



**Franklin H. Williams Judicial
Commission on Minorities**

**Findings from the
Leadership Development
Conference:
Courts for the 21st Century
Upstate Conference**

January 2005

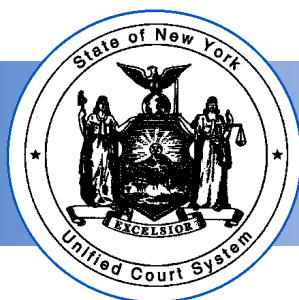


TABLE OF CONTENTS

I.	Introduction	2
II.	Justice For All A Historical Overview of the Franklin H. Williams Judicial Commission on Minorities	3
	A. Summary of the Original 1991 Report	4
	B. Minority Breakdown by Judicial Districts	9
	C. Current Goals	13
III.	Panel Discussion: Promotional Process	13
IV.	Panel Discussion: Workforce Diversity	18
V.	Workshop Discussions with Recommendations	
	A. Perception of Bias	21
	B. Promotional Opportunities/Non Judicial	22
	C. Embracing Leadership for a Competitive Advantage	23
VI.	Conclusions	25
VII.	Judicial Districts of New York State (Map)	26
VIII.	Judicial Departments and Counties by Judicial Districts	27
IX.	Franklin H. Williams Judicial Commission on Minorities	28

LEADERSHIP DEVELOPMENT CONFERENCE: COURTS FOR THE 21ST CENTURY—UPSTATE DISTRICTS

On May 23, 2004, the Franklin H. Williams Judicial Commission on Minorities (Commission) held the minority leadership conference, Part II, for the upstate judicial districts. The conference was one step in the Commission's fulfillment of its mission to review the representation of minorities in non-judicial positions and, if under-representation was found, to recommend solutions to increase the number of minorities in these positions. The conference was held at the Marx Hotel in Syracuse, New York. Eighty-one attendees from all levels of the court system assembled to assess the status of minorities in the State of New York Unified Court System (UCS) and to discuss some of their specific concerns. The conference provided a unique opportunity for both judicial and non-judicial employees to meet and discuss various topics of concern related to ethnic issues within the court system.

The conference included a historical review of the Commission and its relationship to the court system; a panel discussion conducted by the Deputy Chief Administrative Judge for Courts outside of New York City—Honorable Jan H. Plumadore, two Administrative Judges—Honorable James C. Tormey and Honorable Sharon S. Townsend, and three Executive Assistants—David Sullivan, Harry Salis, and G. Russell Oechsle on the promotional process; and a panel discussion conducted by Honorable Eduardo Padro, Lauren DeSole (Director, Human Resources), Alice Chapman-Minutello (Deputy Director, Human Resources for Workforce Diversity), Michael J. Moore (Coordinator of Outreach and Recruitment, Workforce Diversity), and Elizabeth Candreva (Assistant Managing Inspector, Office of the Inspector General for Bias Matters) on the functions of the Workforce Diversity Office and the Office of the Inspector General for Bias Matters. A luncheon provided a social environment for both administrators and employees to interact and discuss issues on a more personal level.

The attendees dispersed into the following three workshops:

- Perception of Bias
- Promotional Opportunities for Non-Judicial Personnel
- Embracing Leadership for a Competitive Advantage

This report outlines the panel and workshop discussions and their resulting recommendations.





**Honorable
Richard B. Lowe III**

JUSTICE FOR ALL

The Honorable Richard B. Lowe III opened the conference with an overview of the Franklin H. Williams Commission's 1991 report. He gave a brief history of the Commission. He also outlined some of the Commission's findings and recommendations. Finally, where statistics could be provided, he noted the progress that had been made in the current court system.

In 1987, the Coalition of Blacks met with then Chief Judge to discuss the under-representation of Blacks in the courts and the biased treatment of those who worked in the courts. The Chief Judge believed that this was an area that deserved extensive study and needed to be broader in scope to include Hispanics, Asian Americans, and Native Americans. In January 1988, he created the Judicial Commission on Minorities.

The Chief Judge asked Franklin Hall Williams—a noted attorney, ambassador, educator, and civil rights activist—to be the chair. Mr. Williams, the former assistant to Supreme Court Justice Thurgood Marshall, agreed on one condition—that the commission be financially independent. He raised one million dollars (\$1,000,000) to initiate the work of the Commission.

A growing perception of bias prompted a statewide study of the treatment and representation of minorities in the New York court system. One of the first challenges faced by the Commission was the definition of the term “minority.” In keeping with the historical race-based definition, “minority” was defined as a person of Black, Native American, Asian American, or Hispanic ethnic origin.

The Commission collected extensive data by holding public hearings and meetings, conferring with judges, court administrators, and bar association leaders, conducting studies of the minority experience in New York law schools, and surveying litigants. Mr. Williams submitted an interim report to the Chief Judge on May 16, 1990. Unfortunately, Mr. Williams died a few days later. Subsequently, the final report was submitted in April 1991 by the new chair—James Goodale. Mr. Goodale presented a five-volume report, detailing the Commission's findings and recommendations. In June 1991, the Commission was established as a permanent entity and renamed in honor of its first chair—Franklin H. Williams.

The Commission was challenged with a three-fold mandate:

1. First, the Commission had to ascertain how both the public and court participants perceived treatment of minorities in the courts. Specifically, the Commission had to observe the courtroom treatment of minorities and the extent to which minorities voluntarily used the courts.
2. Secondly, the Commission had to review the representation of minorities in non-judicial positions, e.g., court clerks, court reporters, and court officers. If under-representation was found, the Commission had to recommend ways to increase the number of minorities in said positions.
3. Lastly, the Commission had to review the two selection processes for judges—elective and appointive—to determine if either results in greater minority representation. The Commission was also mandated to examine the representation and treatment of minorities within the legal profession.

