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ANNUAL MEETING 2019

Women in Law Section

Fifteenth Annual Edith I. Spivack Symposium:

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Champions Women

Second [First] Panel - Getting on Equal Footing: Promoting Women's Equality Through Business Development and Advancement Strategies
United States District Court for the Eastern District of New York, Judge Ann Donnelly, Individual Practices and Rules (Oct. 5, 2018)
United States District Court for the Eastern District of New York, Judge Jack B. Weinstein, Motion Practice
Additional Links:
Vince Chhabbria, "Why We Should Adopt a Rooney Rule for Law Clerks," The National Law Journal (Jan. 4, 2019): https://www.law.com/nationallawjournal/2019/01/04/why-we-should-adopt-a-rooney-rule-for-law-clerks/?kw=Why%20We%20Should%20Adopt%20a%20Rooney%20Rule%20for%20Law%20 Clerks&et=editorial&bu=NationalLawJournal&cn=20190106&src=EMC-Email&pt=WeekendUpdate Alan Feuer, "A Judge Wants a Bigger Role for Female Lawyers, So He Made a Rule," The New York Times (Aug. 23, 2017): https://www.nytimes.com/2017/08/23/nyregion/a-judge-wants-a-bigger-role-for-female-lawyers-so-he-made-a-rule.html
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NYC Local Law Int. No. 785-A, Requiring the NYPD to develop a comprehensive special
victims training program (enacted December 1, 2018)
The Council of the City of New York Women's Caucus, Not Making It Here: Why Are Women
Underrepresented in New York City Politics? (August 24, 2017)

Judge Ann Donnelly Individual Practices and Rules

225 Cadman Plaza East | Brooklyn, New York 11201 Courtroom: 4G | Chambers: N 415 Telephone: (718) 613-2220 Fax: (718) 613-2226

Contact: Donna Greene (Case Manager)

Telephone: (718) 613-2225

Unless otherwise ordered, matters will be conducted pursuant to the following practices and rules:

1. *Case Filings*

A. Electronic Case Filing (ECF)

All case documents must be filed electronically on ECF for all civil cases other than *pro se* cases and for all criminal cases.

Pro se parties are exempt from mandatory electronic filing. However, parties represented by counsel in cases involving a *pro se* litigant must still use ECF, and they must mail a copy of all documents to the *pro se* litigant.

The Eastern District's User Guide for electronic case filing is available at https://www.nyed.uscourts.gov/forms/cmecf-user-manual. Parties are not to contact chambers with technical questions regarding ECF.

B. Filing Under Seal or in Redacted Form

Written submissions to be filed under seal or with redactions should also be filed on ECF. Instructions for e-filing sealed documents are on the Eastern District's website. Unless prior approval to file under seal or in redacted form has already been granted, each submission is to be accompanied by an explanation of why sealing or filing with redactions is necessary.

C. Court's Review of ECF Submissions

As a general matter, materials filed via ECF are reviewed by chambers the first business day after submission. If your submission requires immediate attention, please call chambers after you file.

D. Courtesy Copies

The parties are to deliver a courtesy copy of all written submissions and exhibits filed on ECF that are more than 25 pages in length. As discussed below, the parties are to file submissions electronically by the dates that they are due.

However, the parties are to deliver one uniform set of courtesy copies within seven days of the close of briefing.

All courtesy copies should contain the ECF numbering at the top of each page, and should be submitted in a three-ring binder. Parties are encouraged to use double-sided printing for their courtesy copies.

E. Word-Processing Files of Proposed Orders, Requests to Charge, etc.

Proposed orders, jury instructions, and other submissions that a party would like the court to adopt should be emailed to chambers in word-processing format and filed on ECF. Parties need not submit word-processing files of stipulations of dismissal. Microsoft Word is preferred; Corel WordPerfect is acceptable. Counsel may contact chambers for an email address to which the files may be sent.

F. Requests for Adjournments or Enlargement of Time

All requests for adjournments or enlargement of time must be in writing and state:

- i. The original date;
- ii. The proposed date;
- iii. The number of previous requests for adjournment or enlargement;
- iv. Whether these previous requests were granted or denied; and
- v. Whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent.

If the requested adjournment affects any other scheduled dates, proposed revised dates must be provided. Absent an emergency, all requests for adjournment are to be made at least 48 hours prior to the scheduled deadline or appearance.

2. *Communications with Chambers*

A. Written Communications with Chambers

All communications with chambers are to be in writing and filed on ECF, with copies delivered to all parties who do not receive automatic notification through ECF.

B. Telephone Calls

When calling chambers, please state the full case name and docket number. Only attorneys and their staff may call chambers; the parties themselves may not. For docketing, scheduling, or calendar matters, call Donna Greene at (718) 613-2225.

C. Faxes

Faxes to chambers are permitted only with prior authorization. All faxes should be simultaneously provided to all counsel and followed with an electronic filing.

3. Courtroom Opportunities for Relatively Inexperienced Attorneys

The participation of relatively inexperienced attorneys in all court proceedings—including but not limited to pre-motion conferences, pre-trial conference, hearings on discovery motions and dispositive motions, and examination of witnesses at trial—is strongly encouraged.

All attorneys appearing should have the degree of authority consistent with the proceeding. For example, an attorney attending a pre-motion conference should have the authority to commit his or her party to a motion schedule, and should be prepared to address other matters likely to arise, including the party's willingness to participate in a settlement conference with the assigned Magistrate Judge.

Relatively inexperienced attorneys who seek to participate in evidentiary hearings of substantial complexity (e.g., examining at witness at trial) should be accompanied and supervised by a more experienced attorney.

4. *Motions*

A. Pre-Motion Conference Requests in Civil Cases

For discovery motions, follow Local Civil Rules 37.3 and 6.4. A pre-motion conference with the Court is required before making any of the following motions, unless one or more of the parties does not have legal counsel, or the case is a habeas corpus petition, a prisoner petition, a social security appeal, or a bankruptcy appeal:

- i. Any motion pursuant to Fed. R. Civ. P. 12 or 56;
- ii. Any motion for a change of venue; or
- iii. Any motion to amend a pleading pursuant to Fed. R. Civ. P. 15 where leave of court is required.

