

January 29, 1992

Governor Mario M. Cuomo
Executive Chamber
State Capitol
Albany, New York 12224

Dear Governor Cuomo:

This letter constitutes the report of the Task Force on Judicial Diversity which you established by Executive Order No. 149 on September 23, 1991. A copy of that Executive Order is attached as Exhibit A.

Specifically, your mandate cited five compelling reasons for establishing a task force to study issues relating to a diverse judiciary in the State of New York:

1. The June 20, 1991 ruling of United States Supreme Court that Judicial elections are subject to the proscriptions of the Voting Rights Act of 1965, as amended (42 U.S.C. § 1973). *Chisom v. Roemer*, (Docket Nos. 90-757 and 90-1032);
2. The majority of judges in New York State are elected, rather than appointed;
3. The current demographic composition of districts for judicial elections may dilute minority votes;
4. Minority jurists, in 1989, comprised only 8.3% of the 1,129 judges sitting in State courts, and

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5. The New York State Commission on Minorities in the Judiciary's findings regarding under-representation of racial minorities relative to their population. Our mandate concerned all aspects of diversity, including the significant under-representation of women that now exists.

In sum, your Executive Order asked the Task Force to make recommendations in two related areas. We are to consider the causes of the extreme disparity, noted in your Executive Order, between the diversity we find in our citizenry and the diversity we find on the bench and ways to reduce that disparity. We are also to consider the impact of recent decisions of the Supreme Court of the United States holding that the federal Voting Rights Act of 1964 is applicable to the election of judges and to make recommendations concerning measures, if any, required to comply with the federal Voting Rights Act. We think it helpful to keep these two topics separate, and we therefore consider each in turn.

I.

There is, we believe, clear evidence of an extreme lack of diversity in the judiciary of the State of New York. We have reviewed the data compiled by the New York State Judicial Commission on Minorities established by Chief Judge Sol Wachtler, by Justice Frank Torres, and by the Women's Bar Association of the State of New York. Attached as Exhibit B is a table drawn

from this data showing the presence or lack of diversity in the composition of the Supreme Court bench in each of the State's twelve Judicial Districts. Exhibit C sets forth comparable data for the 59 counties that are not co-terminus with a Judicial District. Exhibit D shows the number and percentage of Justices of the Supreme Court ("JSC's") who are women by Judicial District and by County.¹

This data shows that four of the State's twelve Judicial Districts have no female JSC's, seven have less than 10 percent, and the First Judicial District scores the highest with 32.4 percent. On average about 12 percent of the JSC's are women.

With regard to racial diversity, account might be taken of variation in racial demographics around the state. In four counties, comprising 38.7 percent of the State's population, members of racial minority groups constitute the majority. Two of these counties, Queens and Kings (which are the most populous counties), have less than 15 percent minority judges. Bronx has the highest percentage of minority judges, with 33 percent, followed by New York County with 26.5 percent.

¹ All population data reflect 1990 figures, although we have also compiled population data for 1980 by Judicial District and by county, attached as Exhibit E. Figures regarding numbers of minority judges are as of December 9, 1991.

Our sources for all data regarding judges are the New York State Office of Court Administration and the 1992 New York Lawyers Diary and Manual. Our source for 1990 statistics regarding the general population is the 1991 New York State Statistical Yearbook, published by the Nelson A. Rockefeller Institute of Government.

Other counties worthy of note include the following: Westchester has a minority population of 27 percent but 8 percent minority JSC's. Richmond has a minority population of 20 percent but no minority JSC's. Monroe has a minority population of 17 percent but no minority JSC's. Nassau has a minority population of 17 percent but 4.5 percent minority JSC's. Both Orange and Erie have a minority population of 15 percent but no minority JSC's.²

If all state courts are considered, out of 1,129 judges in New York State as of April 1991, 1,036 (91.8%) were white, 71 (6.3%) were African-American, 19 (1.7%) were Hispanic and three (0.3%) were Asian-American.³ There were no Native-American Judges. Currently, less than 15 percent of all New York State court judges are women.

II.

We turn next to our assessment of the reasons for these almost uniformly poor numbers and what can be done to remedy the problem.

² Although Monroe and Erie counties, for example, have no minorities JSC's, they do have minority administrative judges for the Supreme Court and retired minority JSC's serving upon certification. When these certificated JSC's and administrative judges are taken into account, Monroe has 10 percent minority JSC's, and Erie has 6 percent minority JSC's.

³ 1 Report of the New York State Judicial Commission on Minorities 94 (April 1991) (Executive Summary). By contrast, of the total state population, 69.2% is white, 14.3% non-Hispanic black, 12.3% Hispanic, 3.7% Asian and 0.3% Native-American.

A.

In our view, the single most important cause of the lack of diversity that currently exists on the bench is the historic absence of an express, actually articulated commitment to increasing diversity on the part of the governmental and political party officials who play key roles in the judicial selection process. Your appointment of this Task Force does express such a commitment, and we believe that the step you have taken is unique and historic.

What is now needed, in our view, is a clear statement of the reasons why a diverse judiciary is in the public interest.

1.

This Task Force believes that diversity is vital because it is required by our constitutional and legal commitment to inclusiveness and because it greatly improves the ability of the judiciary to fulfill its function. This improvement occurs in two key areas. First, and most important, diversity improves public confidence in the fairness of the justice system and thereby strengthens the Rule of Law. Second, diversity improves the quality of judicial decisions.

One issue of great importance in any justice system is the risk that the results will be tainted by prejudice. The problem of prejudice is a pervasive component in our society, and, as you know, one function of the judicial system in this State is to enforce laws intended to mitigate its pernicious effects. You and other appointing authorities, as well as judicial screening

panels, try to choose judges who are free of prejudice. We all recognize, however, that it is not enough to appoint judges who are non-bigoted. Having a judiciary that is not tainted by prejudice and is therefore inclusive is required as a matter of legal principle.

Diversity is also needed to secure both the reality and the appearance of fairness. Without diversity there is a high risk of unfairness due to prejudice. Diversity promotes sensitivity to the problem of prejudice, and awareness of the problem is the important first step to its avoidance.

Equally important as trying to avoid the actual taint of prejudice, however, is trying to build public confidence by eliminating any reasonable basis for even the appearance that the judicial system is biased and therefore unfair. Because prejudice is such a widespread problem in society, it is not reasonable to ask the public to believe that judges only rarely accede to it in their decision making. What the public can fairly be asked to believe is that diversity on the bench 1) shows the judiciary's institutional opposition to discrimination and 2) increases the assurance that, as a matter of intention, the judicial system is fair to all the people it serves.

Establishing a strong reality and appearance of fairness is, in our judgment, vital to the justice system and the Rule of Law. This requirement forms, we think, a compelling reason for a commitment to diversity in the judiciary.

In addition to the confidence of the general public, the confidence of the minority and women's bars in the state court system should also be noted. Minority and female attorneys in New York State can face two problems from a non-diverse judiciary. First, they may at times have reason to question the impartiality of the courts before whom they appear; at the very least these attorneys may perceive that they are not accorded the same degree of respect as their white or male counterparts. Second, client confidence in the ability of minority and female lawyers may be distorted by possible client perception that these lawyers enjoy less rapport with judges than their white or male counterparts. A commitment to diversity addresses both these problems.

Our view that improving the level of diversity on the bench promises real benefits appears to be shared by the judges and lawyers in this State. Nearly fifty-eight percent of the judges and seventy-five percent of the lawyers interviewed by the New York State Commission on Minorities gave a "great importance" rating to efforts to improve diversity on the bench.

Our principal reason for advocating the commitment to diversity is based on this nation's fundamental constitutional commitment to inclusiveness and the reality and appearance of fairness.

We think that beyond this, however, a practical advantage of a commitment to judicial diversity is that it actually helps to improve the quality of judicial decision making. When we say

that diversity improves the quality of judicial decisions, we are not forgetting the important differences between the job of a judge and the job of a political official. The judge's job is not to make policy but to say what the law is and to apply that law to facts. In deciding what the law is and in exercising equitable powers, however, the common law judge does have a degree of discretion to be exercised, in the memorable words of Justice Oliver Wendell Holmes, in the light of reason and experience.

For the law to develop in light of the experience of the whole society, it is better if the bench is pluralistic, diverse and inclusive. The experiences of men and women, whites and racial minorities, rich and poor, advantaged and disadvantaged all differ, as do the experiences of persons of varying national origin, sexual preference or disability status. A judiciary with jurisdiction over each and every person should find wisdom in all those experiences and thereby keep the law rooted in the experience of our whole society. Although this can happen without the diversity of the bench being exactly proportional to the diversity of the population, the judicial experience factor will more accurately reflect the experience of the whole society if the diversity is real and substantial. As the data already discussed indicates, that is not the case today.

For all these reasons, the Task Force urges that the judicial selection process be imbued with a commitment to diversity and inclusiveness.

We recommend that this be accomplished in the following ways.

a. All appointing authorities should make explicit their commitment to diversity by the issuance of an appropriate written policy statement and directive to those who assist them in the selection of judges.

A written statement is desirable to make the commitment clear and unequivocal. Should you wish us to do so, this Task Force is prepared to follow up with the various appointing authorities to obtain such a written statement. We are also prepared to solicit the support of all the State's bar associations for the commitment to diversity.

b. All bodies that screen judicial candidates should reflect community diversity.

The above-mentioned written policy statement would, of course, cover the activities of screening panels or nominating commissions that screen or review candidates for an appointing authority. The Task Force believes, however, that such screening committees must themselves be broadly diverse so that women and minority applicants will have confidence in the fairness of the process and so that all sectors of the community will have a fair participation in judicial selection activities. The data assembled by the New York State Judicial Commission on Minorities, set forth in Exhibit F, shows that such broad diversity does not now exist. Therefore, we recommend that each

appointing authority review the composition of all such screening bodies and, in concert with the other related appointing authorities, promptly make or seek such changes in membership as are needed to achieve adequate diversity based on the diversity that exists in the area over which the screening committee has jurisdiction.

c. There should be one Screening Committee per Judicial District.

Presently, the Screening Committees you have established are responsible for screening candidates within one of four judicial departments, each consisting of up to four judicial districts.⁴ In order that Screening Committees better reflect the diversity within the communities they serve, and to make such committees more familiar with and accessible to minority and women candidates within a given geographic area, we recommend increasing the number of Screening Committees so that there would be a separate Screening Committee in each of the State's Judicial Districts. In addition, there should continue to be one screening committee for each Judicial Department to screen candidates for appointment to the appellate division.

d. Screening Committee appointments should be coordinated.

Most screening bodies are composed of members appointed by various executive, judicial, legislative, bar association and local officials. This helps diversity in an important sense but

⁴ For example, the 2d Department spans the 2d, 9th, 10th and 11th Judicial Districts.

can also make it more difficult to insure representation of minorities and women. We recommend that each person making an appointment to a screening panel consider any lack of diversity in the appointments already made by others and, if several persons are to make appointments at the same time, those persons confer with regard to adequate diversity prior to making appointments. However, nothing in this or any other recommendation we make should be construed to favor implied or expressed quotas in the number of appointments of minority and women lawyers to the bench.

e. Data on diversity should be maintained and reported.

To know how well we are achieving the commitment to diversity, it is important to have good data regarding the participation of minority and women applicants in the judicial selection process. The New York State Judicial Commission on Minorities found that such data has not always been maintained and reported to the public. We recommend that appointing authorities direct screening bodies that they have established to keep and regularly report data about the number of women and minority candidates who have applied, the number forwarded for consideration by the appointing authority and the number appointed and confirmed.

This data should be published in sufficiently aggregate form so that the action of a screening body with regard to any

specific candidate cannot be inferred.⁵ Nevertheless, designated offices of the appointing authority should be charged with reviewing and retaining the detailed data compiled by screening bodies.

f. Outreach and Education Programs for minority and women lawyers actively interested in becoming judges should be implemented.

