



NEW YORK STATE SENATOR

Malcolm Smith

The Senate Minority Holds Public Hearing On Judicial Diversity

Malcolm A. Smith

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Among those offering testimony were: The Honorable Ann Pfau, First Deputy Chief Administrative Assistant of the New York State Office of Court Administration; former State Sen. John R. Dunne, vice-chair of the Committee for Modern Courts; John E. Higgins, Capital District Black and Hispanic Bar Association President, Kathryn Grant-Madigan, president-elect of the New York State Bar Association; and Albany Law School Professor and criminal defense attorney Laurie Shanks.

Breslin, who serves with Smith on the Senate's Judiciary Committee, pointed out that the State's 55 Appellate Court judges include only nine women, two African Americans and two Hispanic members. The State's highest Court, he said, also lacks diversity. "The seven judges on the Court of Appeals include just one Hispanic member and no African Americans," Breslin said. "Our judiciary can only benefit from a diverse and varied viewpoint," Breslin said. "It should not be dominated by any one ethnic, gender or racial group."

Several participants noted that Governor-elect Spitzer would have an opportunity to appoint three judges to the Court of Appeals within his first 18 months in office. However, a lack of diversity on the lower courts already reduces the pool of experienced minority judges from which appointments to the higher court are made.

Albany City Court Judge Helena Heath-Roland, who is also a member of the Women's Bar Association of the State of New York (WBASNY), said “WBASNY’s mission is to advance the status of women in the legal profession and society, and to promote the fair and equal administration of justice. We believe that diversity on the bench gives credibility to the notion of, and is an essential element for, ensuring credibility, equality and fairness in our judicial system. In order to promote diversity on the bench our Association has, on both the statewide level and through its local chapters, taken an active role in developing programs specifically designed to advance many qualified women to the bench.”

Fifteen years ago, Governor Mario Cuomo created the Task Force on Minority Representation on the Bench (a/k/a the “Task Force on Judicial Diversity”) which found that there was clear evidence of an extreme lack of diversity in the state’s judiciary, and further found there was no shortage of well-qualified minority and women candidates to explain the lack of diversity.

Although these figures represent a slight improvement over the statistics reported by the Cuomo Task Force, the percentages of African American, Latino, Asian and Native American judges in the state have not kept pace with increases in the state’s minority populations.