The final study report identified twenty (20) issues affecting minorities in the courts. For the purpose of this conference, Honorable Richard B. Lowe III focused on five key areas:

- Judicial Selection
- Affirmative Action(AA)/Equal Employment Opportunity (EEO)
- Perception of Bias
- Embracing Leadership for a Competitive Advantage
- Non-Judicial Promotional Opportunities

JUDICIAL SELECTION

The Commission found that in the courts of the State of New York minorities were severely under-represented. The greatest concern was that, whether the judges were appointed or elected, the judicial screening and nominating panels did play a critical role in the elevation of candidates to judicial offices. The Commission found that there was minimal participation by minorities on these panels. Furthermore, the percentage of minorities on the bench was only 9% in 1991.*

1991 Recommendations of the Judicial Commission on Minorities

1. There should be more minorities on judicial nominating and screening panels.
2. Panels should inform potentially qualified minority attorneys of judicial vacancies and encourage their participation.
3. Judicial selection committees need to be sensitized to the importance of diversity on the bench.

2004 Update

1. There are at least one minority and one woman on each screening panel.
2. All judicial vacancies are announced in the New York State Law Journal.
3. There has been an increase of minorities on the bench.

* HONORABLE RICHARD B. LOWE DID NOTE THAT IN 2003 THE PERCENTAGE OF MINORITIES ON THE BENCH WAS 13.2%

AFFIRMATIVE ACTION(AA)/EQUAL EMPLOYMENT OPPORTUNITY (EEO)

AFFIRMATIVE ACTION

1991 Finding of the Judicial Commission on Minorities

The Commission learned that in 1979 the Office of Court Administration (OCA) ordered a study on employment. Later that year, a consulting firm developed an Affirmative Action (AA) Plan. However, OCA never adopted the plan, and therefore, failed to act on the plan. The Commission wrote, “The absence of an AA Plan has contributed to the absence of minorities in higher level positions.”

1991 Recommendations of the Judicial Commission on Minorities

With the absence of an AA Plan, the Commission’s interim report proposed the immediate development and implementation of an AA Plan to rectify the under-representation of minorities as officials, administrators, and technicians. The Commission also favored cross-cultural competence criteria in the interview process.

2004 Update

As an arm of the Division of Human Resources, the Workforce Diversity Office (WDO) is the equivalent of an Affirmative Action Plan. WDO was created to address the issues identified in the study. Through its plan, WDO seeks to promote diversity and anti-discrimination through education and training, special employment opportunities, and outreach efforts. WDO also trains and oversees the Anti-Discrimination Panels—informal alternatives for resolution of bias, discrimination, or sexual harassment behaviors.

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

1991 Findings of the Judicial Commission on Minorities

- 1.** The failure of the EEO office to keep adequate employment data made it singularly ineffective.
- 2.** A large segment of minority groups did not have confidence in the EEO Office.
- 3.** The perception of the EEO office was that it was unreceptive to complaints of job discrimination, with the complaints being treated with skepticism or completely ignored.
- 4.** There were disturbing examples of the EEO office’s failure to recruit a significant number of minorities to fill promotional opportunities.
- 5.** While the Commission concluded that the EEO office was not functioning, it noted that this fact was partially the result of the EEO office’s relegation to a second-class entity among the officials of UCS. Therefore, very little could be accomplished. Ultimately, the now functioning Workforce Diversity Office replaced the EEO office.

1991 Recommendations of the Judicial Commission on Minorities

- 1.** The EEO office's status and scope of authority should be strengthened, including providing additional resources for its administration.
- 2.** The EEO office should be empowered to intervene with personnel decisions regarding compliance with an affirmative action plan.

2004 Update

Through its outreach program, the Workforce Diversity Office established EEO liaison personnel, representing each judicial district. The liaisons' primary responsibility is to conduct extensive outreach to law schools, colleges, community organizations, and high schools to communicate information on employment opportunities in the court system.

PERCEPTION OF BIAS

1991 Findings of the Judicial Commission on Minorities

- 1.** There was a widespread perception of bias in the courts in the State of New York.
- 2.** There was also clear evidence of the “reality” of bias as witnessed by the long-standing discrimination by a variety of institutions and entities against African Americans, Hispanics, Asian Americans, and Native Americans.
- 3.** These discriminatory experiences perpetuated their respective perceptions of the inability to receive justice in the courts of the State of New York. There were three factors contributing to this perception of bias:
 - a.** A belief that there is improper treatment of minority litigants by judges, attorneys, and court personnel
 - b.** Inappropriate facilities, especially in the “ghetto courts,” i.e. housing court, family court, criminal courts, etc.
 - c.** A lack of information for minority litigants on how to navigate the courts

1991 Recommendations of the Judicial Commission on Minorities

- 1.** OCA should implement sensitivity training programs for judges and non-judicial personnel, including “cross-cultural competence.”
- 2.** OCA should implement a “master plan,” including allocation of funding, to improve the physical condition of the courts.
- 3.** OCA should establish an office for an ombudsperson to assist all persons to understand the court processes, secure interpretation services, and locate specialized facilities (i.e. childcare).
- 4.** OCA should provide informational brochures in understandable English and other language and dialect translations in each clerk’s office.

2004 Update

- 1.** Through the Workforce Diversity Office (WDO), OCA provides sensitivity training to new judges, higher level managers, and incoming security personnel.
- 2.** During the past ten years, OCA has either renovated or built new court facilities to improve the physical conditions of many courts in several judicial districts.
- 3.** OCA created Court Interpreting Services to assist individual courts to provide translation services to litigants.
- 4.** In 1998, OCA created the position of Special Inspector General for Bias Matters (now Managing Inspector General for Bias Matters) to reinforce the Unified Court System's commitment to a bias-free work environment. The Managing Inspector General is committed to eliminating the perception and existence of bias in the court workplace.
- 5.** Brochures regarding the court system are provided in Spanish and Chinese in various courts.

