

JURY POOL NEWS

A New York State Unified Court System publication highlighting the latest court initiatives and related news

NY Jury Experts Visit Russia As Jury Trials Make Comeback There

Rochester jurists Patricia Marks and Thomas Stander, along with jury commissioner Charles Perreaud, got the red-carpet treatment on a trek this past May to Russia, where they provided technical assistance to court officials as the country embarks on a jury trial system for defendants charged with serious crimes. The trio was accompanied by Mark Bennett, a Rochester attorney and onetime Muscovite who is fluent in Russian, and Detective Ron Reinstein of the Rochester police department. The trip was funded in part by the U.S. Department of State and organized by the Russian-American Rule of Law Consortium, a nonprofit organization based in Vermont.

Jury Revival Follows 76-Year Hiatus

Landing in cosmopolitan St. Petersburg, the Rochester team received a warm welcome from its gracious hosts, then headed southwest to participate in a seminar in Veliky Novgorod—pretty much a rural part of the country and Rochester's sister city—where jury trials get under way in January 2003. The Rochester contingent also joined a group of Connecticut judges and lawyers on a visit to their sister region, Pskov, which like Veliky Novgorod is

located southwest of St. Petersburg and will commence jury trials early next year.

Russia resurrected its jury trial system—abolished after the 1917 Bolshevik Revolution—in 1993, conducting jury trials on an experimental basis in several regions of this vast nation, which at 6.5 million square miles in area is nearly twice the size of the United States. To serve as a juror in Russia, one must be a citizen and voter between the ages of 25 and 75. Twelve jurors and two alternates are selected for a trial, with jurors given three hours to reach a unanimous verdict, after which a majority verdict is accepted.

A Reform That Will Take Some Adjustment

Judge Stander, who presides over the Monroe County Supreme Court's Commercial Division and first visited

Russia two years ago, says the Russian judges and court administrators he met with last May were very interested in their American counterparts' views on jury selection, opening statements and other practical matters. Of the resurgence of jury trials in the country, the judge says it's a reform that will take some getting used to on the part of the Russian citizenry. "A population that basically was told what to do in the past is now being asked to participate in a democracy," he explains, adding that the revival of jury trials is also a huge change for the nation's judges, who are appointed for life and up until now decided the fate of defendants charged with murder, rape and other serious felonies.

Despite such obstacles, post-Soviet Russia is truly committed to a national jury trial system, says Judge Marks, who oversees Monroe County's criminal and county courts. She described the trip—her first to Russia—as a "terrific opportunity to both re-examine our own system and

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Rochester jurists Patricia Marks and Thomas Stander (second from right), in Russia with Monroe County Commissioner of Jurors Charles Perreaud (second from left), attorney Mark Bennett (far right) and Detective Ron Reinstein, of Rochester's police department. The five made the trip last May to provide technical assistance to Russian judges and court administrators as the nation revives its jury system.

ONEIDA COUNTY COURTHOUSE'S NEW JURY ROOM IS INSTANT SUCCESS

WITH ITS SOOTHING PASTEL-COLORED WALLS, comfy new chairs and easy access to vending machines, bathroom facilities and telephones, the new jury



Deputy Commissioner of Jurors Christine Halpin enjoys a copy of Jury Pool News in the newly refurbished jury assembly room at the Oneida County Courthouse in Utica.

assembly room at the Oneida County Courthouse has been getting rave reviews since its unveiling this past May.

Oneida County Commissioner of Jurors Charles Dolan says the new environs seem to make the jurors feel much more relaxed. "I guess I didn't realize it at the time, but I don't feel the tension that I used to in our old space," he says, adding that

he overhears a lot of "wows" from jurors as they enter the new area, which bears no resemblance at all to the cramped juror quarters formerly located on the fourth floor of the landmark courthouse. And now that the jury area has been moved to the courthouse's lower level and is accessible to the street, Commissioner Dolan is hoping that jurors soon will enter and leave the courthouse through the lower level, easing traffic at the main entrance on the first floor.

New Space Passes First Test with Flying Colors

The commissioner and his deputy, Christine Halpin, worked closely with architect Jeff Loson, keeping juror comfort and convenience in mind as they negotiated every detail of the new design. Ms. Halpin—who had just lived through a home improvement project—quickly gained the architect's confidence by handing him a floor plan she designed to scale. Oneida County Court Judge Robert Julian, who also heads the county's jury board, says Commission Dolan and Deputy

Commissioner Halpin's vast experience with juries made them natural candidates for this challenging assignment. "They had a very good handle on what would make the space the most juror-friendly," he adds.

