

Court's Dispute Resolution Program Helps Opposing Parties Iron Out Differences

Carol* sued next-door neighbor John* for ripping the tree right out of her front lawn and dumping it on her stoop. When the case was brought before the court, the judge sensed there were several underlying issues behind the conflict that would not likely be resolved by ordering John to hand over a specified sum of money to Carol. So the judge suggested the two try settling their differences through mediation—a confidential, non-binding process whereby a third-party neutral (the mediator) meets with the individuals or groups engaged in the conflict, listens to each one's perspective and helps the parties reach an agreement that everyone can live with. The two neighbors were referred to one of the many centers comprising the court system's statewide Community Dispute Resolution Centers Program (CDRCP), a joint local and state initiative offering individuals and groups mediation, arbitration and other conflict resolution services as more economical, less time-consuming alternatives to litigation.

Helping Opposing Sides Work Things Out for Themselves

CDRCP centers are operated by local not-for-profit organizations with technical assistance and partial funding from the state court system, screen-

ing tens of thousands of cases each year. Most referrals come from the courts, although walk-ins and cases referred by law enforcement agencies, schools, social service organizations, government agencies and churches are on the rise. Last year alone, over 40,000 neighbor-neighbor, family, consumer-merchant, landlord-tenant, community group and other conflicts were referred to local community dispute resolution centers, and of the more than 20,000 cases that were actually mediated, 77 percent were settled.

Carol and John turned out to be one of the success stories. About two hours into their first and only mediation session it became clear that John, who had recently lost his spouse, was angry at Carol because he felt she hadn't properly acknowledged his wife's death. Once the mediator was able to elicit this information, it took no more than 30 minutes for the two parties to come to terms. Not only did Carol drop the lawsuit, she even agreed to tend John's garden while he promised he would trim the hedges on her property. The two walked away satisfied and the last time their mediator checked in with them, both reported living up to their respective promises and said they were getting along just fine.

* Names changed to protect privacy

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Participants at a mediation training seminar held at the Crown Heights Community Resource Center.

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Mediation also worked wonders for David.* He and several tenants from his building were engaged in a long and draining court battle with their landlord. All the parties and their respective attorneys eventually opted for mediation. Although they haven't worked out every single problem, the tenants now communicate much better with each other and the landlord, plus there's a lot more trust on everyone's part. "The beauty of mediation is that it's not forced on anyone—we all had to sit down at the table and agree to the ground rules. Once we got past that stage, we worked on the areas where compromise was more realistic, then moved on to the more difficult issues. It's very constructive because you're not there to decide who's right or wrong, but to negotiate in good faith," comments David, who hasn't been back in court since.

A versatile process that can be applied to a wide range of conflicts, mediation is used either in lieu of or in addition to litigation. By working to reduce hostility and

facilitate rational discussion between all the parties, the mediator helps them bridge wide gaps in their positions and develop creative, mutually beneficial solutions. Mediation continues until a written or verbal agreement is reached, unless one of the parties drops out or the opposing sides are in a deadlock and can't benefit any further from the process. If the parties ultimately are unable to reach an agreement, they can terminate mediation and proceed with their lawsuit.

Centers Provide Multiple Services to Local Communities

CDRCP has some 2,000 volunteers, each having completed at least 25 hours of classroom instruction followed by an apprenticeship with an experienced mediator. Volunteers are required each year to mediate a minimum of three disputes and take six hours of continuing education in order to retain their certification.

Lawyer Nancy Schneider is a volunteer mediator at the Dispute

Resolution Center of Orange and Putnam Counties. She says mediation can be of benefit even when a dispute involves complex issues, adding, "It works because cooperation begets cooperation." The center's director, Rosalyn Magidson, who's quite excited about the growing interest of late in mediation, declares, "Conflict is an inevitable part of life but with the aid of an impartial third party skilled in mediation, opposing parties can and often do reach mutually beneficial settlements. The mediator is there to help those at odds work things out on their own. Each party has a say in the outcome, and that's empowering."

Like many other community dispute resolution centers across the state, Ms. Magidson's center has expanded in recent years, now offering mediation for custody and visitation cases referred by the Family Court, and teaching students and staff at local schools how to resolve conflicts peacefully, and parents living apart how to get along better for the sake of their children. "We're here to serve the community and that means playing the role of educator," she adds.