To request a pre-motion conference, the moving party is to file and serve a letter not to exceed three pages setting out the bases for the anticipated motion. All parties served must serve and file a letter response, not to exceed three pages, within seven days of service of the notification letter. If the motion is for summary judgment under Rule 56, the pre-motion conference letter is to also contain a copy of the movant's Rule 56.1 Statement and the non-movant's Rule 56.1 Counter-Statement (see below). The supporting exhibits need not be filed with the Court until the parties submit their supporting memoranda.

Rules 12(a) and 56(b) set out time requirements for the filing of answers and motions permitted under those rules. For the purposes of these requirements, a pre-motion conference letter will be considered the equivalent of the motion itself.

Note that these provisions do *not* apply to motions other than those specifically enumerated. For example, letters requesting pre-motion conferences are not required for motions pursuant to Fed. R. Civ. P. 50, 59 and 60, and counsel should be aware that the Court of Appeals will not accept an argument that compliance with district court motion rules should excuse noncompliance with Fed. R. App. P. 4.

If any party concludes in good faith that delaying the filing of a motion in order to comply with any aspect of these individual practices will deprive the party of a substantive right, the party may file the motion within the time required by the Federal Rules of Civil and/or Appellate Procedure, together with an explanation of the basis for the conclusion.

B. Motions for Summary Judgment

A party seeking to file a motion for summary judgment must first serve a statement pursuant to Rule 56.1 of the Local Rules setting out the material facts as to which the moving party contends there is no genuine issue to be tried. Each statement of material fact must be followed by a citation to admissible evidence, as required by Rule 56(e) of the Federal Rules of Civil Procedure.

All parties receiving a Rule 56.1 Statement who wish to oppose the motion must serve on the movant, within fourteen days of receiving the movant's Rule 56.1 Statement, a counter-statement pursuant to Rule 56.1(b) ("Rule 56.1 Counterstatement"). The counter-statement should include both the text of the initial Rule 56.1 Statement and the response below. The paragraphs in the counter-statement must correspond with the paragraphs in the movant's statement. Should the non-movant require additional time, the parties may agree among themselves to a reasonable extension.

Rule 56.1 Statements and Counter-Statements are not to be filed with the Court until the moving party requests a summary judgment pre-motion conference (see above). Adherence to Local Civil Rule 56.1 is required. The court will not hold a pre-motion conference until the parties are in compliance with Local Civil Rule 56.1.

Once the court sets a briefing schedule for the motion(s) for summary judgment, the moving party must file a final version of its Rule 56.1 Statement with its opening brief, and the opposing party must file a final version of its Rule 56.1 Counter-Statement with its opposition brief.

C. *Memoranda of Law*

Unless prior permission has been granted, memoranda of law in support of or in opposition to motions are limited to 25 pages, double spaced, and reply memoranda are limited to 10 pages, double spaced. Parties should use Times New Roman 12-point font and one-inch margins. All memoranda 10 pages or longer are to contain a table of contents and table of authorities. All documents should be uploaded in a text-searchable format.

Requests to file memoranda exceeding the page limits must be made in writing five days prior to the due date, except with respect to reply briefs, in which case the written request must be made at least one day prior to the due date.

D. Briefing Schedule

At the pre-motion conference, if the movant decides to make a motion, a briefing schedule will be set by the court. If the court determines that a pre-motion conference is unnecessary, a motion schedule will be set without a pre-motion conference. No changes to the schedule may be made without court approval.

E. Filing of Motion Papers

Motion papers are to be filed promptly. Do not hold motion papers until all briefing is complete.

Each party must file its moving papers electronically. In addition, the parties (unless all parties are *pro se*) are to furnish chambers with a full set of courtesy copies of the motion papers at the close of briefing, together with a letter specifying each document in the package.

Courtesy copies should comply with Rule 1.D of these rules. A copy of the cover letter is to be sent to the assigned magistrate judge and to opposing counsel, and also electronically filed.

F. Oral Argument on Motions

Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument is necessary and, if so, will advise counsel of the argument date.

In those instances where the court is inclined to rule on the submissions, a representation that the argument would be made by a less experienced lawyer will weigh in favor of holding a hearing.

G. Summary Judgment Motions Against Pro Se Litigants

In any case where a summary judgment motion is filed against a *pro se* litigant, the moving party is directed to comply with the notice required by Local Civil Rule 56.2 entitled Notice to Pro Se Litigants Opposing Summary Judgment.

5. Pretrial Procedures

A. Joint Pretrial Orders in Civil Cases

Unless otherwise ordered by the court, within 60 days of the date for the completion of discovery in a civil case, the parties are to submit to the court one **joint** proposed pretrial order, which is to include the following:

- i. <u>Caption</u>: The full caption of the action.
- ii. <u>Parties and Counsel</u>: The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. <u>Jurisdiction</u>: A brief statement by plaintiff as to the basis of subject matter jurisdiction and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements are to include citations to all statutes and legal doctrines relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. <u>Claims and Defenses</u>: A brief summary by each party of the elements of the claims and defenses that party has asserted which remain to be tried, including citations to all statutes relied on.
- v. <u>Damages</u>: A brief statement of the categories and amounts of damages claimed or other relief sought.
- vi. <u>Jury or Bench Trial</u>: A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vii. <u>Consent to Trial by a Magistrate Judge</u>: A statement as to whether or not all parties have consented to trial of the case by a magistrate judge. The statement are not to identify which parties have or have not consented.
- viii. Stipulations: A statement of stipulated facts, if any.
- ix. <u>Witnesses</u>: A list of names and addresses by each party as to the fact and expert witnesses whose testimony is to be offered in its case in chief, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
- x. <u>Deposition Testimony</u>: A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party. (The parties should indicate if the deposition testimony will be offered for impeachment purposes only.)
- xi. <u>Exhibits</u>: A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. (The parties should indicate if a document is offered for impeachment

purposes only.) The plaintiff's exhibits are to be identified by numbers, defendant's exhibits are to be identified by letters. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Only exhibits listed will be received in evidence except for good cause shown.

xii. <u>Exchange of Exhibits</u>: All exhibits must be pre-marked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

B. Filings Prior to Trial in Civil Cases

Unless otherwise ordered by the court, 15 days before the date of commencement of trial, each party is to file the following:

- i. By claim, a detailed statement regarding damages and other relief sought;
- ii. In non-jury cases, proposed findings of fact and conclusions of law; and
- iii. In all cases, motions addressing any evidentiary or other issues which should be resolved *in limine*. The non-movant is to respond to the motion(s) *in limine* within 7 days.

