



COUNCIL ON JUDICIAL ADMINISTRATION

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By Email

To: Members of the New York State Assembly Judiciary Committee

Re: Follow up to Nov. 12 hearing on NYS Judiciary Budget Cuts

Dear Assembly Members:

Thank you for the opportunity to testify at the above-referenced hearing. I am writing to follow up on a question I received regarding judicial diversity and to highlight some of the ways that the New York City Bar Association is working and collaborating with others to increase the diversity of our state court judges. I hope this information is helpful to the Committee and to the constituents you serve.

I would like to start out by highlighting the work of the City Bar's Office of Diversity and Inclusion ("D&I Office").¹ This office, headed by its Executive Director, Deborah Martin Owens, works with New York City legal employers to foster more diverse and inclusive work environments. Of particular relevance here, the Office also provides a comprehensive pipeline initiative which supports high school, college and law students to develop necessary professional skills and gain exposure to the legal profession through programs that provide participants with academic support and preparation for law school, career exploration opportunities and exposure to the profession, and networking/mentoring opportunities.²

As articulated during testimony last year by our past President, Roger Juan Maldonado, and as fully embraced by our current President, Sheila S. Boston, in order to increase diverse representation in the profession and on the bench, we need to start our efforts sooner. That is, we need to broaden and strengthen the student pipeline to the legal profession, and lawyers and bar associations need to do more on this front. In May 2019, the City Bar released a report, "Sealing the

¹ See <https://www.nycbar.org/serving-the-community/diversity-and-inclusion>.

² "Student Pipeline Programs," New York City Bar Association Office of Diversity and Inclusion, <https://www.nycbar.org/serving-the-community/diversity-and-inclusion/student-pipeline-programs>.

Leaks: Recommendations to Diversify and Strengthen the Pipeline to the Legal Profession.”³ In it, we conclude that in order to increase diversity in the legal profession, we need to start talking to students at a much earlier point about what it means to be a lawyer or to work in a law-related field, what are the various career paths, why it is a rewarding profession, and how it can be made more attainable. We are trying to do our part, through increased programming, written statements, community work, and volunteer and internship opportunities through the D&I Office and our 150 committees. For instance, in February 2019, we held a program “From Law School to Judicial Chambers: Cultivating a Diverse Clerkship Pipeline.”⁴ Every other year our Committee to Encourage Judicial Services runs a full-day “How to Become a Judge” program on a Saturday in December and we invite a diverse panel of judges to speak about their experiences.⁵ We hold these programs at the City Bar and in local jurisdictions as well.⁶ Our Recruitment and Retention of Lawyers Committee held a program on “Diversity on the New York State and Federal Benches” on October 26, 2020.⁷

Following up on the “Sealing the Leaks” report, we engaged a researcher to examine ways in which lawyers in general, and the City Bar in particular, could enhance efforts to bring more Black and Latinx students into the law.⁸ This “Diversity Gap Report” was the subject of a two-day virtual discussion forum hosted by the City Bar last month.⁹

Engaging diverse students at a younger age, and helping them to connect the dots from middle school through their first legal or law-related job, is part of the foundation we need to keep building in order to promote all avenues of diverse representation in our profession, including as judges. For this work, we also look to our cluster of several diversity committees, including our Diversity, Equity and Inclusion Committee, a group of professionals committed to enhancing diversity within the profession and on the bench.¹⁰

³ “Sealing the Leaks: Recommendations to Diversify and Strengthen the Pipeline to the Legal Profession,” New York City Bar Association Legal Education and Pipeline Task Force of the Committee to Enhance Diversity in the Profession, May 2019, https://s3.amazonaws.com/documents.nycbar.org/files/2019527-Diversity_Pipeline.pdf.

⁴ See <https://services.nycbar.org/EventDetail?EventKey=DIV020419&WebsiteKey=f71e12f3-524e-4f8c-a5f7-0d16ce7b3314>.

⁵ “How to Become a Judge,” New York City Bar Association Special Committee to Encourage Judicial Service, 2018, https://www.nycbar.org/pdf/report/become_a_judge.pdf.

⁶ See <https://services.nycbar.org/EventDetail?EventKey=JUD061319&WebsiteKey=f71e12f3-524e-4f8c-a5f7-0d16ce7b3314>.