One of the problems with the current system of selecting judges is that there is no established avenue by which interested attorneys without political affiliations readily can learn about the judicial election process. Important outreach efforts do occur, such as the outreach you have made in connection with Court of Claims appointments; but the outreach process needs to become regular. Therefore, we recommend that there be yearly conferences open to all but targeted to special outreach to qualified minority and women lawyers both to encourage their candidacy and to educate them on the process of becoming a judge. These conferences should take place in each Judicial District with the sponsorship of the Screening Committee for that Judicial District and local bar associations.

⁵ For example, in those districts where only one minority or woman applies for a judgeship and is found not well qualified, specifying the number of minorities or women screened would make it easy to identify the single candidate. The prospect of being so identified, with the attendant stigma if the candidate is rejected by a screening committee, may deter many minority and women lawyers from seeking judgeships in such districts.

We do not doubt that a significant number of minority and women lawyers will attend such conferences. Just last month, this opinion was confirmed by the extraordinary number of able minority lawyers who turned out for a conference on how to become a judge. The day-long conference, entitled "Pursuit of a Judicial Career," offered a practical description of and guide to elective and appointive judgeships in New York City, including a judicial mentor program for interested minority and women lawyers. It featured panels of local judges and county political leaders who described the political and practical requirements and difficulties of being elected to the New York State judiciary. We wish to commend the following individuals and organizations for organizing this historic and important conference: The Association of the Bar of the City of New York and its president, Conrad Harper; Justice Lewis I. Douglass, in his capacity as a member of the Association of the City Bar of New York's Special Committee to Encourage Judicial Service; Peter Eikenberry, Chair of the Special Committee to Encourage Judicial Service; The American Society of Dominican Attorneys, Inc.; The Asian American Bar Association of New York; The Metropolitan Black Bar Association; and The Puerto Rican Bar Association.

B.

We believe that another major cause of lack of diversity in the judiciary is the closed nature of the system now used in New York State to select judges.

As we all know, our system is only nominally one of election. In practice it is the political party leaders who have the decisive power to determine who will be nominated. Most often this nomination is tantamount to election.

The Task Force believes that opening up this system is essential to improving diversity on the bench. Now a candidate needs, or is perceived as needing, political entrees or even political party service in order to be a viable candidate for political office. Many well qualified minorities and women lawyers who are interested in becoming judges lack these particular credentials. They may be political independents, or members of a party that is not dominant in the area or, if party members, may not have been active in the organization in power. Rightly or wrongly, these lawyers perceive themselves as having no chance of becoming a judge under the current system for the "election" of judges. Our own experience is that their perception is well founded.

Obviously, this is not a problem unique to minority and women lawyers who aspire to become judges. The perception that a political entree is required restricts the pool of talent across the board. But restricting the pool of minority and women lawyers is of particular concern to us because that pool of talent is already restricted by the deprivations of prejudice and social disadvantage. There are more minority and women law school graduates than ever before, but the talent pool is not nearly as large as it would be had prejudice and discrimination

been eradicated generations ago. It is fundamentally unfair, in these circumstances, to further compound the problem by imposing on the strong talent pool that does exist the totally irrelevant requirement of having a political entree.

We do not believe that the opening up of the process necessarily requires a change from an election system to an appointment system. This Task Force is not charged with determining the general merits of such a change, and we are confining ourselves to the question you put to us of how to improve diversity. We do believe, however, that from this perspective major change in the electoral process is required in order to open up the system and expand the pool of available talent.

Our recommendation for opening up the system is straightforward. We recommend that ballot access be easy and that the size of the districts in which candidates are elected be smaller. With regard to ballot access in particular, we recommend that any candidate found well qualified by a screening committee established in each of the twelve Judicial Districts be entitled to have his or her name automatically placed on the ballot; that the screening committees be composed of lawyers and non-lawyers and reflect the diversity in the community, and that there be no party designations on the ballot, the sole designation being for incumbents. If experience showed that opening the ballot to all well qualified candidates created ballot confusion due to the excessive number of names on the

ballot, a limited number to be approved by the Screening Committees could be fixed by law. The presumption, however, should be for openness.

We have carefully considered the size of the district in which a candidate should be required to run for election. At present, Justices of the Supreme Court stand for election in one of the twelve Judicial Districts. From the perspective of our assignment to recommend ways to improve diversity, a smaller district has several advantages. First, it is less daunting and expensive to run in a small district, and this helps keep the process open. Second, smaller districts will mean less dilution of minority voting strength, provided that district lines are fairly drawn, and this will help to improve diversity. Finally, smaller districts further reduce the significance of a political entree. In large districts, by contrast, support of a political organization may as a practical matter be needed to mount an effective campaign.

Small districts do have disadvantages. While we would not want to require that a candidate reside in a small district, residency would no doubt be a practical advantage. Depending on circumstances this can have some affect in restricting the talent pool. Further, it is sometimes difficult to generate public interest in small district elections, and this in turn can lead to manipulation of the voting public for purely partisan political purposes.

We believe that the advantages of small districts outweigh the disadvantages and therefore recommend that, to the extent practicable, judges be elected in smaller districts of equal population. This will give all the citizens of the State an equal opportunity to participate in the election of judges consistent with the well established principle of one person one vote.

It is beyond the scope of our assignment to specify the precise size of these districts or to redraw district lines. We do not believe that the districts must be single member; but they must be small enough to avoid undue dilution of minority voting strength. To achieve this goal, extensive computer modelling will be required. The resources to carry out this task are available to the State, which will soon complete the redrawing of legislative and congressional districts. Drawing new districts for the election of judges should be the next order of business.

C.

We have considered whether a shortage of well qualified minority and women candidates might explain the disparity between diversity on the bench and in the community. We are of the firm opinion that it does not.

The availability of candidates is a function of the number of well qualified lawyers who are actively interested in becoming judges. Many of the members of the Task Force have direct knowledge of the availability of talent in the minority and women's bar and of the interest among those well qualified for

judicial service in becoming judges. Based on our collective experience, we have not the slightest doubt that enough interested and well qualified persons exist to allow as much diversity and inclusiveness as possible.

Because we hold the view that there are many well qualified minority and women lawyers interested in becoming judges, we see no conflict between improving diversity on the bench and maintaining high standards of judicial competence. Nothing we recommend will tend to elevate to the bench persons who are less than well qualified by reason of their character, temperament, professional aptitude and experience -- four factors which are the standards of qualification for judicial office set forth in our State Constitution.

D.

We are not addressing the general question of whether the merit selection of judges is preferable to their election. Our recommendations do not assume the abolition of the elective system. The recommendations we have made would serve to improve both the appointive and the elective process.⁶

III.

This brings us to the question whether the current system for the election of judges in New York State violates the federal Voting Rights Act and, if so, what is the appropriate remedy.

⁶ The issue of the comparative merits, advantages and disadvantages of the elective and appointive systems is, of course, an important one about which Task Force members expressed strong and quite divergent views on policy. The Task Force takes no position.

Based on the materials we have reviewed, we believe we can state with confidence that, as currently structured, the system for the election of Supreme Court Justices in New York State cannot pass muster under the Voting Rights Act. Supreme Court Justices serve and act for particular counties, yet they are elected in often multi-county judicial districts. Even where the county comprises the entire judicial district, the ability of minority voters to insist on diversity by electing minority judges, and of minority candidates to seek election in communities where anti-minority prejudice is not a significant problem, is limited by the large size of the district. In other words, there is real dilution of minority voting strength.

We also believe that there is a very substantial question whether the de facto requirement of a political entree that taints the current system is not also a fatal flaw under the Voting Rights Act. The requirement imposes a non-job-related qualification on access to the bench which we believe is hindering full minority participation. In addition, the current size of the election unit has legal significance beyond the issue of voter dilution in that the cost of running for a judgeship in a large district presents a financial barrier that adversely affects women and minorities, whose access to financial support may be limited.

Because the need for change is clear, and because we believe that the recommendations we have made would cure any lack of compliance with the Voting Rights Act, we do not think we need to

be definitive about whether adoption of each recommendation is necessary. We are of the view that it will not be enough simply to reduce the size of the districts and that real opening up of the process to those who do not have political connections will also be required. However, since the test under the Voting Rights Act is totality of the circumstances, the judgment about precisely how much opening up is required cannot be made until all of the changes proposed to be actually implemented are assessed together.

Finally, the changes we recommend will require constitutional amendment to reduce the size of the districts in which judges are elected. We recommend that this constitutional amendment simply give to the legislature the power to fix the manner for selecting judges. In this way, the amendment can proceed prior to the detailed study necessary to redraw district lines.

IV.

In conclusion, we wish to thank those who have assisted the Task Force in its work: The Honorable Frank Torres; Marcia Watson of the New York State Board of Elections; James Goodale and Philip Harvey of Debevoise & Plimpton; Patricia Bucklin and Chester Mount of the Office of Court Administration; and Amy Schulman, Ray Lohier and Mary Ann Burniske of Cleary, Gottlieb, Steen & Hamilton.

Each of us thanks you and those recommending our appointment to this Task Force for this opportunity to give our views on an issue of great public importance.

Respectfully submitted,


Evan A. Davis, Chairperson

Honorable Edith Miller*

Mary Ann Brigantti-Hughes

Ronald L. Garnett

Le'Roi L. Gill**

Marilyn Go

Ellen Holtzman

Hugh R. Jones

Victor Marrero

Basil A. Paterson

Dianne T. Renwick

Anne Marie Santangelo

Richard Rifkin*

Thomas J. Schwarz

Assemblyman Albert Vann***

Paul T. Williams

cc: Hon. Sol Wachtler, Chief Judge
Hon. Robert Abrams, Attorney General
Hon. Ralph J. Marino, Senate Majority Leader
Hon. Saul Weprin, Speaker
Hon. Manfred Ohrenstein, Senate Minority Leader
Hon. Clarence D. Rappleyea, Jr., Assembly Minority Leader

* Did not vote on any legal conclusions expressed in this report.

** Also has a concurring additional statement, attached immediately after this Report.

*** Assemblyman Vann believes that placing qualified candidates on the ballot should not be left to the sole discretion of judicial screening committees because this would tend to increase the power of those who appoint screening committee members.

Concurring Additional Statement On Part III

Part III of the majority report seeks to address item #2 of the Governor's Executive Order. Simply stated, the Governor asked the Task Force on Minorities on the Bench to consider whether there is evidence that the composition of any or all districts used for the election of judges, in violation of the Voting Rights Act of 1964, as amended, dilutes the votes of groups protected by the Act.

All voters in the State of New York are constitutionally harmed by vote dilution when they vote for jurists who have equal jurisdiction in districts that are not reasonably equal in population size. If majority groups are harmed in this manner - when the voters in larger districts are compared with the voters in smaller districts - it is clear that groups statutorily protected from vote dilution by the Voting Rights Act cannot elect candidates of their choice.

An examination of the demographic data on the composition of the twelve (12) districts used for the election of justices to the Supreme Court, for example, provides prima facie evidence that there are disparities of population in excess of the statistical deviations permitted under the constitutional doctrine of "one person, one vote."

Equally compelling, in my view, is the current disparity that is clearly evident when the number of jurists per district is compared to the size of the population of each district. The

current composition of the twelve (12) judicial districts appears to violate the constitutional protections against vote dilution in that:

1. The judicial districts are not apportioned by population, thereby resulting in judicial districts in excess of reasonable statistical deviations;
2. The number of jurists per district - for courts of equal jurisdiction - is not derived from the size of the voting age population in the district.

It is my opinion, based on the above evidence, that all of the judicial districts in the State of New York are constituted in an arbitrary and capricious manner. As a result, all of the voters in the State of New York are constitutionally harmed.

