

NYSBA Task Force on Racism, Social Equity, and the Law
Executive Summary – June 15, 2022
INTRODUCTION

The United States was founded on principles of justice, liberty and the rule of law. At the time these principles were enshrined in our Declaration of Independence and Constitution, the only individuals in this country allowed to exercise the full rights of citizenship were approximately 20% of the population: white, Anglo-Saxon Protestant men with property. Everyone else was not allowed to exercise many if not all of the rights of citizenship.

Since that time, as a nation, we have worked to expand the principles of justice, liberty and the rule of law to those once excluded from exercising them. White men who did not own property and were not Anglo-Saxon Protestant gained the right to vote in the early 18th century. Slavery was abolished by the 13th Amendment in 1865. The Constitution was then amended to ensure that the freed slaves were able to enjoy the rights of citizenship. The 14th Amendment in 1868 established that all persons born in the United States were citizens and entitled to the rights and privileges of citizenship. The 15th Amendment in 1870 established the right to vote (to men) as a right of citizenship and no one could be denied the right due to “race, color, or previous condition of servitude.” The 19th Amendment gave women the right to vote in 1920.

These laws, unfortunately, did not prevent blacks, Latinx, Asians and Native Americans (“people of color”) from being consistently deprived of justice, liberty and the rule of law for another 100 years. Why? A significant number of White Americans held the belief that a person’s “race” was a fundamental determinant of human traits and capacities and those racial differences produced an inherent superiority of a particular race.” This racist belief led to the systemic oppression of people of color to the social, economic, and political advantage of whites. The Civil Rights Acts of the 1960s addressed the policies, practices and state laws enacted to exclude people of color from being able to exercise their rights as US citizens. The Civil Rights Acts set the path forward: these groups were able to enjoy the privileges of citizenship and seek redress when deprived of these rights.

The Acts did not undo the past: the deleterious effects of the 100 years of policies, practices and state and federal laws that minimized economic opportunities, created substandard schools, medical care, housing and infrastructure, and imposed greater criminal penalties on members of these communities. The Acts did not root out the belief that race was a fundamental determinant of human traits and capacities that guided the development of these policies, practices and state and federal laws creating inequitable outcomes. As such, people of color still fall short of obtaining true equitable outcomes in the United States. Thus, the promise of “unalienable rights, among these are life, liberty and the pursuit of happiness” belonging to all, as announced in the Declaration of Independence in 1777, has yet to be fulfilled.

The law has been a shield and sword in people of color's fight to exercise their rights. When unjust laws were passed to deprive them of their rights, the courts were the places where they sought redress and remedies. When just federal laws were passed but states passed laws to prevent them from exercising their rights, the courts were the places where they sought redress and remedies. They marched in the streets to press Congress to pass laws to protect their constitutional rights.

The law has always had an integral role in addressing issues of race and inequity. To address those issues that remain, we must look to the law. This understanding has been the focus of the work of the Task Force on Racism, Social Equity and Law.

This report details our work, findings and recommendations to be able to use the law as a sword to combat the remnants of a racist belief that continue to create inequitable outcomes for people of color. Our report has four sections: (1) Executive Summary, (2) Legal History of Exclusion and Structural Racism, (3) Recommendations to Minimize Structural Racism and (4) Concluding Remarks.

I. EXECUTIVE SUMMARY

On June 12, 2021, President T. Andrew Brown stated, “I will convene a task force on racism, social equity and the law, with an eye toward building on the work the Association has undertaken to address some of the most intransigent regulations, laws, and structures that are collectively holding us back as a society from achieving true equality. We will strive to see every issue we tackle this year through the lens of equity, as we know all too well that racism and injustice pervades almost every aspect of our lives.”

With that as our charge, the mission of the Task Force was to examine how structural racism permeates and influences facets of daily life leading to injustice and inequality among New Yorkers. The Task Force created six committees - Housing, Education, Health, Environmental Justice, Economic Opportunity and Criminal Justice - that examined the key issues that cause structural racism to be entrenched and persistent. These committees would enable the Task Force to explore changes in the law and public policy and deliver a report recommending action steps the Association can take to attack structural racism and effectuate meaningful societal transformation.

