentorees
- Program evaluation methods

Program Element One: Create a Mentorship Subcommittee

Functions of a subcommittee

The mentorship subcommittee plays an important role in organizing and sustaining your mentor program. A mentorship subcommittee may serve the following functions:

- Identifying the goals of the mentor program
- Soliciting community and judicial support
- Planning the “How to Become a Judge” conference
- Identifying the mentor’s role
- Deciding on criteria for selection of mentors and mentorees
- Recruiting mentors and mentorees
- Selecting mentors and mentorees

- Matching mentors and mentorees
- Setting guidelines and expectations for mentors and mentorees
- Implementing follow-up and program improvements

Selecting subcommittee members

Subcommittee members should be team players who:

- Conceptualize and implement ideas
- Provide support and assistance to the coordinator
- Offer in-kind contributions to assist production
- Advocate diversity
- Are well informed and culturally sensitive

Set priorities and stay focused

Once the subcommittee is in place, remain outcome oriented to avoid getting bogged down in policy. You can use your first meeting as a think tank, assign one or two persons to draft a protocol detailing how the committee will operate, and set everyone to work. Many of the suggestions outlined in this *Guide* can be implemented concurrently if work is divided and delegated. Strive to end every meeting one step closer to achieving your goals.

At the outset, consider working as a committee of the whole. As people get to know each other and achieve consensus about the purpose of the program, you may define yourselves as a committee and decide to develop an advisory committee of judicial endorsers. To improve effectiveness, consider structuring the committee into smaller subcommittees. For example, one subcommittee may have the exclusive task of running the mentorship program while other subcommittees organize a “How to Become a Judge” conference, write a handbook, schedule speaking engagements, or create data banks.

Program Element Two: Set Qualifications and Guidelines for Mentors and Mentorees

Importance of guidelines and criteria

It is vital that both mentors and mentorees understand the expectations for the mentor/mentoree relationship. “The success or failure of a mentoring relationship rests on the [framework established before] the start of the relationship.”¹¹

For this reason, the mentoring subcommittee should establish guidelines and criteria for both mentors and mentorees in the beginning stages of program development. You may change the criteria and guidelines based on evaluation of the program. However, it is important to establish some criteria and guidelines at the outset.

Determine criteria for mentors

The committee should determine the criteria by which mentors will be selected. Criteria you may wish to consider include:¹²

¹¹ F. Toler and M. Zaffarano, “The Merits of Court Mentoring: A Key Element in Staff Development - Part I,” *The Court Management and Administration Report* 7:6 (1996), p. 2.

¹² M. E. Conner and W. A. Anderson, *Mentoring in the Judiciary*, JERITT Monograph Two, (1992), p. 93.

- Willingness to serve as a mentor
- Geographic location
- Type of court
- Excellent reputation/stature
- Docket size
- Commitment to the judiciary
- Engaging communication style
- Excellent feedback skills
- Change agent
- Politically astute
- Knowledge of development options for potential candidates who may need to improve in some areas
- Knowledge of the process for becoming a judge and the range of required qualifications

Mentor considerations Before making a commitment to mentoring, potential mentors should ask themselves the following questions:¹³

- Do I have good coaching and counseling skills?
- Can I truly give the relationship the time and attention it deserves?
- How will I react as the relationship changes, evolves, and ultimately ends?

¹³ F. Toler and M. Zaffarano, "The Merits of Court Mentoring," *Court Management and Administration Report*, p. 4.

- What will truly be my own personal reward in undertaking this role?

**Write guidelines for
judicial mentors**

You should also establish expectations for the mentor/mentoree relationship. The following are suggested guidelines for mentors:

- Mentors should meet with mentorees on at least two occasions. During their meetings, the mentor and mentoree should candidly discuss the mentoree's qualifications and fitness, or lack thereof, to serve on the bench. Suggestions for acquiring missing qualifications should be provided.
- Mentors should provide opportunities for their mentoree to observe them on the bench.
- Mentors should address problem areas sensitively, and point out their potential impact on the pursuit of a judicial position:
 - Late tax filings
 - Poor references
 - Bankruptcy filings
 - Medical problems
 - Grievance committee complaints
 - Prior arrests
 - Work history

Determine criteria for mentorees The full committee should determine the criteria by which mentorees will be selected or decide that the program will include all lawyers. The committee may conclude, for example, that because housing court requires a minimum of five years admission, an attorney with three years admission may be assigned a mentor to prepare for the process.

Mentoree considerations Potential mentorees should ask themselves the following questions:¹⁴

- How strongly am I committed to pursuing a judgeship?
- What do I know and what do I need help with?
- What do I expect from my mentor?
- How well do I respond to constructive criticism or negative feedback?
- Will I exercise the proper balance between exercising initiative and showing respect for the mentor's time?
- What are my real goals for the relationship?
- How will I handle it as the relationship evolves and ultimately ends?
- What would I personally be willing to do for my mentor to make the relationship mutually beneficial?

¹⁴ F. Toler and M. Zaffarano, "The Merits of Court Mentoring" *Court Management and Administration Report*, p. 4.

**Write guidelines for
judicial mentorees**

Send a letter to mentorees describing the judicial mentor program and outlining their responsibilities. The letter should explicitly state that judicial mentors are not expected to promote or endorse the candidacy of their mentoree.

Address important concerns or solicit background information in anticipation of the first meeting between the mentor and the mentoree.

The mentoree guidelines may:

- Ask mentorees to directly contact their mentors. You may suggest that the mentoree call before court goes into morning session, at lunch time, or at the end of the day.
- Remind the mentoree that he or she is not the judge's primary concern.
- Remind the mentoree that the mentor program is organized and staffed by judges and attorneys who serve as volunteers, generously offering their time, over and above that spent on court duties, to support the mentoring program.
- Indicate that the program volunteers are available to contact the mentor if, after two weeks, the mentoree is still unable to make contact.
- Not every judge is willing to mentor an attorney who regularly practices in the county or town where he or she sits. You should advise the mentoree that this position must be respected.

- Ask the mentoree to list her or his area of interest and how many years she or he has been admitted to the practice of law. Remember to state your minimal requirements for participation in the judicial mentor program.
- Note that, while an effort will be made to match the mentoree with a mentor who sits in the court of her or his interest, a perfect match cannot be guaranteed.

Program Element Three: Recruit Mentors and Mentorees

Recruit mentors Ask court administration for a list of all sitting judges in your jurisdiction. Draft a letter addressed to potential judicial mentors, which:

- Describes the benefits of serving as a mentor
- Includes success stories from other mentor programs
- Outlines the goals of the judicial mentor program
- Outlines the criteria for serving as a mentor
- Outlines the responsibilities of a mentor

The letter should be signed by the committee chair and the coordinator of the mentorship subcommittee. Determine whether the letter will go to all judges, or a subset thereof. The letter should include a tear-off at the bottom or a separate page, which can be returned by fax or mail. Remember to ask for telephone and fax numbers. You may also wish to include preliminary guidelines for the program.

Recruit mentorees Outreach will to a great extent determine how many attorneys participate in your program. Extensive publicity may be necessary given the geographic breadth of your jurisdiction. Be aware that an aggressive public relations effort may result in an avalanche of interested persons. Some methods for recruiting mentorees include:

- Organize a “How to Become a Judge” conference as described in Section II. One jurisdiction recruits mentorees biennially at a “How to Become a Judge” conference sponsored by a large bar association.
- Send information to:
 - Minority bar associations
 - Legal defense funds
 - Bar associations

Generate Publicity Extensive publicity may be necessary. Partner with bar associations and other stakeholder organizations. Speak at their gatherings and disseminate information through their publications.

- Publicize the program in:
 - Law journals
 - Professional publications
- Host public presentations
- Solicit individuals
- Attend community gatherings

Program Element Four: Match Mentors and Mentorees

Assign mentors to mentorees Matching mentors to mentorees requires careful planning and thought. Factors you may wish to consider include:¹⁵

- Geographic location
- Caseload of mentor judge
- Type of court
- Personality and personal style of both the mentor and the mentoree

Sample process One jurisdiction uses the following process to match mentors and mentorees:

1. A special match-up meeting is scheduled by the coordinator in tandem with the mentorship subcommittee members.
2. Before the meeting, the coordinator reviews the responses from attorneys who wish to be mentorees and filters out those persons who do not meet minimal qualifications.
3. At the meeting, the response forms are physically divided into groups and thereafter into subgroups. At the beginning, mentors are divided into groups by where they sit. Mentorees are divided by court of interest.
4. Small signs with the names of the various courts are placed on a table. Mentor and mentoree response forms are then moved, court by court, to the appropriate sign on the table.

¹⁵ Adapted from Conner and Anderson, *Mentoring in the Judiciary*, p. 41.

5. Tentative assignments to individual judges are carefully made and reviewed. It is helpful to consider factors such as personalities, time constraints, and scheduling difficulties when establishing assignments. Considering these factors beforehand will help ensure the best possible match-up. If a judge is assigned more than one mentoree you may wish to consider gender balance.

Some programs find it useful to make tentative assignments in advance, based on the previous criteria. Introductory letters to mentors and mentorees then specify why they were matched.

Program Element Five: Host Mentor and Mentoree Events

Organize an event for the first meeting

Plan an event for mentors and mentorees to meet for the first time. This event should be planned by the entire committee, not just the mentorship subcommittee. An informal icebreaking activity works well for the first meeting. The program can be simple: a welcome by the committee chair, an overview of the mentorship program by the coordinator, and an invitation for all mentors and mentorees to meet, settle into a corner, and talk. The following responsibilities can be divided among committee members:

- Welcome participants
- Serve as roving hosts and hostesses
- Serve as official troubleshooter
- Organize packets for each individual mentoree, which contain the name, court, and telephone number of her or his mentor, mentoree guidelines, and other pertinent information

- Organize a master list of mentors and mentorees
- Make signs and name tags
- Order cookies and refreshments
- Schedule rooms

Be flexible At any of the events you organize, be prepared to make alternative assignments and arrangements. For example, make an alternate plan for “orphan” judges and mentorees. Nothing is sadder--or more embarrassing--than having one half of a mentorship pair present. Consider asking “orphan” judges and mentorees to sit as a separate group while other judicial mentors meet with their individual mentorees. Your efforts will be appreciated and ultimately rewarded when the “orphan” group swings into an animated dynamic of its own.

Plan a follow-up event It is helpful to schedule a follow-up activity responsive to the needs of the mentorees in your program. This event should address concerns raised by screening panel members at the “How to Become a Judge” conference or independently articulated by your committee.

Program Element Six: Solicit Feedback and Implement Follow-up

Solicit feedback An assessment of the program is necessary for it to meet its goals and continue to improve. The committee should develop a questionnaire for mentors and for mentorees to evaluate their mentorship experience. This will enable you to pinpoint problems and glean suggestions for improving the program.

What to include in a questionnaire

In your questionnaire, you may wish to request feedback about:

- The value of the program for the mentoree. In other words, did the mentoree gain an understanding of the judicial selection process as a result of the mentor program?
- Other benefits of the mentor/mentoree relationship.
- The process and criteria by which mentors and mentorees were selected.
- The process and criteria by which mentors and mentorees were matched.
- Mentor/mentoree events.
- Suggestions for improvement.

Sample surveys

Refer to Appendix C of this *Model Guide* for sample feedback surveys.

Implement follow-up

After you review and summarize the data from the questionnaires, write an informative report on the findings. Distribute the report to key stakeholders and supporters. The committee should hold a meeting to determine which suggestions to implement. Then, make the necessary revisions to your program.

Conclusion A judicial mentoring program is a flexible and innovative strategy for addressing underrepresentation of persons of color on the bench. The suggestions presented in this *Guide* will assist you in developing a judicial mentoring program for your jurisdiction. Adapt and modify the suggestions and add your own unique elements to the basics presented here. Your efforts to diversify the bench will not only benefit potential jurists, but everyone who comes in contact with the American justice system.

Appendix A

*“How to Become a Judge”
Conference Handbook*

Appendix A. “How to Become a Judge”

Contents

This appendix contains the “How To Become a Judge” handbook by the Association of the Bar of the City of New York Committee to Encourage Judicial Service. This handbook was issued in connection with the Association of the Bar of New York’s “How to Become a Judge” conference.

The handbook provides:

- “A description of the methods of judicial selection
- The relevant governmental, political and other bodies that participate in the selection processes
- Statutory and other criteria applicable to judicial offices”¹

¹ “How to Become a Judge,” (1996) handbook by the Association of the Bar of the City of New York Committee to Encourage Judicial Service, p. A8.

***“How to Become a Judge”
Conference Handbook***

TABLE OF CONTENTS

Page

I. Introduction

A. The Purpose of This Handbook	A6
B. Sources of Further and Updated Information	A7
C. Changes in Judicial Selection—Prior Trial Experience and Political Party Affiliation or Activity May Not Be Necessary	A7
D. Bar Association Review of Candidates	A8
E. Standards of Review	A9
F. When to Apply	A9

II. New York City Courts

A. Appointments to Terms on the Family Court and Criminal Court and to Interim Appointments to Fill Unexpired Terms for Vacancies on the Civil Court	A11
B. Election to the Civil Court of the City of New York	A13
C. Housing Part of the Civil Court	A14

III. New York State Courts

A. Election to the Supreme Court of the State of New York	A16
B. Interim Appointments to Fill Vacancies and Unexpired Terms on the Supreme Court	A17
C. Acting Supreme Court Justice	A17
D. Supreme Court, Appellate Term, 1st and 12th, and 2d and 11th Judicial Districts	A18

E. Supreme Court, Appellate Division, First and Second Departments A19

F. Court of Claims A20

G. Surrogate's Court A21

H. Court of Appeals A21

I. Judicial Hearing Officer A23

J. Supreme Court Special Master A24

K. Civil Court Arbitrator A24

L. Civil Court Small Claims Arbitrator A25

M. Family Court Hearing Examiner A25

N. Community Dispute Resolution Mediator A26

O. State Administrative Law Judge A27

IV. United States Courts

A. Court of Appeals and District Court A28

B. United States Magistrate A29

C. United States Bankruptcy Judge A30

D. Administrative Law Judge A31

E. Arbitrator for Eastern District A31

Appendices:

	<u>Page</u>
Appendix A. New York City Bar Associations (Partial Listing)	A34
Appendix B. Political Leaders and Organizations (Partial Listing)	A35
Appendix C. Mayor's Advisory Committee on the Judiciary	A38
Appendix D. Mayor's Executive Order No. 10	A40
Appendix E. The Advisory Council of the Housing Part of the Civil Court of the City of New York	A45
Appendix F. Governor's Executive Order No. 10	A46
Appendix G. Statewide Temporary Judicial Screening Committee	A51
Appendix H. State of New York Commission on Judicial Nomination	A52
Appendix I. Senator Daniel Patrick Moynihan's Judicial Screening Panel	A53
Appendix J. Senator D'Amato's Judicial Screening Committee	A56

I. Introduction

A. The Purpose of This Handbook

The original version of this handbook was issued by the Committee on the Judiciary and the Committee to Encourage Judicial Service of the Association of the Bar of the City of New York in connection with a Conference on Opportunities for Judicial Service held at the Association of the Bar of the City of New York on November 22, 1986.