Le'Roi L. Gill

EXHIBIT A

State of New York
Executive Chamber

No. 149

E X E C U T I V E O R D E R

**TOWARD A DIVERSE JUDICIARY -
TASK FORCE ON MINORITIES ON THE BENCH**

WHEREAS, the United States Supreme Court ruled in Chisom v. Roemer (June 20, 1991, Docket Nos. 90-757 and 90-1032) that the Voting Rights Act's (42 U.S.C. §1973) proscriptions against the dilution of minority voting strength are applicable to judicial elections;

WHEREAS, the majority of New York State's judges are elected rather than appointed;

WHEREAS, of the 1,129 State court judges sitting in 1989, only 6.3% were African-Americans, 1.7% were Hispanics, .26% were Asian Americans and 0% were Native Americans;

WHEREAS, the New York State Commission on Judicial Minorities found that there was support for "at least the assertion that minorities are under-represented in the judiciary relative to minority representation in the general population";

WHEREAS, the composition of the districts from which the State's judges are elected, whether based on city, county, judicial district or other geographical boundaries, may disproportionately dilute the votes of minority voters; and

NOW, THEREFORE, I, MARIO M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order that there shall be established a Task Force on Minority Representation on the Bench that shall study and report to me by January 15, 1992 on the following issues:

1. Identify the causes of under-representation of minorities on the New York State bench, including any legal impediments or other problems caused by the judicial selection process;
2. Determine whether there is evidence that the composition of any or all of the State's election districts for judges cause a dilution of minority voting strength in violation of the Voting Rights Act;
3. Determine which changes, if any, to the judicial selection process would likely increase minority representation on the bench;
4. Identify methods of increasing minority interest in and access to service on New York's courts; and

5. Identify the best ways to achieve any of the findings or recommendations of the committee.

Members of the Task Force shall be appointed by the Governor, including members recommended by the Attorney General, the Chief Judge and the Legislature. Members of the Task Force shall receive no compensation.

(L.S.)

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

BY THE GOVERNOR

/s/ Mario M. Cuomo

/s/ Andrew J. Zambelli
Secretary to the Governor

EXHIBIT B

BREAKDOWN OF POPULATION BY JUDICIAL DISTRICT-1990

	First District- New York County	Second District-Kings & Richmond Counties	Third District
Total Population	1,487,536	2,679,641	821,184
Minority Pop.*	760,781 (51%)	1,453,331 (54%)	80,799 (9.8%)
No. of judges**	34 [^] /38 ^{^^}	47/52	14/15
Ratio of Total Pop. to judges (=ppj)	43,751 persons per judge (ppj)	57,014 ppj	58,656 ppj
Ratio of Minority Pop. to judges	22,376 ppj	30,922 ppj	5,771 ppj
Black Pop.	261,120 (17.6%) 7,680 ppj	825,974 (30.8%) 17,574 ppj	46,498 (5.7%) 3,321 ppj
Hispanic Pop.	386,630 (26%) 11,371 ppj	492,650 (18.4%) 10,482 ppj	21,835 (2.7%)
Asian Pop.	106,306 (7%) 3,127 ppj	122,505 (4.6%) 2,606 ppj	9,996 (1.2%)
Native American Pop.	2,793 (.2%) 82 ppj	6,027 (0.2%) 128 ppj	1614 (0.2%)
White Pop.	726,755 (49%) 21,375 ppj	1,226,310 (45.8%) 26,092 ppj	740,385 (90.2%)
TOTAL	NUMBER	OF	JUSTICES
Black	6 (17.6%)	6 (12.8%)	0
Hispanic	2 (5.9%)	1 (2.1%)	0
Asian	1 (2.9%)	0	0
N. American	0	0	0
Total # of Minority judges	9 (26.5%)	7 (14.9%)	0

* This figure also reflects number of people who were placed in the "other" category.

** This figure does not include certificated judges. Sixteen percent (16%) of the available Supreme Court Justice positions are currently vacant.

[^] Actual number of justices in the District, not including certificated justices.

^{^^} Denotes authorized number of justices in the District.

	Fourth District	Fifth District	Sixth District
Total Population	842,186	1,045,116	750,044
Minority Pop.	43,412 (5.2%)	90,271 (8.6%)	37,757 (5%)
No. of judges	11/13	13/17	7/10
Ratio of Total Pop. to judges (=ppj)	76,562 ppj	80,394 ppj	107,149 ppj
Ratio of Minority Pop. to judges	3,947 ppj	6,944 ppj	5,394 ppj
Black Pop.	18,377 (2.2%)	56,620 (5.4%)	15,105 (2%)
Hispanic Pop.	14,625 (1.7%)	17,792 (1.7%)	9,319 (1.2%)
Asian Pop.	5,624 (0.7%)	10,381 (1%)	10,988 (1.5%)
Native American Pop.	4,319 (0.5%)	4,623 (.4%)	1,666 (.3%)
White Pop.	798,774 (94.8%)	954,845 (91.4%)	712,287 (95%)
TOTAL	NUMBER	OF	JUSTICES
Black	0	0	0
Hispanic	0	0	0
Asian	0	0	0
Native American	0	0	0
Total # of Minority judges	0	0	0

	Seventh District	Eighth District	Ninth District
Total Population	1,198,458	1,610,300	1,791,391
Minority Pop.	144,303 (12%)	184,678 (11.5%)	374,992 (20.9%)
No. of judges	13/18	20/26	20/25
Ratio of Total Pop. to judges (=ppj)	92,189 ppj	80,515 ppj	89,570 ppj
Ratio of Minority Pop. to judges	11,100 ppj	9,234 ppj	18,750 ppj
Black Pop.	93,148 (7.8%)	128,999 (8%)	180,712 (10.1%)
Hispanic Pop.	32,522 (2.7%)	31,733 (2%)	137,451 (7.7%)
Asian Pop.	14,690 (1.2%)	12,390 (.8%)	52,074 (2.9%)
N.American Pop.	3,130 (.3%)	10,751 (.7%)	2,712 (.2)
White Pop.	1,054,155 (88%)	1,425,632 (88.5%)	1,416,399 (79.1%)
TOTAL	NUMBER	OF	JUSTICES
Black	0	0	1 (5%)
Hispanic	0	0	0
Asian	0	0	0
Native American	0	0	0
Total # of Minority Judges	0	0	1 (5%)

	Tenth District	Eleventh District - Queens County	Twelfth District - Bronx County
Total Population	2,609,212	1,951,598	1,203,789
Minority Pop.	414,615 (15.9%)	1,014,041 (52%)	931,286 (77%)
No. of judges	41/47	34/38	18/23
Ratio of Total Pop. to judges (=ppj)	63,639 ppj	57,400 ppj	66,877 ppj
Ratio of Minority Pop. to judges	10,113 ppj	29,825 ppj	51,738 ppj
Black Pop.	182,618 (7%)	390,842 (20%)	369,113 (30.7%)
Hispanic Pop.	165,238 (6.3%)	381,120 (19.5%)	523,111 (43%)
Asian Pop.	60,849 (2.3%)	229,830 (11.8%)	31,210 (2.6%)
Native American Pop.	3,854 (.1%)	5,606 (.3%)	3,445 (.3%)
White Pop.	2,194,597 (84.1%)	937,557 (48%)	272,503 (22.6%)
TOTAL	NUMBER	OF	JUSTICES
Black	2 (5%)	4 (11.8%)	2 (11.1%)
Hispanic	0	0	4 (22.2%)
Asian	0	1 (2.9%)	0
N. American	0	0	0
Total # of Minority judges	2 (5%)	5 (14.7%)	6 (33%)

EXHIBIT C

Second Judicial District by County

	Kings	Richmond
Total Population	2,300,664	378,977
Minority Pop. ^	1,377,435 (59.9%)	75,896 (20%)
No. of justices*	42	5
Ratio of Total Pop. to Judges (=ppj)	54,778 ppj	75,795 ppj
Ratio of Minority Pop. to Judges	32,796 ppj	15,179 ppj
Black Pop.	797,802 (34.7%) 18,995 ppj	28,172 (7.4%) 5,634 ppj
Hispanic Pop.	462,411 (20.1%) 11,010 ppj	30,239 (8%) 6,048 ppj
Asian Pop.	106,022 (4.6%) 2,524 ppj	16,483 (4.3%) 3,297 ppj
Native American Pop.	5,416 (0.2%)	611 (0.2%)
White Pop.	923,229 (40.1%) 21,982 ppj	303,081 (80%) 60,616 ppj
TOTAL	NUMBER OF	JUSTICES
Black	5 (11.9%)	1 (20%)
Hispanic	1 (2.4%)	0
Asian	0	0
N.American	0	0
Total # of Minority Judges	6 (14.3%)	1 (20%)

^ This figure also reflects the number of people who were placed in the "other" category.

* Does not include certificated judges.

Third Judicial District By County

	Albany	Columbia	Greene	Rensselaer
Total Population	292,594	62,982	44,739	154,429
Minority Pop.	35,082 (12%)	3,736 (5.9%)	3,837 (8.6%)	9,483 (6.1%)
No. of Judges	6	1	1	3
Ratio of Total Pop. to Judges (=ppj)	48,766 ppj			51,476 ppj
Ratio of Minority Pop. to Judges	5,847 ppj			3,161 ppj
Black Pop.	24,068 (8.2%)	2,290 (3.6%)	1,977 (4.4%)	5,024 (3.3%)
Hispanic Pop.	5,311 (1.8%)	1,021 (1.6%)	1,522 (3.4%)	1,864 (1.2%)
Asian Pop.	4,869 (1.7%)	243 (0.4%)	178 (0.4%)	2,177 (1.4%)
Native American Pop.	504 (0.2%)	102 (0.2%)	112 (0.3%)	269 (0.2%)
White Pop.	257,512 (88%)	59,246 (94.1%)	40,902 (91.4%)	144,946 (93.9%)
T O T A	L N U M B	E R O F	J U S T I C	E S
Black	0	0	0	0
Hispanic	0	0	0	0
Asian	0	0	0	0
Native American	0	0	0	0
Total Minority # of Judges	0	0	0	0

Third Judicial District By County (p. 2)

	Schoharie	Sullivan	Ulster	
Total Population	31,859	69,277	165,304	
Minority Pop.	1,092 (3.4%)	11,034 (15.9%)	16,535 (1%)	
No. of Judges	*	1	2	
Ratio of Total Pop. to Judges (=ppj)			82,652 ppj	
Ratio of Minority Pop. to Judges			8,268 ppj	
Black Pop.	369 (1.2%)	5,572 (8%)	7,198 (4.4%)	
Hispanic Pop.	538 (1.7%)	4,747 (6.9%)	6,832 (4.1%)	
Asian Pop.	102 (0.3%)	525 (0.8%)	1,902 (1.2%)	
Native American Pop.	68 (0.2%)	119 (0.2%)	440 (0.3%)	
White Pop.	30,767 (96.6%)	58,243 (84.1%)	148,769 (90%)	
T O T A	L N U M B	E R O F	J U S T I C	E S
Black	0	0	0	
Hispanic	0	0	0	
Asian	0	0	0	
Native American	0	0	0	
Total Minority # of Judges	0	0	0	

* Served by travelling/rotating judges.