That's also true of Manhattan's Midtown Community Court Dispute Resolution Program. This vital community resource, part of CDRCP and a joint effort of the Midtown Community Court and Victim Services, provides dispute resolution services for individual and group conflicts, offers mediation training to locals, including members of the New York Police Department, and brings together

Interested in learning more about the Conflict Dispute Resolution Centers Program or think you'd like to become a volunteer mediator? Then call the Office of the Statewide Alternative Dispute Resolution Coordinator in New York City at (212) 428-2863 or the CDRCP Office in Cohoes, (518) 238-2699, or check out CDRCP's web site at www.courts.state.ny.us/cdrpc.

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Another Starlit Tribute to New York's Jurors

For the fourth year in a row, it was an all-star cast at Manhattan Supreme Court's Juror Appreciation Week celebration, held this past November 18th. It was standing room only in the court's jury assembly room, where such notables as TV personality Barbara Walters, actress-model Lauren Hutton, model Christy Turlington, New York State Attorney General Eliot Spitzer, Manhattan Borough President C. Virginia Fields,



Lauren Hutton addressing jurors, judges and other court officials.

New York City Public Advocate Mark Green and singers Mary Wilson (of the Supremes) and Valerie Ashford (of Ashford and Simpson)

discussed their experiences as jurors this past year as well as the importance of our country's system of trial by jury. Ms. Walters described the jury system as remarkable, thanking all the court personnel for making the experience "as painless as possible." "Do we get to come back if we want to serve before four years?" asked an enthusiastic Ms. Hutton, who was told that she can serve again in two years, provided she makes a special request to do so.

Festivities paying tribute to the 600,000 jurors who serve in New York each year took place all around the state throughout the week of November 15th.



Administrative Judge Stephen Crane (standing) greets Christy Turlington, Mark Green, Amy Irving and Valerie Ashford.

In New York, Jury Duty Isn't a Bad Joke Any More

For years the line, "Would you trust your fate to 12 people too dumb to get out of jury duty?" was a staple of bad courthouse humor.

No more.

Mayor Rudolph Giuliani, who is doing his jury duty this week, joins Governor George Pataki, New York Chief Judge Judith Kaye and a lineup of eminences who have gotten the call in the last few years. That's a sea change since 1997, when the State Legislature, prodded by the chief judge to close a host of occupational exemptions and loopholes, made jury duty harder to dodge and, as a result, fairer and less frequent. It's one reform that officials got right.

It once seemed that only the retired and the unsophisticated served on juries. Any occupational group with political juice—police, doctors, clergy, lawyers, even

people who make artificial limbs—were exempt. Elected officials and government department heads could get automatic disqualifications.

Because tens of thousands of people fell outside the net, many who were eligible to serve found themselves on a list of permanently qualified jurors. The result: Those few were called to court over and over again. That list has been scrapped and jurors now serve no more than once every four years.

In addition, lists from which potential jurors are identified have been expanded and compensation for those who lose pay is up from a laughable \$15 a day to \$40. Outside New York City, jurors now serve only one day or one trial. In the city that can stretch to three days or one trial, but that's still less than before.

The right to be judged by one's peers is a fundamental tenet of American justice. Mercifully, the juror's job is no longer the dreaded experience it once was.

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Questions, comments or suggestions about the jury system? Call 1-800-NY-JUROR, e-mail us at NYJUROR@courts.state.ny.us or write to Chief Judge Judith Kaye, Continuing Jury Reform, 25 Beaver Street, New York, NY 10004.

Court-Cop Team Helps Street People Build New Lives

No doubt, Charlton Green has that certain something, that extra get-up-and-go, though several years back he came upon some hard times, gave up all hope and ended up living on the New York City streets. "I was a chef by trade. Then I got hurt on the job and my life just fell apart. I was on codeine to kill the pain, couldn't use my hand, couldn't work as a chef anymore. I just didn't care about anything after that, so I hit the streets. It was rough. I saw a lot out there, learned a lot," he says softly.

Living in a cardboard box near Manhattan's Grand Central Station for some four years, Charlton shined shoes in fair weather, sold umbrellas on rainy days and did whatever he had to to survive, until he discovered Street Outreach Services (SOS)—a program launched in late 1996 by Manhattan's innovative Midtown Community Court to help street people rebuild their lives and stay on the right side of the law. Since his first encounter with SOS counselor Maria Almonte, Charlton's come a very long way. He kicked a four-year crack habit, landed a responsible, well-paying job and traded in his cardboard box for a clean, modern apartment. Now instead of ducking subway turnstiles, he gets around town by car, shuttling between several work sites he supervises in Manhattan and New Jersey.