This revised, updated and expanded handbook is issued in connection with the annual Conference on "How to Become a Judge," also to be held at the Association of the Bar of the City of New York, on December 7, 1996.

Through these conferences, and the issuance of this handbook, the Committee to Encourage Judicial Service is seeking to expand the number of qualified candidates for judicial office by encouraging applications from persons who previously have not applied, including those from groups historically unrepresented or underrepresented in the judiciary as a whole, or in specific judicial offices, such as appellate courts.

In furtherance of these goals, this handbook is intended to provide a description of the methods of judicial selection, the relevant governmental, political and other bodies that participate in the selection processes, as well as the statutory and other criteria applicable to the selection process for each judicial position. This information applies to federal and state judicial offices in the City of New York, although some information is also applicable to judicial positions outside the City of New York.

While many judicial positions are elective, a substantial number are appointive and are based on the recommendations of judicial screening or nominating committees, which accept applications from all eligible attorneys. In some instances, appointments are also made to fill vacancies in elective positions. Following is a partial list of judicial positions that are filled by appointment: Family Court, Criminal Court, Interim Civil Court, Housing Court, Interim Supreme Court, Court of Claims, Interim Surrogate's Court, and Court of Appeals. All federal judicial positions are filled by appointment.

This handbook also describes a number of paid and unpaid quasi-judicial positions, such as arbitrator and hearing examiner, which may provide a lawyer with an opportunity to serve in a decision-making capacity, as opposed to an adversary position, to determine his or her affinity for the judicial role.

B. Sources of Further and Updated Information

Much of the information in this handbook is subject to change. Statutory citations are provided to assist the reader in obtaining updated information. Current information about specific judicial offices may be obtained from the sources identified in each respective section of this handbook.

The judiciary committees of county bar associations in the City of New York, listed in Appendix A, may be sources of further information.

C. Changes in Judicial Selection - Prior Trial Experience and Political Party Affiliation or Activity May Not Be Necessary

(i) Political Party Affiliation and Activity

Political party affiliation and activity, once a virtual prerequisite to obtaining judicial office, appear to be declining in influence as criteria relevant to certain judicial offices, especially in certain counties of the City of New York. Political party affiliation or activity is not a criterion employed by the statutory nominating bodies (e.g., the State of New York Commission on Judicial Nomination and the Advisory Council to the Housing Part of the Civil Court of the City of New York) and other merit selection nominating bodies (as opposed to screening bodies) described in this handbook, nor is it a criterion of the Mayor's Committee on the Judiciary. However, political affiliation or activity may be a consideration of the ultimate appointing authority.

In some counties, historically dominated by a single political party, the selection of candidates for nomination by that party is virtually tantamount to election in the general election. Also, in some counties, the selection of nominees is determined by local political party organizations, with little or no involvement by an independent screening body.

In some of these instances, political considerations, including a history of political party activity, contributions to political party organizations, and acquaintance with political party officials, may influence the selection process to varying degrees.

Even where the nomination process appears to be virtually controlled by local political party organizations, the use of "impartial" screening panels by these organizations has resulted in the nomination of candidates with little prior political involvement.

Because political party organizations are involved in the selection of candidates for some of the judicial positions described in this handbook—especially elected judgeships—it is helpful to communicate with local or county

political party organizations to obtain further information about candidate selection, including the application process for any pre-primary election screening bodies. This is important because the procedures of these screening bodies may change from year to year.

Appendix B to this handbook lists some of the political leaders and organizations involved in the process of judicial selection.

(ii) **Litigation Experience**

Traditionally, it was believed that a candidate for judicial office was required to possess substantial trial experience in order to receive serious consideration. While relevant trial experience remains helpful, extensive trial experience may not be essential for many judicial positions.

Over the years, nonlitigators, including professors, administrators and lawyers holding positions in government and private sector organizations, have been selected for judicial office and have proven their ability quickly to learn and perform the duties of judicial officers.

The realization that good jurists do not come exclusively from the courtroom, combined with the goal of many merit selection judicial screening or nominating bodies to broaden the pool of potential candidates, has led to a decrease in the importance of prior litigation experience, especially in considering candidates for some lower court positions.

D. Bar Association Review of Candidates

In addition to the selection processes discussed in this handbook, the Committee on the Judiciary of the Association of the Bar of the City of New York, in conjunction with the county bar association in the relevant county, investigates the qualifications of all candidates for judicial office in the City of New York. The results of these reviews are reported to the appointing authority in the case of appointed judgeships, and to the public in the case of elective judgeships.

A bar association review typically includes the candidate's response to a questionnaire submitted by the association, one or more interviews with representatives of the judiciary committee of the association, review of the candidate's writings, and interviews by committee members with adversaries, judges and others with whom the candidate has dealt.

E. Standards of Review

The descriptions of the judicial positions discussed in this handbook indicate the minimum qualifications required by statute for each position. In addition, the various nominating, screening, reviewing and appointing bodies may have developed other requirements. Any requirements that have been publicly issued are reproduced in this handbook.

It is difficult to set forth definitive criteria for evaluating candidates for judicial office. The general standards most often stated include:

General intellectual ability;

Knowledge of the law, including knowledge of the specific body of law applicable to the court in which the position is sought. Because judges often sit in courts to which they were not originally elected or appointed (e.g., Civil Court judges often sit by assignment in the Criminal Court or in the Criminal Term of the Supreme Court), knowledge of other areas of the law also is important;

Appropriate demeanor and judicial temperament, including an ability to deal patiently and considerately with both attorneys and pro se litigants and, in the case of appellate courts, with other judges in a collegial setting;

Industriousness and a proven willingness to work hard;

An ability to discern facts and weigh conflicting evidence;

An ability to understand legal arguments and to make prompt, correct determinations of legal issues;

An absence of bias and a commitment to equal justice for all; Integrity, candor and an absence of outside political or other influence; and

A commitment to public service, particularly to judicial service.

F. When to Apply

Vacancies in judicial offices and the commencement of selection processes are usually announced in the press. However, the announcement may be small and may be printed only by the New York Law Journal. Also, in some cases (e.g., selections made by the Mayor's Committee), the selection process is a

continuous one. Accordingly, regular inquiry of the appointing, nominating and screening bodies listed in this handbook is suggested in order to assure that a potential candidate is aware of a vacancy in time to complete the application process.

Additional information on anticipated vacancies is available from the Office of Court Administration, (212) 417-4932.

II. New York City Courts

A. Appointments to Terms on the Family Court and Criminal Court and to Interim Appointments to Fill Unexpired Terms for Vacancies on the Civil Court

General Comments - Appointment of Family Court and Criminal Court Judges and interim appointments (of up to one year) to fill vacancies on the Civil Court are made by the Mayor of the City of New York from a list of candidates submitted by the Mayor's Committee on the Judiciary.

The Mayor's Committee is composed of 19 members, all of whom are volunteers and are appointed as follows: The Presiding Justices of the Appellate Divisions of the Supreme Court for the First and Second Judicial Departments each appoint 8 members, the Mayor appoints 9 members, and deans of the law schools in the City of New York, on an annual rotating basis, appoint two members.

Questionnaires and other information may be obtained from the Committee at:

Mayor's Committee on the Judiciary
36 West 44th Street, Rm #203
New York, New York 10036
(212) 944-6225

Generally, nominees of the Mayor's Committee are reviewed by the Mayor's Committee on the Judiciary and the Judiciary Committee of the Bar Association of the City of New York and will not be selected or appointed if found not qualified by those committees. For a list of the present membership of the Mayor's Committee, see Appendix C.

1. Jurisdiction of Family Court, Criminal Court and Civil Court

a) Family Court

The Family Court has jurisdiction over actions and proceedings concerning (1) the protection, treatment, correction and commitment of minors in need of the exercise of the authority of the court, as the legislature may determine; (2) the adoption of persons; (3) the support of dependents and the custody of minors, except when incidental to actions and proceedings in this state for marital separation, divorce, annulment of marriage or dissolution of marriage; (4) the establishment of paternity; (5) proceedings for conciliation of spouses; and (6) as may be provided by law, the

guardianship of minors and crimes and offenses by or against minors or between spouses or between parent and child or between members of the same family or household. N.Y. Const. Art. 6, § 13 (McKinney 1987).

b) Criminal Court

The Criminal Court has city-wide criminal jurisdiction over crimes and other violations of law, other than those prosecuted by indictment; provided, however, that the Legislature may grant to the Criminal Court jurisdiction over misdemeanors prosecuted by indictment; and over such other actions and proceedings, not within the exclusive jurisdiction of the Supreme Court, as may be provided by law. N.Y. Const. Art. 6, § 15(c) (McKinney 1987).

Specifically, this includes jurisdiction to hear, try and determine all misdemeanor charges except libel and lesser offenses. N.Y. City Crim. Ct. Act § 31 (McKinney 1989). In addition, the Criminal Court has trial jurisdiction over all offenses other than felonies and preliminary jurisdiction of all offenses, subject to divestment by the Supreme Court and its grand juries. N.Y. Crim. Proc. Law § 10.30 (McKinney 1982).

c) Civil Court

See point B below.

2. Selection Process - Appointment by the Mayor of the City of New York from a list of candidates submitted by the Mayor's Committee on the Judiciary. See General Comments, 11(A), *supra*. Fam. Ct. Act Sect. 123 (McKinney 1983); N.Y. City Crim. Ct. Act Sect. 22(2) (McKinney 1989).

3. Eligibility Requirements

N.Y. Fam. Ct. Act, 124; N.Y. City Crim. Ct. Act Sect. 22(1); N.Y. City Civ. Ct. Act Sect. 102-a (McKinney 1995 Supp.)

a) New York City resident.

b) Admitted to practice as an attorney in New York for ten years before selection.

- c) Age Limit - Service until December 31 of the year in which the judge reaches 70. N.Y. Const. Art. 6, Sect. 25 (McKinney 1987).
- 4. Term - Ten years. Fam. Ct. Act Sect. 123 (McKinney 1983); N.Y. City Crim. Ct. Act Sect. 22(2) (McKinney 1989); N.Y. City Civ. Ct. Act Sect. 102-a (McKinney 1995).
- 5. Salary - Family Court - \$113,000. N.Y. Jud. Law Sect. 221-e, and L. 1994, c. 263, Sect. 7, 9 (McKinney & Supp. 1996); Criminal Court - \$103,800. N.Y. Jud. Law Sect. 221-g, and L. 1994, c. 263 Sect. 7, 9 (McKinney & Supp. 1996).

B. Election to the Civil Court of the City of New York

General Comments - Political party nomination (especially the Democratic Party nomination, in all counties except Richmond) is very important for election. In the counties, the presence of competing factions within the political parties has provided an opportunity for many well-qualified persons to be nominated in spite of past political inactivity. Interested persons should communicate with any screening panels and the various political party organizations active in their respective districts. See Appendix B.

- 1. Jurisdiction - City-wide jurisdiction over actions and proceedings for the recovery of money and chattels; foreclosure of mechanics' liens and liens on personal property up to \$50,000 exclusive of costs and interest; summary proceedings to recover possession of real property; and unlimited jurisdiction to enter judgment upon a counterclaim for the recovery of money. N.Y. Const. Art. 6, § 15(b) (McKinney 1996 Supp.).
- 2. Selection Process - Election from former Municipal Court districts or former county wide City Court districts. See Commentary to N.Y. City Civ. Ct. Act § 102-a (McKinney 1996 Supp.).
- 3. Eligibility Requirements
 - a) New York City resident.
 - b) Admitted to practice as an attorney in New York for ten years before taking office.
 - c) Age Limit - Service until December 31 of the year in which the judge reaches the age of 70. N.Y. Const. Art. 6, § 25 (McKinney 1987).

4. Term - Ten years.
5. Salary - \$103,800. N.Y. Jud. Law § 221-e, as amended by L. 1994, c. 221-g (McKinney & Supp. 1996).

C. Housing Part of the Civil Court

General Comments - Judges of the Housing Part of the Civil Court are appointed by the Administrative Judge of the Civil Court from a list of candidates found qualified by the Advisory Council to the Housing Part of the Civil Court.

The Advisory Council is a statutory body composed of fourteen members, who serve without compensation, appointed by the Administrative Judge with the approval of the Presiding Justices of the Appellate Divisions of the Supreme Court for the First and Second Judicial Departments. The Advisory Council members represent the real estate industry (2), tenants' organizations (2), civic groups (2), bar associations (2), the public (4), the Mayor of the City of New York (1), and the Commissioner of Housing and Community Renewal (1). N.Y. City Civ. Ct. Act § 110(g) (McKinney 1995 Supp.).

Persons interested in positions as Housing Judges should request questionnaires and additional information from:

The Honorable Jacqueline Silbermann
Administrative Judge
Civil Court of the City of New York
111 Centre Street
New York, New York 10013
(212) 374-8082

For a list of the present membership of the Advisory Council, see Appendix D.