Unless otherwise ordered by the court, requests to charge and proposed *voir dire* questions in jury cases should be submitted one week before trial. Requests to charge should be limited to the elements of the claims, the damages sought, and defenses. General instructions will be prepared by the court. Word-processing files of proposed charges should be submitted to chambers pursuant to Section 1.E of this document.

One week before trial, the parties are to deliver 3 courtesy copies of all premarked trial exhibits. The parties also are to deliver 3 copies of a witness list and a list of the exhibits which explains of what each exhibit is. The description should be no less and no more than one sentence.

C. Filings After Trial in Non-Jury Civil Cases

Unless otherwise ordered by the court, within 30 days of the conclusion of trial, each party is to file amended proposed findings of fact with citations to the record at trial, and amended proposed conclusions of law.

D. Filings Prior to Trial in Criminal Cases

Unless otherwise ordered by the court, requests to charge and proposed *voir dire* questions in jury cases should be submitted one week before trial. General instructions will be prepared by the court. Word-processing files of proposed charges should be submitted to chambers pursuant to Section 1.E of this document.

6. Sentencing Motions

A. Applications

Applications regarding sentencing are to be made in writing by defense counsel at least ten business days prior to the date of sentencing.

B. Response

The Government's response, if any, is to be made in writing at least five business days before the sentencing.

The Government should advise the Court if a victim will be making a victim impact statement.

INDIVIDUAL MOTION PRACTICE OF JUDGE JACK B. WEINSTEIN

United States District Court 225 Cadman Plaza East Brooklyn, New York 11201

Telephone: (718) 613-2520

Contact: June P. Lowe- Case Manager

Telephone: (718) 613-2525

The Federal District Court for the Eastern District of New York is a teaching court. Each year, hundreds of law students serve as externs in the chambers of magistrate and district judges. They are a valuable resource, and through their work at the court, learn the basics of federal litigation. Members of the court engage in educational activities such as teaching, writing, and lecturing.

Junior members of legal teams representing clients are invited to argue motions they have helped prepare and to question witnesses with whom they have worked. Opportunities to train young attorneys in oral advocacy are rare because of the decline of trials. Where junior lawyers are familiar with the matter under consideration, but have little experience arguing before a court, they should be encouraged to speak by the presiding judge and the law firms involved in the case. This court is amenable to permitting a number of lawyers to argue for one party if this creates an opportunity for a junior lawyer to participate. The ultimate decision of who speaks on behalf of the client is for the lawyer in charge of the case, not for the court.

Motions are returnable: Monday thru Thursday between 10:30 a.m. and 1:00 p.m.

The court requires a courtesy (hard) copy of complaints and all motion papers filed electronically or otherwise.

Permission to make a motion is not required.

Notice of motion shall include a return date and time; if the selected date and time is not convenient to the court, a new date and time will be set by court order.



Helen Rosenthal Council Member, 6th District



What Do The New Sexual Harassment Laws Mean For You?

The City Council's groundbreaking *Stop Sexual Harassment in NYC Act* was signed into law on May 9, 2018. The Act is a direct response to the #MeToo movement and calls across the country for an end to workplace abuse.

What Is Included in the 11 New Laws?

- **1.) Every employee** (regardless of where they work or how small their workplace) is **now covered** by the sexual harassment provisions of the City's human rights law.
 - **2.)** Employees can now **report** sexual harassment up to **three years** after the incident happens.
- **3.)** Every workplace, whether it is a City agency or private company, will have to provide training on what constitutes sexual harassment, and what to do if you have experienced or witnessed it.
 - **4.)** All **private-sector employers** are required to post a sexual harassment policy within their workplaces, and businesses with 15 or more employees must conduct regular sexual harassment trainings for all employees. This is a **first in the U.S.** to the best of our knowledge.
- 5.) Do you work for the City? City of New York agencies / departments are required every year to:

***provide meaningful trainings on sexual harassment

***report on the number of complaints filed

***survey employees about their sense of the impact of harassment trainings, and

describe steps they will take to eliminate harassment

***conduct "risk assessments" to find issues in the workplace environment

that may contribute to harassment or abuse.

Want to Learn More? Visit http://helenrosenthal.com/womens-empowerment/

SEXUAL HARASSMENT IN NYC

Six Things To Know

1.) Sexual harassment = unwelcome verbal or physical behavior based on your gender.



2.) Sexual harassment is a form of discrimination under NYC law.



3.) Harassment can be reported to the NYC Commission on Human Rights to be investigated. Call (718) 722-3131 or visit nyc.gov/humanrights.



4.) ALL EMPLOYEES, including independent contractors, interns & volunteers, paid or unpaid, are protected from harassment in NYC.



5.) Harassers face Commission actions ranging from cease & desist notices to financial penalties. Retaliation against complainants is prohibited by law.



6.) Harassment survivors who have signed arbitration or non-disclosure agreements can still file a claim with the Commission.



Office of Council Member Helen Rosenthal www.HelenRosenthal.com/womens-empowerment/ 212-788-6975 | Legislative Office | 250 Broadway, Manhattan

Access to Doulas in NYC Bill

What You Need to Know

Intro 913 requires the City of NY to develop a plan to increase access to doulas for at risk pregnant New Yorkers.



Introduced by Committee on Women Chair Helen Rosenthal, the Access to Doulas bill was passed unanimously by the Council in October, 2018

What is a Doula?

A doula is trained to support a pregnant person before, during, and after childbirth. Their main duties are to provide emotional, physical, and mental support to the expecting person.