The new assembly area, built for up to 200 jurors, was broken in very quickly when Judge Julian asked the commissioner and his staff to bring in some 150 jurors for a complex trial expected to run at least four weeks. "We were able to seat all the jurors comfortably," recalls the judge, adding that it took just 15 minutes to later divide them into separate panels thanks to the spacious, intelligently designed layout. Judge Julian calculates that dividing the jurors into separate panels in the old space, with its limited room and other problems, would have taken as long as 90 minutes.

Special Touches Make Jurors Feel at Home

Commissioner Dolan, who still shuns voice mail and likes to speak personally with every juror who calls in, says another important feature of the newly designed area is the open path between the jury offices and the assembly area. From just about any vantage point in the assembly room, jurors can observe someone from Mr. Dolan's staff at work. "We wanted the jurors to feel they can just walk over and ask for assistance at any time," explains Ms. Halpin. She and the commissioner also made certain to include an ample number of water fountains in the new space, and to make the jurors feel even more at home, free coffee, tea and hot chocolate are served up daily in the meticulous, jurors-only kitchenette.

As for the audiovisual and computer equipment, it's all state of the art, with additional wiring installed in anticipation of the court's evolving technological needs. Also, a cleverly concealed room divider instantly converts part of the assembly area into an extra courtroom, complete with portable bench, jury boxes and other essential furnishings.

A small section of the waiting area, devoted to local jury- and court-related memorabilia, takes jurors from their high-tech surroundings back in time. This historical corner of the room includes a couple of vintage jury wheels once used to jumble the names of jurors, as well

as a display of news clippings that go back to the 1930s.

One short news clip written in December 1937—the year women gained the right to serve on juries—reports Oneida County is moving faster than some other sections of the state in calling women for jury service. A letter to the editor of one local daily, penned by a female and dated October 27, 1937, urges women to “go down to the office of the commissioner of jurors and see that your name is

placed on the list.” In those days, women were not required by law to serve on a jury.

Also on display is a postcard, circa 1911, featuring a picture of the Oneida County Courthouse, which was built in 1851. The gentleman who picked this antique postcard up somewhere in Arizona mailed it to the courthouse because he wanted to “send it back home where it can be appreciated.” As soon as Deputy Commissioner Halpin laid eyes on it, she knew it

would make the perfect addition to the jury room’s historical collection.

She and the commissioner certainly thought of just about everything in planning the new space, so it’s little wonder the revamped assembly room is such a big hit with the jurors. Third-time juror Leonard Summer was pleasantly surprised upon walking into the new jury room recently. “Things went very well,” he says happily, adding that this was by far his best jury experience to date. ♦

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Among the judge’s observations about the Russian judiciary is that their judges, by and large, are appointed at a comparatively tender age. “One judge was 39 and already had 15 years on the bench,” she recalls. She also notes that about half the country’s judges are women, though there are considerably fewer female supervising judges than in the States. And after hearing a Moscow judge with some jury trial experience deliver a preliminary charge he’d given to a jury just before commencing a trial, Judge Marks says she came away thinking there’s “a sort of universal language with respect to jury trials.” “I could have lifted what he said verbatim and used it back home,” she comments.

Commissioner Perreaud, also struck by how similar the Moscow

judge’s charge was to a jury charge in an American courtroom, says he arrived in St. Petersburg “not to indoctrinate the Russians in our way of doing things, but to give them some perspective and also learn from them.” Indeed, he departed the country with many lasting impressions, from the tremendous generosity of the Russian people to the lack of private ownership of homes and cars that still exists to the sweeping changes taking place in the nation’s judiciary and other institutions. “I’ve made contacts I know will continue for many years to come,” adds the commissioner, who is now working with a Russian court staffer on the issue of juror response—juror turnout there averages five percent compared with 65 to 70 percent in the U.S.—as well as overall public

trust and confidence in the system.

On the subject of enhancing the Russian public’s trust and confidence in their legal system, Mr. Bennett, the Rochester lawyer and former Russian resident who served as translator on the trip, reports that the Russians have begun to realize the importance of involving the average citizen in the judicial system. “Any public skepticism will diminish as people participate. It’s empowering, and they’ll become more receptive. It will be a slow adaptation, but they’ll accept it over time. At least that’s my hope,” he says.