1. Jurisdiction - Actions and proceedings involving the enforcement of state and local laws for the establishment and maintenance of housing standards including, but not limited to, the Multiple Dwelling Law and the Housing Maintenance Code, and the Building Code and Health Code of the Administrative Code of the City of New York, as provided in N.Y. City Civ. Ct. Act § 110(a) (McKinney 1989).
2. Selection Process - Appointment by the Administrative Judge from a list of candidates nominated by the Advisory Council. N.Y. City Civ. Ct. Act § 110(f) (McKinney 1995 Supp.).

3. Eligibility Requirements - Admission to practice as an attorney in New York for five years, two of which must have been in active practice, before taking office. Id. at § 110(i). No age limit.
4. Term - Five years. Id.
5. Salary - \$95,376. Id. at § 110(f).

III. New York State Courts

A. Election to the Supreme Court of the State of New York

General Comments - Democrats are most often elected as Supreme Court Justices in New York City as a result of New York City's predominantly Democratic electorate. Under current procedure, each political party holds a judicial nominating convention for each judicial district. The conventions are attended by delegates elected in each Assembly District or, in some cases, a part thereof, at the primary immediately preceding the election involved. N.Y. Election Law § 6-124 (McKinney 1978). The rules governing time, place and procedure of conventions are left to committees appointed under the rules of the state committee of each political party. *Id.* at § 6-126.

New York State is divided into 12 judicial districts, with the following judicial districts in New York City (N.Y. Judiciary Law § 140 (McKinney 1983)):

First District	-	Manhattan
Second District	-	Brooklyn and Staten Island
Eleventh District	-	Queens
Twelfth District	-	Bronx

Nominees need not be enrolled members of the political party by which they are nominated. Historically, Supreme Court nominees usually have been selected from among sitting Criminal Court, Civil Court or Family Court Judges.

1. **Jurisdiction** - General original and appellate jurisdiction in law and equity (*see* Appellate Term and Appellate Division, *infra*). In the City of New York, exclusive jurisdiction over crimes prosecuted by indictment, and jurisdiction concurrent with that of the Criminal Court over misdemeanors prosecuted by indictment and with the Family Court over crimes and offenses by or against minors or between members of the same family or household. N.Y. Const. Art. 6, § 7 (McKinney 1987); N.Y. Fam. Ct. Act § 115 (McKinney 1983 & Supp. 1996); N.Y. City Crim. Ct. Act § 31 (McKinney 1989).

2. Selection Process - Election by judicial district. N.Y. Const. Art. 6, § 6(c) (McKinney 1987).
3. Eligibility Requirements
 - a) Admission to practice as an attorney in New York for ten years. Id. at § 20(a).
 - b) Age Limit - A Supreme Court Justice may serve until December 31 of the year in which he or she reaches age 70, and may thereafter perform duties as a Supreme Court Justice if it is certified that his or her services are necessary to expedite the business of the Court, and that he or she is physically and mentally competent to fully perform the duties of such office. Certification is valid for a two-year term and may be extended for up to two additional two-year terms, but in no event longer than December 31 in the year in which he or she reaches age 76. Id. at § 25(b).
4. Term - 14 years. Id. at § 6(c).
5. Salary - \$113,000. N.Y. Jud. Law § 221-b., and L. 1994, c. 263, § 33 (McKinney 1983 & Supp. 1996).

B. Interim Appointments to Fill Vacancies and Unexpired Terms on the Supreme Court

General Comments - Appointments to fill vacancies on the Supreme Court in the five counties of New York City, created other than by expiration of a term, are made by the Governor upon advice and consent of the State Senate. N.Y. Const. Art. 6, § 21(a) (McKinney 1987). See III(D), infra.

C. Acting Supreme Court Justice

1. Jurisdiction - Same as Supreme Court Justice.
2. Selection Process - Designation by the Chief Administrator of the Courts upon the recommendation of the Deputy Chief Administrative Judge for New York City Courts and others with knowledge of the capabilities of the judge under consideration, and upon consultation with the appropriate Appellate Division, appropriate Administrative Judges and bar associations and other persons or groups may be appropriately consulted about the

competence, character, experience and judicial temperament of eligible candidates. See 22 N.Y.C.R.R. Parts 33 and 121.2.

3. Eligibility Requirements - Service as a judge in a court of limited jurisdiction (Court of Claims, County Court, Surrogate's Court, Civil, Criminal or Family Court) for at least two years, Id. at Part 121.2(c), and residence in the Department for which the appointment is made. N.Y. Const. Art. 6, § 26(c) (McKinney 1987).
4. Term - Unstated; may be terminated at the discretion of the Chief Administrator. Uniform Rules of Chief Administrator, 22 N.Y.C.R.R. Part 121.3.

The present Deputy Chief Administrative Judge for New York City courts has requested that the Committee on the Judiciary of the Association of the Bar of the City of New York review the qualifications of all candidates for appointment as Acting Supreme Court Justices within the City of New York.

Judges interested in serving as Acting Supreme Court Justices in the City of New York should proceed through the judicial administration of the court in which they sit.

D. Supreme Court, Appellate Term, 1st and 12th, and 2d and 11th Judicial Districts

1. Jurisdiction - The Appellate Division of the Supreme Court in each Judicial Department may establish an Appellate Term for the Department, Judicial District or County within that Department. The Appellate Term may hear appeals authorized by law to be taken to the Supreme Court or the Appellate Division, other than those prosecuted by indictment or information. See N.Y. Const. Art. 6, § 8(d), (e) (McKinney 1987).
2. Selection Process - The Appellate Term is composed of between three and five Supreme Court Justices designated by the Chief Administrator of the Courts. Id. at § 8(a).
3. Eligibility Requirements - Service as a Supreme Court Justice.

E. Supreme Court, Appellate Division, First and Second Departments

1. Jurisdiction - Appeals from judgments or orders as to which appeal is authorized, from the Supreme Court, Surrogate's Court of Appellate Term of the Supreme Court. N.Y. Civ. Prac. L. & R., Art. 57 (McKinney 1995); N.Y. Const. Art. 6, § 5 (McKinney 1987); N.Y. Judiciary Law § 90 (McKinney 1983 & Supp. 1996).
2. Selection Process - Designation by the Governor from among the Supreme Court Justices of the State found to be "well qualified" by the Governor's Judicial Screening committee for the Department in which the designation is made. N.Y. Const. Art. 6, § 4(c) (McKinney 1987)*
3. Eligibility Requirements - Supreme Court Justice. The Presiding Judge must be a resident of the Department for which the designation is made. Id. A majority of Associate Judges also must be residents of the Departments in which they serve. Id. at § 4(c), (f).
4. Term
 - a) Presiding Judge - until expiration of term as Supreme Court Justice. Id. at § 4(c).
 - b) Associate Judge - earlier of five years from date of appointment or expiration of term as Supreme Court Justice. Id.
5. Salary
 - a) Presiding Judge - \$122,000. N.Y. Judiciary Law § 221-a. (McKinney 1983 & Supp. 1996).
 - b) Associate Judge - \$119,000. Id.

* Department and State Judicial Screening Committees established pursuant to Governor Pataki's Executive Order No. 10 are in formation at press time. A Temporary Judicial Screening Committee, established by Governor Pataki and chaired by former Chief Judge Lawrence H. Cooke, is charged with reviewing and evaluating judicial candidates in the interim. See Appendices F and G. Interested persons should contact the Office of Counsel to the Governor, New York State Capitol, Room 242, Albany, NY 12224, Attn: Brian G. Maloney, Attorney at Law, for current application information.

F. Court of Claims

1. Jurisdiction

- a) "Part A Judges" - Court of Claims Act § 2(2)-(8) (McKinney 1989 & Supp. 1996). The 17 originally authorized Judges of the Court of Claims have jurisdiction over claims against the state for the appropriation of any real or personal property, breach of contract, torts of state officers and employees committed while acting as such, claims for damages against the state for unjust conviction and imprisonment, and special proceedings to distribute moneys pursuant to Eminent Domain Procedure Law § 304(E). N.Y. Ct. Cl. Act § 9 (McKinney 1989).
- b) "Part B Judges" - Pursuant to Sections 2(2)(b)-(d) of the N.Y. Court of Claims Act, up to 67 additional Court of Claims Judges may be appointed. Pursuant to 22 N.Y.C.R.R. Parts 33 and 121.2, most of the additional "Part B" Court of Claims Judges have been appointed immediately to serve as Acting Justices of the Supreme Court, Criminal term, to reduce the backlog of drug-related and other criminal matters.

2. Selection Process - Appointment by the Governor with the consent of the State Senate. N.Y. Ct. Cl. Act § 2(2) (McKinney 1989 & Supp. 1996). Recommendations for designation as Judge or Presiding Judge of the Court of Claims are made to the Governor by the Governor's Statewide Judicial Screening Committees. For more information about the Committees, see Section III(E)(2), supra, and Appendices F and G.

3. Eligibility Requirements - Admission to practice as an attorney in New York for at least ten years. N.Y. Ct. Cl. Act § 2(7) (McKinney 1989). No age limit.

4. Term - Nine years. N.Y. Ct. Cl. Act § 2(3) (McKinney 1989).

5. Salary

- a) Presiding Judge - \$119,000. N.Y. Jud. Law § 221-c (McKinney 1983 & Supp. 1996).
- b) Judge - \$113,000. Id.

6. Vacancies and Unexpired Terms - Vacancies other than by expiration of term are filled for the unexpired term in the same manner as an original appointment. N.Y. Const. Art. 6, § 21(b). (McKinney 1987).

G. Surrogate's Court

General Comments - There are two Surrogates in New York County and one in each of the other counties in New York City.

1. Jurisdiction - Full and complete general jurisdiction in law and in equity to administer justice in all matters relating to estates and the affairs of decedents. N.Y. Surrogate's Court Procedure Act § 201(3) (McKinney 1996).
2. Selection Process - County wide election. Candidates should communicate with political party organizations and judicial screening panels in the county in which they seek to be elected.
3. Eligibility Requirements
 - a) Admission to practice as an attorney in New York for ten years. N.Y. Surrogate's Court Procedure Act § 2603(4) (McKinney 1996 Supp.).
 - b) Age Limit - Service until December 31 of the year in which the judge reaches the age of 70.
4. Term - Fourteen years in New York City. N.Y. Const. Art. 6, § 12 (McKinney 1987).
5. Salary - \$113,000. N.Y. Judiciary Law § 221(d)-(f) (McKinney 1983 & Supp. 1996).
6. Vacancies and Unexpired Terms - Appointments to fill vacancies in the Surrogate's Court, other than those created by expiration of a term, are made by the Governor upon advice and consent of the State Senate. N.Y. Const. Art. 6, § 2(c) (McKinney 1987).

H. Court of Appeals

General Comments - Appointments by the Governor as Associate Judge or Chief Judge of the Court of Appeals are made from a list of five to seven nominees (seven in the case of Chief Judge) found well-qualified by the State of New York Commission on Judicial Nomination. N.Y. Const.

Art. 6, § 2(c) (McKinney 1987); N.Y. Jud. Law § 61 *et seq.* (McKinney 1983). The members of the Commission, who serve without compensation, are appointed by the Governor (4), the Chief Judge of the Court of Appeals (4), the Speaker of the State Assembly (1), the Temporary President of the State Senate (1), the Minority Leader of the State Assembly (1) and the Minority Leader of the State Senate (1). Among each group of four members appointed by the Governor and the Chief Judge, respectively, no more than two may be enrolled in the same political party and two must be members of the bar of the State and two must be laypersons. See Appendix G.

1. Jurisdiction - Jurisdiction is limited to the review of questions of law except where the judgment is of death, or where the Appellate Division, on reversing or modifying a final or interlocutory judgment in an action or a final or interlocutory order in a special proceeding, finds new facts and a final judgment or a final order pursuant thereto is entered. N.Y. Const. Art. 6, § 3 (McKinney 1987).
2. Selection Process - Appointment by the Governor from a list of nominees prepared by the Commission on Judicial Nomination, with the consent of the State Senate.
3. Eligibility Requirements - Admission to practice as an attorney in New York for ten years. Id. at § 2(e). No age limit.
4. Term - Fourteen years. N.Y. Const. Art. 6, § 2(a) (McKinney 1987).
5. Salary
 - a) Chief Judge - \$129,000, N.Y. Judiciary Law § 221 (McKinney 1983 & Supp. 1996).
 - b) Associate Judges - \$125,000. Id.
6. Vacancies and Unexpired Terms - Appointments to fill vacancies on the Court of Appeals are made in the same manner as original appointments. N.Y. Const. Art. 6, § 2 (McKinney 1987). The Commission publishes notices of vacancies and application information locally in the New York Law Journal.

I. Judicial Hearing Officer

1. Jurisdiction - At present, ambiguity exists over the jurisdiction of Judicial Hearing Officers to do other than hear and report, with recommendations, to a judge of the Unified Court System.
2. Selection Process - Subject to the rules of the Chief Administrator of the Courts, any person who has served as a judge or justice of a court of record of the Unified Court System or of a city court which is not a court of record, but who no longer holds judicial office, may, upon his application, be designated by the chief administrator as a judicial hearing officer upon the determination of the chief administrator that (a) the former judge has the mental and physical capacity to perform the duties of such office and (b) the services of that former judge are necessary to expedite the business of the courts. N.Y. Judiciary Law § 850(1) (McKinney 1992). An application form is reproduced in 22 N.Y.C.R.R. Part 122.1(b).
3. Eligibility Requirements - Prior service as a judge or justice of a court of record of the Unified Court System, or of a city court which is not a court of record, who is no longer serving in such capacity, except a person who was removed from a judicial position pursuant to N.Y. Const. Art. 6, § 22. Uniform Rules of Chief Administrator, 22 N.Y.C.R.R. Parts 121.1-3.
4. Term - Two years, with possible designation for an additional two-year term. Uniform Rules of Chief Administrator, 22 N.Y.C.R.R. Part 122.3.
5. Salary - Actual and necessary expenses incurred in performing an assignment, plus compensation in an amount established by the Chief Administrator of the Courts, currently, \$250 per diem. Uniform Rules of the Chief Administrator, N.Y.C.R.R. Part 122.8. Such expenses and compensation shall be state charges payable out of funds appropriated to the administrative office for the courts for this purpose. A judicial hearing officer shall receive no other compensation for the performance of services in this capacity. N.Y. Judiciary Law § 852(1) (McKinney 1992).