The Task Force’s mission is grounded in the Association’s purposes as outlined in the Bylaws: “to promote reform in the law; to facilitate the administration of justice; ... to apply its knowledge and experience in the field of the law to promote the public good.” Our mission reflects this Association’s deep commitment to examining the role that the law and this Association’s members can play in seeking justice, equity and fairness promoting the public good.

In order to frame our findings and recommendations, we focused the start of our work on understanding structural racism. Paula Johnson, Professor of Law at Syracuse University, explained at our first Public Forum, held on October 25, 2021, that structural racism “is a system of laws, policies, and institutional practices that produce and perpetuate racial inequities and inequalities in the United States”

With her permission, Professor Johnson’s comments flushing out this framing issue are provided below.

The impact of structural racism can operate in discrete, interconnected, and synergistic ways. Thus, individual issues like housing insecurity can be compounded by limited economic opportunity, inadequate educational opportunity, and overrepresentation in the criminal justice

system, which in turn can cause or exacerbate deleterious health consequences in communities of color.

WHY INEQUITY?

The discussion of structural racism also must recognize the focus on “inequity” to reach justice goals. In this regard, debates as to principles of “equality” vs. principles of “equity” should be viewed thusly: Equality says that everyone should be treated the same, get the same, no matter their starting point or material conditions. However, equity demands that we realize that what is equal is not necessarily equitable. W.E.B. DuBois recognized this early when he stated:

From the day of its birth, the anomaly of slavery plagued a nation which asserted the equality of all men, and sought to derive powers of government from the consent of the governed. Within the sound of the voices of those who said this lived more than half a million slaves, forming nearly one-fifth of the population of a new nation[.]

He continued regarding the circumstances of newly emancipated persons of African descent at Reconstruction, saying:

The Negro was freed and turned loose as a penniless, landless, naked, ignorant laborer[...] North as well as South, the Negroes have emerged from slavery into a serfdom of poverty and restricted rights.

The observations still apply. Clearly, then, equality cannot be our starting point. There must be equitable solutions. Where the legacies of institutionalized racism continue to circumscribe opportunities and the very lives of individuals and groups of people of color, we must recognize that equity is prerequisite to equality, not the other way around.

LEGACIES OF INSTITUTIONAL RACISM

The legacies of institutional racism are myriad and their legal roots run very deep. Consider the citizenship of people of color, or sovereignty regarding Indigenous peoples. This concerns not only who is a citizen by birthright or naturalization, but often more importantly, who is perceived to be a citizen.

The reality and perception of citizenship has been influenced by determinations of law. For people of African descent, US citizenship required a war, an Emancipation Proclamation, three Reconstruction-era Constitutional Amendments, and federal enforcement statutes.

People of Asian descent who emigrated to the US were not permitted to legally become citizens until 1952, with passage of the McCarran-Walter Act, when the “free White persons” restriction was lifted from the Naturalization Act of 1790, thereby permitting Asian and other non-White immigrants to become naturalized US citizens. The Chinese were the only group who were categorically excluded from immigration by measures upheld by the US Supreme Court, including the Chinese Exclusion Law of 1882; national origins quotas limiting emigration from Asian and Asian Indian countries; exclusion via prohibitive alien land laws, and internment of Japanese Americans during WWII, fostered the continuing presumption of Asian Americans’ foreignness rather than citizenship.

Foreignness also is presumed for people of Latinx descent, despite multiple generations of citizenship in the United States. Too little is known about the history of conquest and annexation that appropriated land from Mexico, including California, Texas, New Mexico, Arizona, Nevada, and parts of Colorado, Utah, and Kansas, that comprise roughly one-third of present-day America. The Treaty of Guadalupe Hidalgo in 1848 determined the boundary between the U.S. and Mexico, and also determined the conditions of citizenship of Mexicans who were now in US territory.

The Doctrine of Discovery, forcible acquisition of Indian lands, and Removal policies justified inhumane treatment of Native Americans. Ironically, Native Americans, the only indigenous peoples to the land, were not recognized as birthright citizens until the Indian Citizenship Act of 1924. Native Americans' citizenship rights came at great costs of loss of land, culture, and social systems.