EMBRACING LEADERSHIP FOR A COMPETITIVE ADVANTAGE

This was not a specific issue that was categorized and addressed by the Commission. It was, however, an issue that resonated in each section of the report. “Who do you know” and “Who knows you” was perceived as critical to an employee’s advancement in the system. It was often perceived by minority employees that their job advancements were impeded by a lack of professional contact. It was also perceived that non-judiciary employees advanced further when they had a mentor in the system.

NON-JUDICIAL PROMOTIONAL OPPORTUNITIES

1991 Findings of the Judicial Commission on Minorities

1. Whites comprised a disproportionate 80.1% of the court system's non-judicial workforce.
2. Although minorities constituted 13.7% of the workforce, the proportion of minority officials and administrators in UCS was only 3.4% (represented by 244 positions).
3. In areas where minorities were over-represented, the over-representation tended to be in the lower-paying entry level, non-promotional positions.
4. There was a need to form a task force whose goal was to increase the outreach, recruitment, and hiring of minorities for job categories where significant under-representation existed. Furthermore, the task force needed to develop an AA Plan to rectify the severe under-representation of minorities.

1991 Recommendations of the Judicial Commission on Minorities

1. Applications to fill vacancies in the official and administrative job categories should not be limited to employees working in the court where the vacancy occurs.
2. The most qualified candidate should be sought regardless of the candidate's current job location.
3. Employee selection should meet the following requirements:
 - a. Any notification to identify and hire qualified candidates must be published.
 - b. Minorities and women should be included on the interview panels.
 - c. There should be structured interviews with objective rating criteria to ensure that each interviewee is assessed without bias on the managerial and technical skills required for success in the job.

2004 Update

1. Court employees may interview for positions anywhere in the state.
2. Minorities and women are on all interview panels for job selections below and above level JG 25.
3. OCA is committed to seek the best qualified candidate, keeping diversity in mind.

Honorable Richard B. Lowe gave the following breakdown of minority participation in the workforce of the Unified Court System. The ensuing charts also identified minority participation for administrators, judicial, and non-judicial staff in the upstate judicial districts. A map of the New York State judicial districts and a list of counties by judicial districts are on pages 26 and 27 respectively.

2003	Officials and Administrators			Comparison of Judges on the Bench		
		Minority	White	Unknown		
	State	14.5%	83.5%	2%	Minorities	9%
	JD 3	0	100%	0	African Am	6.3%
	JD 4	0	80.0%	20.0%	Hispanic	1.7%
	JD 5	0	100%	0	Asian Am	.26%
	JD 6	0	100%	0	Native Am	0%
	JD 7	0	100%	0	White	91%
	JD 8	0	100%	0		

MINORITY PARTICIPATION IN THE NON-JUDICIAL WORKFORCE OF THE UNIFIED COURT SYSTEM

2004	Occupational Group	% of Non-Judicial Workforce	% Minorities Employed	% Whites Employed	% Unknown
	All Non-Judicial Employees	100.0%	22.8%	70.2%	6.9%
	Security	21.1%	21.8%	73.3%	4.9%
	Court Clerks	13.6%	28.3%	71.5%	0.2%
	Attorneys	11.8%	11.0%	78.9%	10.1%
	Court Reporters	7.1%	15.4%	81.6%	2.9%
	Analysts	6.5%	26.1%	63.5%	10.4%
	Office Clerical	4.6%	36.6%	49.7%	13.8%
	Court Assistants	4.5%	22.1%	70.3%	7.6%
	Court Interpreters	2.1%	65.8%	20.3%	13.9%
	Data Processing	2.0%	27.6%	65.3%	7.1%
	Officials and Administrators	1.6%	14.5%	83.5%	2.0%
	Para-Professionals	1.0%	31.6%	62.0%	6.3%
	Other Occupational Groups and Positions	24.2%	21.4%	69.2%	9.4%

MINORITY PARTICIPATION IN THE NON-JUDICIAL WORKFORCE OF JUDICIAL DISTRICT 3

2003	Occupational Group	% of Non-Judicial Workforce	% Minorities Employed	% Whites Employed	% Unknown
	All Non-Judicial Employees	100.0%	4.0%	88.3%	7.7%
	Attorneys	10.3%	0	100%	0
	Security	9.3%	0	67.5%	32.5%
	Court Reporters	7.9%	2.9%	91.2%	5.9%
	Court Assistants	7.5%	3.1%	93.8%	3.1%
	Analysts	5.8%	8.0%	72.0%	20.0%
	Court Clerks	4.9%	9.5%	90.5%	0
	Office Clerical	2.1%	0	88.9%	11.1%
	Para-Professionals	1.9%	12.5%	87.5%	0
	Data Processing	0.9%	0	100%	0
	Officials and Administrators	0.7%	0	100%	0
	Court Interpreters	0	0	0	0
	Other Occupational Groups and Positions	48.6%	4.8%	89.9%	5.3%

MINORITY PARTICIPATION IN THE NON-JUDICIAL WORKFORCE OF JUDICIAL DISTRICT 4

2003	Occupational Group	% of Non-Judicial Workforce	% Minorities Employed	% Whites Employed	% Unknown
	All Non-Judicial Employees	100.0%	2.4%	87.5%	10.1%
	Security	16.3%	7.2%	73.9%	18.8%
	Attorneys	10.1%	0	88.4%	11.6%
	Court Assistants	7.3%	0	90.3%	9.7%
	Court Reporters	5.4%	0	100	0
	Analysts	4.5%	5.3%	52.6%	42.1%
	Court Clerks	1.9%	0	100%	0
	Office Clerical	1.4%	16.7%	66.7%	16.7%
	Data Processing	1.4%	0	100%	0
	Officials and Administrators	1.2%	0	80.0%	20.0%
	Para-Professionals	0.9%	0	100%	0
	Court Interpreters	0	0	0	0
	Other Occupational Groups and Positions	49.5%	1.4%	92.9%	5.7%