J. Supreme Court Special Master (volunteer)

Special Masters dispose of disputes between parties relating to discovery matters. Ten years' intensive motion/trial experience is required. An attorney wishing to perform as a special master must submit an affirmation declaring his or her good standing as an attorney, the absence of any prior instances of misconduct, and the extent and nature of his or her trial experience. Applications may be obtained from:

New York County Lawyers' Association
14 Vesey Street
New York, New York 10007
(212) 267-6646

The New York County Lawyers' Association reviews the applications of prospective Special Master candidates.

Special Masters serve on a continuing basis, provided that they respond affirmatively to the annual inquiry sent to Special Masters requesting whether they wish to continue to serve.

K. Civil Court Arbitrator (paid)

General Comments - The Chief Administrator of the Courts may establish an arbitration program in any trial court.

1. **Jurisdiction** - In each county with an arbitration program, all civil actions for money (except those commenced in Small Claims Parts or those transferred to a regular part of the Court) that are noticed for trial or commenced in the Supreme Court or the Civil Court of the City of New York, where recovery sought for each cause of action is \$10,000 or less, exclusive of costs and interest, shall be heard and decided by a panel of three arbitrators. Uniform Rules of the Chief Judge, 22 N.Y.C.R.R. Part 28.2(b). Includes jurisdiction of any counterclaim or cross-claim without reference to amount. Id. at Part 28.2(d).

In addition, parties may stipulate that any civil action pending or thereafter commenced for a sum of money, regardless of the amount in controversy, shall be arbitrated, with the award not limited to the monetary jurisdiction of the court. Id. at Part 28.2(c).

Unless the award is vacated or a demand is made for a trial de novo, with the fees of the arbitrator paid simultaneously therewith,

arbitrators' awards are final and judgment may be entered thereon. Id. at Parts 28.11-.13.

2. Selection Process - Members of arbitration panels are appointed by the Arbitration Commissioner from the list of attorneys established by the Chief Administrator of the Courts. Id. at Parts 28.4(a), (b). Names of attorneys are drawn at random.
3. Eligibility Requirements - The panel chairperson must be admitted to practice in New York for at least five years. Other panel members must be admitted, but there is no durational requirement. Id. at Parts 28.4(a), (b).
4. Term - No attorney who has served as arbitrator is eligible to serve again until all other attorneys on the current list of the Chief Administrator of the Courts have had an opportunity to serve. Id. at Part 28.4(c).
5. Salary - The Chief Administrator of the Courts provides for compensation and expenses to the extent of funds available for this purpose. Id. at Part 28.10(a).

L. Civil Court Small Claims Arbitrator (volunteer)

1. Jurisdiction - Any claim for money not in excess of \$3000 exclusive of costs and interest, where the defendant (except an infant or incompetent) resides or transacts business or is regularly employed within the City. New York City Civil Court Act § 1801 (McKinney 1989 & Supp. 1996), may be arbitrated. Uniform Rules for the New York City Civil Court, 22 N.Y.C.R.R. Part 208.41(n).
2. Selection Process - Volunteer arbitrators are appointed by the Administrative Judge of the Civil Court for duty at that term of the court. Id. at (n)(1).

M. Family Court Hearing Examiner (paid)

General Comments - In proceedings to compel support under the New York City Family Court Act, the court may adjourn a hearing and direct that a hearing examiner decide issues of fact, except issues of commitment, contested paternity, custody, visitation, orders of protection, and exclusive possession of the home. N.Y. Fam. Ct. Act § 439(a) (McKinney 1983 & Supp. 1996). Hearing examiners hear and determine all matters in any proceeding to establish paternity, including the making

of an order of filiation where admitted or acknowledged. Id. at § 439(b). Hearing examiners can issue subpoenas, administer oaths and direct disclosure proceedings to expedite disposition of the issues, and report findings of fact to the court and the parties. Id. at § 439(d).

1. Selection Process - The Administrative Judge for the New York City Family Court will publish an announcement in the New York Law Journal and communicate directly with bar associations to invite applications from the bar. Applicants are screened for character and ability to handle hearing examiner responsibilities by a Committee consisting of an administrative judge, a judge of the Family Court and a designee of the Chief Administrator of the Courts, which submits recommendations to the Chief Administrator who makes the order of appointment. Uniform Rules for the Family Court, 22 N.Y.C.R.R. Part 205.32(c). In proceedings presenting issues of custody, visitation, orders of protection, or exclusive possession of the home, the hearing examiner makes a temporary order of support and refers the matter to a judge. N.Y. Fam. Ct. Act at § 439(c) (McKinney 1983 & Supp. 1996).
2. Eligibility Requirements - Hearing examiners must be admitted to practice in New York State for at least three years and must be knowledgeable about Family Court and federal and state support law and programs.
3. Term - Full-time appointment for three years, remaining eligible for subsequent reappointment for additional terms. Id. at § 439(f).
4. Salary - Compensation is fixed by the Chief Administrator of the Courts. Uniform Rules for the Family Court, 22 N.Y.C.R.R. Part 205.32(e).

N. Community Dispute Resolution Mediator (paid)

Seeking to resolve minor disputes expeditiously, especially those that would otherwise be handled in the criminal justice system, Community Dispute Resolution Centers provide services without cost to indigents or at nominal cost to other participants. Centers are administered by nonprofit organizations established to resolve disputes or for religious, charitable, or educational purposes. The Chief Administrator of the Courts selects Centers for funding pursuant to contracts between the Unified Court System and grant recipients. See Uniform Rules of Chief Administrator of Courts, 22 N.Y.C.R.R. Part 116.

O. State Administrative Law Judge

Parking Violations Bureau - Applicants must be attorneys admitted to practice three or more years in New York State, and reside in the City of New York.

Salary - \$154 per diem.

Application forms may be obtained from:

PVB - Attn: Personnel
770 Broadway
15th Floor
New York, New York 10003
(212) 477-4430

IV. United States Courts

A. Court of Appeals and District Court

United States Court of Appeals and District Court judges are appointed by the President, with the advice and consent of the Senate. Each is a lifetime appointment, except in the territories (but not Puerto Rico), where appointments are for eight-year terms.

Appointments to federal judgeships generally are made at the suggestion of a United States Senator from the state within the territorial jurisdiction of the court.

In New York, suggestions for appointment currently are made by either Senator D'Amato or Senator Moynihan in accordance with a formula determined by the two Senators for allocating suggestions for appointment between them.

Individuals interested in being considered for appointment to a federal judgeship in the State of New York should write to either or both of the Senators at the following addresses:

The Honorable Daniel P. Moynihan
United States Senate
464 Russell Building
Washington, D.C. 20510-3201

The Honorable Alfonse M. D'Amato
United States Senate
S H - 520 Hart Senate Building
Washington, D.C. 20510-3202

Both Senators have screening committees to evaluate potential nominees for federal judgeships. The members of each Senator's screening committee are listed in Appendix H.

1. United States Court of Appeals for the Second Circuit

- a) Selection Process - The President, with the advice and consent of the Senate, appoints thirteen judges for the Second Circuit. 28 U.S.C. § 44(a) (West 1993 & Supp. 1996).
- b) Eligibility Requirements - Each Circuit Judge must be a resident of the Circuit.

- c) Term - Circuit Judges hold office during good behavior. Id. at § 44(b).
- d) Salary - \$141,700 effective as of January 1, 1995.

2. **United States District Court for the Southern and Eastern Districts of New York**

- a) Selection Process - The President, with the advice and consent of the Senate, appoints district judges for the various judicial districts, i.e., 28 district judges for the Southern District of New York, and 15 district judges for the Eastern District of New York. 28 U.S.C § 133 (West 1993 & Supp. 1996).
- b) Eligibility Requirements - District Judges must reside in the district or one of the districts for which they are appointed. 28 U.S.C. § 134(b) (West 1993 & Supp. 1996).
- c) Term - District Judges hold office during good behavior. Id. at § 134(a).
- d) Salary - \$133,600 effective as of January 1, 1995.

B. **United States Magistrate**

General Comments - Vacancies or positions as U.S. Magistrates in the Southern and Eastern Districts of New York (and instructions to applicants for submission of their qualifications) are announced in the New York Law Journal as such vacancies arise.

- 1. Selection Process - The Judges of each U.S. District Court appoint a screening committee of attorneys and community leaders to make recommendations to them. Magistrates are then selected with the concurrence of a majority of the Judges in the District for which the appointment is made, or by the Chief Judge of the District. 28 U.S.C. § 631(a) (West 1993 & Supp. 1996).
- 2. Eligibility Requirements
 - a) Member in good standing of the New York State bar for five years;

- b) Competence to perform the duties of the office, as determined by the appointing court; and
 - c) No relationship by blood or marriage to any Judge of the District for which the appointment is made at the time of initial appointment. 28 U.S.C. § 631(B)(4) (West 1993 & Supp. 1996).
- 3. Term - Eight years (four years for part-time Magistrates). 28 U.S.C. § 631(e) (West 1993 & Supp. 1996).
 - 4. Salary - \$122,912 effective as of January 1, 1994.

C. United States Bankruptcy Judge

General Comments - The United States Court of Appeals appoints Bankruptcy Judges for the Southern and Eastern Districts of New York. 28 U.S.C.

§ 152(a) (West 1993 & Supp. 1996). Vacancies or positions are announced in the New York Law Journal and other journals as positions arise.

- 1. Jurisdiction - Bankruptcy Judges may hear and determine all cases under Title 11 of the United States Code and all core proceedings.
- 2. Selection Process - Appointments as Bankruptcy Judges of the Judicial Districts are made by a majority of Judges of the United States Court of Appeals for each Circuit upon the recommendation of the Judicial Conference of the United States, or by the Chief Judge of the Court of Appeals where a majority of judges cannot agree. 28 U.S.C. § 152(a)(1), (3) (West 1993 & Supp. 1996). The District Court appoints a screening committee of attorneys and community leaders chaired by a District Judge to make recommendations to it.
- 3. Term - 14 years. 28 U.S.C. § 152(a)(1) (West 1993 & Supp. 1996). Removal during term only for incompetence, misconduct, neglect of duty, or physical or mental disability by the Judicial Council of the Circuit in which the judge's official duty station is located. Id. at § 152 (e).
- 4. Salary - \$122,912 effective as of January 1, 1994.

D. Administrative Law Judge ("ALJ")

General Comments - ALJ's are "quasi-judicial" officers who work in the various federal administrative agencies in New York and elsewhere. Depending on the agency to which they are assigned, they preside over a variety of matters such as licensing, rate-making, rule-making, and benefit appeals. Those interested in additional information should contact:

Federal Job Information Center
1900 E Street, N.W.
Washington, D.C. 20415
(202) 606-2700

1. **Selection Process** - Appointment by the various administrative agencies with the approval of the Office of Personnel Management. 5 U.S.C. § 3105 (West 1996); 5 C.F.R. § 930.201 et seq.
2. **Eligibility Requirements** - The Office of Personnel Management requires seven years formal administrative law or litigation experience (or some combination of the two), and membership in good standing in a bar for the seven years immediately preceding application.
3. **Term** - Not specified; removal may be made for good cause. 5 U.S.C. § 7521 (West 1980 & Supp. 1996).
4. **Salary** - \$79,544 - \$122,376 as of 1/94 depending on the ALJ's responsibilities, experience, and the agency in which he or she works.

E. Arbitrator for Eastern District

1. **Jurisdiction** - Any civil case in the U.S. District Court for the Eastern District of New York for a money claim of less than \$75,000, exclusive of costs and interest, is automatically sent to arbitration, with the exception of social security cases and prisoners' civil rights cases. In addition, arbitrators handle cases involving damages in excess of \$75,000 where the parties stipulate to submit to arbitration. Unless otherwise agreed by the parties, hearings are held before a panel of three arbitrators, one each selected by plaintiff and defendant, and one neutral arbitrator appointed by the Court.

2. Selection Process - Arbitrators are randomly selected from a list of attorneys certified by the Chief Judge or his designee to act as arbitrators. The list is maintained by the Clerk's Office.
3. Eligibility Requirements - Admission to New York State bar and federal bar with five years membership in good standing. Application and information concerning "Court-Annexed Arbitration" may be obtained from:

Clerk of the Court
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
(718) 330-7671
4. Term - Removal for good cause. 5 U.S.C. § 7521 (West 1980 & Supp. 1996).
5. Salary - \$75 per case assigned. Where parties have agreed to arbitration before a single arbitrator, compensation is \$225.

The Association of the Bar of the City of New York

Special Committee to Encourage Judicial Service

Honorable L. Priscilla Hall
Chair

Honorable Stella Schindler
Program Chair

Roy H. Carlin
Prof. Jay C. Carlisle, II
Andrew J. Colao
Gerald P. Conroy
Brian M. Delaurentis
Marianne Gaertner Dorado
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Laurence M. Shanahan
Paul D. Siegfried
Stephen D. Solomon
Ann Taylor
Catherine O'Hagan Wolfe
Hon. Douglas S. Wong
Maria Siff Yang

The Committee wishes to express appreciation to LeBoeuf, Lamb, Greene & MacRae, L.L.P., Paul, Weiss, Rifkind, Wharton & Garrison and Simpson Thacher & Bartlett for producing and duplicating this handbook.

APPENDIX A

New York City Bar Associations

(Partial Listing)

Bronx County Bar Association
851 Grand Concourse
Bronx, New York 10451
(212) 293-5600

Brooklyn Bar Association
123 Remsen Street
Brooklyn, New York 11201
(718) 624-0675

New York County Lawyers' Association
14 Vesey Street
New York, New York 10007
(212) 267-6646

Queens County Bar Association
90-35 148th Street
Jamaica, New York 11435
(718) 291-4500

Richmond County Bar Association
P.O. Box 593
201 Victory Boulevard
Staten Island, New York 10314
(718) 442-4500 or 447-5353

APPENDIX B

Political Leaders and Organizations

(Partial Listing)

Brooklyn

Kings County Democratic County Committee
16 Court Street, Suite 115
Brooklyn, New York 11241
(718) 875-5870

Chairman: Hon. Clarence Norman, Jr.