Fourth Judicial District by County (p.1)

	Clinton	Essex	Franklin	Fulton
Total Population	85,969	37,152	46,540	54,191
Minority Pop.	6,322 (7.4%)	1,925 (5.2%)	5,105 (11%)	1,374 (2.5%)
No. of Judges	1	1.5**	.5**	1
Ratio of Total Pop. to Judges (=ppj)		24,768 ppj	93,080 ppj	
Ratio of Minority Pop. to Judges		1,283 ppj	10,210 ppj	
Black Pop.	3,330 (3.9%)	931 (2.5%)	1,508 (3.2%)	614 (1.1%)
Hispanic Pop.	2,105 (2.4%)	748 (2%)	1,123 (2.4%)	411 (0.8%)
Asian Pop.	649 (0.8%)	142 (0.4%)	121 (0.3%)	224 (0.4%)
Native American Pop.	189 (0.2%)	91 (0.2%)	2,341 (5%)	100 (0.2%)
White Pop.	79,647 (92.6%)	35,227 (94.8%)	41,435 (89%)	52,817 (97.5%)
T O T A	L N U M B	E R O F	J U S T I C	E S
Black	0	0	0	0
Hispanic	0	0	0	0
Asian	0	0	0	0
Native American	0	0	0	0
Total Minority # of Judges	0	0	0	0

** Judge Jan H. Plumadore serves Saranac Lake, which is located in both Essex and Franklin counties.

Fourth Judicial District by County (p. 2)

	Hamilton	Montgomery	St. Lawrence	Saratoga
Total Population	5,279	51,981	111,974	181,276
Minority Pop.	60 (1.1%)	3,380 (6.5%)	4,266 (3.8%)	5,740 (3.2%)
No. of judges	*	1	1	3
Ratio of Total Pop. to Judges (=ppj)				60,425 ppj
Ratio of Minority Pop. to Judges				1,913 ppj
Black Pop.	12 (0.2%)	343 (0.7%)	1,364 (1.2%)	2,131 (1.2%)
Hispanic Pop.	31 (0.6%)	2,703 (5.2%)	1,275 (1.1%)	1,951 (1.1%)
Asian Pop.	6 (0.1%)	213 (0.4%)	789 (0.7%)	1,321 (0.7%)
Native American Pop.	10 (0.2%)	90 (0.2%)	811 (0.7%)	253 (0.1%)
White Pop.	5,219 (98.9%)	48,601 (93.5%)	107,708 (96.2%)	175,536 (96.8%) 58,512 ppj
T O T A	L N U M B	E R O F	J U S T I C	E S
Black	0	0	0	0
Hispanic	0	0	0	0
Asian	0	0	0	0
Native American	0	0	0	0
Total Minority # of Judges	0	0	0	0

Fourth Judicial District by County (p. 3)

	Schenectady	Warren	Washington	
Total Population	149,285	59,209	59,330	
Minority Pop.	10,857 (7.3%)	1,150 (1.9%)	3,233 (5.4%)	
No. of judges	1	1	*	
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	6,133 (4.1%)	299 (0.5%)	1,712 (2.9%)	
Hispanic Pop.	2,489 (1.7%)	476 (0.8%)	1,313 (2.2%)	
Asian Pop.	1,783 (1.2%)	267 (0.5%)	109 (0.2%)	
Native American Pop.	242	99	93 (0.2%)	
White Pop.	138,428 (92.7%)	58,059 (98.1%)	56,097 (94.6%)	
T O T A	L N U M B	E R O F	J U S T I C	E S
Black	0	0	0	
Hispanic	0	0	0	
Asian	0	0	0	
Native American	0	0	0	
Total Minority # of Judges	0	0	0	

Fifth Judicial District by County (p. 1)

	Herkimer	Jefferson	Lewis	
Total Population	65,797	110,943	26,796	
Minority Pop.	807 (1.2%)	10,764 (9.7%)	393 (1.5%)	
No. of judges	*	1	1	
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	182 (0.3%)	6,200 (5.6%)	110 (0.4%)	
Hispanic Pop.	370 (0.6%)	3,136 (2.8%)	128 (0.5%)	
Asian Pop.	138 (0.2%)	910 (0.8%)	88 (0.3%)	
Native American Pop.	106 (0.2%)	418 (0.4%)	61 (0.2%)	
White Pop.	64,990 (98.8%)	100,179 (90.3%)	26,403 (98.5%)	
T O T A	L N U M B	E R O F	J U S T I C	E S
Black	0	0	0	
Hispanic	0	0	0	
Asian	0	0	0	
Native American	0	0	0	
Total Minority # of Judges	0	0	0	

Fifth Judicial District by County (p. 2)

	Oneida	Onondaga	Oswego
Total Population	250,836	468,973	121,771
Minority Pop.	21,219 (8.5%)	54,449 (11.6%)	2,639 (2.2%)
No. of Judges	3	6	2
Ratio of Total Pop. to Judges	83,612 ppj	78,162 ppj	60,886 ppj
Ratio of Minority Pop. to Judges	7,073 ppj	9,075 ppj	1,320 ppj
Black Pop.	12,638 (5%) 4,213 ppj	36,912 (7.9%) 6,152 ppj	578 (0.5%)
Hispanic Pop.	5,804 (2.3%) 1,935 ppj	7,195 (1.5%) 1,199 ppj	1,159 (1%)
Asian Pop.	2,089 (0.8%) 696 ppj	6,702 (1.4%) 1,177 ppj	454 (0.4%)
Native American Pop.	462 (0.2%)	3,159 (0.7%)	417 (0.3%)
White Pop.	229,617 (91.5%) 76,539 ppj	414,524 (88.4%) 69,087 ppj	119,132 (97.8%) 59,566 ppj
T O T A	L N U M B	E R O F	J U S T I C E S
Black	0	0	0
Hispanic	0	0	0
Asian	0	0	0
Native American	0	0	0
Total Minority # of Judges	0	0	0

Sixth Judicial District by County (p. 1)

	Broome	Chemung	Chenango	Cortland
Total Population	212,160	95,195	51,768	48,963
Minority Pop.	10,775 (5.1%)	7,395 (7.8%)	1,153 (2.2%)	1,125 (2.3%)
No. of judges	2	*	1	*
Ratio of Total Pop. to Judges (=ppj)	106,080 ppj			
Ratio of Minority Pop. to Judges	5,388 ppj			
Black Pop.	4,132 (1.9%) 2,066 ppj	4,913 (5.2%)	354 (0.7%)	317 (0.6%)
Hispanic Pop.	2,478 (1.2%)	1,441 (1.5%)	476 (0.9%)	447 (0.9%)
Asian Pop.	3,640 (1.7%)	649 (0.7%)	160	207 (0.4%)
Native American Pop.	338 (0.2%)	189 (0.2%)	143	131 (0.3%)
White Pop.	201,385 (94.9%) 100,693 ppj	87,800 (92.2%)	50,615 (97%)	47,838 (97.7%)
T O T A	L N U M B	E R O F	J U S T I C	E S
Black	0	0	0	0
Hispanic	0	0	0	0
Asian	0	0	0	0
Native American	0	0	0	0
Total Minority # of Judges	0	0	0	0

Sixth Judicial District by County (p. 2)

	Delaware	Madison	Otsego	Schuyler
Total Population	47,225	69,120	60,517	18,662
Minority Pop.	1,295 (2.7%)	1,981 (2.9%)	1,922 (3.2%)	408 (2.2%)
No. of judges	1	1	*	1
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	447 (1%)	716 (1%)	757 (1.3%)	148 (0.8%)
Hispanic Pop.	536 (1.1%)	572 (0.8%)	720 (1.2%)	165 (0.9%)
Asian Pop.	183 (0.4%)	409 (0.6%)	308 (0.6%)	39
Native American Pop.	111	253 (0.4%)	113	49 (0.3%)
White Pop.	45,930 (97.3%)	67,139 (97.1%)	58,595 (96.8%)	18,254 (97.8%)
T O T A	L N U M B	E R O F	J U S T I C	E S
Black	0	0	0	0
Hispanic	0	0	0	0
Asian	0	0	0	0
Native American	0	0	0	0
Total Minority # of Judges	0	0	0	0

Sixth Judicial District by County (p. 3)

	Tioga	Tompkins
Total Population	52,337	94,097
Minority Pop.	1,081 (2.1%)	10,622 (11.3%)
No. of Judges	*	1
Ratio of Total Pop. to Judges (=ppj)		
Ratio of Minority Pop. to Judges		
Black Pop.	298 (0.6%)	3,023 (3.2%)
Hispanic Pop.	367 (0.7%)	2,117 (2.2%)
Asian Pop.	305 (0.6%)	5,088 (5.4%)
Native American Pop.	91	248 (0.3%)
White Pop.	51,256 (97.9%)	83,475 (88.7%)
TOTAL	NUMBER OF	JUSTICES
Black	0	0
Hispanic	0	0
Asian	0	0
Native American	0	0
Total Minority # of Judges	0	0

Seventh Judicial District by County (p. 1)

	Cayuga	Livingston	Monroe	Ontario
Total Population	82,313	62,372	713,968	95,101
Minority Pop.	4,594 (5.6%)	2,887 (4.6%)	124,245 (17.4%)	3,605 (3.8%)
No. of Justices	1	*	12	*
Ratio of Total Pop. to Judges (=ppj)			59,497 ppj	
Minority Pop. to Judges			10,354 ppj	
Black Pop.	2,774 (3.4%)	1,380 (2.2%)	82,876 (1.6%) 6,906 ppj	1,596 (1.7%)
Hispanic Pop.	1,202 (1.5%)	975 (1.6%)	26,450 (3.7%) 2,204 ppj	1,266 (1.3%)
Asian Pop.	319 (0.4%)	322 (0.5%)	12,421 (1.7%) 1,035 ppj	491 (0.5%)
Native American Pop.	259 (0.3%)	178 (0.3%)	1,924 (0.3%)	216
White Pop.	77,719 (94.4%)	59,485 (95.4%)	589,723 (82.6%) 49,144 ppj	91,496 (96.2%)
T O T A	L N U M B	E R O F	J U S T I C	E S
Black	0	0	0	0
Hispanic	0	0	0	0
Asian	0	0	0	0
Native American	0	0	0	0
Total # of Minority Judges	0	0	0	0

Seventh Judicial District by County (p. 2)

	Seneca	Steuben	Wayne	Yates
Total Population	33,683	99,088	89,123	22,810
Minority Pop.	1,182 (3.5%)	2,450 (2.5%)	4,860 (5.5%)	480 (2.1%)
No. of Justices	*	*	*	*
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	513 (1.5%)	1,135 (1.1%)	2,735 (3.1%)	139 (0.6%)
Hispanic Pop.	363 (1.1%)	518 (0.5%)	1,518 (1.7%)	230 (1%)
Asian Pop.	212 (0.6%)	540 (0.5%)	321 (0.4%)	64 (0.3%)
Native American Pop.	84 (0.3%)	197 (0.2%)	226 (0.3%)	46 (0.2%)
White Pop.	32,501 (96.5%)	96,638 (97.5%)	84,263 (94.5%)	22,330 (97.9%)
T O T A	L N U M B	E R O F	J U S T I C	E S
Black	0	0	0	0
Hispanic	0	0	0	0
Asian	0	0	0	0
Native American	0	0	0	0
Total Minority # of Judges	0	0	0	0

Eighth Judicial District by County (p. 1)

	Allegany	Cattaraugus	Chautauqua	Erie
Total Population	50,470	84,234	141,895	968,532
Minority Pop.	1,017 (2%)	3,477 (4.1%)	7,459 (5.3%)	146,366 (15.1%)
No. of Judges	*	*	*	18
Ratio of Total Pop. to Judges (=ppj)				53,807 ppj
Ratio of Minority Pop. to Judges				8,131 ppj
Black Pop.	295 (0.6%)	742 (0.9%)	2,297 (1.6%)	108,240 (11.2%) 6,013 ppj
Hispanic Pop.	313 (0.6%)	534 (0.6%)	4,055 (2.9%)	22,249 (2.3%) 1,236 ppj
Asian Pop.	298 (0.6%)	321 (0.4%)	506 (0.4%)	10,025 (1%)
Native American Pop.	95	1,851 (2.2%)	534 (0.4%)	5,357 (0.6%)
White Pop.	49,453 (98%)	80,757 (95.9%)	134,436 (94.7%)	822,166 (84.9%)
T O T A	L N U M B	E R O F	J U S T I C	E S
Black	0	0	0	0
Hispanic	0	0	0	0
Asian	0	0	0	0
Native American	0	0	0	0
Total Minority # of Judges	0	0	0	0

Eighth Judicial District by County (p. 2)

