



NEW YORK
CITY BAR

March 5, 2024

By Email

Hon. Shirley Troutman
Hon. Troy K. Webber
Franklin H. Williams Judicial Commission of New York State Courts
25 Beaver Street
New York, NY 10004

RE: Improving New York’s Character and Fitness Process

Dear Justice Troutman and Justice Webber:

We write to express our gratitude and support for the Williams Commission’s release of the Report on the Appellate Division Character and Fitness Committees.¹ We support the recommendations and urge their swift implementation as an important step in reducing, in the words of the report, “the prevalence and impact of bias” in the bar admission process.

We also offer two suggestions for your consideration, whether as possible additions to the report or as important components of the implementation process. First, given the parallels between the character and fitness interview process and how some universities use alumni interviews as a part of their admissions process, it would make sense for the report to refer to the best practices documents that many universities have created for alumni interviewers.² Second, we believe it would strengthen the report if it included an appendix that lists questions that interviewers should *not* ask, as a way of being explicit about what are *not* appropriate areas of inquiry.³

¹ See <https://www.nycourts.gov/LegacyPDFS/ip/ethnic-fairness/Character-and-Fitness-Report.pdf> (All websites last accessed on March 5, 2024).

² See, e.g., <https://aap.georgetown.edu/eligibility-requirements/interviewer-best-practices/>.

³ This letter was reviewed by several City Bar committees, and some members expressed the view that the report could do a better job of discussing implicit bias and how it can occur - or has been reported - in the character and fitness process, understanding the reasons why an applicant may decide against making a formal complaint. One idea is that the Williams Commission develop a webinar on the topic, perhaps for CLE credit. A further commenter noted that the post-interview survey idea should permit stakeholder input as part of its development to ensure that it is not overly cumbersome or creates unintended consequences.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

Thank you for sharing the report with us and for soliciting our feedback. The City Bar remains deeply committed to increasing access to the legal profession⁴ and we stand ready to assist the Williams Commission and other court stakeholders as we collectively pursue this goal.

Respectfully,

Evan Henley
Evan Henley, Co-Chair
Civil Rights Committee

Mary Lu Bilek
Mary Lu Bilek, Co-Chair
Council on the Profession

Molly Thomas-Jensen
Molly Thomas-Jensen, Co-Chair
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Priscilla Lundin
Priscilla Lundin, Chair
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Christopher Wilds
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Cc: Hon. Elizabeth A. Garry
Hon. Hector D. LaSalle
Hon. Dianne Renwick
Hon. Jenny Rivera
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⁴ See City Bar Letter to Hon. Rowan D. Wilson re: The Future of the New York Bar Exam, Dec. 21, 2023, <https://www.nycbar.org/reports/the-future-of-the-new-york-state-bar-examination/?back=1>; City Bar Letter to Hon. Janet DiFiore re: Amending Question 26 of the New York Bar Application, June 1, 2021, <https://www.nycbar.org/reports/amending-question-26-of-the-new-york-bar-application/?back=1>; City Bar Podcast, Pathway to the Profession, A Landscape of Exclusion, November 10, 2023, <https://www.nycbar.org/podcasts/pathway-to-the-profession-a-landscape-of-exclusion/?back=1>.