Kings County Republican County Committee
32 Court Street, 10th Floor
Brooklyn, New York 11201
(718) 855-6500

Chairman: Arthur Bramwell

Bronx

Bronx County Republican County Committee
2113 Williamsbridge Road
Bronx, New York 10461
(718) 792-5800

Chairman: Hon. Guy J. Velella

Bronx County Democratic Committee
2111 White Plains Road
Bronx, New York 10462
(718) 931-5200

County Leader: Roberto Ramirez

Manhattan

New York County Democratic County Committee
60 East 42nd Street, Suite 1819
New York, New York 10165
(212) 687-6540

County Leader: Hon. Herman D. Farrell, Jr.

New York County Republican County Committee
Hotel Roosevelt
45 East 45th Street, Suite 230
New York, New York 10017
(212) 599-1200

Chairman: Hon. Roy M. Goodman

Queens

Democratic Organization of Queens County
72-50 Austin Street
Forest Hills, New York 11375
(718) 268-5100

Chairman of the Executive Committee:
Hon. Thomas J. Manton

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Chairman: Joseph M. DeFronzo

Staten Island

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Chairman: Olga Ignéri

APPENDIX C

Mayor's Advisory Committee on the Judiciary

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APPENDIX D

Mayor's Executive Order No. 10

July 20, 1994

MAYOR'S ADVISORY COMMITTEE ON THE JUDICIARY

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Committee Established.

The Mayor's Advisory Committee on the Judiciary (hereinafter called the "Committee") hereby is established in the Office of the Mayor to recruit, to evaluate, to consider and to nominate judicial candidates fully qualified for appointment and to evaluate incumbent judges for reappointment to the following courts within the City of New York: Criminal Court, Family Court and, for interim appointments, Civil Court.

Section 2. Functions.

The Committee shall:

- a. Recruit and receive from any source the names of candidates appearing to have the highest qualifications for judicial office;
- b. Evaluate and conduct all necessary inquiry to determine those persons whose character, ability, training, experience, temperament and commitment to equal justice under law fully qualify them for judicial office;
- c. Consider all relevant information to determine which of the fully qualified candidates are best qualified for judicial office, and refer to the Department of Investigation for screening all persons the Committee proposes to nominate for appointment;

d. Nominate and present to the Mayor three candidates for appointment to each vacant judicial office, except that if there are numerous vacancies the Committee, in its discretion, may present less than three nominations (unless the Mayor requests three nominations) for each vacancy, and provide such information as may be necessary to inform the Mayor of the qualifications of each nominee; and

e. Evaluate the qualifications of each incumbent judge for reappointment to judicial office and present the Committee's recommendation to the Mayor, provided that either at the request of the Mayor, or if the Committee shall recommend against reappointment of an incumbent, the Committee shall nominate and present to the Mayor three candidates for appointment to the resulting vacancy other than the incumbent.

Section 3. Public Hearings.

a. The Mayor shall notify the Committee of the name of any person chosen for appointment from among the nominees submitted by the Committee and shall notify the Committee of the name of each incumbent judge chosen for reappointment as recommended by the Committee. The Committee shall promptly thereafter conduct a public hearing except in the case of the reappointment of an incumbent judge. Such hearings shall be upon reasonable notice and any person may present information concerning the fitness of the nominee for appointment. Based on the information received, the Committee may reconsider the nomination. If any reconsideration results in withdrawal of a nomination, the Mayor shall be notified immediately by the Committee and the nominee shall not be appointed.

b. The Committee may from time to time conduct public hearings concerning the process of judicial selection.

Section 4. Appointments by the Mayor.

- a. The Mayor shall not appoint a judge unless nominated by the Committee, and shall not reappoint an incumbent judge unless recommended for reappointment by the Committee.
- b. Judicial vacancies shall be filled within ninety days unless a longer period is required in the public interest.
- c. After the Mayor appoints a nominee to fill a judicial vacancy, the remaining nominations submitted by the Committee for that vacancy shall expire immediately, unless a vacancy or vacancies exist in the same court. In such case the remaining nominations shall be valid for appointment to that court for six months after their submission to the Mayor or until such vacancy or vacancies are filled, whichever is earlier.

Section 5. Committee Membership.

- a. The Committee shall consist of nineteen members, each residing or having a principal place of business in the City of New York, all of whom shall be appointed by the Mayor. The Mayor shall select nine members, including the Chairperson who shall serve in that capacity at the pleasure of the Mayor, and, in the Mayor's discretion, including a Vice Chairperson who shall serve in that capacity at the pleasure of the Mayor. The Presiding Justices of the Appellate Division of the First and Second Judicial Departments each shall nominate four members for appointment to the Committee by the Mayor. Two deans of law schools within the City of New York shall each nominate one member for appointment to the Committee by the Mayor, with authority to nominate rotating annually among eligible deans. If the Mayor decides not to appoint any person nominated by a Presiding Justice or dean, he shall notify the Presiding Justice or dean who made the nomination to submit the name of another nominee. Those members appointed upon nomination of the law school deans shall serve for a term of one

year; all other members shall serve for terms of two years. Notwithstanding the foregoing, the members first appointed upon nomination of the law school deans shall serve until December 31, 1995, and the other members first appointed shall serve until December 31, 1996. Vacancies in the Committee shall be filled in the same manner as initial appointments, and a member filling a vacancy shall serve for the remainder of the unexpired term. Any member of the Committee may be removed by the Mayor for cause.

b. Members of the Committee shall be selected in order to ensure that only candidates with the highest qualifications shall be nominated for appointment to judicial office.

c. No person shall be considered by the Committee for judicial office while serving as a member of the Committee or within one year thereafter.

Section 6. Confidentiality

All Committee communications concerning the judicial qualifications of candidates shall be made and held in confidence, except such communications as the Committee may submit to the Mayor or receive at public hearings, or as otherwise may be necessary and proper to the conduct of Committee proceedings.

Section 7. Committee Action and Procedure.

The Committee may adopt such procedures and policies as it may deem appropriate to its functions, including standards for evaluating the best qualified candidates for nomination, and criteria for recommending the reappointment of incumbent judges.

Section 8. Financing and Staff.

a. Members of the Committee shall receive no compensation for their service as members.

b. The Committee shall be provided with paid staff and sufficient facilities to carry out its functions, including the thorough investigation of the qualifications of all candidates for judicial office.

c. Members of the Committee and its staff shall be reimbursed for necessary expenses incurred in connection with the responsibilities of the Committee.

Section 9. Counsel to the Mayor.

The Counsel to the Mayor shall maintain liaison with and review the activities of the Committee, and shall advise the Mayor and the Committee regarding measures which may enhance the ability of the Committee to consider the best qualified candidates for judicial nomination.

Section 10. Prior Orders Revoked.

Executive Order No. 10, dated April 11, 1978, Executive Order No. 63, dated January 14, 1982, and Executive Order No. 70, dated December 7, 1983, Executive Order No. 87, dated December 6, 1985, and Executive Order No. 18, dated September 19, 1990, hereby are repealed, and the Committee on the Judiciary established thereunder hereby is abolished.

Section 11. Effective Date. This Order shall take effect immediately.

Rudolph W. Giuliani
Mayor

APPENDIX E

**The Advisory Council of the Housing Part of the Civil Court
of the City of New York**

REAL ESTATE INDUSTRY REPRESENTATIVES:

RUBEN KLEIN
LEWIS STEINMAN

TENANT'S ORGANIZATION REPRESENTATIVES:

SHIRLEY RUDD JOHNSON
GERMAN TEJEDA

CIVIL GROUPS REPRESENTATIVES:

DAVID ROSENBERG, ESQ.
LUIS OSORIO

PUBLIC AT LARGE REPRESENTATIVES:

HON. ROSEMARY GUNNING
PERCY L. LAMBERT, ESQ.
MANUEL MIRABAL
JAMES E. MORTON

BAR ASSOCIATION REPRESENTATIVES:

HERBERT RUBIN, ESQ.
WARREN A. ESTIS, ESQ.

GOVERNOR'S REPRESENTATIVE:

MARCIA HIRSCH

MAYOR'S REPRESENTATIVE:

MARI CARLESIMO

September, 1996

APPENDIX F

Governor's Executive Order No. 10

EXECUTIVE ORDER

**ESTABLISHING JUDICIAL SCREENING COMMITTEES TO ENSURE
THAT JUDICIAL OFFICER APPOINTMENTS ARE OF THE HIGHEST QUALITY**

WHEREAS, under the Constitution and Laws of the State of New York the Governor is entrusted with the responsibility of appointing various judicial officers;

WHEREAS, both the rule of law and public confidence in the integrity of the judicial process require that the primary criteria for selecting judicial officers be the quality of their intellect, judgment, temperament, character and experience; that candidates for judicial office be chosen without regard to political party affiliation or background; that highly qualified candidates be encouraged to apply for judicial offices; and that highly qualified candidates should be drawn from a cross-section of the state, reflecting a diversity of experience and background;

WHEREAS, the highest quality of judicial officer appointments can best be assured with the assistance of non-partisan judicial screening committees composed of outstanding citizens drawn from all quarters of the State; and

WHEREAS, the first obligation of Government is to protect its citizens from crime and violence; public confidence in the criminal justice system has been eroded; and certain judicial offices exercise important responsibilities in the administration of the criminal justice system;

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order as follows:

1. Judicial Screening Committees, as described below, are hereby established.
2. Each Judicial Screening Committee shall:
 - a. Actively recruit candidates for appointment or designation to the judicial offices within the committee's jurisdiction, to the end of obtaining

- candidates reflecting the diverse backgrounds and experience of the citizens of this State;
- b. Review and evaluate the qualifications of candidates recruited by it or proposed to it by any person or organization, and conduct all appropriate inquiry into the qualifications of all such candidates. In reviewing and evaluating the qualifications of candidates, each committee member shall give primary consideration to the quality of a candidate's intellect, judgment, temperament, character and experience, and shall not give any consideration to the race, religion, gender, national origin, sexual orientation or political party affiliation of a candidate. Whenever appropriate to a particular judicial office, each committee member shall remain cognizant of my commitment to protecting the citizens of this State from crime and violence and to enhancing public confidence in the criminal justice system;
 - c. Recommend for appointment or designation only those candidates who, as determined by a majority vote of all members of the committee, are highly qualified for the judicial office for which they are being considered. No committee shall pass on the qualifications of any candidate until after a thorough inquiry has been made by the committee and its staff;
 - d. Prepare written reports on the qualifications of each candidate it determines to be highly qualified and recommends to the Governor. The reports shall remain confidential, except that upon the announcement by the Governor of an appointment the report relating to the appointee shall be available for public inspection. All records and deliberations of, and all communications to, the Judicial Screening Committee with respect to a candidate's qualifications shall be held in confidence and shall not be disclosed to anyone other than the Governor, Counsel to the Governor or their designees. Notwithstanding the foregoing, information submitted to the Judicial Screening Committees relating to an appointee may be disclosed to the Senate when necessary for constitutional confirmation of the appointee, and information submitted to the Judicial Screening Committee may be disclosed to any other person or organization if disclosure is required in connection with disciplinary proceedings.
3. A State Judicial Screening Committee is hereby established. The State Judicial Screening Committee shall consist of thirteen members: the Counsel to the Governor, the Chairperson of each of the Departmental Judicial Screening Committees established by paragraph 4 of this Order, and two of the other members of each of the Departmental Judicial Screening Committees, who shall be selected by the Governor. The Chairperson of the State Judicial Screening Committee shall be appointed by the Governor from among the members of the Committee.

The term of office of any member of the State Judicial Screening Committee shall expire at the same time as the member's term of office on a Departmental Screening Committee expires.

The State Judicial Screening Committee shall have jurisdiction to consider the qualifications of candidates for appointment to the offices of Judge and Presiding Judge of the Court of Claims, and to recommend to the Governor all persons whom it finds highly qualified for those judicial offices.

When exercising the power to designate the Presiding Judge of the Court of Claims pursuant to section 2(7) of the Court of Claims Act; or the power to appoint a Judge of the Court of Claims pursuant to section 9 of Article VI of the Constitution and sections 2(2) and 2(4) of the Court of Claims Act; or the power to fill a vacancy in the office of Judge of the Court of Claims pursuant to section 21(b) of Article VI of the Constitution, the Governor shall appoint or designate only persons who have been recommended by the State Judicial Screening Committee as highly qualified for the judicial office to which the appointment or designation to be made.

The State Judicial Screening Committee shall promulgate appropriate rules and regulations to govern its proceedings and those of the Departmental and County Judicial Screening Committees established by this Order. The rules and regulations shall include standards and procedures for ensuring, to the extent possible, uniformity of criteria for evaluating the qualification of candidates for appointment or designation to judicial office throughout the State.

4. A Department Judicial Screening Committee is hereby established in each judicial department of the State. Each Departmental Judicial Screening Committee shall consist of thirteen members: five members shall be selected by the Governor, two members shall be selected by the Chief Judge of the Court of Appeals, two members shall be selected by the Attorney General, one member shall be selected by the Presiding Justice of the Appellate Division for that department, one member shall be selected jointly by the leaders of one major political party in each house of the Legislature, one member shall be selected jointly by the leaders of the other major political party in each house of the Legislature, and one member shall be selected by the President of the New York State Bar Association. The Chairperson of each Departmental Judicial Screening Committee shall be appointed by the Governor from among the members of the Committee. Each member of the Committee shall be a resident of, have an office in, or work in the judicial department in which he or she is to serve.

Each Departmental Judicial Screening Committee shall have jurisdiction to consider the qualifications of candidates for designation to the Officers of Justice;

Temporary Justice and Presiding Justice of the Appellate Division of the Supreme Court for each department, and candidates for appointment to the office of Supreme Court Justice for such department, and to recommend to the Governor all persons whom it finds highly qualified for those judicial offices.