And stay tuned for further developments in Russia’s transition to a jury trial system as Judges Marks and Stander return to this intriguing nation to continue the dialogue on jury selection and other key issues. ♦

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Chief Judge Judith Kaye, Continuing Jury Reform, 25 Beaver Street, New York, NY 10004

Innovative Court Keeps Close Tabs on High-Risk Probationers

"IT SEEMS TO ME YOU HAVE TURNED YOUR LIFE AROUND," Judge Thomas Carroll told a middle-aged female appearing at the Brooklyn Probation Review Court one Thursday morning. The woman, who'd been indicted for possession of drugs and a weapon, was now doing well—drug-free and working—according to Duane Martin, the New York City probation department's court liaison officer. Mr. Martin, who is present throughout the proceedings, works with the court in devising an action plan tailored to the probationer's specific needs, maintaining up-to-date status reports on all those who come before Judge Carroll.

"I both applaud you and caution you. There will be difficulties in the future . . . but now you've a history of success as you face those difficulties," continued Judge Carroll, who since May 2000 has been conducting about 40 probation reviews per week at the innovative Brooklyn court, part of the New York City Department of Probation's Neighborhood Shield initiative aimed at reducing recidivism.

Judge's Praise, Warnings Have Strong Impact

"The regularly scheduled court appearances make all the difference," says Irene Prager, the probation department's assistant commissioner for adult services in Brooklyn. "The fact that the probationers know that they have to come back to see the judge, not just when they mess up, but that the judge is interested in knowing how they're doing all along—it's a powerful, powerful tool

in their rehabilitation," adds Ms. Prager, explaining that typically probationers are brought into court to face the judge only if they've violated a condition of their sentence. "Because the judge knows everything that's going on, even if it's not at the level of a violation, if the probationer has missed an appointment, the judge can catch him at that point and admonish him, which can have a strong impact."

A Balance Between Enforcement and Support

Started in January 2000 in Brooklyn's 75th precinct—which has the most criminal complaints of any precinct in New York City—Neighborhood Shield combines intensive supervision with access to education, job training, drug treatment and other support services in helping high-risk probationers make the transition to a productive, law-abiding existence. A response team of probation and police officers patrol the areas where the probationers reside, also making unannounced home visits. A second Neighborhood Shield initiative and probation review court, targeting offenders from Staten Island's 120th precinct, was launched several months later.

Candidates for Neighborhood Shield are selected on the basis of several factors, including age, family stability and level of education. Neighborhood Shield participants—mostly males between 19 and 31 with a felony conviction and a history of drug problems—are required to undergo random drug testing, pay additional visits to their



Judge Thomas Carroll with Frank Layden, special consultant to the New York Knicks, during a speaking engagement attended by Brooklyn Probation Court participants.

probation officer and perform community service as part of their sentence. Sentences run five years on average, with probationers appearing before the judge for monthly updates during the first six months, after which they continue to be closely monitored by an assigned officer.

Additionally, the Neighborhood Shield participants must be in school, employed or actively looking for work. The New York City probation department has a special program to assist them in developing job skills and finding employment, an often daunting task for someone with a criminal record. Private employers as well as several trade unions willing to give offenders a second chance are active in the program.

Neighborhood Shield has had remarkable success to date, with the compliance rate of its participants—which ranges between 85 to 90 percent—nearly double that of probationers with a similar criminal history and background who don't have this extra supervision and support.

Buds, Friendships Flower Via Unique Court Partnership

Just about any weekday morning from late spring through October, a small contingent of young people can be spotted tending the well-maintained perennials and other plants that adorn the front lawn of the Nassau County Supreme Court in Mineola. Nassau County Administrative Judge Edward McCabe affectionately calls the green-thumbed helpers—participants in a program for developmentally disabled young adults designed to foster independence—“part of our court family.”

About 180 young people from this special program, dubbed “The Next Step” and sponsored by the Nassau County chapter of the Association for the Help of Retarded Children (AHRC), provide volunteer services both in and

around the courthouse throughout the year. The “New Steppers” have been volunteering at the Mineola court for the past several years, with the plants, gardening tools and related equipment for landscaping projects made available by AHRC via donations from local individuals and businesses.

The volunteers, most of whom are in their twenties and recently out of school, perform a variety of tasks, from gardening to affixing the string necklaces on the identification cards jurors are required to wear upon entering the court. The “Next Steppers” rotate assignments, alternating among several work sites that beside the county’s



Volunteer Michael Curiale carefully removes weeds from the front lawn of the Nassau County Supreme Courthouse in Mineola. He and other volunteers from “The Next Step,” a program sponsored by the county’s Association for the Help of Retarded Children, provide year-round help in and around the courthouse.