	Genesee	Niagara	Orleans	Wyoming
Total Population	60,060	220,756	41,846	42,507
Minority Pop.	2,400 (4%)	16,938 (7.7%)	3,956 (9.5%)	3,065 (7.2%)
No. of Justices	*	1	*	*
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	1,038 (1.7%)	11,973 (5.4%)	2,574 (6.2%)	1,840 (4.3%)
Hispanic Pop.	451 (0.8%)	2,098 (1%)	1,029 (2.5%)	1,004 (2.4%)
Asian Pop.	209 (0.3%)	779 (0.4%)	135 (0.3%)	117 (0.3%)
Native American Pop.	671 (1.1%)	1,969 (0.9%)	187 (0.4%)	87
White Pop.	57,660 (96%)	203,818 (92.3%)	37,890 (90.5%)	39,442 (92.8%)
T O T A	L N U M B	E R O F	J U S T I C	E S
Black	0	0	0	0
Hispanic	0	0	0	0
Asian				
Native American	0	0	0	0
Total Minority # of Judges	0	0	0	0

Ninth Judicial District by County (p. 1)

	Dutchess	Orange	Rockland	Putnam	Westches ter
Total Population	259,462	307,647	265,475	83,941	874,866
Minority Pop.	36,671 (14.1%)	46,679 (15.2%)	53,409 (20.1%)	3,925 (4.7%)	234,308 (26.8%)
# judges	1	3	3	1	12
Ratio of Total Pop. to Judges		102,549 ppj	88,492 ppj		72,906 ppj
Ratio of Minority Pop. to Judges		15,560 ppj	17,803 ppj		19,526 ppj
Black Pop.	20,558 (7.9%)	20,731 (6.7%) 6,910 ppj	24,352 (9.2%) 8,117 ppj	806 (1%)	114,265 (13.1%) 9,522ppj
Hispanic Pop.	9,765 (3.8%)	21,535 (7%) 7,178 ppj	17,711 (6.7%) 5,904 ppj	2,246 (2.7%)	86,194 (9.9%) 7,183ppj
Asian Pop.	5,761 (2.2%)	3,448 (1.1%)	10,511 (4%) 3,504 ppj	743 (0.9%)	31,611 (3.6%)
Native American Pop.	337	702	551	93	1,029
White Pop.	222,791 (85.9%)	260,968 (84.8%)	212,066 (79.9%) 70,689ppj	80,016 (95.3%)	640,558 (73.2%)
T O T A	L N U	M B E R	O F J U	S T I C	E S
Black	0	0	0	0	1 (8.3%)
Hispanic	0	0	0	0	0
Asian	0	0	0	0	0
Native American	0	0	0	0	0
Total Minority # of Judges	0	0	0	0	1 (8.3%)

Tenth Judicial District by County

	Nassau	Suffolk
Total Population	1,287,348	1,321,864
Minority Pop.	223,445 (17.4%)	191,170 (14.5%)
No. of Justices	22	19
Ratio of Total Pop. to Judges	58,516 ppj	69,572 ppj
Ratio of Minority Pop. to Judges	10,157 ppj	10,062 ppj
Black Pop.	105,315 (8.2%) 4,787 ppj	77,303 (5.8%) 4,069 ppj
Hispanic Pop.	77,386 (6%) 2,976 ppj	87,852 (6.6%) 4,624 ppj
Asian Pop.	38,434 (3%)	22,415 (1.7%) 1,180 ppj
Native American Pop.	1,262	2,592 (0.2%)
White Pop.	1,063,903 (82.6%)	1,130,694 (86%) 59,510 ppj
TOTAL	NUMBER OF	JUSTICES
Black	1 (4.5%)	1 (5.3%)
Hispanic	0	0
Asian	0	0
Native American	0	0
Total Minority # of Judges	1 (4.5%)	1 (5.3%)

EXHIBIT D

Task Force Statistics:

Number and Percentage of Women Supreme Court Justices

By Judicial District:

<u>FIRST DISTRICT</u>	<u>SECOND DISTRICT</u>	<u>THIRD DISTRICT</u>
11 (32.4%)	6 (12.8%)	0
<u>FOURTH DISTRICT</u>	<u>FIFTH DISTRICT</u>	<u>SIXTH DISTRICT</u>
0	1 (7.7%)	0
<u>SEVENTH DISTRICT</u>	<u>EIGHTH DISTRICT</u>	<u>NINTH DISTRICT</u>
0	2 (10%)	1 (5%)
<u>TENTH DISTRICT</u>	<u>ELEVENTH DISTRICT</u>	<u>TWELFTH DISTRICT</u>
3 (7.3%)	7 (20.6%)	2 (11.1%)

By County

First District = New York County (See above)

Second District: 6

1. Kings: 6 (14.3%)
2. Richmond: 0

Third District: 0

Fourth District: 0

Fifth District: 1

1. Oneida: 1 (33%)

Sixth District: 0

Seventh District: 0

Eighth District: 2

1. Erie: 2 (11.1%)

Ninth District: 1

1. Rockland: 1 (33.3%)

Tenth District: 3

1. Nassau: 3 (13.6%)

Eleventh District = Queens County (see above)

Twelfth District = Bronx County (see above)

Total Number of Women Supreme Court Justices: 33 (approx. 12%)

EXHIBIT E

BREAKDOWN OF POPULATION BY JUDICIAL DISTRICT - 1980

	First District	Second District	Third District
Total Population	1,428,285	2,583,057	791,246
Minority Pop.	587,081 (41.1%)	1,020,037 (39.5%)	49,005 (6.2%)
No. of judges			
Ratio of Total Pop. to judges			
Ratio of Minority Pop. to judges			
Black Pop.	309,854 (21.7%)	748,428 (29%)	37,363 (4.7%)
Asian Pop.	72,884 (5.1%)	49,674 (1.9%)	4,757 (0.6%)
Native American Pop.	3,036 (0.2%)	3,565 (0.1%)	1,112 (0.1%)
White Pop.	841,204 (58.9%)	1,563,020 (60.5%)	742,241 (93.8%)
Other	201,307 (14.1%)	218,370 (8.5%)	5,773 (0.7%)
*Spanish Origin Pop.	336,247 (23.5%)	411,002 (15.9%)	13,185 (1.7%)

TOTAL	NUMBER	OF	JUSTICES
Black			
Hispanic			
Asian			
Native American			
Total Minority # of judges			

* "Persons of Spanish origin may be of any race and are tabulated in the racial categories." Therefore, the nonwhite population in this 1980 population chart does not include the Spanish origin population.

	Fourth District	Fifth District	Sixth District
Total Population	803,089	1,011,187	735,100
Minority Pop.	20,312 (2.5%)	52,213 (5.2%)	20,841 (2.8%)
No. of judges			
Ratio of Total Pop. to judges			
Ratio of Minority Pop. to judges			
Black Pop.	10,764 (1.3%)	38,677 (3.8%)	11,801 (1.6%)
Asian Pop.	2,943 (0.4%)	4,353 (0.4%)	4,760 (0.6%)
Native American Pop.	3,429 (0.4%)	4,288 (0.4%)	1,106 (0.2%)
White Pop.	782,777 (97.5%)	958,974 (94.8%)	714,259 (97.2%)
Other	3,176 (0.4%)	4,895 (0.5%)	3,174 (0.4%)
Spanish Origin Pop.	7,663 (1%)	8,659 (0.9%)	5,712 (0.8%)

TOTAL	NUMBER	OF	JUSTICES
Black			
Hispanic			
Asian			
Native American			
Total Minority # of judges			

	Seventh District	Eighth District	Ninth District
Total Population	1,167,037	1,664,981	1,707,980
Minority Pop.	100,828 (8.6%)	149,745 (9%)	210,200 (12.3%)
No. of judges			
Ratio of Total Pop. to judges			
Ratio of Minority Pop. to judges			
Black Pop.	79,194 (6.8%)	120,782 (7.3%)	156,604 (9.2%)
Asian Pop.	6,567 (0.6%)	6,878 (0.4%)	23,998 (1.4%)
Native American Pop.	2,463 (0.2%)	10,364 (0.6%)	2,138 (0.1%)
White Pop.	1,066,209 (91.4%)	1,515,236 (91%)	1,497,780 (87.7%)
Other	12,604 (1%)	11,721 (0.7%)	27,460 (1.6%)
Spanish Origin Pop.	20,339 (1.7%)	20,020 (1.2%)	75,723 (4.4%)

TOTAL	NUMBER	OF	JUSTICES
Black			
Hispanic			
Asian			
Native American			
Total Minority # of judges			

	Tenth District	Eleventh District - Queens	Twelfth District - Bronx
Total Population	2,605,813	1,891,325	1,168,972
Minority Pop.	216,496 (8.3%)	555,520 (29.4%)	614,926 (52.6%)
No. of judges			
Ratio of Total Pop. to judges			
Ratio of Minority Pop. to judges			
Black Pop.	162,484 (6.2%)	354,129 (18.7%)	371,926 (31.8%)
Asian Pop.	24,769 (1%)	93,780 (5%)	15,163 (1.3%)
Native American Pop.	2,858 (0.1%)	2,814 (0.2%)	2,409 (0.2%)
White Pop.	2,389,317 (91.7%)	1,335,805 (70.6%)	554,046 (47.4%)
Other	26,385 (1%)	104,797 (5.5%)	225,428 (9.3%)
Spanish Origin Pop.	101,975 (3.9%)	262,422 (13.9%)	396,353 (33.9%)

TOTAL	NUMBER	OF	JUSTICES
Black			
Hispanic			
Asian			
Native American			
Total Minority # of judges			

1980 POPULATION DATA

Second Judicial District by County

	Kings	Richmond
Total Population	2,230,936	352,121
Minority Pop.	981,450 (44%)	38,587 (11%)
No. of justices		
Ratio of Total Pop. to Judges (=ppj)		
Ratio of Minority Pop. to Judges		
Black Pop.	722,812 (32.4%)	25,616 (7.3%)
Asian Pop.	42,965 (1.9%)	6,709 (1.9%)
N.American Pop.	3,182	383
Other Pop.	212,491 (9.5%)	5,879 (1.7%)
White Pop.	1,249,486 (56%)	313,534 (89%)
*Spanish Origin Pop.	392,118 (17.6%)	18,884 (5.4%)
TOTAL	NUMBER OF	JUSTICES
Black		
Hispanic		
Asian		
N.American		
Total Minority # of Judges		

* "Persons of Spanish origin may be of any race and are tabulated in the racial categories"

Third Judicial District By County

	Albany	Columbia	Greene	Rensselaer
Total Population	285,909	59,487	40,861	151,966
Minority Population (8.1%)	23,130 (8.1%)	2,449 (4.1%)	1,602 (3.9%)	5,753 (3.8%)
No. of Judges				
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop. (6.6%)	18,839 (6.6%)	2,010 (3.4%)	1,225 (3%)	4,117 (2.7%)
Asian Pop. (0.8%)	2,407 (0.8%)	138	65	818
N. American Pop.	327	88	67	175
Other Pop.	1,557	213	245 (0.6%)	643
White Pop. (91.9%)	262,779 (91.9%)	57,038 (95.9%)	39,259 (96.1%)	146,213 (96.2%)
Spanish Origin Pop. (1.1%)	3,025 (1.1%)	538 (.9%)	560 (1.4%)	1,152 (.8%)
T O T A L	N U M B E R	O F	J U	S T I C E S
Black				
Hispanic				
Native American				
Total Minority # of Judges				

3rd Judicial District By County (p. 2)

	Schoharie	Sullivan	Ulster	
Total Population	29,710	65,155	158,158	
Minority Population	463 (1.6%)	6,084 (9.3%)	9,524 (6%)	
No. of Judges				
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	252 (0.8%)	4,446 (6.8%)	6,474 (4.1%)	
Asian Pop.	59	383 (0.6%)	887 (0.6%)	
N.American Pop.	53	122	280	
Other Pop.	99	1,133 (1.7%)	1,883 (1.2%)	
White Pop.	29,247 (98.4%)	59,071 (90.7%)	148,634 (94%)	
Spanish Origin Pop.	323 (1.1%)	2,656 (4.1%)	4,931 (3.2%)	
T O T A L	N U M B E R	O F	J U S T I C E	S
Black				
Hispanic				
Native American				
Total Minority # of Judges				