While this is a truncated review at best, it is significant to realize that US citizenship – who belongs and who does not – who enjoys benefits and who bears burdens – who has access and who is shut out of American political, social, and economic systems – remains tethered to ideals of White supremacy and racial hierarchy, which law has either promulgated or perpetuated. A

MANIFESTATIONS OF RACIAL HIERARCHIES AND INEQUITIES

Racial hierarchies of the sort that were entrenched by citizenship determinations preceded the Nation's birth. Enslavement, of course, was the abject denial of Black people's humanity, legal status, or rights. Post-Reconstruction, this racially-subordinated status was enforced through legal and extrajudicial means. Black Codes, which criminalized all aspects of Black activity; Jim Crow laws, which enforced racial segregation in all spheres of public and private life; political disenfranchisement, which prohibited electoral participation despite the 15th Amendment; and economic exclusion, precluded Black people from exercising agency over their labor, mobility, and economic independence. The terror of lynchings, which were committed with impunity often in collusion between private parties, law enforcement and judicial officers, led to mass Black migration from the South to North.

However less virulent, the North had its own brand of racial segregation, discriminatory laws, and harsh social conditions. Plessy [v. Ferguson] established the separate-but-equal doctrine that proscribed public and private racial interactions. These delineations continue to adversely affect people of color in US society.

Housing Segregation: Take housing segregation. One cannot overstate the importance of housing in its relationship to other basic human needs. While Black landownership grew after the Civil War, discriminatory and deceptive practices often resulted in the massive land loss that continues today. Upon arrival in the North, many Blacks found that racial segregation severely limited their residential options. In 1933, the federal government established the Home Owners' Loan Corporation (HOLC) as part of the recovery effort from the Great Depression. Determinations of mortgage-worthiness were based on HOLC's maps of over 200 U.S. cities. Racial demographics were key to the assessment, and HOLC staff literally drew red lines – hence “redlining” – around

communities with large Black populations, designating them as forbidden investment areas whose residents would not receive HOLC loans.

Redlining made mortgages less accessible, fostering predatory terms for would-be Black homebuyers and reducing the number of Black homeowners. Homeownership is a primary means of transferring generational wealth, yet was largely unavailable to Blacks and other people of color.

*Although government-sanctioned discrimination has been outlawed, the impact continues. Residential segregation formed a basis for broad social disinvestment, including in neighborhood infrastructure, services, and employment. Thus, the structural legal and policy determinations of housing segregation extend to access to public services and environmental factors. Prof. Jessica Trounstein points out these effects in her book, *Segregation By Design: Local Politics and Inequality in American Cities*.*

With this understanding of how structural racism has perpetuated the inequities experienced by people of color, the Task Force set about its work. We conducted three more Public Forums to receive information from various subject matter experts about how racism impacted social equity and remedies available through the law in the six areas that were the focus of our committees; the six committees conducted more specific research on their respective issues and spoke to various subject matter experts; and we reviewed prior Association committee and Task Force reports on related topics.

After our examination, the Task Force had to make the difficult decision to limit our number of recommendations to those that the Association and its members could take action on. Though there were areas we could not cover, the Task Force and this report, as envisioned by Immediate Past President Brown, identified the most critical “intransigent regulations, laws, and structures that are collectively holding us back as a society from achieving true equality” and proposes 22 recommendations (some with multiple sub-recommendations) to provide equality in opportunity and equity in result to mitigate the effects of structural racism.

Our recommendations are in two categories: overarching and issue specific. The overarching recommendations illustrate the intersectionality of structural racism across various issues the Task Force examined. The issue specific recommendations are ones focused on one of the six areas delineated in our mission.

Overarching Recommendation: Gathering and Using Data to Track and Root out Bias

The Task Force recommends that the Association advocate in a variety of settings that data be collected and examined to see how it influences and illustrates the ongoing impact of structural racism:

1. Recommend that the New York's Department of Financial Services undertakes a study to determine whether any entities underwriting mortgages in New York are using external data sources, computer algorithms, and/or predictive models that have a significant potential negative impact on the availability and affordability of home mortgages for classes of consumers.