A doula can communicate questions and concerns to medical staff; and share information with a pregnant person in a more accessible way.

In studies, a mother with access to a doula was more likely to have a natural birth, have a more positive birthing experience, and have less stress during and after childbirth. Their babies are more likely to be full term and have higher birth weights.

Why is Helen's Bill Needed?

Every year in New York City, more than 3,000 women experience a life-threatening event during childbirth, and about 30 die from a pregnancy-related cause.

Preliminary 2011-2015 data from the city's Health Department show that Black non-Hispanic women are eight times more likely to die of pregnancy-related complications compared to White women.

Helen's bill requires the Dept of Health to assess the needs of pregnant people across New York City, and create a plan to increase access to doulas for populations experiencing disproportionately high rates of maternal mortality.

How Would Access to Doulas be Funded?

Funding can potentially come from Medicaid, other insurance, or the City and State directly. Investing in increased access to doulas could help to decrease maternal mortality, complications from childbirth, and related medical costs.

Learn more at: https://bit.ly/2yJOgci

Office of Council Member Helen Rosenthal

Legislative Office: (212) 788-6975
District Office: (212) 873-0282
HelenRosenthal.com



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Requiring the NYPD

to develop a

Int 0785-2018 Version: A ✓ File #: Name: comprehensive special victims

City Council

training program.

Type: Introduction Status: Enacted

> Committee on Committee:

Committees

Public Safety

On agenda: 4/11/2018

Enactment date: 12/1/2018 Law number: 2018/194

A Local Law to amend the administrative code of the city of New York, in relation to Title:

requiring the New York city police department to develop a comprehensive special

victims training program

Helen K. Rosenthal, Mark Levine, Donovan J. Richards, Laurie A. Cumbo, Ben Kallos,

Brad S. Lander, Costa G. Constantinides, Vanessa L. Gibson, Deborah L. Rose, Robert Sponsors:

F. Holden, Diana Ayala, Stephen T. Levin, I. Daneek Miller

Council Member

Attachments:

13 Sponsors:

This bill requires the NYPD to develop a comprehensive training program for the Summary:

investigators who handle sexual assault and related cases.

Indexes: Report Required

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10/29/18, 11. Hearing Transcript 10/29/18, 12. October 31, 2018 - Stated Meeting

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2018

History (14) Text

Int. No. 785-A

By Council Members Rosenthal, Levine, Richards, Cumbo, Kallos, Lander, Constantinides, Gibson, Rose, Holden, Ayala, Levin and Miller

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York city police department to develop a comprehensive special victims training program

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-180 to read as follows:

- § 14-180 Special victims training.
- a. Definitions. For the purposes of this section, the following terms have the following meanings:

Sexual crimes. The term "sexual crimes" means any offense in article 130 of the penal law.

Special victims division. The term "special victims division" means any division, unit, or other entity within the department that primarily investigates the violation of article 130 of the penal law.

Special victims investigator. The term "special victims investigator" means any member of the department whose primary duties include investigating sexual crimes and who regularly interacts with the victims of sexual crimes.

b. Special victims training program. The department, after considering information from outside experts, shall develop and implement a victim-centered special victims training program designed to develop skills related to the investigation of sexual crimes and the specific needs of victims of sexual crimes. The curriculum shall consider nationally recognized best practices and factors contributing to the additional complexity of sexual assault investigations including the depth of victimization, the negative social consequences of sexual assault, the trauma and neurobiological damage inflicted by sexual assault, the complexity of victim management, the falsity or partially truthful disclosure of complaints, the large unreported rate of sexual assaults and any other training deemed relevant to sexual assault cases by the commissioner. Such program shall include the following training components: the Forensic Experiential Trauma Interview method, specialized investigative training for sexual assault cases including non-stranger sexual assault and controlled communications, district attorney based training related to legal evidentiary standards and penal law article 130 crimes, Sexual Assault Forensic Examiner training, Sex Offender Registration Act

training, hospital based training, victim advocate based training and any other training courses currently offered by the NYPD for special victims investigators including but not limited to DNA evidence, investigation of complex cases, drug-facilitated sexual assault, neurobiology of sexual assault, rape crisis counselor training, peer based investigative process training, abusive head trauma training and any other training deemed relevant to sexual assault cases by the commissioner, except that the commissioner may eliminate a training component or replace a training component with an alternative component in order to provide comprehensive victim-centered training. Such program shall include a proficiency examination or demonstration for each training component and shall be of a length the commissioner determines is sufficient to ensure that special victims investigators are capable of utilizing such skills.

c. Training requirement. All newly assigned special victims investigators shall complete the special victims training program defined in subdivision b of this section and demonstrate proficiency in subject matters covered by such program prior to engaging with victims of sexual crimes, however, such investigators may engage with victims prior to completion of such program if such engagement is under the supervision of an experienced investigator, or supervisor, or in circumstances where no experienced investigator or supervisor is available. Any special victims investigators assigned to the special victims division as of the effective date of the local law that added this section must demonstrate proficiency in subject matters covered by such program within one year of such date.

d. Special victims division training report. On January 30, 2020, and every January 30 thereafter, the department shall post on its website a report indicating the training components of the special victims training program defined in subdivision b of this section including the instructors, purpose, length, and format of each training component, the specific reasons for eliminating or replacing any training component, and the number of members of the service during the previous calendar year that: (i) participated in such program, (ii) failed to demonstrate proficiency required pursuant to subdivision c of this section on their first attempt, disaggregated by subject matter, and (iii) successfully demonstrated proficiency on all subject matters required pursuant to subdivision c

of this section. Such report shall also include any experts consulted pursuant to subdivision b of this section in developing such training.

§2. This local law takes effect six months after it becomes law.

D.A./JDK/BC LS 6330 10.23.18 5:51pm



The Council of the City of New York

For Immediate Release Wednesday, October 31, 2018

Contact: Sarah Crean // screan@council.nyc.gov // 646-763-0143

City Council Passes Legislation Continuing Transformation of NYPD's Approach to Sexual Assault Survivors

"Requiring victim-centric training is a meaningful step on the long journey to improving outcomes for assault survivors," says Council Member Rosenthal

NEW YORK -- The New York City Council unanimously passed Council Member Helen Rosenthal's legislation today that will require every NYPD sex crimes investigator in the Special Victims Division (SVD) to take part in a comprehensive victim-centric training program.