Supreme Court include its Family Court as well as local soup kitchens, senior homes and thrift shops. Participants are accompanied to the sites by a job coach who oversees their work and provides direction.

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New York City Department of Probation spokesman Jack Ryan describes the initiative as “a balance between enforcement and support, a concrete effort to reach out to people who need assistance.” “Many of these probationers don’t have any work experience. They need a lot of coaching and support to start a regular lifestyle most people take for granted,” he says.

For instance, Harry*, appearing before Judge Carroll that morning, was looking rather indifferent as the judge expressed concern over his seeming resistance to drug treatment. When Judge Carroll asked why he’d missed one of his counseling appointments, Harry replied he was in Housing Court. “I’m prepared to remand you. I’m not interested in reasons why you cannot do things . . . Only one person can make this choice. It is you. I don’t authorize the facts. I review them,” Judge Carroll said sternly.

Then, to get his point across more vividly, the judge gave the example of baseball great Hack Wilson, who

despite his extraordinary talent died a penniless alcoholic in 1948. Judge Carroll has a penchant for invoking the names of sports legends, political figures, even literary characters, in encouraging compliance. “You’ve got to reach out and help people who are helping you . . . You’ve got to start connecting. Do you understand that?” queried the judge. Harry was now looking straight at Judge Carroll. “Yes,” he responded in a barely audible voice. It seemed the judge was getting through. As Mr. Ryan points out, the early stages of probation are the most critical.

Overall, the successes of the probationers on this particular Thursday outweighed their setbacks, even counting the one-year jail sentence Judge Carroll handed out to one young man for failing to report to his probation officer. “It’s a good news day,” Judge Carroll announced before returning to his chambers. ♦

* Name has been changed to protect privacy

Veteran Court Staffer Takes On Juror's Role



COURT EMPLOYEE KRISTEN HARDING says her first grand jury stint this past March was an enriching experience in more ways than one. As longtime secretary to Broome County Supreme Court Justice Patrick Monserrate, Ms. Harding walked into the grand jury room with considerable knowledge of the jury process and court system but still came away with some valuable insights.

Many of the jurors were taken aback by how young a lot of the defendants were as well as by the high percentage of drug-related cases, Ms. Harding observes. Of course, with her 14-plus years in the courts, coupled with the fact she's married to a police officer with more than 17 years on the force, she wasn't at all shocked by either. What was a bit surprising to her, though, was the lack of knowledge many of the new jurors had about the grand jury process. A good number of those on her panel were expecting to sit on a trial, unaware that the role of the grand jury is not to decide the guilt

or innocence of an individual who's been charged with a crime but to determine whether or not there is legally sufficient evidence and reasonable cause to charge someone with a felony. Grand jurors hear numerous cases over the course of their service.

Ms. Harding believes that newcomers should be better prepared for grand jury service and was pleased to learn about the newly released orientation video now being shown to grand jurors statewide as well as a handbook that will soon be available to all those serving on grand juries in New York.

Educating people about the jury process and the role of the judicial branch is vital, says this public administration major who got her first taste of the courts in late 1987, upon landing a temporary job assignment with Judge Monserrate. Though she "fell in love with the whole process and found the court system quite fascinating," Ms. Harding declined the judge's offer of a permanent position because she was already planning a move from her native Binghamton—Broome County's seat and a business and cultural hub—to North Carolina. But destiny intervened and Ms. Harding ended up staying in the Binghamton area and joining the New York State court system as Judge Monserrate's secretary in July 1988.

She, husband Patrick and nine-year-old daughter Meredith have since settled down in a quiet community about 15 miles from the courthouse. "I'm very proud to live

in Binghamton. It's a lovely, diverse community, and a great place to raise children," she says of her decision.

Getting back to jury duty, Ms. Harding considers it essential to a democratic society. "I've seen the jury system work over and over, and I want to get the word out. It's the people's system. We all have to shoulder some part of the responsibility or otherwise run the risk of the system's collapse," she exhorts.

Ms. Harding says serving on a jury not only allowed her the opportunity to participate as a citizen but also gave her the chance to meet an eclectic mix of people and see how others view jury service and the courts in general. "It was nice to get out and talk to people who do different things. It gave me a fresh perspective," she adds.

She confesses to having had an advantage over the other grand jurors: her office is located just across the street from the grand jury room, which made it pretty convenient to catch up on work during lunch and other breaks.