MINORITY PARTICIPATION IN THE NON-JUDICIAL WORKFORCE OF JUDICIAL DISTRICT 5

2003	Occupational Group	% of Non-Judicial Workforce	% Minorities Employed	% Whites Employed	% Unknown
	All Non-Judicial Employees	100.0%	2.9%	91.9%	5.2%
	Court Reporters	9.7%	0	100%	0
	Court Assistants	9.5%	2.2%	91.3%	6.5%
	Attorneys	9.3%	2.2%	93.3%	4.4%
	Court Clerks	8.3%	0	100	0
	Analysts	4.8%	4.3%	91.3%	4.3%
	Para-Professionals	2.3%	0	100%	0
	Office Clerical	1.0%	0	100%	0
	Data Processing	0.6%	33.3%	33.3%	33.3%
	Officials and Administrators	0.4%	0	100%	0
	Security	0	0	0	0
	Court Interpreters	0	0	0	0
	Other Occupational Groups and Positions	54.0%	3.8%	89.3%	6.9%

MINORITY PARTICIPATION IN THE NON-JUDICIAL WORKFORCE OF JUDICIAL DISTRICT 6

2003	Occupational Group	% of Non-Judicial Workforce	% Minorities Employed	% Whites Employed	% Unknown
	All Non-Judicial Employees	100.0%	1.8%	90.5%	7.7%
	Attorneys	9.8%	0	90.6%	9.4%
	Court Assistants	9.2%	3.3%	86.7%	10.0%
	Court Reporters	6.8%	0	100%	0
	Analysts	4.9%	0	81.3%	18.8%
	Para-Professionals	2.2%	14.3%	85.7%	0
	Officials and Administrators	1.2%	0	100%	0
	Court Clerks	0	0	0	0
	Data Processing	1.2%	0	100%	0
	Office Clerical	0.6%	0	100%	0
	Court Interpreters	0	0	0	0
	Security	0	0	0	0
	Other Occupational Groups and Positions	64.0%	1.9%	90.4%	7.7%

MINORITY PARTICIPATION IN THE NON-JUDICIAL WORKFORCE OF JUDICIAL DISTRICT 7

2003	Occupational Group	% of Non-Judicial Workforce	% Minorities Employed	% Whites Employed	% Unknown
	All Non-Judicial Employees	100.0%	6.2%	88.3%	5.4%
	Court Assistants	16.7%	2.3%	90.7%	7.0%
	Court Reporters	12.0%	4.8%	95.2%	0
	Attorneys	11.1%	1.8%	91.2%	7.0%
	Analysts	7.0%	8.3%	77.8%	13.9%
	Court Clerks	4.3%	9.1%	90.9%	0
	Data Processing	1.9%	0	100%	0
	Office Clerical	1.2%	28.6%	71.4%	0
	Court Interpreters	1.0%	80.0%	20%	0
	Officials and Administrators	0.6%	0	100%	0
	Para-Professionals	0.6%	33.3%	66.7%	0
	Security	0	0	0	0
	Other Occupational Groups and Positions	43.5%	7.6%	87.9%	4.5%

MINORITY PARTICIPATION IN THE NON-JUDICIAL WORKFORCE OF JUDICIAL DISTRICT 8

2003	Occupational Group	% of Non-Judicial Workforce	% Minorities Employed	% Whites Employed	% Unknown
	All Non-Judicial Employees	100.0%	8.7%	85.9%	5.4%
	Security	0	0	0	0
	Court Clerks	12.0%	4.8%	95.2%	0
	Attorneys	12.0%	6.0%	85.7%	8.3%
	Court Reporters	11.1%	5.1%	94.9%	0
	Office Clerical	1.7%	33.3%	50.0%	16.7%
	Court Assistants	6.1%	9.3%	90.7%	0
	Court Interpreters	0.9%	66.7%	16.7%	16.7%
	Analysts	6.1%	4.7%	76.7%	18.6%
	Officials and Administrators	0.4%	0	100%	0
	Data Processing	1.0%	14.3%	85.7%	0
	Para-Professionals	0.9%	33.3%	66.6%	0
	Other Occupational Groups and Positions	47.9%	9.2%	84.8%	6.0%

In closing, Honorable Richard B. Lowe proposed the following goals for each focus group:

Perception of Bias

- Examination of the treatment of litigants and attorneys
- Determination of what needed to be done to remove perception of bias

Promotional Opportunities

- Identification of current problems and/or obstacles to promotions
- Identification of changes that need to happen to increase the number of minorities receiving promotions

Embracing Leadership for a Competitive Advantage

- Discussion on networking
- Exposure to functions that include the court's upper echelon

PROMOTIONAL PROCESS PANEL

The Honorable Jan H. Plumadore, the newly appointed Deputy Chief Administrative Judge for Courts outside New York City, moderated the Promotional Process Panel. The panel included Administrative Judges James C. Tormey (5th Judicial District) and Sharon S.



Townsend (8th Judicial District) and Executive Assistants David L. Sullivan (Executive Assistant to Deputy Administrative Judge for Courts outside New York City), Harry Salis (7th Judicial District), and G. Russell Oechsle (6th Judicial District).

All the members of the panel emphasized the importance of making a good impression in an interview when seeking a promotion within the court system. They stressed the need for the candidates to do their homework and research the responsibilities of the position, to highlight their strengths, and to appeal to some of the unique interests of the interview panelists.