The legislation, Intro 785, addresses the fact that if sex crime investigators are not properly trained, victims can be re-traumatized when they try to pursue justice. This concern was raised repeatedly by assault survivors and advocates at a City Council oversight hearing in April. That hearing was called after the Department of Investigation released a report detailing the shortcomings of the SVD.

"The legislation we are passing today is about providing justice for survivors of sexual assault," said Council Member Rosenthal, Chair of the Committee on Women. "As a result of my bill, every NYPD Special Victims Division investigator will have to demonstrate real proficiency in a comprehensive victim-centric approach. Through the reporting element of this bill, we'll know how many investigators are demonstrating proficiency, along with the content, sources, length, and purpose of each training component."

"We're doing this so that the person who is in the darkest, most terrifying moment of their life will be listened to and treated with respect and dignity when they make the courageous decision to come forward," Council Member Rosenthal continued, "so that victims are not retraumatized when they interact with the police, and so that rapists are brought to justice."

In 2017, the NYPD reported 1,449 rapes across New York City, along with 1,367 felony sex crimes and over 5,400 misdemeanor sex crimes.

The SVD is showing clear signs of embracing a victim-centered approach to investigations. They now use the Forensic Experiential Trauma Interview technique, or FETI, which

comprehensively trains investigators on the impact that trauma can have on a victim's mental state, giving them the tools to act with empathy and patience when interacting with victims whose memories and emotional state have been affected.

Council Member Rosenthal's legislation mandates that the SVD build on these efforts, including victim advocate- and hospital- and rape crisis center- based training, forensic and DNA evidence work, and better understanding of the neurobiology of victims and indicators of drug-facilitated sexual assaults. Detectives will have to pass a proficiency exam for each training component.

The bill requires transparency from the NYPD. Through mandated reporting, the Council will be able to assess if SVD is having its investigators go through a sufficiently rigorous training program, including the substance, purpose, and length of each of the training components.

Three related pieces of legislation, sponsored by Council colleagues, were also passed today. Those bills address other issues raised in the Department of Investigation report: SVD staffing and case management systems, along with training for all NYPD officers related to sexual assault victims. Learn more about the bills here.

"This is a meaningful step on a long journey to improving outcomes for sexual assault survivors, and we could not have gotten to this point without the incredible advocacy of survivors and their allies," said Council Member Rosenthal.

#







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WHY ARE WOMEN UNDERREPRESENTED IN THE NEW YORK CITY COUNCIL?

A REPORT BY THE CITY COUNCIL'S WOMEN'S CAUCUS



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Co-Chair 35th District

Hon. Helen Rosenthal

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Hon. Elizabeth Crowley 30th District

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NOT MAKING IT HERE: WHY ARE WOMEN UNDERREPRESENTED IN NEW YORK CITY POLITICS?



A REPORT BY THE COUNCIL OF THE CITY OF NEW YORK

WOMEN'S CAUCUS

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NOT MAKING IT HERE:

WHY ARE WOMEN UNDERREPRESENTED IN NEW YORK CITY POLITICS?

The New York City Council Women's Caucus

Executive Summary

"In a political year filled with challenges for all Americans, especially historically marginalized people – women, LGBTQ people, and communities of color – we need more leaders to stand up and speak for those who still do not have a voice."

--Council Member Margaret Chin

This report investigates the problem of women's representation, drawing on social science research and the experiences of the members of the Women's Caucus to examine why women continue to be under-represented in government.

As policymakers grapple with issues like health care, sexual assault, and equal pay for equal work, it is imperative that the women affected by these issues are represented in elected office.

At this moment, though, **only 13 of the New York City Council's 51 seats are held by women** (26%), putting the city more than ten points behind the average of the U.S.'s 100 most populous cities. **New York lags not just in comparison to the rest of the country but in terms of its own history**--as recently as 2009, 18 women served on the City Council. In the near term, this downward trend is likely to continue, as four women Council Members are term-limited in 2017, in all probability leading to an even smaller number of women in the body next year.

Women and men win elections at roughly the same rates, but **structural barriers and issues of perception create a "political ambition gap."** Traditional gender roles force women to choose between careers and family, limiting the potential pool of female candidates. Electoral gatekeepers then fail to reach out to and support women. Women also underestimate their own qualifications and overestimate the challenges they will face in electoral politics.

To increase the number of women in the New York City Council, the political ambition gap must be addressed through more aggressive recruitment of female candidates and stronger mentoring efforts. Young women should be a focus of this effort as the political ambition gap widens significantly in early adulthood.

New York City prides itself on its progressive values and commitment to equality, but right now it is not living up to these values. There should be more than 13 women in a council of 51, and this number should be steadily growing not falling. City government and individual New Yorkers must take a more active role in increasing the number of women serving in our City Council.

The Current State of Women's Representation In Government

A National Overview

Despite the legal, legislative, and cultural victories for women's equality in the past 50 years, women's representation in government remains low in the United States and has not improved significantly since the 1990s. Representation for women of color also remains startlingly low, despite the modest but well publicized improvements in the 115th Congress.

Women in Key Governmental Bodies

Governmental Body	Number of Female Members	Number of Female Members of Color	Total Number of Members	Percentage of Female Members	Percentage of Female Members of Color
U.S. Senate	21	4	100	21%	4%
U.S. House of Representatives	84	34	435	19.31%	7.82%
New York City Council	13	10	51	25.49%	19.61%

In the governmental bodies listed above and in other bodies such as state legislatures, the number of female members and female members of color rarely comes close to reflecting the U.S population, which is 50% female and 19% women of color.¹

With appointed office, this can be different. Women serve in as very close to half of New York City's Commissioner and Director roles, making this Administration is a standout. It goes to show that when an executive branch official makes an effort to include women in their administration, the results can be powerful. However, not all executives make equitable gender representation a priority (as made obvious by the Cabinet appointed by the current President, with just 4 women serving out of 24 posts.) It has also proven more difficult to realize gender parity when officials are elected as opposed to appointed.