The one aspect of grand jury service that she found difficult was listening to the testimony of the crime victims. "I haven't been involved in criminal cases for the past few years, so it was a vivid reminder of how emotionally trying these cases can be," she explains. Despite this downside, Ms. Harding declares herself "ready, willing and able" to serve in the very near future. "I'd do it again tomorrow," she adds emphatically. ♦

"PARTNERSHIP" continued from page 5

A Win-Win Situation

On a warm, sunny morning, Michael Curiale, a New Step participant and aspiring musician, was diligently removing weeds from a landscaped area several yards away from the facade of the Nassau County Supreme Court building. Asked how he likes working at the court, Mr. Curiale affably responded that he enjoys the gardening and other tasks he gets to do. "You get to meet a lot of people," he added. For New Stepper Eileen Leiberman, working at the courthouse is tops. "I love it. I love it. It's my favorite courthouse. I live right across the street," she stated proudly, her gloved hands covered in dirt from weeding and "tickling" the roots of the plants to enhance growth, a trick she learned from her job coach.

Daniel Bagnuola, the court's community relations coordinator, describes the partnership between the court and AHRC volunteers as a win-win situation. "For these

young people, it's often their first job. The gratitude and encouragement they get from volunteering is invaluable, and it gives us the opportunity to reach out to this segment of the community. The volunteers interact with many people and have forged relationships with a lot of our employees," he says.

In fact, the New Step participants so much look forward to coming to the courthouse, they sometimes argue over whose turn it is to work at the court, admits Leora Quere, AHRC's activities coordinator. Ms. Quere says the court is an "up place" for her volunteers because of all the inspiration they receive from the judges, court staff and even some of the court's visitors. "Many court staffers now participate in our annual walkathon and donate clothes to our thrift shop," reports Ms. Quere, who calls Judge McCabe one of the volunteers' most avid supporters.

"We welcome and appreciate these wonderful young people,"

comments Judge McCabe, adding that their work at the court gives them the sense of purpose and self-esteem critical to a happy, productive existence. And to demonstrate their gratitude to the volunteers for their year-round efforts, Judge McCabe and his staff throw a special recognition party for them every June. At the pre-party ceremony this year, Judge McCabe handed each New Step participant a certificate of appreciation and personalized key chain. Ms. Quere says the volunteers anxiously await the annual June celebration. "They've grown very attached to the people they interact with at the court," she adds.

And vice versa, says an enthusiastic Mr. Bagnuola. "To watch them interact, it's human nature at its best. There are no gender or racial barriers. There's a purity in their friendship. They're always smiling and happy to be here. We've learned more from them than they have from us," he muses. ♦

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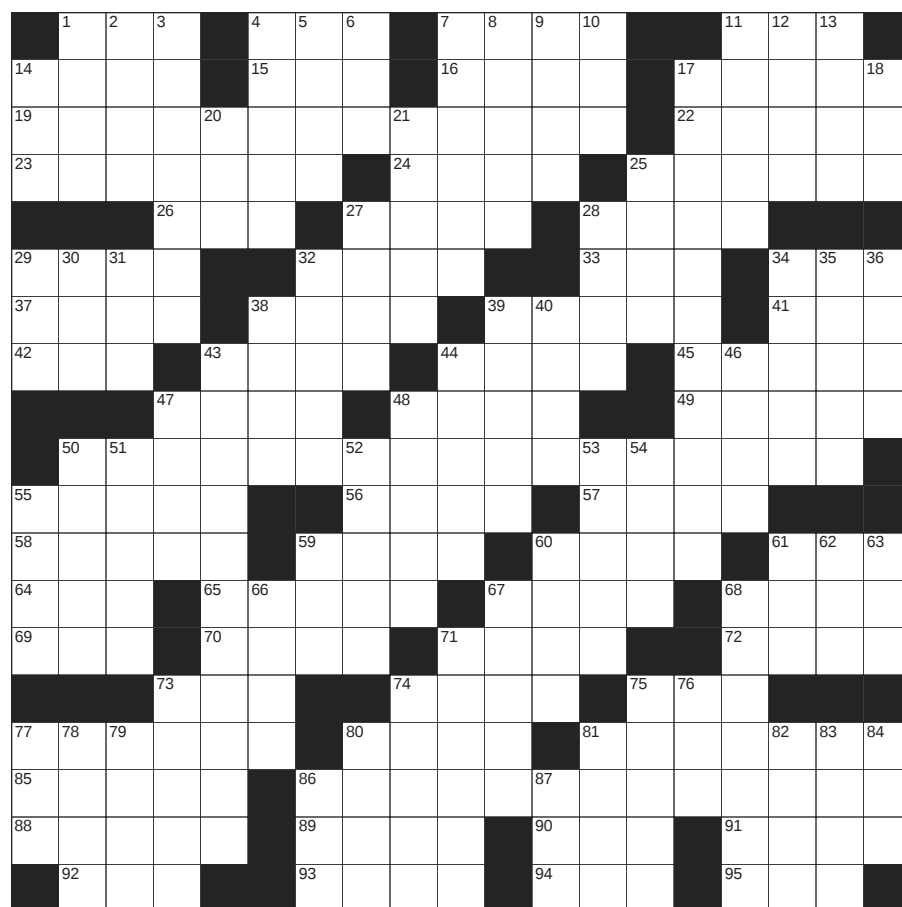
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C O U R T S I D E C R O S S W O R D