Fourth Judicial District By County (p. 1)

	Clinton	Essex	Franklin	Fulton
Total Population	80,750	36,176	44,929	55,153
Minority Population	3,759 (4.7%)	319 (.9%)	2,289 (5.1%)	784 (1.4%)
No. of Judges				
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	2,330 (2.9%)	137	88	473 (0.9%)
Asian Pop.	376 (0.5%)	45	71	143
N.American Pop.	179	64	2,083 (4.6%)	77
Other Pop.	874 (1.1%)	73	47	91
White Pop.	76,991 (95.3%)	35,857 (99.1%)	42,640 (94.9%)	54,369 (98.6%)
Spanish Origin Pop.	1,435 (1.8%)	233	178	305 (0.6%)
T O T A L	N U M B E R	O F	J U	S T I C E
Black				
Hispanic				
Native American				
Total Minority # of Judges				

Fourth Judicial District By County (p. 2)

	Hamilton	Montgomery	St. Lawrence	Saratoga
Total Population	5,034	53,439	114,254	153,759
Minority Population	23 (0.5%)	1,015 (1.9%)	1,257 (1.1%)	2,482 (1.6%)
No. of Judges				
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	--	262 (0.5%)	230	1,409 (0.9%)
Asian Pop.	4	107	395	576
N. American Pop.	12	65	443	184
Other Pop.	7	581 (1.1%)	189	313
White Pop.	5,011 (99.5%)	52,424 (98.1%)	112,997 (98.9%)	151,277 (98.4%)
Spanish Origin Pop.	12	1,590 (3%)	562 (0.5%)	1,002 (0.7%)
T O T A L	N U M B E R	O F	J U	S T I C E
Black				
Hispanic				
Native American				
Total Minority # of Judges				

Fourth Judicial District By County (p. 3)

	Schenectady	Warren	Washington	
Total Population	149,946	54,854	54,795	
Minority Population	6,507 (4.3%)	511 (0.9%)	1,366 (2.5%)	
No. of Judges				
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	4,682 (3.1%)	240	913 (1.7%)	
Asian Pop.	1,022 (0.7%)	130	74	
N. American Pop.	197	66	59	
Other Pop.	606	75	320 (0.6%)	
White Pop.	143,439 (95.7%)	54,343 (99.1%)	53,429 (97.5%)	
Spanish Origin Pop.	1,377 (0.9%)	365 (0.7%)	604 (1.1%)	
T O T A L	N U M B E R	O F	J U	S T I C E
Black				
Hispanic				
Native American				
Total Minority # of Judges				

Fifth Judicial District By County (p. 1)

	Herkimer	Jefferson	Lewis	
Total Population	66,714	88,151	25,035	
Minority Pop.	387 (0.6%)	833 (0.9%)	117 (0.5%)	
No. of Judges				
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	118	274	15	
Asian Pop.	101	213	35	
N.American Pop.	83	208	32	
Other Pop.	85	138	35	
White Pop.	66,327 (95.4%)	87,318 (99.1%)	24,918 (99.5%)	
Spanish Origin Pop.	259	375	80	
T O T A L	N U M B E R	O F	J U	S T I C E S
Black				
Hispanic				
Native American				
Total Minority # of Judges				

Fifth Judicial District By County (p. 2)

	Oneida	Onondaga	Oswego	
Total Population	253,466	463,920	113,901	
Minority Population (%)	10,444 (4.1%)	39,134 (8.4%)	1,298 (1.1%)	
No. of Judges				
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop. (%)	7,719 (3%)	30,117 (6.5%)	434	
Asian Pop.	841	2,814 (0.6%)	349	
N.American Pop.	383	3,274 (0.7%)	308	
Other Pop. (0.6%)	1,501 (0.6%)	2,929 (0.6%)	207	
White Pop. (95.9%)	243,022 (95.9%)	424,786 (91.6%)	112,603 (98.9%)	
Spanish Origin Pop. (1%)	2,619 (1%)	4,730 (1%)	596 (0.5%)	
T O T A L	N U M B E R	R O F	J U	S T I C E S
Black				
Hispanic				
Native American				
Total Minority # of Judges				

Sixth Judicial District By County (p. 1)

	Broome	Chemung	Chenango	Cortland
Total Population	213,648	97,656	49,344	48,820
Minority Population	5,857 (2.7%)	5,020 (5.1%)	525 (1.1%)	687 (1.4%)
No. of Judges				
Ratio of Total Pop. to Judges (-ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	3,131 (1.5%)	3,939 (4%)	235 (0.5%)	314 (0.6%)
Asian Pop.	1,439 (0.7%)	397	139	165
N.American Pop.	252	149	66	89
Other Pop.	1,035 (0.5%)	535 (0.5%)	85	119
White Pop.	207,791 (97.3%)	92,636 (94.9%)	48,819 (98.9%)	48,133 (98.6%)
Spanish Origin Pop.	1,551	868 (0.9%)	247	385
T O T A L	N U M B E R	O F	J U	S T I C E
Black				
Hispanic				
Native American				
Total Minority # of Judges				

Sixth Judicial District By County (p. 2)

	Delaware	Madison	Otsego	Schuyler
Total Population	46,824	65,150	59,075	17,686
Minority Population	618 (1.3%)	914 (1.4%)	792 (1.3%)	178 (1%)
No. of Judges				
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	285 (0.6%)	472 (0.7%)	355 (0.6%)	72
Asian Pop.	124	155	207	24
N.American Pop.	88	161	70	38
Other Pop.	121	126	160	44
White Pop.	46,206 (98.7%)	64,236 (98.6%)	58,283 (98.7%)	17,508 (99%)
Spanish Origin Pop.	293 (0.6%)	336 (0.5%)	414 (0.7%)	69
T O T A L	N U M B E R	O F	J U	S T I C E
Black				
Hispanic				
Native American				
Total Minority # of Judges				

sixth Judicial District by County (p. 3)

	Tioga	Tompkins
Total Population	49,812	87,085
Minority Pop.	620 (1.2%)	5,630 (6.5%)
No. of justices		
Ratio of Total Pop. to Judges (=ppj)		
Ratio of Minority Pop. to Judges		
Black Pop.	277 (0.6%)	2,721 (3.1%)
Asian Pop.	204	1,906 (2.2%)
N.American Pop.	60	133
Other Pop.	79	870 (1%)
White Pop.	49,192 (98.8%)	81,455 (93.5%)
Spanish Origin Pop.	264 (0.5%)	1,285 (1.5%)
TOTAL	NUMBER OF	JUSTICES
Black		
Hispanic		
Asian		
N.American		
Total Minority # of Judges		

Seventh Judicial District By County (p. 1)

	Cayuga	Livingston	Monroe	Ontario
Total Population	79,894	57,006	702,238	88,909
Minority Population	2,737 (3.4%)	1,119 (2%)	88,713 (12.6%)	2,280 (2.6%)
No. of Judges				
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	1,941 (2.4%)	666 (1.7%)	71,041 (10.1%)	1,458 (1.6%)
Asian Pop.	185	145	5,397 (0.8%)	193
N.American Pop.	147	132	1,657	141
Other Pop.	464 (0.6%)	176	10,618 (1.5%)	488 (0.5%)
White Pop.	77,157 (96.6%)	55,887 (98%)	613,525 (87.4%)	86,629 (97.4%)
Spanish Origin Pop.	633 (0.8%)	347 (0.6%)	16,738 (2.4%)	958 (1.1%)
T O T A L	N U M B E R	O F	J U	S T I C E
Black				
Hispanic				
Native American				
Total Minority # of Judges				

Seventh Judicial District by County (p.2)

	Seneca	Steuben	Wayne	Yates
Total Population	33,733	99,217	84,581	21,459
Minority Population	620 (1.8%)	1,582 (1.6%)	3,546 (4.2%)	231 (1.1%)
No. of Judges				
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	337 (1%)	893 (0.9%)	2,728 (3.2%)	130 (0.6%)
Asian Pop.	142	321	158	26
N.American Pop.	50	142	174	20
Other Pop.	91	226	486 (0.6%)	55
White Pop.	33,113 (98.2%)	97,635 (98.4%)	81,035 (95.8%)	21,228 (98.9%)
Spanish Origin Pop.	283 (0.8%)	385	880 (1%)	115 (0.5%)
T O T A L	N U M B E R	O F	J U	S T I C E
Black				
Hispanic				
Native American				
Total Minority # of Judges				

Eighth Judicial District by County (p.1)

	Allegany	Cattaraugus	Chataugua	Erie
Total Population	51,742	85,697	146,925	1,015,472
Minority Population	532 (1%)	2,603 (3%)	3,997 (2.7%)	122,277 (12%)
No. of Judges				
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	161	615 (0.7%)	1,901 (1.3%)	102,947 (10.1%)
Asian Pop.	120	208	374	5,424 (0.5%)
N.American Pop.	122	1,649 (1.9%)	357	5,064 (.5%)
Other Pop.	129	131	1,365 (0.9%)	8,842 (0.9%)
White Pop.	51,210 (99%)	83,094 (97%)	142,928 (97.3%)	893,195 (88%)
Spanish Origin Pop.	189	336	2,266 (1.5%)	14,390 (1.4%)
T O T A L	N U M B E R	O F	J U	S T I C E
Black				
Hispanic				
Native American				
Total Minority # of Judges				

Eighth Judicial District by County (p. 2)

	Genesee	Niagara	Orleans	Wyoming
Total Population	59,400	227,354	38,496	39,895
Minority Population	1,986 (3.3%)	14,481 (6.4%)	2,473 (6.4%)	1,396 (3.5%)
No. of Judges				
Ratio of Total Pop. to Judges (=ppj)				
Ratio of Minority Pop. to Judges				
Black Pop.	1,122 (2%)	11,028 (4.9%)	1,988 (5.2%)	1,020 (2.6%)
Asian Pop.	101	486	79	86
N. American Pop.	613 (1%)	2,329 (1%)	159	71
Other Pop.	150	638	247 (0.6%)	219 (0.5%)
White Pop.	57,414 (96.7%)	212,873 (93.6%)	36,023 (93.6%)	38,499 (96.5%)
Spanish Origin Pop.	325 (0.5%)	1,816 (0.8%)	405 (1.1%)	293 (.7%)
T O T A L	N U M B E R	O F J U	S T I C E	S
Black				
Hispanic				
Native American				
Total Minority # of Judges				

Ninth Judicial District by County (p. 1)

	Dutchess	Orange	Rockland	Putnam	Westchester
Total Population	245,055	259,603	259,530	77,193	866,599
Minority Population	23,222 (9.5%)	22,244 (8.6%)	26,864 (10.4%)	1,102 (1.4%)	136,768 (15.8%)
No. of Judges					
Ratio of Total Pop. to Judges (=ppj)					
Ratio of Minority Pop. to Judges					
Black Pop.	17,131 (7%)	16,225 (6.2%)	18,016 (6.9%)	417 (0.5%)	104,815 (12.1%)
Asian Pop.	2,850 (1.2%)	1,332 (0.5%)	4,301 (1.7%)	389 (0.5%)	15,126 (1.7%)
N.American Pop.	393	433	556	34	722
Other Pop.	2,848 (1.2%)	4,254 (1.6%)	3,991 (1.5%)	262	16,105 (1.9%)
White Pop.	221,833 (90.5%)	237,359 (91.4%)	232,666 (89.6%)	76,091 (98.6%)	729,831 (84.2%)
Spanish Origin Pop.	5,853 (2.4%)	11,260 (4.3%)	11,772 (4.5%)	1,272 (1.6%)	45,566 (5.3%)
T O T A L	N U M B E R	O F	J U	S T I C	E S
Black					
Hispanic					
Native American					
Total Minority # of Judges					

Tenth Judicial District by County

	Nassau	Suffolk
Total Population	1,321,582	1,284,231
Minority Population (8.9%)	117,374	99,122 (7.7%)
No. of Judges		
Ratio of Total Pop. to Judges (=ppj)		
Ratio of Minority Pop. to Judges		
Black Pop. (6.9%)	90,743	71,741 (5.6%)
Asian Pop. (1.1%)	14,472	10,297 (0.8%)
N.American Pop.	892	1,966
Other Pop. (0.9%)	11,267	15,118 (1.2%)
White Pop. (91.1%)	1,204,208	1,185,109 (92.3%)
Spanish Origin Pop. (3.3%)	43,286	58,689 (4.6%)
TOTAL	NUMBER OF	JUSTICES
Black		
Hispanic		
Native American		
Total Minority # of Judges		

EXHIBIT F

**EXCERPT FROM VOLUME FOUR OF THE REPORT OF THE NEW YORK
STATE JUDICIAL COMMISSION ON MINORITIES**

Furthermore, the judicial election process resembles the appointment process in certain respects. Political leaders exercise substantial control over the choice of judicial nominees in primary elections, and their selections may be relatively assured of election. This is particularly true of elections in areas like New York City where the nominees of one party are almost invariably elected. Also, most party leaders have established screening committees comprised of lawyers and representatives of civic groups to create at least the impression of a merit-based selection process.⁴²

B. Judicial Screening and Nominating Commissions and Committees

Various screening and/or nominating commissions and committees play an important role in the judicial selection process. The Commission's survey of judges provided useful data on the performance of these bodies, and the Commission also surveyed the committees directly to gain information about their composition and activities.