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¹Henderson, Nia-Malika. "White Men Are 31 Percent of the American Population. They Hold 65 Percent of All Elected Offices." The Washington Post. October 08, 2014. Accessed July 25, 2017.

International City Councils

The United States as a whole lags behind many nations, both wealthy and developing, in the representation of women in government. According to data compiled by the Inter-Parliamentary Union, the United States ranks 104th in women's representation globally, and its ranking has been steadily plummeting for two decades, all the way down from 52nd.²

New York City is no exception to this general failure, with women's representation well below that of international peers. Many cities of similar size, wealth, and government structure have across the board better gender parity, with the exception of Toronto.

Number of Women Serving on City Councils in International Peer Cities

City	Number of Female	Number of Total	Percentage of
	Council Members	Council Members	<u>Female</u>
			Council Members
Paris	73	163	44%
London	10	25	40%
Toronto	12	44	27%
Quebec	10	21	48%
Taipei	19	63	30%

(International cities selected based on their similar size, socioeconomic status, and city government structure.)

City Councils Nationwide

New York City also falls behind when compared to other large cities in the United States. Overall, in America's one hundred most populated cities, 34% of city council members are women (in New York it's 26%). Among the ten most populous cities, only Los Angeles and Houston have fewer women represented.

Cities with notably high female representation on their city councils include Phoenix (50%), Seattle (55%), and Austin (70%). New York should consider looking towards these cities in order to understand and mimic best practices.

² Kliff, Soo Oh and Sarah. "The US is ranked 104th in women's representation in government." Vox. March 08, 2017. Accessed July 25, 2017.

³ Drummond, Joceyln, Qian Ziang, and Victoria Lawson. Who Runs Our Cities: The Political Gender Gap in the Top 100 Cities. Rep. New York: CUNY Institute for State and Local Governance, 2016. Print.

Number of Women Serving on City Councils in 10 Most Populous U.S. Cities

City	Number of Female Council Members	Number of Total Council Members	Percentage of Female Council Members
	Council Mellibers		
New York	13	51	26%
Los Angeles	1	14	7%
Chicago	13	50	26%
Houston	4	16	25%
Phoenix	4	8	50%
Philadelphia	6	17	35%
San Antonio	3	10	30%
San Diego	4	9	44%
Dallas	5	14	36%
San Jose	3	10	30%

(Ordered by Population)

There is one bright spot for New York City in relation to women's representation: ten of the thirteen women currently on the City Council are women of color, making the New York City Council 19.61% women of color. This is not perfectly representative of the demographics in New York City, but it is a higher percentage than in many other government bodies. New York City is still a leader in electing women of color in the United States.

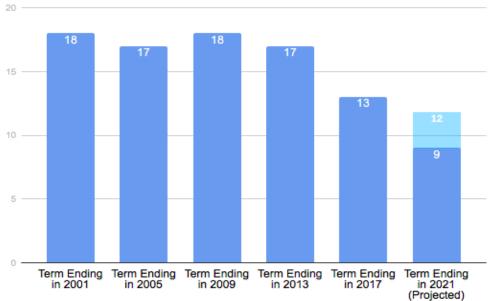
"It takes years of investment to empower a community that has been historically disengaged from the political process. I hope that the next generation of women candidates can learn from my experience and view these challenges as opportunities to open the democratic process for more New Yorkers, and teach others to approach campaigns through a lens that values community-building and cultural competence."

--Council Member Margaret Chin

New York City Council - Women's Representation Over Time

Currently, 13 of the New York City Council's 51 members are women (26%). While the number of women in the Council remained fairly consistent for the first four terms of the 2000s at 17 and 18, it decreased over the course of the current term ending in 2017 to 13. It is projected to decrease even further, to as low as 9 for the upcoming term ending in 2021. This is because 4 of the 7 term-limited seats in 2017 are currently held by women, as well as the retirement of another.

Number of Women Serving on New York City Council Historically



It is troubling that representation for women in the City Council is getting worse and not better with time.

Barriers to Entry

Numerous studies have shown that when women run for office, they win elections at nearly equal rates with men. ⁴ However, men are 40% more likely than women to consider running for office in the first place. ⁵ It is largely this gap in political ambition that accounts

⁴Miller, Claire Cain. "The Problem for Women Is Not Winning. It's Deciding to Run." The New York Times. October 25, 2016. Accessed July 25, 2017.

⁵ Lawless, Jennifer . It's the Family, Stupid? Not Quite...How Traditional Gender Roles Do Not Affect Women's Political Ambition. Report. Center for Effective Public Management , The Brookings Institute . July 2014. Accessed July 2017.

for the low levels of female elected officials. There are still serious tangible and intangible barriers that discourage women from choosing to run for office. To achieve gender parity in legislative bodies these barriers must be overcome.

"Running for an elected office is a daunting idea that can be eased with the support of existing leaders. For men, this grooming and support comes more often than for women. Individuals in power, and men in particular, should take care to support more women understanding that their perspectives are valuable and necessary. I have been proud to serve on a Council where the voices of women of color stood at the forefront. We made strides not only for women and families, but in our criminal justice system, business, economic development and more."

--Council Member Julia Ferreras-Copeland

Structural Barriers

Women continue to perform the majority of household labor in American families. According to the Bureau of Labor Statistics, 83% of women spend some time doing household activities each day while only 65% of men do, and on average women spend more time on these household tasks than the men who do contribute. Traditional gender roles continue to permeate our society. Women are much more likely to be the primary caregivers to children, cook daily meals, be responsible for cleaning and other chores, etc.

"As a single teen-mom, I was encouraged to conform to gender roles and didn't think much about exploring leadership positions. My foundation began at St Vincent De Paul Nursing Home, where I worked as a nurse's assistant and became a Local Union 1199 delegate, and ultimately an organizer. My leading priority at that time was to provide for my son. With the support of my union and strong encouragement from my friend Patrick Gaspard, I finally realized my potential. After years of doubting myself, I garnered enough confidence to harness my past as a tool for building my future. Now, my priority is ensuring that young women are not limited to their environment or experiences, and instead provided the support to leap beyond boundaries."