Offering Immediate Help to Those Living on the Fringes

At the Midtown Community Court, people charged with nonviolent, low-level offenses give back to the neighborhood by performing community service. In addition to working with area residents and local businesses in developing and supervising these community service projects, the court provides offenders rehabilitative services such as counseling, medical care and job training. Four mornings a week, social workers from the Midtown Community Court team up with police officers from precincts in the court's catchment area and take to the



SOS social worker Maria Calle and Officer William J. Mendendez offering assistance to a homeless man.

streets, literally. Scouting midtown Manhattan by van, the SOS team reaches out to those who've made the streets their home, inviting them back to the court that very afternoon for help with housing, medical and other problems. As a result of these efforts, anywhere from five to ten people will show up at the court later in the day.

David Connolly, a case-worker who's been with SOS from day one, says

that before going out in the van he likes to sit down with the officers, have a cup of coffee and talk about what's been happening on the streets that week, deciding on which spots to hit first. "When we get to a destination, the officer will make the introduction. If a person is loitering, causing a public disturbance or breaking the law in some other way, the officer lets the violator know he or she could get arrested and suggests participation in the SOS program. Then I step in and explain what services are available at the court. We work with the homeless, the mentally ill, substance abusers, prostitutes, people just having a hard time out there. There are a variety of circumstances that can put people out on the streets, and we're there to address the many problems these individuals face."

Where There's A Will, There's Always A Way

Charlton says something just clicked when he learned about substance abuse issues and treatment options through SOS. Ready to take the next step and with nothing left to lose but the shirt on his back, Charlton entered a detox center. Once he was clean, Maria hooked him up with a program that offered him a safe place to stay and three meals a day (which he cooked for all the program's clients, thanks to his culinary skills) until he got back on his feet. By then he wanted to start working again and told Maria about a lucky encounter, during his shoe-shining days on the streets, with a well-to-do man who promised Charlton a job if he ever gave up the drugs. The man had given Charlton his card, so Maria contacted this

gentleman, assuring him that Charlton was clean, sober and ready to work. Today, Charlton supervises cleaning crews for this wealthy entrepreneur.

"SOS put me back on the map," says Eric Davidson, who lived on the streets from 1993 to 1997. At the time, Eric couldn't get a job because his green card had expired. Then he had a falling-out with his family. His life in limbo, Eric, who up until that time had been a studious, church-going young man, began his four-year journey on the streets, often sleeping in dangerous places. Along the way, he met the SOS team, getting his green card replaced with the court's help. Once that happened, everything started to fall into place. "It's been a renewal for me. Today when I tell people I used to be homeless, they can't believe it," exclaims Eric, who's now designing sportswear for men, a longtime dream of his. "A lot of people living on the streets have talent, have potential. They need that push and to know there's someone out there who really cares. And of course, you've got to want it for yourself."

"Engaging the person, getting the client to make that first step, that's the critical part," explains Maria. Adds David Connolly, "These are people with multiple problems and complicated lives, so it may take a number of conversations with a client before you can get through." And so far, SOS has gotten through to hundreds of people, linking them to vital services and guiding them to more stable, productive lives. "It's an excellent program," asserts Manhattan South Precinct's Michael Scagnelli, the supervisor of some of the community police officers who make up the SOS team. "With a population like this, it's not always an easy sell, but SOS does work and it works well." Just look at Charlton Green and Eric Davidson. ♦

If you'd like to learn more about the SOS program or know of any job opportunities for SOS clients, e-mail Julius Lang at jang@courts.state.ny.us or call him at (212) 484-2703.

Juror's Mailbox

Senior Court Clerk Linda Buonora of the New York County Supreme Court received the following letter from a juror who served last May.

This is a fan letter. You and your colleague, Larry Azarelo, are terrific! I just completed my fifth jury service since 1989 (three times in State Supreme Court and twice in the U.S. District Court). I had been dreading it and complaining to all my friends about the burdens of citizenship in New York County. Now I have become your informal, but very enthusiastic, public relations agent.