2. Recommend that the Legislature requires that all school districts in NYS make public and accessible school level discipline data, similar to that legislated in NYC, disaggregated by race, ethnicity, disability status, socio-economic status, gender, age, grade, discipline code infraction, and English language learner status.
3. Advocate that the Legislature require collection by all healthcare providers of self-reported race ethnicity information through standardized disaggregated categories with information provided to the patients on why this data is collected. There should be improved training for those collecting the data so they can properly address patient concerns. Race and ethnicity subpopulation categories for all racial designations, particularly for the Black, non-Hispanic population, should be mandated.
4. Remedy System Actor Bias, including that of judges, court actors, prosecutors and defense attorneys, through training, data collection, and reporting requirements. Implement data collection through case management systems that store information about each decision made in the course of a criminal case, cross reference case level data with demographic data and publish data to ensure transparency and accountability. Use these data points to effectively target points of bias directly, specifically to develop tailored trainings designed to educate criminal legal system professionals about where biases in their agencies are greatest, and to interrupt the implicit and explicit biases of the professionals who operate those agencies; and continue to gather data about disparities to assess the effectiveness of trainings on reducing disparities and make changes accordingly.

Overarching Recommendation: Education for Licensed Professionals and Provider Facilities to Minimize Bias

1. The Task Force also joins together to require training on structural racism, bias and equity for providers working in a number of different areas including those working for healthcare providers and facilities, licensed appraisers and lender, and educators and other teaching professionals so that they are prepared to be responsive to cultural differences in order to eliminate barriers to services for all. Educators should also receive coursework on trauma and its impact on child development and DEI, special education, and trauma-informed responses.

Overarching Recommendation: Support the Establishment of a Commission to Study Remedies to Minimize the Wealth Gap

1. Task Force Recommends that NYSBA Support Creation of a Wealth Gap Commission to study the feasibility of economic supports - restitution, reparations (similar to those previously paid to Native Americans or Japanese Americans) or other legal remedies - to address the wealth gap between Caucasians and People of Color. This wealth gap is the result of decades of segregation and tools and processes - including, but not limited to redlined communities to health deserts to polluted neighborhoods where residents can neither drink the water nor breathe the air, to disproportionate educational opportunities and over-policing communities of color - that limited essential opportunities to these communities. The Commission should also consider whether proposed remedies will have the desired effect of shifting the generational, racially disproportionate wealth gap.

Issue Specific Recommendations

The next recommendations are issues specific. They address the inequities in (1) housing, (2) health, (3) criminal justice, (4) education, (5) economic opportunity and (6) environmental justice that were most pervasive. Briefly stated, the Task Force recommends that the New York State Bar Association should:

A. HOUSING

1. Recommend that the President appoint an ad hoc committee composed of members of the Committee on Legal Aid and the Real Property Law Section to examine, evaluate, and recommend steps towards the elimination of substandard housing conditions endemic to public housing and Housing Choice Voucher/Section 8 and promote access to housing through HUD-CDBG affirmatively furthering fair housing (AFFH). Support legislation such as the “Good Cause Eviction” bills pending in the New York State legislature (S3082 and A5573).

B. ECONOMIC OPPORTUNITIES

1. Recommend that the Committee on Diversity Equity and Inclusion and the Public Interest Loan Repayment Subcommittee of the President's Committee on Access to Justice Committee study the recommended modifications to the student loan program and make the appropriate additions to our current federal legislative priority:
 - a. “De-capitalize” student loans. Students who borrow relatively small amounts of money end up paying back double, if not triple, the amount borrowed due to the capitalization of interest, even during deferment periods. Student loan debt should not be treated like consumer debt.
 - b. Extend bankruptcy protection to all federal loans.
 - c. Allow PLUS loans (student loans taken by the student’s parents) to be eligible for income-based repayment.
 - d. Include a grace period where no interest would be charged for a period of 3 to 5 years after graduation in order to allow the graduate time to become economically settled.
 - e. Expand careers that are eligible for loan forgiveness.
 - f. Shorten the period after which a loan is eligible for forgiveness from 10 years to 7
 - g. Adjust the federal needs analysis to allow for a negative expected family contribution, so that all struggling families receive more support to facilitate college enrollment, reducing their need to borrow.
 - h. Increase the transparency of the borrowing process and lower the risks associated with borrowing, thus improving the odds that educational debt will help, rather than hinder, upward mobility. Begin this effort by extending bankruptcy protections to all federal loans and providing for an income-based repayment option for the PLUS loan.
 - i. Raise the borrowing cap on federal student loans. This would help close the gap between what is borrowed and what needs to be paid. This could prevent the recourse to private lenders with their higher rates.
 - j. Expand service-based tuition assistance plans, such as ROTC, GI Bill, AmeriCorps, etc., should be expanded. Such service opportunities, in addition to full time work, could also include options, such as being employed by the military for “reserve” or weekend duty.