-Council Member Annabel Palma

The continued dominance of traditional family arrangements can affect women's career choices long before they rise to a level of success where running for political office is an option. Women often opt-out of the professional pipelines in law, business, or education from which most candidates emerge. They are forced to choose between family life and a

⁶ "Men Spent More Time in Leisure Activities Than Did Women in 2013 : The Economics Daily." U.S. Bureau of Labor Statistics. Accessed July 25, 2017.

⁷ "Do Family Responsibilities Keep Women from Running for Office?" The Monkey Cage. July 13, 2011. Accessed July 25, 2017.

career because they shoulder the additional burdens of household labor. In this way, traditional family arrangements limit the ability of some women to pursue political office.

Women are also less likely to be recruited by "electoral gatekeepers," the professional political operatives who recruit and support candidates for office. The party leaders, elected officials, and activists who groom eligible candidates for office often leave women out. Whether this is conscious or unconscious, it affects the number of female candidates. Successful professionals who received external support from a political actor and a friend or family member are twice as likely to consider running for office. ⁸

"Before becoming a City Council Member, I was a restorative painter with the Painter's Union and worked for a nonprofit as an education workforce provider. All of my work experience and time with the union showed me how important it is to have workers' voices in government, and the City Council was the body that to me was the most local and could directly affect the greatest change. My family, who has a long history in politics and community involvement, was very supportive, as was the union. I had to run three times before being elected, and these people and my strong beliefs kept me going."

--Council Member Elizabeth Crowley

Issues of Perception

This gap in political ambition can be partially attributed to structural issues such as unequal sharing of household tasks within the family, but the way women perceive themselves and the political arena is also a barrier.

First of all, women are much less likely than men to consider themselves qualified to hold public office. In a survey of successful professional men and women, the Brookings Institute found that the men were 65% more likely to describe themselves as qualified to run for office than the women. This sense of under-qualification crystallizes early; 51% of women in college said they would never be qualified to run for office. Only 11% said they would be. At all ages and levels of success, women undervalue their own competence when asked to consider a career as an elected official. This confidence gap keeps women out of electoral politics.

⁸ Lawless, Jennifer, and Richard Fox. *Why Are Women Still Not Running for Public Office?* Report. Issues in Governance Studies, The Brookings Institute. Washington D.C.: The Brookings Institute, 2008.

⁹Ibid.

¹⁰ Lawless, Jennifer, and Richard Fox. Not a 'Year of the Woman'...and 2036 Doesn't Look So Good Either. Report. Issues in Governance Studies, The Brookings Institute. November 2014. Accessed July 2017.

"Growing up, my brother was told by my parents that he could grow up to be President of the United States. I was never told this since they apparently they didn't think that was an option available to me. I believe that young women and girls don't know that they can be active in political issues and, also, choose politics as a career. With the scarcity of women in government, it is clear that young women are not encouraged to seek elective office. I believe it is important to encourage young women and let them know that they can be politically active, make change and run for elective office."

--Council Member Rosie Mendez

Even among women who do see themselves as capable of holding public office, there is a perception that it will be extremely difficult for them to win elections because of their gender. In the same Brookings survey of successful professional women, 87% said they believed it was harder for a woman to be elected to public office than a man. They were also more likely than men to judge elections in their area as highly competitive, and 64%said they believed it was harder for women to raise money than men. Women of color are even more likely than white women to assume they will struggle with fundraising. Despite the fact that women and men win elections at equal rates, women perceive that it will be harder for them to raise money, gain support, and ultimately win an election because of their gender. This perception compounds the political ambition problem by discouraging the women who want to hold office from running because they believe it is unlikely that they can win.

Why Elect Women?

Fair Representation

A democracy functions best when government accurately represents the values and characteristics of its citizenry, in all of its diversity. In order for this to occur, it is necessary that women, who make up half of the population, as well as women of color and LGBTQ+ women, have a seat at the table and play an active and leading role in the legislative process. This plays out both in terms of the content of legislation as well as the way women and girls are empowered in our culture as a whole.

¹¹ Lawless, Jennifer, and Richard Fox. Not a 'Year of the Woman'...and 2036 Doesn't Look So Good Either. Report. Issues in Governance Studies, The Brookings Institute. November 2014. Accessed July 2017.

¹² Cárdenas, Vanessa. "Why We Need a Political Leadership Pipeline for Women of Color." Center for American Progress. August 20, 2014. Accessed July 25, 2017.

The Content of Legislation

When gender parity does not occur at a legislative level, the consequences are obvious. The Better Care Reconciliation Act, the Senate GOP's recent attempt at health care reform, is a notable example of this. The bill, which was drafted by a working group of 13 white male senators, contained provisions to eliminate federal funding for Planned Parenthood services, including preventive cancer screenings and birth control, placing the health and wellbeing of American women at risk. This type of decision making disproportionately hurts women and can be seen in a multitude of other policy issues such as employment, education, civil rights, sexual assault, and domestic violence.

"Without the strong female voices in the Council this past term, I'm not sure if we would have addressed issues like domestic violence, the low female representation in FDNY, or Minority and Women Owned businesses. This wouldn't have been because men don't care about these issues, but many male politicians do not feel severe gender inequity that women cannot escape. In a broader sense, women understand what it feels like to be marginalized and can serve as an advocate for other marginalized communities."

—-Council Member Helen Rosenthal

Women legislators bring with them lived experiences and crucial viewpoints that allow them to identify and take on the unique challenges that women face. As a result, women legislators have been shown to introduce more legislation directly affecting women, children, and families. Additionally, women have been shown to introduce more legislation overall, and are also more likely to work across party lines. A legislature with more women members would likely introduce and pass more bills that address the needs of women, children, and families, crucial constituencies at any level of government.

"We can no longer engage in discussions on gender-based violence, pay equity, universal pre-k, reproductive rights, and elder care without women seated at the table. As chair of the Committee on Women's Issues and co-chair of the Women's Caucus, I am proud of our work to advance gender equity and dispelling the myth that women must choose between their families and livelihood."