Things have really changed for the better. First of all, being allowed one automatic postponement is a real blessing. I postponed my service from December to May to accommodate my teaching schedule. Second, the map included with the summons is very helpful. Third, the new orientation video is excellent. We all laughed when the guy in medieval times nearly drowned to prove his innocence, but the point was clear as a bell. Fourth, being told upfront that jury service lasts two days unless we're chosen for a jury was very reassuring. Many

of us breathed an audible sigh of relief. And finally, Larry's telling us where to get a cup of coffee and about the restaurants and shops in the area blew me away.

Having a judge preside over the voir dire in civil cases and setting time limits on the lawyers who address the jury pool are outstanding innovations. I remember being harangued at length in 1991 by both plaintiffs' and defendants' lawyers, with verbal altercations between the opposing attorneys at several points. Not this time around. Jurors are now treated like their time is just as valuable as that of the judges and lawyers. Marvelous!

I'd read about the jury reforms spearheaded by Chief Judge Judith Kaye and have now experienced them firsthand. Please extend my gratitude to Judge Kaye and all those who've helped bring about these enhancements. Consequently, I'll be much more willing to serve the next time I'm called—which I understand will be in four years rather than two. Hooray!

Sincerely,
Kristine M. Rogers, Ph.D.

For This Judge, The Play's The Thing



Judge Hugh C. Humphreys

Judge Hugh C. Humphreys wears several hats, presiding over County Court, Family Court and Surrogate's Court cases in New York's Madison County, which is located approximately 20 miles from both Syracuse and Utica. As if that's not enough to keep this English major-turned lawyer-turned judge on his toes, Humphreys "moonlights" as a playwright (he's even directed a production or two), local historian-lecturer and an author of short stories.

Recalling how he first got into writing fiction, Humphreys says, "I'd been teaching law school, giving a lot of speeches when, about 12 years ago, I was asked to speak at an anniversary celebration at a club in Hamilton, where I live. I'd always written little skits and humorous pieces for special occasions, so I

made up a story, which I read, about an immigrant who settles in the village of Hamilton during the nineteenth century to escape the poverty of his homeland of Ireland. I got a lot of positive feedback and decided to turn the story into a play with music of the period."

Humphreys' "The Beauty of A Thousand Stars" has since been produced several times, most recently this past June for a music festival sponsored by Colgate University. Once bitten by the fiction-writing bug, the judge says the stories "just came jumping out." To date, Humphreys has penned several plays—all of which have been publicly performed—and numerous short stories.

Though he's a New York City native who was raised in New Jersey, Humphreys often uses Madison County as the setting for his fictional work, which makes perfect sense as the area has such a rich history and came to be a haven for many of the country's abolitionists and early women's rights activists. Humphreys, who used to be on the board of Madison County's historical society, is something of an expert on the history of the antislavery movement in the United States. He's written articles on the subject and has been a guest lecturer on abolitionism at local clubs and schools as well as at the Department of African-American Studies at Syracuse University. (He also happens to be an adjunct professor at Syracuse University's School of Law.)

In 1994, following several years of research that took him from Hamil-

ton to many other cities in New York—including Buffalo, Rochester, Albany, Utica and New York City—to Atlanta, Georgia, Humphreys made an important discovery about a daguerreotype featuring Frederick Douglass, Gerrit Smith and other abolitionists. He connected the famous photograph, which has appeared in just about every book that's must-reading for Civil War buffs, to an 1850 fugitive slave rally held on August 20th and 21st in the Madison County town of Cazenovia. Although it had been a much-published photo, nobody could link it to a specific place, date or event until Humphreys fit together the pieces of the puzzle. When an article he wrote about the identification of the daguerreotype appeared in the Madison County Historical Society's annual magazine, his discovery received national attention, generating a great deal of excitement among history professors and photographic experts around the country.

Not long after writing the article, Humphreys began putting together a dramatic presentation about slavery called "Oh, Freedom!" as a tribute to the heroism and artistry of the African-American slaves. He describes the work as a collage which combines readings from slaves' narratives and travelers' diaries with both traditional and little-known African-American spirituals. Humphreys collected over 50 slides of daguerreotypes and paintings relating to slavery from museums and libraries around the country. These slides were used as a backdrop when "Oh, Freedom!"—a work that took Humphreys nearly two years to

complete—was performed at Madison County's Earlville Opera House in September 1998.