When exercising the power to designate the Presiding Justice of each Appellate Division pursuant to section 4(c) of Article VI of the Constitution; or the power to designate other Justices of any Appellate Division pursuant to sections 4(c) and 4(d) of Article VI of the Constitution; or the power to designate additional Justices of any Appellate Division pursuant to section 4(e) of Article VI of the Constitution; or the power to fill a vacancy in the office of Justice of the Supreme Court pursuant to section 21(a) of Article VI of the Constitution, the Governor shall appoint or designate only persons who have been recommended by the appropriate Departmental Judicial Screening Committee as highly qualified for the judicial office to which the appointment is to be made.

5. A County Judicial Screening Committee is hereby established in each county of the State, consisting of the members of the Departmental Judicial Screening Committee for the department in which the county is located plus one additional person who shall be resident of, have an office in, or work in the county in which he or she is to serve, to be selected by the chief executive officer of the county. The Chairman of the Department Judicial Screening Committee shall also serve as Chairman of the County Judicial Screening Committee.

As used herein, the term "chief executive officer" for the county shall mean the appointed or elected county executive, as the case may be, or if there be no such office, the chairman of the governing body of the county; provided, however, that counties within the City of New York, the term "chief executive officer" for the county shall mean the Mayor of the City of New York.

Each County Judicial Screening Committee shall have jurisdiction to consider the qualifications of candidates for appointment to the offices of Judge of the County Court, Judge of the Surrogate's Court, and Judge of the Family Court outside of the City of New York, for such county, and to recommend to the Governor all persons whom it finds highly qualified for those judicial offices.

When exercising the power of appointment to fill a vacancy in the office of Judge of the County Court, Judge of the Surrogate's Court, or of Judge of the Family Court outside of the City of New York, pursuant to section 21(a) of Article VI of the Constitution, the Governor shall appoint only persons who have been recommended by the appropriate County Judicial Screening Committee as highly qualified for the judicial office to which the appointment is to be made.

6. The terms of office of the members of the Judicial Screening Committees established by this Executive Order shall be for a term of three years and subject

to the provisions of section 5 of the Public Officers Law. Vacancies shall be filled in the same manner as initial appointments, and a person appointed to fill a vacancy shall serve for the remainder of the unexpired term. No member shall be removed by the Governor except for cause.

7. No member of a Judicial Screening Committee shall hold any judicial or elected public office for which he shall receive compensation during this period of service, nor shall he hold any office in any political party. No member of a Judicial Screening Committee shall be eligible for appointment to any judicial office within the jurisdiction of the Judicial Screening Committee on which the member serves during the member's period of service or within one year thereafter. Members of Judicial Screening Committees shall receive no compensation for their service, but shall be entitled to reimbursement for any necessary expenses incurred by them in connection with the performance of their duties. Each judicial screening committee shall have a paid staff available to it sufficient to enable the committee to carry out properly its responsibilities including adequate investigations into all matters relevant to the qualifications of candidates for appointment to judicial office.
8. Except as may be necessary or appropriate prior to the time the Judicial Screening Committees established by this Executive Order are fully operational, the power to fill a vacancy in a judicial office will be exercised by the Governor in accordance with the provisions of this Executive Order. Executive Order Number 134.2 dated May 26, 1993, is revoked and superseded by this Executive Order.

G I V E N under my hand and the
Privy Seal of the State in the
City of Albany this
L.S. twenty-fifth day of April in
the year one thousand nine
hundred ninety-five.

BY THE GOVERNOR
/s/ Bradford J. Race, Jr.
Secretary to the Governor

/s/ George E. Pataki

APPENDIX G

Statewide Temporary Judicial Screening Committee

State of New York

Temporary
Judicial Screening Committee
Governor George E. Pataki

Chairperson: Honorable Lawrence H. Cooke

Honorable Michael C. Finnegan
Counsel to the Governor

Claire P. Gutekunst
(Designee of the Chief Judge of the Court of Appeals)

Michael G. Rossetti
(Designee of Attorney General Vacco)

Hon. John F. O'Mara
(Designee of Bradford Race, Secretary to the Governor)

Hon. Paul Schechtman
Director of Criminal Justice

G. Robert Witmer, Jr.
President, New York State Bar Association

APPENDIX H

State of New York Commission on Judicial Nomination **(Const. Art. 6, § 2; N.Y. Judiciary Law Art. 3-A, § 61 et seq.; 22 N.Y.C.R.R. Part 7100)**

The twelve-member Commission consists of four members (no more than two from the same party) appointed by the Governor (two lawyers, two laypersons), four members (no more than two from the same party) appointed by the Chief Judge of the Court of Appeals (two lawyers, two laypersons), and one member appointed by each of the following: the Speaker of the State Assembly, the Temporary President of the State Senate, the Minority Leader of the State Senate and the Minority Leader of the State Assembly. Members serve four-year terms.

Members of the Commission may not hold judicial office or elected office for which compensation is received during the period of service, except that the Chief Judge and the Governor may each appoint one former judge of the Unified Court System. No member of the Commission may hold office in any political party, and none is eligible for appointment to any judicial post in New York during his or her term on the Commission or within one year thereafter. (N.Y. Judiciary Law, Art. 3-A, § 62(1) (McKinney 1983)).

The Commission is authorized to appoint counsel and staff, as it deems necessary or appropriate. The Commission has subpoena power to require production of information and attendance of witnesses.

All candidates for appointment must be personally interviewed by a quorum of ten members of the Commission and submit applications and financial statements on prescribed forms. All proceedings and related communications are kept confidential, except for the written report of the Commission, which is released to the public at the time it is submitted to the Governor.

APPENDIX I

Senator Daniel Patrick Moynihan's
Judicial Screening Panel

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APPENDIX J

Senator D'Amato's Judicial Screening Committee

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Senator Serphin Maltese
Friends of Serph Maltese
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New York, NY 10019

Appendix B

*“Pursuit of a Judicial Career
for Attorneys of Color”*



Appendix B. “Pursuit of a Judicial Career for Attorneys of Color”

Contents

This appendix contains sample program materials from the 1993 seminar entitled, “Pursuit of a Judicial Career for Attorneys of Color.” The seminar was held at the University of Washington Law School in the state of Washington.¹

The sample materials include:

- Seminar Purpose and Objectives
- Seminar Agenda
- Description of Faculty and Panels

¹ These sample materials were provided for adaptation courtesy of Judge Faith Enyeart Ireland, King County Superior Court of Washington State.

**“Pursuit of a Judicial Career
for Attorneys of Color”**

TABLE OF CONTENTS

	<u>Page</u>
I. <u>Seminar Content</u>	B4
A. Seminar Purpose	B4
B. Seminar Objectives	B4
C. Seminar Agenda	B5
D. Description of Faculty and Panels	B7

"Pursuit of a Judicial Career for Attorneys of Color"
University of Washington School of Law
February 27, 1993

I. Seminar Content

A. Purpose of the Seminar:

- Help to increase the diversity of the judiciary to levels that adequately reflect our populations.
- Demonstrate to the bar and public that the judiciary promotes inclusion of judges of color.
- Help lawyers of color demystify the appointment or election process.
- Foster important linkages between minority bar associations and the judiciary.

B. Seminar Objectives:

- Help participants clearly envision a career path to the judiciary.
- Describe the risks and rewards of a judicial career.
- Chart a course to appointment or election.
- Prepare for the ethical demands and standards of the judiciary.
- Provide an opportunity for participants to share a collegial experience with incumbent judges.
- Provide an opportunity for participants to meet stakeholders who are interested in increasing the diversity of the judiciary.

C. Seminar Agenda

8:20 Registration

9:00 Welcome and Overview

Justice Charles Z. Smith, Washington State Supreme Court, Moderator

9:10 Keynote Address

Judge Charles V. Johnson, King County Superior Court

9:30 "What it Takes: Building and Reflecting Your Qualifications for the Judiciary"

Judge Norma Huggins, King County Superior Court

10:00 "Reflecting on Your Qualifications"

Self reflections (10 minutes)

Partner exchange (10 minutes)

10:30 Break

10:40 "Judicial Screening"

Philip Hubbard, Past Chair, Seattle King County Bar Association Screening Committee

Marilyn Sherron, Co-Chair, Washington State Bar Association, Appellate Screening Committee

Nia Cottrell, Past Chair, Loren Miller Bar Association Screening Committee

Colleen Kinerk, Past Chair, Washington Women Lawyers Screening Committee

Judge Linda Lau, Recently Screened Candidate

12:00 Box Luncheon

1:30 "Judicial Ethics"

Judge C. Kimi Kondo, Seattle Municipal Court

Professor David Boerner, University of Puget Sound

2:15 "Public Accountability"

Dan Hannula, Member, Judicial Conduct Commission

Alma Kimura, Chair, Public Disclosure Commission

2:30 "The Appointment Process"

State Level

Judge Ricardo Martinez, King County Superior Court
Judge Terry Sebring, Pierce County Superior Court
Ed Fleisher, Legal Counsel to Governor Mike Lowry

City Level

Judge Sergio Armijo, Tacoma Municipal Court
Anne Levinson, Legal Counsel to Seattle Mayor Norm Rice

County Level

King County Council member, Ron Sims

Administrative Law Judges

Judge Gina Hale, State Administrative Law Judge
Judge Doug Luna, Federal Administrative Law Judge

3:30 "The Election Process"

Judge Judith Hightower, Seattle Municipal Court
Judge Nile Aubrey, Pierce County Superior Court

- *Campaign Financing*
Justice Barbara Madsen, Acting Chief Justice, Washington State Supreme Court
- *Campaign Organization*
Gary Gayton, Attorney and Member of the Judicial Salary Commission

4:30 "Personal Assessment"

An opportunity for participants to talk about their prospects or plans with an incumbent judge.

4:50 Closing Remarks

Justice Charles Z. Smith, Washington State Supreme Court

6:00 "Collegiality," A Reception Hosted by:

Chief Justice James A. Anderson, Washington State Supreme Court
Justice Barbara A. Durham, Acting Chief Justice, Washington State Supreme Court

D. Descriptions of Faculty and Panels:

**"Pursuit of a Judicial Career
for Attorneys of Color"
University of Washington School of Law
February 27, 1993**

"Keynote Address"

Judge Charles V. Johnson, Presiding Judge, King County Superior Court

Purpose

- Convince audience that legal decision-making is a process which variously requires applying the law, judging credibility, and bringing values to legal analysis.
- Persuade audience to commit values of minority persons and communities integral to the judicial system to insure the rule of law in the twenty-first century.
- Inspire participants to pursue a career of public service by highlighting the intangible rewards of professional fulfillment.

**"Pursuit of a Judicial Career
for Attorneys of Color"**
University of Washington School of Law
February 27, 1993

**"Building and Reflecting Your
Qualifications for the Judiciary"**

Judge Norma Huggins, King County Superior Court

Purpose

- Help prepare participants for a judicial career.
- Describe how screening, appointing and electing authorities select judicial candidates.
- Discuss the need to pursue excellence in current professional endeavors.
- Explain the fine balance between naked ambition and graciously accepting and sharing recognition for jobs well done.

Questions and Issues

- What qualifications should you have to seek a judicial position?
 - Law Degree
 - Academic Credentials
 - Leadership Qualities
 - Standing in the Community
 - Trust of Others
 - Support and Constituencies
 - Communication Skills
 - Life Experience
- How to Build Qualifications?

1. Public Service

Professional

Civic—Mayor's Task Force on Unity

Charitable—Young Men's/Women's Christian Associations

Arts

Children's Issues

Political

Religious

2. Professional

Excellence in your area of practice
Writing
Teaching
Lecturing
Pro Bono work
Other careers (e.g., nursing, teaching, business, or farming)
Experience Relating to the job of judging: Pro Tem Judging

3. Personal

Family life
Physical fitness
Balanced perspective
Ambition

- How to Reflect Qualifications?

- Learn what the job of judging is all about so that you can reflect that you have what it takes from knowledge rather than guessing.
- Develop a friendship with a judge. When the student is ready the teacher will appear. Make the friendship genuine and mutual. Better to have one good judge friend than a dozen acquaintances. But remember that not all judges are alike. You may want to pick a court you don't appear in.
- Look for opportunities to serve where you already have interests (e.g., your children's activities, your church, community club, your own political party.)
- Remember no one will have ALL qualifications. Don't spread yourself too thin. Keep a balance in activities. Just BE INTENTIONAL about it.
- Accept recognition, but also give credit to others. Make sure those around you get credit for their accomplishments. It's infectious.
- Keep master resume. Add every time you do something. Keep track of projects, speeches, cases you try (jury and non-jury). Pick and choose from resume depending on the purpose.
- Treat opposing counsel courteously. They may someday be talking to a screening committee about you.

**"Pursuit of a Judicial Career
for Attorneys of Color"
University of Washington School of Law
February 27, 1993**

"Judicial Screening"

Philip Hubbard, Past Chair, Seattle King County Bar Association Screening Committee
Marilyn Sherron, Co-Chair, Washington State Bar Association, Appellate Screening Committee
Nia Cottrell, Past Chair, Loren Miller Bar Association Screening Committee
Colleen Kinerk, Past Chair, Washington Women Lawyers Screening Committee
Judge Linda Lau, Recently Screened Candidate

Note: We have not included all groups who do screening. This is intended to be a representative group for appointments. At election, there are even a wider number of groups that do ratings.

Purpose

- Identify the types of screening presently done in the community.
- Help prepare participants for an interview with a judicial screening panel.
- Describe how interviews are conducted.
- Describe how rating is done by each group.

Questions and Issues (About 10 minutes for each speaker)

- Is there a written description of your process? If so is it available today?
- How are the members of the screening committee selected?
- Can a person find out in advance who is on the committee?
- What materials need to be submitted by the candidate in advance?
- What is the process for checking references?
- How does the interview take place?
 - Length of time?
 - How are questions selected?
 - Are the same questions asked of all candidates?
 - Is there a qualification criteria specific to your group?
 - Is a candidate allowed to make a statement?

- What do's and don'ts or tips do you have to offer candidates for successfully completing the process?
- How is the rating done?
- Can a rating be appealed or reviewed; if so how?