The Commission's survey of judges asked for ratings of the various commissions and committees in New York State that screen or nominate potential judges for appointive or elective positions.⁴³ Judges were asked their opinion of the quality of the assessments provided by these bodies of the legal knowledge, litigation experience, and judicial temperament of judicial candidates and of how well these bodies perform in recommending candidates who would contribute to the racial and ethnic diversity of the judiciary. Data from this survey are reported in Table IV.3.6.

⁴²A recent news article reports, however, that in most cases "the county leaders' wishes are the screening committee's commands." See Lynn, 13 Justices Nominated, As Leaders Rule Road, N.Y. Times, Sept. 26, 1989, at B2, col. 5.

⁴³Blank Judges' Questionnaire, *supra* note 12, at 6-9.

Table IV.3.6
Judges' Ratings of Various Screening Commissions/Committees for the Judiciary
 (Numbers in parentheses are percentages)

	KNOWLEDGE OF THE LAW		LITIGATION EXPERIENCE		RACIAL/ETHNIC DIVERSITY		JUDICIAL TEMPERMENT	
	POORLY White Min.	WELL White Min.	POORLY White Min.	WELL White Min.	POORLY White Min.	WELL White Min.	POORLY White Min.	WELL White Min.
NYC Commission on Judicial Nominations for Governor's appoint- ments to Ct. of Appeals	42 (15.4)	230 (84.6)	48 (21.8)	172 (78.2)	32 (16.3)	164 (83.7)	33 (15.3)	182 (84.7)
Statewide Judicial Screening Committee for Governor's appointments to Ct. of Claims	85 (35.6)	154 (64.4)	66 (32.8)	133 (67.2)	37 (22.7)	126 (97.3)	62 (31.6)	134 (68.4)
Departmental Judicial Screening Committee for Governor's appoint- ments to Appellate Div. of Supreme Ct. & for vacancies on Supreme Ct.	6 (22.2)	210 (77.8)	43 (18.9)	184 (81.1)	42 (21.4)	154 (78.6)	54 (22.7)	184 (77.3)
County Judicial Screening Committee for Governor's appoint- ments to Family Ct. outside NYC, County Ct. & Surrogate's Ct.	43 (24.2)	135 (75.8)	41 (24.6)	126 (75.4)	29 (26.2)	91 (75.8)	49 (31.8)	105 (68.2)
Mayor's Committee on Judiciary for Mayor's appointments to Family Ct. or Criminal Ct. or for vacancies on NYC Civil Ct.	47 (22.9)	158 (77.1)	36 (28.0)	144 (80.0)	17 (9.7)	159 (90.3)	47 (25.5)	137 (74.5)
Housing Ct. Advisory Committee and/or OCA Chief Administrative Judge appointments to NYC Housing Court	28 (36.4)	49 (63.6)	28 (38.4)	45 (61.6)	9 (12.3)	64 (87.7)	26 (38.8)	41 (61.2)
Political party organi- zations in determining slates for elective office	244 (53.9)	209 (46.1)	221 (55.1)	180 (44.9)	110 (31.7)	237 (68.3)	200 (52.8)	179 (47.2)

Large numbers of judges did not provide ratings for most of the commissions or committees that advise appointing authorities due to their lack of knowledge regarding these bodies. Political party organizations were rated by a much larger proportion of judges. Several conclusions of a general character can be drawn from the responses received. First, the judicial candidates proposed or approved by commissions or committees that advise appointing authorities were perceived by both white and minority judges to be of higher quality than those endorsed by political party organizations. Second, except for their views of the performance of these bodies in contributing to the achievement of greater racial/ethnic diversity in the judiciary, the views of white and minority judges were quite similar. Third, with regard to the latter issue, white judges approved of the performance of the bodies they rated in much higher numbers than did their minority counterparts. Only the Housing Court Advisory Committee received a favorable rating from a majority of minority judges in terms of its history of making recommendations that lead to racial and ethnic diversity on the bench.

In addition to its survey of judges, the Commission conducted a survey of judicial screening committee chairs in the fifteen counties of New York State with the highest proportions of minorities. The survey focused on the role played by the committees in the judicial selection process, particularly as regards their contribution to the achievement of a racially and ethnically diverse judiciary.⁴⁴ As Table IV.3.7 shows, eighteen of the committees screen candidates for elective judicial positions, seven screen candidates for both elective and

⁴⁴Of the 31 screening committees surveyed, 29 responded. Of these, 12 were county bar association committees; 9 were women's bar association committees; 5 were minority bar association committees; and the other three were committees of the state bar association, the state trial lawyers association, and of a political party organization respectively.

appointive positions, and two screen candidates only for appointive positions. If the two committees sponsored by minority bar associations are excepted, only 7.8% of the committee members are minorities, and almost half of the committees have no minority members at all.

Table IV.3.7
Data on Judicial Screening Committees in the Fifteen Counties

Screening Committee Parent Organization	Screens for Elec. or Appt. positions	Number of Committee Members	Number of Minorities on Committee	Percent of Minority on Committee
1) Albany County Bar Ass'n	both	9	0	0%
2) Ass'n of the Bar of the City of New York	both	28	4	14%
3) Bronx Democratic Committee	elective	10	4	40%
4) Capital Dist. Women's Bar Ass'n	elective	7	1	14%
5) Dutchess County Bar Ass'n	both	3	0	0%
6) Erie County Bar Ass'n	elective	29	3	10%
7) Greater Rochester Ass'n for Women Attorneys	elective	13	1	7.7%
8) Metropolitan Black Bar Ass'n	both	12	12	100%
9) Mid-Hudson Women's Bar Ass'n	elective	4	0	0%
10) Minority Bar Ass'n of Western New York	elective	8	8	100%
11) Monroe County Bar Ass'n	both	31	2	6.5%
12) Nassau County Bar Ass'n	elective	20	0	0%
13) Nassau Women's Bar Ass'n	elective	12	0	0%
14) New York State Bar Ass'n	appointive	23	2	8.7%
15) New York Trial Lawyers Ass'n	elective	10	3	30%
16) New York State Women's Bar Ass'n	appointive	19	(1-2)	5-11%
17) Orange County Bar Ass'n	elective	7	0	0%
18) Puerto Rican Bar Ass'n	elective	n/a	n/a	n/a
19) Richmond County Bar Ass'n	both	15	1	6.7%
20) Rockland County Bar Ass'n	elective	11	0	0%
21) Rockland County Women's Bar Ass'n	elective	5	0	0%
22) Suffolk County Bar Ass'n	both	12	0	0%
23) Sullivan County Bar Ass'n	elective	0*	0*	0*
24) Westchester Bar Ass'n	elective	10	0	0%
25) Westchester Women's Bar Ass'n	elective	9	0	0%
26) Women's Bar Ass'n, N.Y. Chapter	elective	9	0	0%
27) Women's Bar Ass'n of Orange and Sullivan Counties	elective	5	1	20%

* : Committee not standing at present.
n/a : Not applicable.

Respondents were asked about the weight their own committee attaches to each of a series of criteria in evaluating judicial candidates or applicants. The responses are provided in Table IV.3.8 below.

Table IV.3.8
Ratings by Bar Association Screening Committee Chairs Regarding
the Weight Accorded Various Judicial Qualification Criteria
 (Numbers in parentheses are percentages)

	Very Great Weight	Great Weight	Some Weight	No Weight
Knowledge of law (N-23)	13 (56.5)	8 (34.8)	2 (8.7)	0
Litigation Experience (N-23)	4 (17.4)	10 (43.5)	7 (30.4)	2 (8.7)
Other experiences in the practice of law (N-23)	2 (8.7)	12 (52.2)	8 (34.8)	1 (4.3)
Racial/ethnic diversity of the judiciary (N-22)	1 (4.5)	2 (9.1)	8 (36.4)	11 (50)
Judicial temperament (N-23)	14 (60.9)	8 (34.8)	1 (4.3)	0
Managerial skills (N-23)	0	7 (30.4)	11 (47.8)	5 (21.7)
Other (N-9)	3 (33.3)	5 (55.6)	1 (11.1)	0

Half of the respondents indicated that their committees gave no weight at all to racial/ethnic diversity in evaluating candidates. Only 13.6% gave "great" or "very great" weight to that factor. An individual's ability to add racial/ethnic diversity to the judiciary is perceived to be the least important of the enumerated evaluation criteria. Evidently, most committees do not regard this capacity as a significantly positive credential, even if the committee supports diversity in the abstract or is concerned that candidates be sensitive to racial issues. Explanatory comments provided by respondents on their questionnaires

suggest that screeners are hesitant to consider criteria that fall outside the traditional understanding of judicial competence.⁴⁵

A majority of the committees review only candidates for elective positions, and almost all of these respondents emphasized that rather than "screening" or "selecting" candidates, they merely evaluate already nominated candidates.⁴⁶ Entering the process only after political parties have nominated candidates for election, these committees neither propose nor select candidates. As a result, their assessments -- which are usually delivered as ratings rather than as recommendations -- are used almost exclusively for campaign purposes by the candidates.⁴⁷ The important point is that these committees have no influence over the pool of potential judges that they review and, therefore, do not have any influence over the racial/ethnic diversity of those considered for the judiciary.⁴⁸

Frustration over the lack of influence exercised by judicial screening committees in the selection process was evident in some of the survey responses.⁴⁹ In an effort to assume a more substantive role in the selection process, some respondents reported attempts to advance their participation to an earlier point in the selection process. One committee is currently trying to implement a plan involving a pre-nomination role that will include the power to disqualify candidates.⁵⁰ Two other committees report that political parties have

⁴⁵ New York State Judicial Commission on Minorities, Responses to Questionnaire for Chairpersons of Judicial Screening Committees.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

agreed to take their assessments into account even though they occur after the nominations.⁵¹

The amount of time and resources devoted by judicial screening committees to the screening process varies widely. Moreover, the committees' responses show a wide range in the information kept by them regarding the numbers and proportions of candidates screened, recommended and ultimately selected. Table IV.3.9 summarizes the numbers and proportions of candidates screened, recommended and ultimately selected, as reported by these committees.

Among respondents, the most active committee by a wide margin is the Association of the Bar of the City of New York's Judiciary Committee. It screened 164 potential judges in 1988 for both elective and appointive positions. Of those screened, 127 were recommended and 81 were appointed or nominated. Thirty-five of those screened, 24 of those recommended, and 18 of those nominated or appointed were minorities. It is also interesting to note that this committee was the only one reporting a higher number of minority appointments/nominations than white appointments/nominations.