ACROSS

1. Alphabetical sequence
4. It comes before "nuptial" or "screen"
7. Baby's first word, perhaps
11. Avenues: abbr.
14. Region
15. Suffer ill health
16. Smell
17. Fill with joy
19. In a civil case, this responsibility rests with the plaintiff: 3 words
22. Blockhead
23. Goes to
24. Nobleman's title
25. Take to a higher court
26. Organization that supports certain creative endeavors: abbr.
27. Mailing need for some special offers: abbr.
28. Soft cheese

29. A Baldwin
32. Dermatological condition
33. Rowing need
34. Healthy place
37. Phone extension
38. Exam for one seeking a master's degree: abbr.
39. Rich cake
41. Affectionate gesture
42. And so forth: abbr.
43. Ready, in Paris
44. Faithful
45. Fixed look
47. Ireland, to some poets
48. London native, for short
49. Stories
50. ___ doubt, standard of proof for criminal trials: 3 wds.
55. French city
56. Currency in some parts of the Middle East
57. Kitchen items
58. One of the vital signs
59. Posted, as a letter
60. Soccer legend
61. ___ culpa, formal admission of a personal error
64. Half a pair
65. Exact copy
67. A former US attorney general
68. Simple
69. Milk container: abbr.
70. Government arm that regulates food production: abbr.
71. Prohibits
72. Part
73. This organization serves commuters in New York City: abbr.
74. No ifs, ands or ___
75. Wall Street term: abbreviation

77. Dexterous
80. Unadulterated
81. Deletion
85. Egyptian capital
86. Does part of a prosecutor's or defense attorney's job: 2 words
88. Giant, in Greek mythology
89. Trace
90. Peach part
91. Bookie's concern
92. The late Mr. Mineo
93. Self-centered types have big ones
94. Had lunch
95. Negative votes

DOWN

1. In ___, stuck in the same old routine: 2 words
2. "Sesame Street" character
3. Musical rhythm
4. Mammal indigenous to China
5. Rivers, to Juan
6. Santa's helper
7. Gloomy
8. Be devoted to
9. State of mind
10. Canine sound
11. Upward or downward slant
12. Counterweight
13. Architectural feature in ancient Greece
14. Lawyers' group: abbr.
17. New York: 2 words
18. Like a member of the military: abbr.
20. Compass point
21. Do a gardener's task
25. Smell ___, suspect that something's wrong: 2 words
27. Get out of here!
28. Tiresome type
29. Malt beverage
30. ___ into, attacked forcefully
31. Something included with a letter: abbr.
32. Change, as a law
34. "We ___ overcome"
35. Use a food processor
36. Gets on in years
38. Smile
39. Court happening
40. Certain baseball calls
43. Party that initiates criminal proceedings
44. Pay another's expenses
46. File-folder feature: plural
47. Watches closely
48. Pickling agent
50. Burden
51. Ms. DeGeneres
52. Site for a sporting event
53. Unlocks
54. ___ contendere, plea in a criminal case
55. The Book of Revelation: abbr.
59. Turf
60. Holding cells
61. Mr. Zedong
62. Class for a recent immigrant to the US, perhaps: abbr.
63. Yes
66. Exam for a future lawyer: abbr.
67. Appraises
68. Process of wearing away
71. Breaks, as a bubble
73. Ethical
74. Good, in Venice
75. Enraged
76. Ms. Grier
77. Do a thespian's work
78. Raised platform
79. Ms. Moreno, of stage and screen
80. Stickler for tradition
81. Stage direction
82. Annul
83. Cincinnati team
84. Curvy letter
86. Cuban revolutionary leader Guevara
87. It deals with our nation's air and water pollution, among other things: abbr.