Note: We hope to have ten minutes at the end for questions and answers. Please hold any questions until that time and write them out so that you can quickly ask them when the time comes. Please state to whom your question is addressed.

**"Pursuit of a Judicial Career
for Attorneys of Color"**
University of Washington School of Law
February 27, 1993

"Judicial Ethics"

Judge C. Kimi Kondo, Seattle Municipal Court
Professor David Boerner, University of Puget Sound

Purpose

- Discuss the major ethical dilemmas facing candidates for appointment or election to a judicial position.
- Cite appropriate guidance and guidelines for ethical behavior.
- Develop an analytical frame of reference for thinking through the issues.

Questions and Issues

- "Negotiating the Rude Realities on the Road to the Judiciary?" (Judge Kondo)
- The Relevance of Judicial Canons 5, 6, and 7.
- "Preserving Your Right to Free Speech While Being a Judge." (Professor Boerner)
- The Relevance of Judicial Canon 4.
- Advice on Judicial Ethics.
- Audience Questions and Answers (about 10 Minutes).

**"Pursuit of a Judicial Career
for Attorneys of Color"**
University of Washington School of Law
February 27, 1993

"Public Accountability"

Alma Kimura, Chair, Public Disclosure Commission
Dan Hannula, Member, Judicial Conduct Commission

Purpose

- Introduce participants to important safeguards the public has to keep judges accountable to the public.
- Assess and explain how these safeguards may impact participants as they seek, achieve, and hold judicial office.

Questions and Issues to be addressed by Alma Kimura

- Who are the members and how are they selected?
- When must a candidate comply?
- What must the candidate do to comply?
- What if the candidate's spouse objects?
- What about client confidences and listing of income?
- What about use of public time and resources for office seeking?
- What is the penalty for failure to comply?

Questions and Issues to be addressed by Dan Hannula

- What is the mission of the Judicial Conduct Commission?
- Who are the members and how are they selected?
- How does a party learn of a complaint?
- The most common complaints are?
- What rights does the judicial officer have at a hearing?
- What power to sanction does the conduct commission have?
- Is there an appeal right?

**"Pursuit of a Judicial Career
for Attorneys of Color"
University of Washington School of Law
February 27, 1993**

"The Appointment Process"

Judge Ricardo Martinez, King County Superior Court
Judge Terry Sebring, Pierce County Superior Court, and Former Legal Counsel to the Governor
Anne Levinson, Legal Counsel to Mayor Norm Rice
Ron Sims, King County Council Member
Judge Gina Hale, State Administrative Law Judge
Judge Doug Luna, Federal Administrative Law Judge

Note: Judge Sergio Armijo, Tacoma Municipal Court, could not be with us personally as he is on the screening committee for the Federal District Court Judgeship in Tacoma, which is taking place today. Anne Levinson will cover his topic with materials he supplied.

Purpose

- Identify who makes appointments for state, county, city and administrative law judicial positions.
- Describe how to be nominated for selection.
- Describe the interview and selection process.

Questions and Issues

- Who does the appointing?
- How does a candidate get nominated?
- What must be submitted?
- Who screens, if anyone?
- Who conducts interviews?
- Does lobbying for the candidate help or hurt?

A View from Governor Lowry's Office: Ed Fleisher, Legal Counsel.

- Governor Lowry's agenda for the judiciary.
- Governor Lowry's expectations regarding process.
- Access to information.
- How much background investigation will be done?

**"Pursuit of a Judicial Career
for Attorneys of Color"**
University of Washington School of Law
February 27, 1993

"The Election Process"

Justice Barbara Madsen, Washington State Supreme Court
Gary Gayton, Attorney and Member of the Judicial Salary Commission
Judge Nile Aubrey, Pierce County Superior Court
Judge Judith Hightower, Seattle Municipal Court

Purpose

- Identify the financial requirements and limitations of a political campaign.
- Describe the various forms an election campaign can take.

Questions and Issues

- Campaign Financing, Justice Barbara Madsen
 - How to run a campaign on tight money.
 - The reality of pouring your own money into a campaign.
 - The need for raising money to mount a viable campaign.
 - How a candidate complied with Canon 7 (b) (2).
 - Spending limit bills abound in the legislature. Will they affect judicial campaigns?
- Meeting the Financial Challenge of Political Campaigns, Gary Gayton
 - Gary Gayton will speak from his experience in partisan and judicial campaigns on how to prepare yourself to be the kind of candidate who can meet the financial challenge of political campaigns.
- Elements of a Superior Court Campaign and How It Can Be Organized, Judge Nile Aubrey.
- How Your Preparation Before Filing Can Reap Dividends in Organizing a Campaign on Short Notice, Judge Judith Hightower (from the perspective of a write-in candidate).

Appendix C

Sample Conference Materials



Appendix C. Sample Conference Materials

Contents

This appendix contains sample conference materials from the 1991 “How to Become a Judge” conference organized by the Association of the Bar of the City of New York.

Sample conference materials include:

- “Questionnaire on the Interest of Minority Lawyers in Judicial Service”
- Conference program agenda and registration form
- Memorandum regarding the conference and the mentoring program from Justice Lewis L. Douglass, the chair of the subcommittee
- A press release about the conference
- Excerpt from New York Law Journal, December 5, 1991
- Announcement of a follow-up conference by the Puerto Rican Bar Association
- “Mentor Feedback Survey”
- “Mentoree Feedback Survey”

Cover Letter for Questionnaire on the Interest of Minority Lawyers in Judicial Service

Dear Sir/Madam:

The Bar Association of the City of New York is deeply concerned about the representation of minority judges on the benches in the various courts within the state of New York. Accordingly, I have been asked to Chair a subcommittee to encourage minority lawyers to pursue judicial service both here in New York and across the country.

As a first step in the program, we are asking minority lawyers within the New York City area to complete and return the enclosed questionnaire. Based on the findings of the survey, we intend to develop a program to assist minority lawyers who are interested in pursuing a judicial career to do so.

We have attempted to identify all minority lawyers in New York City; however, if you are aware of a minority lawyer who has not received this survey, please indicate that person's name on the rear of the last page of the questionnaire.

Because the survey will develop valuable information about the status of minority lawyers in New York City, you are urged to return the questionnaire, even if you are not interested in pursuing a judicial career, or even if you have only been admitted to the Bar for a few years.

Thank you for your cooperation.

Very truly yours,

Lewis L. Douglass
Supreme Court of the State of New York

LLD:bj
Enclosure

Questionnaire on the Interest of Minority Lawyers in Judicial Service

1. Month and year of admission to the Bar. Month _____ Year _____

2. Would you be interested in seeking a judgeship in the following courts?

- | | | |
|--------------------|-----------|----------|
| a. Criminal court | Yes _____ | No _____ |
| b. Family court | Yes _____ | No _____ |
| c. Court of Claims | Yes _____ | No _____ |
| d. Housing court | Yes _____ | No _____ |
| e. Federal court | Yes _____ | No _____ |
| f. Supreme Court | Yes _____ | No _____ |
| g. Civil court | Yes _____ | No _____ |

3. If you are not interested, please check the reason.

- | | |
|---|-------|
| a. The salary is too low | _____ |
| b. The physical conditions of the courthouse and chambers made available to judges are unacceptable | _____ |
| c. I am too inexperienced | _____ |
| d. I enjoy private practice | _____ |
| e. I do not wish to reveal personal and financial background to appointing committee | _____ |

4. Please explain other reasons which would discourage you from pursuing judicial service.

5. Are you presently active with Bar associations? Yes _____ No _____

If yes, please specify:

6. If you are not active with any Bar Association, please indicate the reason.

- a. I am too busy Yes _____ No _____
- b. I have always intended to become active, but have put off necessary steps to join Yes _____ No _____
- c. The atmosphere seems unfriendly Yes _____ No _____
- d. I don't know anyone who is a member of a Bar association Yes _____ No _____
- e. It is too costly Yes _____ No _____

7. We are seeking to draw a profile of minority lawyers in New York City. We are therefore asking for a brief description of your work experience. These descriptions should be short and concise, such as "Ten years Legal Aid Society, five years Legal Aid Society, and eight years private practice, eight years as Deputy Commissioner of Department of _____," etc.

8. Were you aware of a seminar on "How to Become a Judge" sponsored by the Association of the Bar of the City of New York in December, 1990?

Yes _____ No _____

If no, why not?

9. If a conference were held in the fall of 1991 for the purpose of advising minorities on the process of becoming a Judge, would you attend? Yes _____ No _____

10. Would you prefer that such a conference be held in the evening between 6:00 and 8:00 P.M. or would you be interested in a more extended conference for a full day on a Saturday?

Evening _____ Saturday _____

PLEASE INCLUDE THE FOLLOWING INFORMATION:

NAME: _____

MAILING ADDRESS: _____

DATE _____

OPTIONAL INFORMATION

SEX _____

RACE _____

AGE _____

Thank you. Please return this questionnaire to:

Hon. Lewis L. Douglass
Supreme Court of the State of New York
360 Adams Street
Brooklyn, New York 11201

***THE ASSOCIATION OF THE BAR OF
THE CITY OF NEW YORK***

***COMMITTEE TO ENCOURAGE
JUDICIAL SERVICE***

Peter G. Eikenberry, Chair

Presents

PURSUIT OF A JUDICIAL CAREER

A “nuts and bolts” conference organized as a guide to elective and appointive judgeships in New York City, with special emphasis on encouraging prospective judicial careers for minority lawyers.

SATURDAY, DECEMBER 7, 1991

9:30 A.M. - 5:00 P.M.

HOUSE OF THE ASSOCIATION

42 West 44th Street

New York, NY 10036-6690

Members of the Bar, their guests and all other interested parties are invited to attend.

PURSUIT OF A JUDICIAL CAREER

*** 9:30 A.M. - MORNING ***

WELCOME: CONRAD K. HARPER

President, The Association of the Bar of the City of New York

MODERATOR: HON. MILTON L. WILLIAMS

Deputy Chief Administrative Judge of the New York City Courts

KEYNOTE ADDRESS: HON. CHARLES Z. SMITH

Justice of the Supreme Court, State of Washington

OVERVIEW: HON. FRANK TORRES

Justice of the Supreme Court, Bronx County

SUPREME COURT AND CIVIL COURT

(Concurrent Panels)

FIRST DEPARTMENT

Moderator:

Hon. Dorothy K. Chin Brandt

Justice of the Civil Court

New York County

Hon. Herman D. Farrell, Jr.

Member of New York State Assembly

Democratic Leader of New York County

Hon. George Friedman

Member of New York State Assembly

Democratic Leader of Bronx County

Peter Bienstock

Administrator, Independent Judicial Screening

Panel for New York County

Hon. Fern Fisher-Brandveen

Judge of the Civil Court

New York County

Hon. Luis A. Gonzalez

Judge of the Civil Court

Bronx County

SECOND DEPARTMENT

Moderator:

Hon. William C. Thompson

Justice of the Appellate Division

Second Department

Hon. Clarence Norman

Member of New York State Assembly

Democratic Leader of Kings County

Hon. Robert J. Gigante

Democratic Leader of Richmond County

Hon. Thomas J. Manton

Member of U.S. Congress

Democratic Leader of Queens County

Jerome Karp

Chair, Screening Panel for Candidates for Supreme

Court, Counties of Kings and Richmond

Hon. Randall T. Eng

Justice of the Supreme Court

Queens County

Hon. Richard Rivera

Judge of the Civil Court

Kings County

Hon. Yvonne Lewis

Judge of the Civil Court

Kings County

12:15 P.M. MEETING - WITH JUDICIAL MENTORS

12:45 P.M. - LUNCHEON RECESS
(Optional buffet, see registration form on back)

2:00 P.M. - AFTERNOON SESSION

EDNA WELLS HANDY

Vice President for Legal Affairs and General Counsel, New York City Health and Hospitals Corp.;
Former Executive Director of the Judicial Commission on Minorities

COURT OF CLAIMS

2:30 - 3:30

Moderator:

Hon. L. Priscilla Hall
Court of Claims Judge
and Acting Supreme Court Justice

Basil A. Paterson
Chair, Mayor's Committee on the Judiciary

Hon. Juanita Bing Newton
Court of Claims Judge
and Acting Supreme Court Justice

Hon. Cesar H. Quinones
Court of Claims Judge
and Acting Supreme Court Justice

Hon. Charles J. Tejada
Court of Claims Judge
and Acting Supreme Court Justice

3:40 - 4:40

Moderator:

Hon. L. Priscilla Hall
Court of Claims Judge
and Acting Supreme Court Justice

Elizabeth Moore
Counsel to the Governor, New York State

Hon. Antonio I. Brandveen
Court of Claims Judge
and Acting Supreme Court Justice

Hon. Donald Grajales
Court of Claims Judge
and Acting Supreme Court Justice

**CRIMINAL COURT, FAMILY COURT
AND INTERIM CIVIL COURT APPOINTMENTS**

2:30 - 3:30

Moderator:

Hon. Efrain Alvarado
Criminal Court Judge

Conrad Johnson
Member, Mayor's Committee on the Judiciary

Robert Haig
Chair, Judiciary Committee
The Association of the Bar of the City of New York

Hon. Gloria M. Dabiri
Family Court Judge

3:40 - 4:40

Moderator:

Hon. Myrna Martinez-Perez
Family Court Judge

Conrad Johnson
Member, Mayor's Committee on the Judiciary

Robert Haig
Chair, Judiciary Committee
The Association of the Bar of the City of New York

Hon. Alexander W. Hunter, Jr.
Criminal Court Judge

FEDERAL COURT

2:30 - 3:30

Moderator:

Hon. Constance Baker Motley
U.S. District Judge (S.D.N.Y.)

Representative, Sen. Moynihan's
Judicial Screening Committee

Representative, Sen. D'Amato's
Judicial Screening Committee

Hon. Zachary W. Carter
U.S. Magistrate Judge (E.D.N.Y.)

Hon. Sterling Johnson
U.S. District Judge (E.D.N.Y.)

3:40 - 4:40

Moderator:

Hon. Constance Baker Motley
U.S. District Judge (S.D.N.Y.)