So what's the judge up to these days when he's not at the courthouse? He's always got a story up his sleeve and lately has been doing a lot of readings of his work. "I really love dramatizing my stories. Whenever I write I focus on how each line is going to sound to the audience," he says, adding that this, and the fact he starts out in longhand before transferring his work onto the word processor, makes the writing process rather laborious. Still, the stories continue to pour out.

Along with his love for the law, history and fiction-writing,

Humphreys has a passion for music, which he likes to use in his plays. A proud husband and father, Humphreys migrated to Madison County over 30 years ago from New York City, where he practiced law for seven years, including a five-year stint at the U.S. Attorney's Office under Robert Morgenthau, now the district attorney for Manhattan.

The multifaceted judge says his wife has no trouble at all keeping up with him. After staying at home to raise the couple's four children, Mrs. Humphreys earned a master's degree in social work while holding down a full-time job, commuting every weekend from Hamilton all

the way to Scranton, Pennsylvania, where she attended Saturday graduate classes.

Thinking back to the time when he and his wife first decided to move the family up to Madison County, the judge says one of the selling points of the area was that Mrs. Humphreys had family there, adding, "Madison County is such a culturally rich area, being situated between Syracuse and Utica, plus Hamilton is home to Colgate University. It's a friendly, really nice place, a wonderful place to be a judge." Not to mention a dramatist, writer of short stories, historian, lecturer and sometime director. ♦

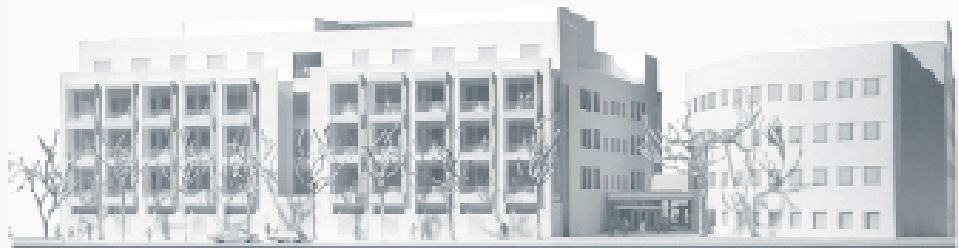
New York City To Get Some New Courthouses, Upgrades to Existing Ones

Last June, Chief Judge Judith Kaye, Chief Administrative Judge Jonathan Lippmann, New York City Mayor Rudolph Giuliani, Queens Borough President Claire Shulman and other dignitaries broke ground for a new Family Courthouse in Jamaica, Queens. The five-story building, located on Jamaica Avenue between 151st and 153rd Streets and scheduled for completion in December 2001, will hold 18 courtrooms, six hearing rooms and nine court-affiliated city and state agencies.

This new facility is part of an extensive construction plan spanning the city's five boroughs that also includes building a combination Supreme

Criminal-Family Court facility in downtown Brooklyn, a 47-courtroom facility for the Criminal Branch of the Bronx Supreme Court, a Criminal-Family Court Complex in Staten Island and a courthouse for Manhattan's Supreme Court, Criminal Branch, as well as renovating existing courthouses throughout the city, upgrading their elevator, electrical, air conditioning and other systems.

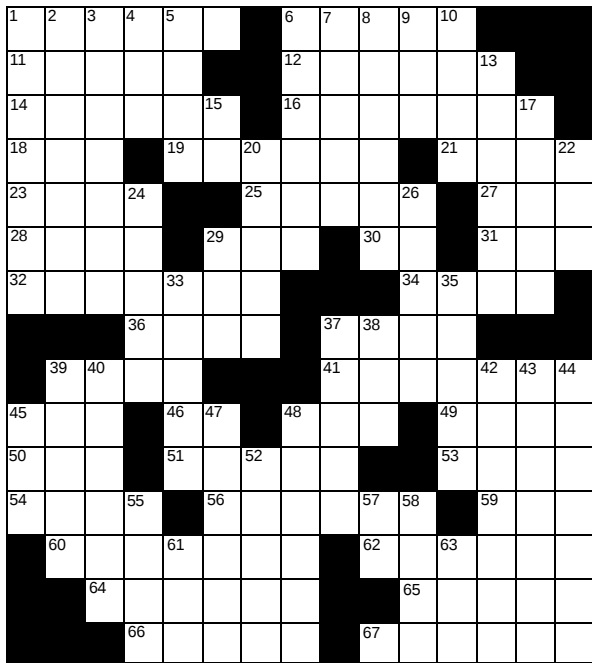
"The appearance and condition of our courthouses reflect the importance and seriousness of the business conducted inside them. And that in turn affects the public's perception of our court system and the judicial process," says Chief Judge Kaye, who applauds the new construction plan, a joint effort of New York City and the court system that is being financed by the State Dormitory Authority.