Addressing the managerial side of diversifying a workforce, the panel identified three key considerations:

- More awareness of the existence of the positions
- Highlighting the desirability and benefit of the jobs
- Demonstrating, through past hiring practices, that minority individuals have an opportunity of obtaining higher level positions

DIVERSITY



AT WORK



The panel also stated that when attempting to expand the workforce of the courts, that for every three jobs filled, two jobs were created to replace the people who were promoted. In an effort to be fair in its hiring practices, the panel said that management will often “mix and match” and take people from outside the system to cultivate new and fresh ideas.

Honorable Jan H. Plumadore

Deputy Chief Administrative Judge Courts Outside New York City

“One of the hallmarks in the upstate judicial districts that I am most proud of is that our selection panels have integrity—there is at least one female and one minority on the panel...and everyone gets one vote...We also recognize that there are unrelated, or seemingly unrelated, experiences that can separate a person from the pack...These may be life experiences that tell us not about a person’s qualification for a position but more about the person—his/her character, perseverance, or work ethics...When it comes to the diversification of our workforce, there are three important components: recruitment, employment and retention.”



**Honorable Jan H.
Plumadore**

Honorable James C. Tormey

Administrative Judge, 5th Judicial District

“Be innovative, be confident, and get along with everybody—that’s what we are looking for on our panels...Be yourself, be prepared for anything, show your sense of humor, try to take control of the interview process without being obnoxious...find out about the people on the interview panel and relate to them...get us into your head...and if an applicant impresses us during an interview but we cannot hire him/her for that job, we put him/her on a list and look for other opportunities to bring him/her into the system.”



**Honorable
James C. Tormey**

Honorable Sharon S. Townsend

Administrative Judge, 8th Judicial District

“Outreach is a key component for us to increase minority participation in the court system...we have a list of community organizations that we send announcements of employment opportunities to encourage minority participation in the interview process...we also have outreach coordinators who are responsible for attending local events to recruit individuals...Through a collaboration with the EOC Center, the Eighth Judicial District has offered a civil service test preparatory training course (free to the participants)...We believe that this has increased the number of qualified minority applicants and hope to see a similar plan adopted statewide.”

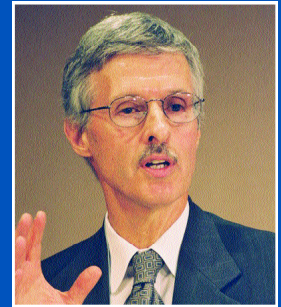


**Honorable
Sharon S.
Townsend**

David L. Sullivan

Executive Assistant to Deputy Chief Administrative Judge Courts Outside New York City

“You should customize your application and resumé for every position you apply, emphasizing what the panel will be looking for in that position...Do your homework and learn as much as you can about the position you are applying for...As managers, we have a responsibility to participate in the recruitment process and develop our employees for advancement in the system...We can mentor to our people who apply to other positions in the system...We may lose them in our own offices, but that is the price we pay when we bring good people into the system and develop them for promotions to better positions within the system.”

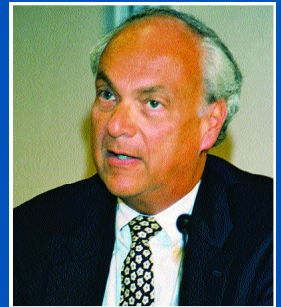


David L. Sullivan

Harry Salis

Executive Assistant to Administrative Judge
Thomas Van Strydonck, 7th Judicial District

“You have to be willing to move to another court or district sometimes for promotional opportunities...It is important to take opportunities for self improvement—enroll in a training class or attend a seminar.”

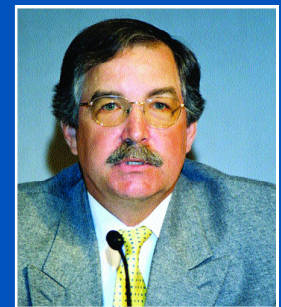


Harry Salis

G. Russell Oechsle

Executive Assistant to Administrative Judge Judith F. O’Shea,
6th Judicial District

“It is very competitive because there are few managerial positions available...If you want to be a manager in the court system and you are in a civil service position, start planning now for a position available five to ten years in the future...One of the biggest mistakes that I see in-house employees make is not taking the resumé and interview process seriously (‘Judge Jones knows me and my qualifications; I don’t need to submit a resumé’)...If you do not have supervisory responsibilities in your current position, then volunteer to work on projects to show your leadership, teamwork, and project management skills.”



G. Russell
Oechsle

After the panel’s presentation, the attendees had the opportunity to express some of their concerns regarding the promotional opportunities during the question and answer session. Honorable James A. W. McLeod and Ralph Hernandez, Esquire—both members on the Buffalo Advisory Committee, posed questions to the panel regarding some of the issues brought before the committee by upstate court employees. They ques-

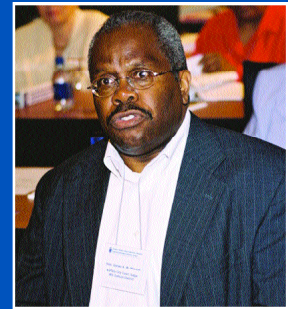
tioned, for example, whether in the upstate districts there had been a significant change in the number of managers of color. The panel conceded that the increase in minority managers had been minimal but that their visibility was important to encourage other minorities to apply for said positions.

The attendees expressed their concerns that the statistics indicated that despite their efforts to participate in the civil service testing and interview process, minorities were still not on an equal playing field. They questioned what they could do differently to put minorities on equity with others in the court system. The panel asked if they had any suggestions. The response was that many of the attendees came with a list of suggestions to discuss further in the afternoon workshops and looked forward to sharing these recommendations with members of the panel.