Five other committees each reviewed between 20 and 30 judicial candidates in 1988-89. Eleven committees each reviewed between 5 and 15 candidates, while five committees each reviewed fewer than five candidates. A number of committees reported themselves as generally or currently inactive.⁵²

⁵¹ *Id.*

⁵² *Id.*

Table IV.3.9
Summary of Screening Committee Activities
(Numbers in parentheses are percentages)

Screening Committee Parent Organization	Number Screened		Number Recommended		Number Nominated, Appointed		Ratio of Recommended: Screened		Ratio of Nominated, Appointed: Recommended		
	White	Min.	White	Min.	White	Min.	White	Min.	White	Min.	
Association of the Bar of the City of New York	129 (79)	35 (21)	103 (81)	24 (19)	13 (42)	18 (58)	(80)	(69)	(13)	(75)	
Suffolk County Bar Association	30 (100)	(0) (0)	29 (100)	(0) (0)	29 (100)	(0) (0)	(97)	--	(100)	--	
New York State Trial Lawyers Association (approximate)	18 (72)	7 (28)	n/a	7	3 (75)	1 (25)	"maj"	(100)	--	(14)	
Metropolitan Black Bar Association (data for 2 years)	29 (64)	16 (36)	n/a	16 n/a	"unk"	16 n/a	"90%"	(100)	--	(100)	
Nassau Women's Bar Association (approximate)	20 (100)	0 (0)	20 (100)	0 (0)	19 (100)	0 (0)	(100)	--	(95)	--	
Nassau County Bar Association (approximate)	20 (100)	0 (0)	20 (100)	0 (0)	"	0 (0)	(100)	--	--	--	
Westchester County Bar Association (data for 5 years)	56-66 (93-94)	4 (6-7)	52-62 (94-95)	3 (5-6)	51-61 (93-94)	4 (7-6)	(93-4)	(75)	(98)	(133)	
Westchester Women's Bar Association	12 (92)	1 (8)	11 (92)	1 (8)	"	"	(92)	(100)	--	--	
Greater Rochester Association for Women Attorneys	13 (100)	0 (0)	12 (100)	0 (0)	"unk"	0 (0)	(92)	--	--	--	
Rockland Women's Bar Association (data for 2 years)	20 (87)	3 (13)	12 (86)	2 (14)	"	3	(60)	(67)	(100)	(150)	
Monroe County Bar Association	11 (100)	0 (0)	8 (100)	0 (0)	"unk"	0	(73)	(0)	--	--	
Erie County Bar Association	10 (90)	1 (10)	n/a	n/a	n/a	n/a	--	--	--	--	
Minority Bar Association of Western New York (data for 2 years)	0 (0)	20 (100)	-----"don't recommend, just rate"-----								
Orange County Bar Association (data for 5 years)	37 (92)	3 (8)	37 (95)	2 (5)	"unk"	2	(100)	(67)	--	(100)	
Richmond County Bar Association (data for 4 years; approximate)	30 (100)	0 (0)	"most"	0 (0)	50/50 non- "few" appl.		--	--	--	--	
Women's Bar Association New York (county) Chapter	5 (71)	2 (29)	4 (67)	2 (33)	4 (67)	2 (33)	(80)	(100)	(100)	(100)	
Bronx Independent Democratic Committee (approximate)	6 per sess (avg)	"no rec- ords"	"al- most all"	"no rec- ords"	"	"no rec- ords"	--	--	--	--	
Capital District Women's Bar Association	4 (100)	0 (0)	4 (100)	0 (0)	"	0 (0)	(100)	--	--	--	
Rockland County Bar Association (data for 5 years; approximate)	19 (95)	1 (5)	19 (95)	1 (5)	19 (95)	1 (5)	(100)	(100)	(100)	(100)	
Women's Bar of Orange and Sullivan Counties, (data for 4 years)	9 (90) apr	1 (10)	9 (90)	1 (10)	1-2 (50- 67)	1 (50- 33)	(100)	(100)	(11- 22)	(100)	
Dutchess County Bar Association (data for 5 years)	12 (0)	0 (100)	12 (100)	0 (0)	12	0	(100)	--	(100)	--	
Mid-Hudson Women's Bar Association	2 (100)	0 (0)	2 (100)	0 (0)	2 (100)	0 (0)	(100)	--	(100)	--	

* : Respondent did not specify number, noting that committee screens after nomination.
unk: Respondent stated number unknown.
n/a: Not available.

A glimpse of the role played by political party screening committees in the selection process was provided by the Puerto Rican Bar Association. It does not operate an independent screening committee, but representatives of the Puerto Rican Bar are invited to participate in the Democratic Party Supreme and Civil Court Screening Committees.⁵³ It was reported that of 65 potential candidates considered by the Manhattan Democratic Party Supreme and Civil Court Screening Committee, only 12 were recommended and 6 nominated. Eleven of those screened were members of minority groups, 7 of those were recommended, and 3 of those were nominated. While not offering an opportunity for direct comparison with the activities of bar association screening committees, this information is suggestive of the greater decision-making role that party screening committees exercise in the selection process due to the fact that they act before nomination occurs.

State and city judicial nominating and screening commissions and committees, unlike those sponsored by bar associations or political organizations, are official bodies empowered to select or nominate judicial candidates. For example, the New York State Constitution was amended in 1977 to create the Commission on Judicial Nomination to evaluate the qualifications of candidates for appointment by the Governor to the Court of Appeals. The Commission on Judicial Nomination consists of twelve members of whom four are appointed by the Governor, four by the Chief Judge of the Court of Appeals, and four by the political leadership of the New York State Senate and Assembly.⁵⁴

⁵³*Id.*

⁵⁴N.Y. S. Const. art. VI, § 2 c.d.

Screening committees were subsequently created by the Governor in each of the state's four judicial departments to generate a pool from which the Governor could make appointments to the Appellate Division of the Supreme Court and to fill vacancies on the Supreme Court. Screening committees also exist for judicial appointments to the Court of Claims by the Governor, to various New York City courts by the Mayor of New York, and to New York City Housing Court by administrative judges.⁵⁵

The data in Table IV.3.10 show significant disparities in the representation of minorities on different screening committees, as of 1988-89. Three of the four Appellate Division screening committees had no minority members, including the screening committee for the First Department. In contrast, minorities occupied 27% of the positions on the Mayor's Committee on the Judiciary in New York City and 29% of the positions on the Housing Court Advisory Council.

⁵⁵N.Y. Comp. Codes R. & Regs. tit. 9, § 4.9 (1983).

Table IV.3.10
Composition of Judicial Screening Committees⁵⁶
 (Numbers in parentheses are percentages)

COMMITTEES	WHITE	BLACK	HISP.	ASIAN	NATIVE AMER.
<u>Commission on Judicial Nomination</u> for Governor's appointments to the Court of Appeals	10 (83)	1 (8)	1 (8)	0	0
<u>Statewide Judicial Screening Committee</u> for Governor's appointments to the Court of Claims	11 (87.5)	1 (12.5)	0	0	0
<u>First Department Judicial Screening Committee</u> for Governor's appointments to the Appellate Division of the Supreme Court and for vacancies on the Supreme Court	8 (100)	0	0	0	0
<u>Second Department Judicial Screening Committee</u> for Governor's appointments to the Appellate Division of the Supreme Court and for vacancies on the Supreme Court	7 (78)	1 (11)	1 (11)	0	0
<u>Third Department Judicial Screening Committee</u> for Governor's appointments to the Appellate Division of the Supreme Court and for vacancies on the Supreme Court	8 (100)	0	0	0	0
<u>Fourth Department Judicial Screening Committee</u> for Governor's appointments to the Appellate Division of the Supreme Court and for vacancies on the Supreme Court	9 (100)	0	0	0	0
<u>Mayor's Committee on the Judiciary</u> for Mayor's appointments to Family Court or Criminal Court or for vacancies on the Civil Court in NYC	19 (73.0)	3 (11.5)	4 (15.4)	0	0
<u>Housing Court Advisory Council</u>	10 (71.0)	3 (21.0)	1 (7.0)	0	0

The data in Table IV.3.11 show the ethnic/racial composition of persons screened, recommended, and appointed by each committee. The data are incomplete, but significant disparities appear to exist among screening committees in the numbers of minority

⁵⁶ New York State Judicial Commission on Minorities, Responses to Questionnaire for Chairperson of Judicial Nominating/Screening Committees/Commissions.

candidates screened and recommended for appointment and in the numbers actually appointed. There is no clear pattern in these figures.

In the First Department, minority candidates accounted for 21% of those screened and 20% of those recommended for appointment, but only one of the fifteen minority candidates recommended for appointment was actually appointed. In the Second Department, relatively fewer minority candidates were screened and recommended for appointment (4% of the total), but a higher percentage of the minority candidates recommended for appointment were actually appointed (3 of 8 minority candidates). Minority candidates accounted for 11% of those screened by the Mayor's Committee on the Judiciary but 16% of those recommended for appointment and 18% of those actually appointed. Finally, minority candidates accounted for 12% of those screened by the Housing Court Advisory Council but 32% of those recommended for appointment and 34% of those actually appointed.⁵⁷

⁵⁷Id.

Table IV.3.11
Ethnic Composition of Persons Screened, Recommended,
and Appointed⁵⁸
 (Numbers in parentheses are percentages)

COMMITTEES	WHITE	BLACK	HISPANIC	ASIAN	NAT. AMER.
<u>Commission on Judicial Nomination</u>					
Screened	N/A*	N/A	N/A	N/A	N/A
Recommended	N/A	N/A	N/A	N/A	N/A
Appointed	9 (90)	1 (10)	0	0	0
Appointed: Screened	--	--	--	--	--
Appointed: Recommended	--	--	--	--	--
<u>Statewide Judicial Screening Committee</u>					
Screened	2				
Recommended	2				
Appointed	N/A				
Appointed: Screened					
Appointed: Recommended					
<u>First Department</u>					
Screened	104 (78.8)	23 (17.4)	3 (3.8)	0	0
Recommended	59 (79.7)	12 (16.2)	3 (4.0)	0	0
Appointed	13 (92.9)	1 (7.1)	0	0	0
Appointed: Screened	(12.5)	(4.3)	0	0	0
Appointed: Recommended	(22.1)	(8.3)	0	0	0
<u>Second Department</u>					
Screened	294 (95.8)	7 (2.3)	6 (2.0)	0	0
Recommended	197 (96.1)	6 (2.9)	2 (4.0)	0	0
Appointed	59 (95.1)	3 (4.8)	0	0	0
Appointed: Screened	(20.0)	(42.9)	0	0	0
Appointed: Recommended	(29.9)	(50.0)	0	0	0
<u>Third Department</u>					
Screened	apprx 100	0	0	0	0
Recommended	apprx 25	0	0	0	0
Appointed	apprx 25	0	0	0	0
Appointed: Screened	(25.0)	0	0	0	0
Appointed: Recommended	(100.0)	0	0	0	0
<u>Fourth Department</u>					
Screened					
Recommended					
Appointed					
Appointed: Screened					
Appointed: Recommended					
<u>Mayor's Committee on the Judiciary</u>					
Screened	814 (89.3)	68 (7.5)	27 (3.0)	3 (.3)	0
Recommended	225 (84.6)	31 (11.7)	9 (4.0)	1 (.4)	0
Appointed	143 (82.2)	21 (12.1)	9 (5.2)	1 (1.1)	0
Appointed: Screened	(17.6)	(30.9)	(33.3)	(33.3)	0
Appointed: Recommended	(63.6)	(67.7)	(100.0)	(33.3)	0
<u>Housing Court Advisory Council</u>					
Screened	426 (87.7)	43 (8.8)	14 (2.9)	3 (.6)	0
Recommended	41 (68.3)	13 (21.7)	5 (8.3)	1 (1.7)	0
Appointed	19 (65.5)	6 (20.7)	3 (10.3)	1 (3.4)	0
Appointed: Screened	(4.5)	(14.0)	(21.4)	(33.0)	
Appointed: Recommended	(46.3)	(46.2)	(60.0)	(33.0)	

* N/A - Not Available