Architect's rendering of the new Queens Family Courthouse

Pel Cobb Freed & Partners / Gruzman Samton

COURTSIDE CROSSWORD



ACROSS

- | | |
|--|--|
| 1. Charge with an offense | 21. Melody |
| 6. Faith of Muhammad's followers | 23. The Far East |
| 11. Cook in the oven | 25. Come in |
| 12. Performed flawlessly | 27. Charged atom |
| 14. — on, desert: 2 wds. | 28. Cincinnati team |
| 16. Choir members | 29. Ms. West |
| 18. Bring to a close | 30. Abbreviation for one of the seven continents |
| 19. — tuck, very close, as in a race: 2 wds. | 31. Physicians: abbr. |
| | 32. Slim |

- | | |
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| 34. Lawsuit | 9. Required subject for high-schoolers: abbr. |
| 36. Chows down | 10. Encounter |
| 37. Assert | 13. Wizards, in Irish folklore |
| 39. You shouldn't put this before the horse | 15. Tone for 16-Across |
| 41. Most massive | 17. Snoozer's sound |
| 45. Bed | 20. Fruit-salad ingredient, perhaps |
| 46. Spielberg's friendly alien | 22. Certain letters |
| 48. 53-Across, to Isaac | 24. He played Mr. Grant on "The Mary Tyler Moore Show" |
| 49. "Do — others . . ." | 26. Indy 500 contestant |
| 50. Start of the Lord's Prayer | 29. Ran into |
| 51. You can say that again | 33. Outmoded |
| 53. Jacob's twin | 35. What 2-Down and colleagues must do to prove a case |
| 54. "True —," John Wayne flick | 37. Distant |
| 56. Changes gears | 38. Vehicle of choice for many families |
| 59. Non-commercial station which airs "All Things Considered": abbr. | 39. Place to present 34-Across |
| 60. Hands over to the police, as a criminal suspect: 2 wds. | 40. Hotel or shopping-mall feature |
| 62. Katmandu native | 42. Trap |
| 64. Courtly dance | 43. Oft-needed commodities |
| 65. Has a fondness (for) | 44. Traveler |
| 66. Gripes | 45. Wheel part |
| 67. Bear witness to | 47. Paper product |

DOWN

- | | |
|---|--|
| 1. Unpaid debt | 48. Periods, usually brief, spent on certain tasks |
| 2. Lawyer | 52. "To Catch a —," film classic |
| 3. Philosophical novel by Voltaire | 55. Lake-feeding stream, for short |
| 4. This group brings "a touch of home" to American military stationed abroad: abbr. | 57. Nashville's state: abbr. |
| 5. Shock | 58. Faction |
| 6. Crazy | 61. Compass point |
| 7. Holy one | 63. Portion, as of butter |
| 8. Shade tree | |

MEDIATION continued from page 2

people from different sectors of the community for brainstorming sessions during which they address, with the aid of a group facilitator, safety, sanitation and other quality-of-life issues affecting the neighborhood.

Located in the heart of the city that never sleeps, the program mediates a lot of noise-related conflicts that pit some of the area's livelier late-night establishments against neighboring residents yearning for a good night's rest. Julius Lang, the court's coordinator, explains why the dispute

resolution program works so well for these conflicts: "Although the police may issue a summons to the owner of a business for making excessive noise, often what happens is the noise continues and the residents are left frustrated, frequently venting their anger at the police. Such disputes can only be resolved if each side gives a little, which is usually the case once the parties actually sit down with a mediator to talk things out. The owner begins to understand things from the viewpoint of the residents and vice versa."

"Getting people locked in conflict together at the table is that first critical step," agrees mediator Stuart Sears, who works with the area's police precincts and the community at large to raise awareness about the Midtown Community Court's dispute resolution program, adding, "A face-to-face meeting can really de-escalate an emotionally charged situation. And even if the parties don't come to an agreement, things can still take a dramatic turn for the better." ♦