WORKFORCE DIVERSITY PANEL

The Workforce Diversity Panel made the final presentation of the morning. This panel included (from left to right) Honorable Eduardo Padro (Supreme Court Justice, 1st Judicial District and Commission member), Alice Chapman-Minutello (Deputy Director, Human Resources for Workforce Diversity), Lauren DeSole (Director of Human Resources—Office of Court Administration), Michael J. Moore (Coordinator of Outreach and Recruitment, Workforce Diversity), and Elizabeth Candreva (Assistant Managing Inspector, Office of the Inspector General for Bias Matters).

The panel's task was to explain the functions and duties of the Human Resources Division, particularly with focus on the Office of Workforce Diversity, and the Office of the Inspector General for Bias Matters. Honorable Padro moderated the panel, which acquainted the attendees with the offices that deal with bias in the workplace and investigation and training related to bias in the workplace. Honorable Padro presented different scenarios to the panel and asked them to explain how their respective office would handle the matter.



**Honorable James
A. W. McLeod**



**Ralph Hernandez,
Esquire**



**Honorable
Eduardo Padro**



LAUREN DESOLE spoke about the role of the Human Resources Department in assisting court employees with concerns of “an unequal playing field.” DeSole added that one of the best ways to ensure an equal playing field was to make sure that employees were aware of new opportunities via printed announcements and the human resources website. She also encouraged employees to call the office to ascertain how to prepare to apply for a position, the location of the new position, and any additional information to make an employee more successful in seeking promotional opportunities. She encouraged everyone to apply for promotional opportunities because it indicated that an employee was interested in advancing in the court system.

She explained that her department answers every employee’s call, directing the call to an appropriate person in her office. If dialogue with the employee indicated that there was concern for a discriminatory work atmosphere, she would refer him/her to the Workforce Diversity Office to ascertain the facts. That office would determine if there were discriminatory actions occurring and refer the matter to the Office of the Inspector General for Bias Matters.

ALICE CHAPMAN-MINUTELLO, Deputy Director, Human Resources for the Workforce Diversity Office (WDO), explained the functions of that office. “WDO’s primary responsibility is to conduct programs that promote diversity and anti-discrimination through education, training, special employment opportunities, and outreach efforts. The major responsibilities of WDO are: 1) to do analyses of the workforce in each of the courts and to do a comparison of that workforce to census data; 2) to conduct training, focusing on diversity issues for court managers statewide as part of the ‘Justice Works’ Program; and 3) to conduct statewide sexual harassment training for judicial and non-judicial personnel. As an outcome of one of the original recommendations from the Judicial Commission on Minorities, WDO does extensive outreach, with designated persons in all the courts.”

Chapman-Minutello explained that her office would address employees’ concerns regarding workplace retaliation. She also expressed the importance of a professional application presentation—i.e., a typed resumé and/or application (not hand-written). She warned court employees about the assumption that already being in the system did not require their best efforts for promotional opportunities. She stated that a major function of her office was to develop new skills for employees through training to advance within the system.



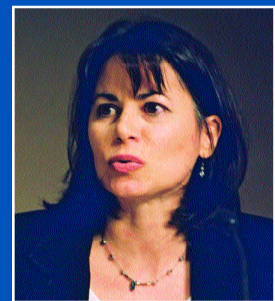
Lauren DeSole



**Alice
Chapman-
Minutello**



Michael J. Moore



**Elizabeth
Candrea**

MICHAEL MOORE outlined the outreach program of WDO. He said that WDO currently interacts with over seven hundred and fifty (750) organizations and associations to disseminate information about job opportunities available through the court system. He stated that WDO had various Equal Employment Opportunity staffers who participate in job or career fairs. WDO also worked extensively with schools to inform students of the job opportunities available through the New York State Unified Court System.

ELIZABETH CANDREVA, Assistant Managing Inspector General for Bias Matters, explained “that the Inspector General for Bias Matters Office conducts investigations of formal complaints and through the Anti-Discrimination Panels conduct informal investigations regarding complaints in the court systems. The Bias Unit conducts investigations on discrimination based on race, religions, sex, or anything else identified in Title VII of the Federal Regulations. The office also does extensive outreach to inform employees that help is available through the Inspector General for Bias Matters.”

Candrea stated that sexual harassment should not be handled in-house. Accusations of sexual harassment have many ramifications and should not be taken lightly. For example, a manager could be held personally liable. Therefore, sexual harassment problems should be brought immediately to the attention of the office of the Inspector General for Bias Matters. She noted that a new sexual harassment booklet had been distributed to court offices.

Where appropriate, particularly if the incident is perceived as a one-time event, the office will try to resolve the complaint by informal counseling. If more in-depth investigation is required, her office will investigate and make a report with appropriate recommendations to the Deputy Chief Administrative Judge. It is at the discretion of the Deputy Chief Administrative Judge as to what action will be taken.

The attendees also presented their own scenarios during the question and answer session.

Attendees: H. Brand, A. Patterson, and Honorable J. Ogden



WORKSHOPS

PERCEPTION OF BIAS

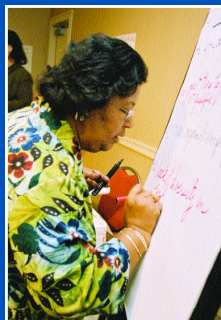
The objective of this workshop was to assess the current perception of bias in the court system as it relates to litigants, attorneys, and court personnel. Many participants in the group were very passionate about addressing their perception of bias regarding court personnel and hiring practices. In the upstate judicial districts, the employees identified the following concerns:

- A.** Lack of diversity in the judiciary and in most positions, especially managerial positions
- B.** Lack of trust in the system
- C.** Feeling that minorities are just there to fill a quota

Overall, participants made the following remarks and found these things most egregious:

- 1.** Stereotyping still existed. There was the assumption that minorities were in court for criminal matters.
- 2.** Minorities were overlooked and treated as if they were invisible.
- 3.** There was a lack of professionalism towards minorities.
- 4.** There is a perception that judges often show disrespect to minorities through:
 - a.** Harsh and condescending treatment of minority litigants
 - b.** Disparate dispositions—a belief that minorities received harsher treatments, higher bails, etc.
 - c.** Body language—a sense of disinterest when minorities are addressing the court or speaking to court personnel
 - d.** Disparate access to the judge
 - e.** Lack of equal treatment of minority lawyers by court personnel
- 5.** Court personnel felt that attorneys also showed bias toward minority litigants that they represented:
 - a.** The attorneys were impersonal and ignored the litigant, as if invisible.
 - b.** The attorneys appeared not to confer in depth with the litigant.
 - c.** The attorneys appeared friendly with court personnel but not with the minority litigants that they represented.

Moderator Sandra Scruggs and participants in workshop



Recommendations:

1. There should be a serious commitment to diversity training on a regular basis required of all personnel. The name of the training program should impart the seriousness of the training and inspire personnel to participate.
2. There should be public awareness training.
3. There should be more diversity in hiring.
4. There should be reinforcement by the Office of Court Administration and the Chief Judge to address the lack of diversity in the upstate judicial districts.

PROMOTIONAL OPPORTUNITIES

The focus of this workshop was to determine how to overcome problems and obstacles facing minorities looking for promotional opportunities. The group addressed some of the problems in two separate phases:

NON-COMPETITIVE POSITIONS

1. There is a misconception by people who are in the system that positions identified as temporary are short term positions and they therefore do not apply for them. These positions are often based on grants that eventually will allow a department to absorb the position into its regular budget. But the perception of a loss of a permanent position will deter an employee from applying for a promotional opportunity.
2. Employees in lower titles are reluctant to apply for promotional opportunities (higher titles that are not covered by a civil service test) because there is no civil service protection.
3. There is a problem with non-eligibility for promotion for some employees. For example, a personal secretary to a judge has no guarantee of placement in the system if the judge retires or one may have to take an entry level exam if he/she applies for any other positions.

Recommendations (Non-Competitive):

1. There should be enhanced recruitment from more extensive mailing lists.
2. Employment postings should be placed in more locations.
3. There should be an education of people on the misconception about taking non-competitive positions.
4. A brochure should be developed regarding non-competitive employment in the court system.

COMPETITIVE POSITIONS

1. People were not properly prepared for exams.
2. People were not aware of the subjects being covered on the exams.
3. People were not aware of the relevancy of the test materials to the position.

Recommendations (Competitive):

1. Expand training and preparation opportunities.
2. Have lunch hour workshops on various topics to increase employees' knowledge of the court system.
3. Revise the booklet, "How To Get A Job In the Courts."

Moderator Sharon Thomas and participants in workshop



EMBRACING LEADERSHIP FOR A COMPETITIVE ADVANTAGE

This workshop examined how employees in the New York State Unified Court System could develop their own personal skills to advance in the system. The workshop helped the participants to identify their own strengths and weaknesses and to better understand other issues such as how to manage conflict and be a leader or how to gain a competitive edge at an interview. The workshop focused on the following goals:

- To enhance the individual's understanding of leadership practices
- To broaden each individual's set of skills relating to the new leadership paradigm
- To create an awareness of each individual's leadership style

The workshop talked about two styles of leadership—transactional and transformational. The transactional leader conducts business in the same old way. The transformational leader looks for innovative and creative ways to bring about changes in our court systems.

The workshop discussed emotional intelligence—self determination, self awareness, self management, and empathy. The participants learned that it was very important to be empathetic to the people that they work with and the people that they serve through the court system. They also learned that having good social skills helped them better perform their jobs.

Recommendations:

1. Employees should learn to “think outside the box.”
2. Employees should be flexible.
3. Employees should find out more about himself/herself.
4. Practice the five P’s: **P**rior **P**lanning **P**revents **P**oor **P**erformance
5. Employees should implement an individual SWOT (Strengths, Weaknesses, Opportunities, and Threats) Analysis process—a user-friendly self-assessment strategy—for everyday use in his/her life.
6. Each employee should determine his/her leadership style.