Representative, Sen. Moynihan's
Judicial Screening Committee

Representative, Sen. D'Amato's
Judicial Screening Committee

Hon. Zachary W. Carter
U.S. Magistrate Judge (E.D.N.Y.)

Hon. Sterling Johnson
U.S. District Judge (E.D.N.Y.)

HOUSING COURT

2:30 - 3:30

Moderator:

Hon. Janice L. Bowman
Housing Court Judge

Shirley Rudd Johnson
Member, Advisory Council of Housing Court

Hon. Jose Rodriguez
Housing Court Judge

Hon. Jaime Antonio Rios
Housing Court Judge

3:40 - 4:40

Moderator:

Hon. Gilbert Badillo
Housing Court Judge

David Rosenberg
Chair, Advisory Council of Housing Court

Hon. Deborah Ann Dowling
Housing Court Judge

Hon. Carl O. Callender
Housing Court Judge

CONFERENCE REGISTRATION AND LUNCHEON REQUEST FORM

There is no fee to attend this program. If you would like to register and/or order lunch, please return this form to Charlene Maggiore, Meeting Services, The Association of the Bar, 42 West 44th Street, New York, NY 10036-6690

- I plan to attend the conference, but will not be attending the luncheon.
- I plan to attend the conference and the buffet luncheon. Enclosed is my check for \$ _____ payable to the Association of the Bar, to cover _____ reservations at \$20 each.
- I am interested in more information about the Judicial Mentor program. I have been admitted for the past _____ years.

NAME: _____ PHONE: _____

ADDRESS: _____

LUNCHEON RESERVATIONS MUST BE RECEIVED NO LATER THAN NOVEMBER 25, 1991

Subcommittee on the Conference: Hon. Lewis L. Douglass, Chair; Victor Miguel Espinal, American Society of Dominican Attorneys, Inc.; Susan R. Garry; Lizbeth Gonzalez, Puerto Rican Bar Association; Hon. L. Priscilla Hall, Metropolitan Black Bar Association; Ruth Ivey, Wachtell, Lipton, Rosen & Katz; Doris Ling, Asian American Bar Association of New York; Juliette A. Martinez, American Society of Dominican Attorneys & Puerto Rican Bar Association; Gordon Mehler; Douglas S. Wong, Asian-American Bar Association of New York.

MEMORANDUM

TO: Judicial Friends

FROM: Hon. Lewis L. Douglass

DATE: October 30, 1991

RE: Pursuit of a Judicial Career Conference

Pursuit of Judicial Career Conference

The conference on encouraging minority lawyers to seek judgeships is well underway. We expect over 200 lawyers in attendance. A copy of the program is enclosed.

Success, however, depends not only on the formal presentations, but on the floor discussions and the interaction between lawyers and those who have already moved on to the Bench. And, your presence is the most direct evidence of our commitment to seeking to increase the number of minority judges in the courts.

I am, therefore, asking that each of you attend that conference—even if you cannot stay for the entire day. And, whenever you can arrange to come, I encourage you to fully participate in the floor discussions that follow each panel presentation.

Mentors

The response to the request for judges to act as mentors has been very encouraging. Several, however, have called asking me about what mentors should do.

This is a new idea, so how it works depends on ideas you and the lawyers with whom you are working will generate. The underlying assumption is that many minority lawyers may not be in a position to pick up a telephone and discuss in an informal, straightforward way, career decisions, with a person who has already moved to the top of the profession. You are to fill that gap.

To put it another way, here is a chance for a minority lawyer, who may be the first member of his family to have acquired a profession, to have a friend who is a sitting judge. Some judges are planning regular periodic lunches with their mentorees. Other tell their mentorees, "Give me a call from time to time. Let's keep in touch." How the relationship develops is entirely up to you.

Sometime in January I will try to contact everyone, to get an idea of how things are working out and we can all then share whatever turns out to be the best approach.

Remember, we have set aside the half hour before lunch at the December 7, 1991 conference to meet the lawyers. For the few of you who cannot make the conference, I will forward the names of the lawyers directly to you and leave it to you and them to make contact.

If you have not yet volunteered to be a mentor, and would like to do so, please telephone my chambers at 718-643-8762.

Lewis L. Douglass

LLD:bj

FOR IMMEDIATE RELEASE

CONTACT: Ann Ormsby, (212) 382-6750
Director of Public Affairs

City Bar Association
Presents
"Pursuit of a Judicial Career"
A Daylong Conference

Special Emphasis on Encouraging Prospective
Judicial Careers of Minority Lawyers

In the first collaborative effort of its kind, New York minority bar associations, under the leadership of the City Bar Association, have worked together in organizing a conference to increase the number of minorities on the bench. The conference, "Pursuit of a Judicial Career," will be held on Saturday, December 7, 1991, from 9:30 a.m. to 5 p.m. at the House of the Association located at 42 West 44th Street.

"Of the 498 judges in New York City, only 59 are black, 22 are Hispanic, and 3 are Asian. By holding this conference, we hope to encourage more minorities to take the steps necessary to obtain a seat on the bench so that the members of the judiciary will properly reflect the population of the city," said Judge Lewis L. Douglass, who chaired the conference subcommittee of the Association's Committee to Encourage Judicial Service.

The conference has been endorsed by Mayor David N. Dinkins who stated that "one of the highest priorities of this administration is to insure that the city's minority communities are fairly represented in the city and state judiciary. I would urge each of you to make every effort to attend the Bar Association conference." Mayor Dinkins' letter is attached.

At the morning session, **Conrad K. Harper**, President of the City Bar Association, will welcome the attendees, and the **Hon. Milton L. Williams**, Deputy Chief Administrative Judges of the New York

City Courts, will be the moderator. The keynote address will be given by the **Hon. Charles Z. Smith**, Justice of the Washington State Supreme Court, and an overview of the process of becoming a judge will be given by the **Hon. Frank Torres**, Justice of the Bronx County Supreme Court.

The conference is comprised of a series of "nuts and bolts" workshops with panels of sitting judges that will provide guidelines for attorneys seeking elective and appointive judgeships. Topics to be discussed will include qualifications, distinctions between boroughs, appointive vs. elective office, and the political realities of becoming a judge. A complete list of the workshops is attached. Interested attendees will be matched with one of the panelists who will act as a mentor.

Edna Wells-Handy, Vice President for Legal Affairs and General Counsel, New York City Health and Hospitals Corp., will speak at the beginning of the afternoon session.

The minority bar associations which participated in planning the conference are as follows: American Indian Law Alliance, American Society of Dominican Attorneys, Inc., American Society of Dominican Attorneys & Puerto Rican Bar Associations, Asian American Bar Association of New York, Hispanic Bar Association, Metropolitan Black Bar Association, Puerto Rican Bar Association.

An optional buffet lunch is available for \$20. Reservations must be received no later than November 25, 1991. Please call Charlene Maggiore at 212-382-6724.

NEW YORK LAW JOURNAL, DECEMBER 5, 1991*Session on How to Become a Judge Is Designed for Minority Lawyers*
By Daniel Wise

More than 300 minority lawyers are expected to attend a daylong conference Saturday on the nuts-and-bolts of becoming a judge.

This is the fifth time since 1986 that The Association of the Bar of the City of New York has brought together sitting judges and the key decision-makers in the elective and appointive process to give practical "how to" advice to lawyers interested in becoming judges.

The twist this year is that all 30 judges participating in the program are minority judges. The change, the program organizers said, is designed to encourage more minority lawyers to seek judgeships.

Currently 9.4 percent of the 1,175 judges in New York state are members of minority groups, according to a survey conducted under the supervision of Justice Frank Torres.

There are 83 black judges, 24 Hispanic judges and three Asian judges in the state court system. On the federal bench in New York City, six of 52 judges, or 11.5 percent, are black (three in the Southern District, one in the Eastern District and two on the U.S. Court of Appeals for the Second Circuit), the survey reported.

In addition to the 30 judges who are scheduled to speak during two plenary sessions or participate in 10 panel discussions, another 20 to 30 minority judges are expected to attend the session, which is free and starts at 9:30 a.m. at the City Bar headquarters, 42 West 44th Street.

The aim in bringing so many minority judges to the program is to counter the notion that it is difficult for minority lawyers to become judges, explained program organizer, Justice Lewis L. Douglass. The presence of so many minority judges will provide "hard evidence" to those in attendance that they "too can become judges," Justice Douglass said.

Beyond sharing their own experiences in Saturday's session, the judges have agreed to act as "mentors." More than 35 judges have agreed to participate in the program, which will match young minority lawyers with a mentor judge, Justice Douglass said.

"The lawyers will have a judge from whom they can seek advice on what career choices will best position them for judicial careers," Justice Douglass said. The mentors also have been asked to offer practical advice on how to prepare for an interview and what questions to expect from screening panels.

"As lawyers and mentor-judges get to know one another," Justice Douglass said, "it is hoped that judges will be able to offer recommendations to appropriate screening panels or to other officials on an applicant's character and community involvement, two important factors in the selection process."

Also providing practical advice at Saturday's session will be the Democratic Party leaders of each of the five boroughs with New York City; the chairmen of the screening panels for Supreme Court justices in Brooklyn and Staten Island; for Family and Criminal Court judges; for Housing Court judges; and for federal judges.

Other program participants include Judge Charles Z. Smith of the Supreme Court of the State of Washington, who will deliver the keynote address; Elizabeth Moore, counsel to Governor Cuomo; and Edna Wells Handy, the former executive director of the Judicial Commission on Minorities.

THE PUERTO RICAN BAR ASSOCIATION

cordially invites you to attend a

General Membership
Meeting and Presentation

“Minority Recruitment to the Judiciary: A Follow Up”

Panelists

Hon. Lewis Douglass, Justice, Supreme Court, Kings County
Hon. Frank Torres, Justice, Supreme Court, Bronx County
Hon. Basil Paterson, Chair, Mayor’s Judiciary Committee

**Thursday, March 5, 1992
6:00 P.M.**

**N.Y.C. Civil Courthouse
111 Centre St., 12th Floor Conference Room
(Use White St. Entrance)**

ALL ARE WELCOME

Please RSVP by calling Carmen A. Luciano, Esq. at (212) 766-3269

For information on the PRBA: Michael Arce, Membership Chair, at (718) 802-2446

Mary Ann Brigantti-Highes, Esq.

PRBA President

11. Do you require assistance from the Special Committee? Yes No

Please explain: _____

12. How would you improve the Judicial Mentor Program?

Please explain: _____

Please **use the back** of this survey for any **additional comments**.
Please **mail or fax your completed responses to location noted on the back** of this survey.

**COMMITTEE TO ENCOURAGE JUDICIAL SERVICE
JUDICIAL MENTOR PROGRAM
MENTOREE FEEDBACK SURVEY**

Mentoree's Name: _____
 Address: _____
 Telephone: _____
 Mentor: _____
 Committee Member: _____

1. Did your mentor contact you? Yes No
2. Did you contact your mentor? Yes No
3. How many times have you talked with your mentor? Never Once
 Twice More
4. How many times have you met with your mentor? Never Once
 Twice More
5. Where did you meet? Chambers Court
 Your Office Other
6. Has your mentor observed you in court? Yes No
7. Did you give your mentor a copy of your resume? Yes No
8. Did you give your mentor copies of your writing samples? Yes No
9. Has your mentor candidly assessed your...?

Ability	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Experience	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Temperament	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Limitations	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Viability as a Judicial Candidate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
10. What did your mentor recommend as the next step for you?

Improve Ability	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>
Build Experience	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>
Improve Temperament	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>
Gain Maturity	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>
Ready to Go Forward	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>

11. Do you require assistance from the Special Committee? Yes No

Please explain: _____

12. How would you improve the Judicial Mentor Program?

Please explain: _____

Please use the back of this survey for any additional comments.

Please mail or fax your completed responses to location noted on the back of this survey.

The National Center for State Courts

*Promoting Justice by Providing
Leadership and Service to State Courts*

The National Center for State Courts

Promoting Justice by Providing Leadership and Service to State Courts

The National Center for State Courts stands in a unique place in this country, as the only institution representing all of the state courts. The work of the National Center seldom produces headlines; it does produce a higher quality of justice for our citizens. The past year has been marked by change and introspection as the National Center positions itself for an even stronger role in the administration of justice.

*Ohio Chief Justice Thomas J. Moyer, Past Chair,
National Center for State Courts Board of Directors, 1996*

For more than twenty-five years, the National Center for State Courts has been the focal point of research, information, education, and hands-on assistance for the nation's state courts. Formed in 1971 by Chief Justice Warren E. Burger and other state judicial leaders, the National Center has helped courts to reduce backlogs and delay, to improve public accessibility, to bring technology into the courts and courtrooms, to improve jury systems, to make informed decisions about court operations, to understand the demands of management and leadership in the state judicial system, and to improve relations between state courts and federal courts. Today, the National Center for State Courts works in partnership with state and local court leaders to improve the delivery of justice in America's state courts.

The National Center for State Courts has been called an "irreplaceable resource for the state courts." No one state has the capacity on its own to create anything like the National Center. Because twenty-five years ago the nation's state judicial leaders agreed to pool their resources and because today's judicial leaders continue to care deeply about justice and its administration in the states, there is a National Center for State Courts.

The National Center's 21-member Board of Directors represents all levels and jurisdictions of state courts and those who use the courts. The Conference of Chief Justices, the Conference of State Court Administrators, and the National Association for Court Management hold standing positions on the Board.

The National Center for State Courts is supported by voluntary assessments from the states; seminar and conference fees; state, federal, and international grants and contracts; and private contributions from corporations, law firms, and citizens. The National Center is a nonprofit, tax-exempt organization in accordance with Section 501(c)(3) of the Internal Revenue Service.

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For more information about the National Center, you will find us on the
World Wide Web at <http://www.ncsc.dni.us>

The National Center for State Courts welcomes private contributions. Friends interested in learning about ways to support the work of the National Center are invited to contact the President of the National Center for State Courts, 300 Newport Avenue, Williamsburg, Virginia 23185 or call (757) 253-2000.