--Council Member Laurie Cumbo

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¹³ Pear, Robert. "13 Men, and No Women, Are Writing New G.O.P. Health Bill in Senate." The New York Times. Arthur Ochs Sulzberger, Jr., 08 May 2017. Web. 29 June 2017.

¹⁴ Thomas, Sue. "The Impact of Women on State Legislative Policies." The Journal of Politics, vol. 53, no. 4, 1991, pp. 958–976. JSTOR, www.jstor.org/stable/2131862.

¹⁵ See Supra Note 1.

Empowering Girls and Women

When women are represented in government, they can be role models to girls and young women, demonstrating that pathways to positions of leadership do exist for them. A study published in 2012 in *Science* showed that increased female representation in government increases girls' aspirations for themselves as well as parents' aspirations for their daughters' futures. Women already face systemic challenges in running for office. Seeing low numbers of women in office exacerbates women's awareness of these challenges and creates a causality loop, keeping female representation down. Increasing representation now breaks this cycle, setting the groundwork for a government with more gender parity in the future.

"I served on my community board for three decades, but I was often frustrated with our inability to make more significant changes, such as funding decisions. I decided that I could have greater impact by serving on the City Council, and so I ran for office. I lost, not just once, but twice. So many people discouraged me from running a third time. I am thankful I did not listen to them. I ran a third time and won. Today, I am always encouraging young women to do what I did: Tune out the naysayers, and don't be afraid to fail."

--Council Member Debi Rose

Moving Forward - Strategies for the Future

Stepping Up As a Caucus: The Women's Caucus Must Do More

Currently, the Women's Caucus of the NYC Council is limited by its lack of resources. In order to be more engaged in the crucial issues affecting women, the Women's Caucus should be equipped with a fully paid staffer. This staffer would function similarly to staffers for the Progressive Caucus and the Black, Latino, and Asian Caucus, and allow the Council's women Members to work together more effectively.

Encourage Women to Run

For gender parity to be realized in the New York City Council, more women must decide to run for office in the first place. Steps must be taken to reduce the gender gap in political ambition. Training programs and mentorships can help encourage women to run on both a systemic and individual level. Thus, the Women's Caucus is calling for more funding to be dedicated to not-for-profit groups that support women in public life.

"My first period of service in elected office was in the NYS Assembly, where I served for five years. I decided to enter that legislative body following the appeals and encouragement of members of the community, who knew of my long-standing involvement in fighting for social justice issues. After several months of deliberating, I decided to run, and with the support of this same group who had encouraged me to run, I was successful."

--Council Member Inez Barron

Party leaders, advocacy organizations, and other political groups also need to make an active effort to reach out to individual women about running for seats. The women in City Council should make an effort to encourage politically active women in their circles to run for office, as current or former Council Members have a unique ability to address many of the factors that discourage women from running. Research demonstrates that something as simple as strong mentorship can play a huge role in encouraging women to put their names on the ballot.

"My mentor and someone who saw potential in me and gave me an opportunity to learn from her is the Deputy Borough President of the Bronx, Hon. Aurelia Greene. I started out as her intern while a student at SUNY Albany and she hired me upon graduation and never let go of my hand. Years later, that experience and mentoring propelled me to elected office and now I am proud to serve as a mentor to others!"

--Council Member Vanessa Gibson

Engage More Young Women in the Political Process

The gender gap in political ambition skyrockets in college. College-aged women are less likely to discuss politics with their friends, take political science classes, and join political organizations than their male peers. ¹⁶ This must change. College women need exposure to female candidates and elected officials. They need to be well informed on how running for office can affect societal change. They need to know that there is support for female candidates within party infrastructure and activist/lobbying circles.

To make this happen, young political groups should make an active effort to recruit female members. National organizations should organize to provide political development opportunities to college women. Government offices should prioritize the recruitment of women for internships and other opportunities. The foundation for a strong pool of women candidates must be built early.

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¹⁶ Lawless, Jennifer, and Richard Fox. Not a 'Year of the Woman'...and 2036 Doesn't Look So Good Either. Report. Issues in Governance Studies, The Brookings Institute. November 2014. Accessed July 2017.

"Running to be a NYC Council Member was an extension of the ideals I grew up with and was also a way for me as a single parent to make great strides and positive contributions to our educational system. I was fortunate to have a two terrific mentors in former Council Member Arthur Katzman who urged me to run and Congressman Tom Manton who supported my candidacy and gave me concrete ideas on how to improve the quality of life for the residents of my district."

-- Council Member Karen Koslowitz

To this aim, the Women's Caucus advocates for the creation of a new program that would fund the promotion of women's political engagement on a collegiate level. By bringing inspiring speakers to campuses and running interactive workshops, this program would not only encourage young women by exposing them to women who have thrived in the public sector, it would provide the necessary resources and networking opportunities that are crucial to building up the next generation of women politicians.

"During my tenure as a New York City Council Member, I have appreciated the presence of women in politics, simply because it gives us a voice in creating change throughout our communities by passing local laws. Women should be able to enter the world of politics without feeling intimidated. **We must use our voices in public forums to empower ourselves and the next generation."**

--Council Member Darlene Mealy

Conclusion

The New York City Council is currently in a crisis concerning its gender composition. Only 13 of its 51 members are women, and this number could be in single digits by the end of the year. This would bring the percentage of female representation to a paltry 20%, significantly below the national average of 34%. ¹⁷

This is not about any one individual woman. The voters of any individual district should choose the candidate they feel will represent them best in the City Council. But the overall statistics reveal that we face a systemic crisis of representation here in New York City. New York is failing to meet its own standards of equality and falling behind its peer cities across the country and the world in doing so.

To take this crisis on, we must begin to address the cultural and institutional barriers are getting in the way of women in politics here in New York City. That starts with naming this

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¹⁷ See Supra Note 5.

issue and talking about it in public life. The presence of women legislators on the City Council increases the equity of the Council's representation of constituents, improves the quality of its legislation, and empowers the city's girls and women. We must begin working toward that empowerment.

Acknowledgements

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