Arthur Matthews of Matthews and Matthews Consulting and participants at workshop



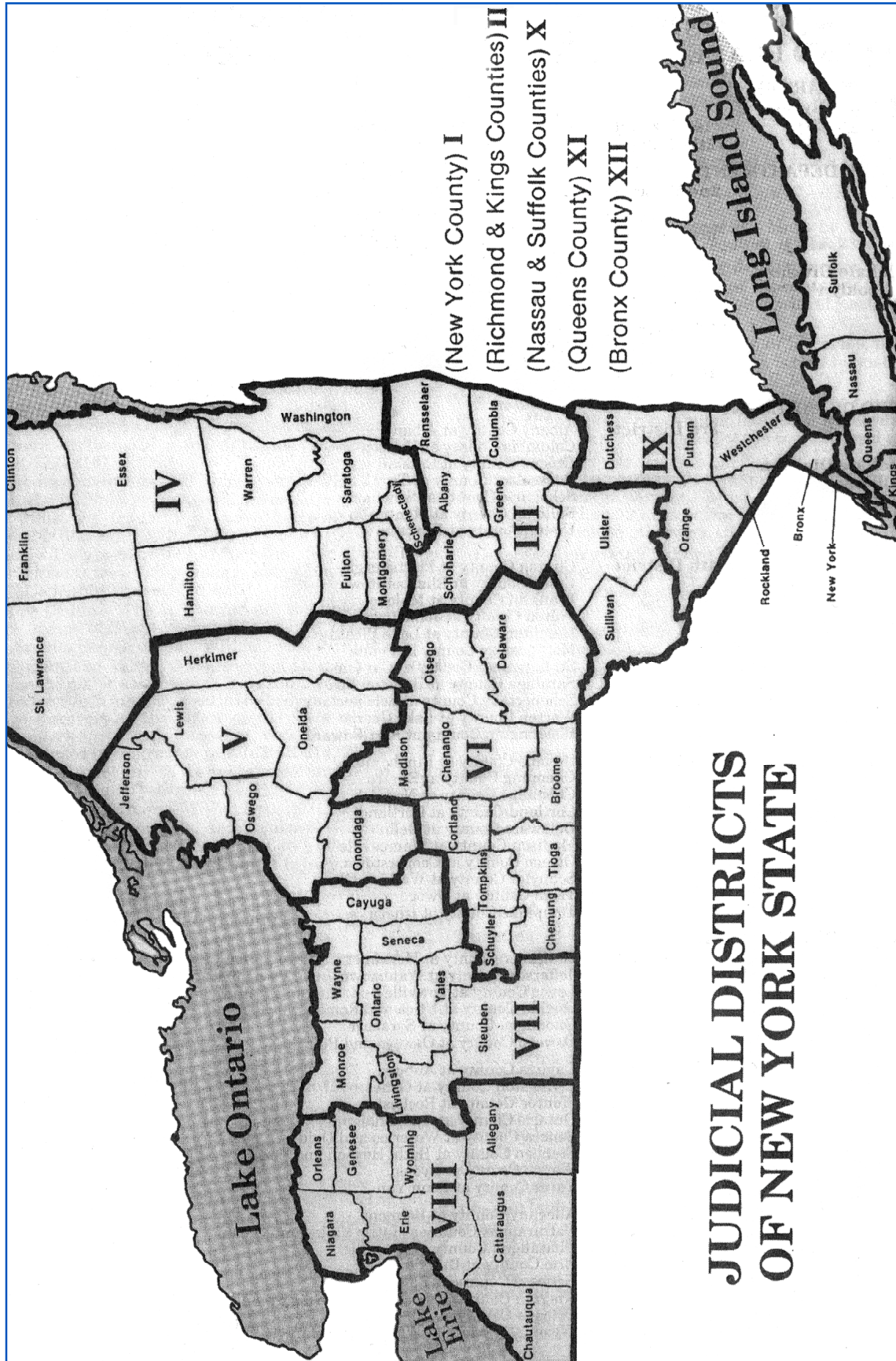
CONCLUSIONS

All the participants felt that the conference had allowed them an opportunity to have an open dialogue about the concerns and issues facing minorities in the New York State Unified Court System. Management had the opportunity to hear firsthand what many minority employees perceived as challenges to their growth in the system. The employees had the opportunity to hear what management looked for in selecting employees for promotions. Both management and employees expressed an interest and need to have further meetings to address some of the recommendations made at the conference.

The attendees stated that they wanted a more definitive commitment from the Office of Court Administration in diversifying the New York State court system. Employees were eager to work with management to fulfill that commitment through the various recommendations made at the conference. Employees were also committed to assisting in developing a more diversified court system.

“If you have any level of employee dissatisfaction, it leaks into all areas of your workforce and detracts from the cohesiveness that the court system strives to inspire in the general public. It is therefore imperative that we address any such dissatisfaction.”

Joyce Y. Hartsfield, Esquire, Executive Director



JUDICIAL DISTRICTS OF THE STATE OF NEW YORK

- I.** County of New York.
- II.** Counties of Kings and Richmond.
- III.** Counties of Albany, Columbia, Greene, Rensselaer, Schoharie, Sullivan and Ulster.
- IV.** Counties of Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, St. Lawrence, Saratoga, Schenectady, Warren and Washington.
- V.** Counties of Herkimer, Jefferson, Lewis, Oneida, Onondaga and Oswego.
- VI.** Counties of Broome, Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga and Tompkins.
- VII.** Counties of Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and Yates.
- VIII.** Counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming.
- IX.** Counties of Dutchess, Orange, Putnam, Rockland and Westchester.
- X.** Counties of Nassau and Suffolk.
- XI.** County of Queens.
- XII.** County of Bronx.

THE FRANKLIN H. WILLIAMS JUDICIAL COMMISSION ON MINORITIES



LEFT TO RIGHT: (Seated) Lenore Kramer, Attorney; René Myatt, Attorney; Pamela D. Hayes, Attorney; Judge Douglas S. Wong; Robert M. Reaves, Retired; (Standing, Second Row): Justice Ariel E. Belen; Justice Lewis L. Douglass (Chair); Justice yvonne lewis; Justice Eduardo Padro; (Standing, Third Row): Justice Richard B. Lowe, III; Justice Charles J. Tejada; Joyce Y. Hartsfield, Executive Director; Felix Fernandez, First Deputy Chief Clerk; Justice Troy K. Webber; William H. Etheridge, Chief Clerk VII; and (Not Pictured) Justice William J. Davis; Judge Cesar Quinones; Dr. Maria Ramirez; and Justice Rose H. Sconiers.

MISSION STATEMENT

It is the mission of the Franklin H. Williams Judicial Commission on Minorities to educate and advise decision makers in the New York Unified Court System on the issues affecting both minority employees and litigants; and to implement recommendations developed to address said issues.

Today, the Commission consists of eighteen (18) members, including eleven (11) judges, three (3) private practitioners, two (2) court administrators, and two (2) private citizens. The Executive Director is Joyce Y. Hartsfield, Esquire. The Commission continues its mission of advising, educating, and implementing the recommendations developed by its members. It provides a vehicle through which issues of importance to minorities are brought to the attention of decision makers in the court system.