⁷ See <https://services.nycbar.org/EventDetail?EventKey=CRRL102620&WebsiteKey=f71e12f3-524e-4f8c-a5f7-0d16ce7b3314>.

⁸ Grant, Jason. “NYC Bar Issues Report Setting out 6 actions to pipeline Black/Latinx Students,” New York Law Journal, Oct 30, 2020, <https://www.law.com/newyorklawjournal/2020/10/30/nyc-bar-assoc-issues-report-setting-out-six-actions-to-pipeline-black-and-hispaniclatinx-students-into-law/>.

⁹ Bernal, Ashley, “The Diversity Gap: Black and Latinx Representation Disparities in the Legal Pipeline,” New York City Bar Association, Oct. 2020, <http://documents.nycbar.org/files/PipelineDiversityGapReport2020.pdf>.

¹⁰ See <https://www.nycbar.org/member-and-career-services/committees/diversity-equity-and-inclusion-committee>.

The pipeline does not end once a student of color enters law school or even starts their first job. Our Associate Leadership Institute¹¹ is an ABA award-winning series of high-level development trainings for mid-level and senior associates at our signatory firms, which includes keynote speakers, intensive training modules, and networking opportunities.¹² Importantly, speakers often include judges and judicial staff as well.

As you may know, the City Bar’s Judiciary Committee plays a role in screening judicial candidates. The Committee is committed to a fair and transparent process and to making sure that candidates all over New York City are given a chance to move through the process as seamlessly as possible.¹³ The vast majority of candidates who participate in the process and are reviewed by the Judiciary Committee, including those from historically underrepresented groups, are approved. The City Bar also published a “Guide to Judicial Selection Methods” so as to inform interested lawyers of what the process entails.¹⁴

The recent “Report from the Special Advisor on Equal Justice in the New York States Court” is a clarion call to all stakeholders, including the City Bar, to increase efforts in regards to enhancing diversity, equity and inclusion in the court system.¹⁵ With regards to judicial diversity in particular, the report suggested a number of recommendations, including that “interviewees repeatedly mentioned that ‘how to become a judge’ programs organized by individual bar associations and affinity groups have been successful in the past. We recommend that OCA embrace these programs as part of its plan to increase judicial diversity.”¹⁶ The City Bar plans to provide programming that will assist in these efforts and will continue to work collaboratively with OCA to develop additional programming that meets the needs identified in the report. In addition, as a follow up to its letter to Secretary Johnson in advance of the report’s release, the Council on Judicial Administration is in the process of creating a working group that can bring together the knowledge, expertise and interest of our members who want to play a role in helping to make the recommendations in the report a reality.¹⁷

¹¹ See <https://www.nycbar.org/serving-the-community/diversity-and-inclusion/associate-leadership-institute>.

¹² See <https://www.nycbar.org/media-listing/media/detail/associate-leadership-institute-selected-for-2018-aba-partnership-awards>.

¹³ “The New York City Bar Association’s Judicial Evaluation Process,” Oct. 14, 2016, <https://www.nycbar.org/media-listing/media/detail/the-new-york-city-bar-associations-judicial-evaluation-process>.

¹⁴ “Judicial Selection Methods in the State of New York: A Guide to Understanding and Getting Involved in the selection process” New York City Bar Association Council on Judicial Administration, March 2014, <https://www2.nycbar.org/pdf/report/uploads/20072672-GuidetoJudicialSelectionMethodsInNewYork.pdf>.

¹⁵ “Report from the Special Adviser on Equal Justice in the New York State Courts”, Oct. 1, 2020. <https://www.nycourts.gov/whatsnew/pdf/SpecialAdviserEqualJusticeReport.pdf>.

¹⁶ *Id.* at 96.

¹⁷ “Racial Inequalities in the New York State Courts” New York City Bar Council on Judicial Administration, Sept. 1, 2020. <https://s3.amazonaws.com/documents.nycbar.org/files/2020774-RacialInequitiesNYSCourts.pdf>.

The City Bar stands ready to assist in all efforts to increase judicial diversity, a goal which is core to our mission. While this letter is meant to provide highlights of our work, I am happy to discuss further efforts with you and, to the extent it is helpful, to connect you with the appropriate City Bar staff and committees. Thank you again for the opportunity to testify before the Judiciary Committee.

Respectfully,

Michael P. Regan /s/

Michael P. Regan, Chair
Council on Judicial Administration