2. Refer consideration of legislative action to end the misclassification of workers and end wage theft

a. Ask the Labor and Employment Law Section to comment on our recommendation that the Association support legislation to end the misclassification of workers and wage theft, by New York enacting a law like S6699A/ A8721A that would adopt the so-called ABC test applied in other states for determining independent contractor status: the worker is free from the control and direction of the hiring company, the worker performs work outside the usual course of business of the hiring entity, and the worker is independently established in that trade, occupation or business, and to:

b. Support pending legislation or legislation like pA00766/S02762, which, if enacted would make it more difficult for employers to escape financial liability for wages by (1) expanding NYS mechanics lien law to allow all workers the right to put a temporary lien on an employer's property when they have not been paid for their work; (2) adopting a standard that allows workers with wage theft claims to temporarily place a hold on an employer's property during litigation if the workers show a likelihood of success on their claims; and (3) amending New York Business Corporation Law to help workers collect from shareholders and members who are already liable under existing law for unpaid wage judgements against corporations and companies.

3. Create Alternatives to Public Assistance

a. That NYSBA should support an amendment to NYS' Public Health Law which would (1) provide for a monthly distribution of disposable diapers to all children under the age of 4 who are receiving other forms of public assistance (such as SNAP, WIC, or TANF) and (2) provide for the distribution of diapers to all daycare centers licensed within the State.

a. NYSBA should support passage of the Universal Child Care bill which would amend the State finance law to establish funds to provide for the establishment and funding of universal childcare and provide competitive salaries to childcare workers as "educators."

b. The Federal Legislative Priorities Committee should study and comment on our recommendation that NYSBA support:

. NYSBA should support legislation increasing the NYS poverty level and low-income level cut-offs so that more families in need can qualify for assistance from government programs.

i. NYSBA should support passage of the Build Back Better bill to extend the CTC expansions and thereby continue to enable parents in New York – and across the country – to pay for food, clothing, housing and other basic necessities for our most vulnerable children, helping to keep a significant number of children out of poverty.

C. EDUCATION

1. NYSBA should require legislative and regulatory action to address disproportionality and make sustainable and lasting improvements to the outcomes for all children in the public education system.

0. A Developmental Screening be expanded to require that all children be screened: (1) upon entering the district or universal preschool or prekindergarten program as defined by 8 NYCRR 100.3 regardless of the age at date of entrance; (2) if the student is performing below grade level in any academic or social emotional areas for more than two reporting periods⁽²³⁾; and (3) upon teacher or administrator recommendation. Such screenings should not be performed more than once every two years. 8 NYCRR 117.3
1. To directly address the disproportionality in student discipline, NYS Legislature should amend the Education Law to adopt research-based reforms⁽²⁴⁾ such as those proposed in the Solutions Not Suspensions bill before the state legislature.
2. Require sufficient training and curriculum responsive to cultural differences as it is the lynchpin to continuing to eliminate barriers to learning for all.
 0. The current regulation, entitled “Required study in harassment, bullying and discrimination prevention and intervention,” requires six hours of study, but only specifies that this work be in “harassment, bullying and discrimination prevention and intervention.”⁽⁴¹⁾ This rule should be amended to specifically include implicit bias training in the list of required study and that all District employees be required to attend this training.
 1. Amend section 3004 of the Education Law to require ALL aspiring educators receive coursework on trauma and its impact on child development as a prerequisite for obtaining any teaching license in NYS.
 2. Based on the proven success of the Teacher Opportunity Corps, this program should be expanded to other districts in New York State.
 3. 8 NYCRR § 80-6.3 should be amended to designate that a percentage of the one hundred hours of coursework be in the area of Diversity, Equity, and Inclusion, special education and trauma informed responses and that this requirement be in effect for each five-year registration cycle
 4. Social Services Law Section 413 should be amended to update the mandated reporter training and to include training on understanding the difference between poverty and neglect.
 5. 8 NYCRR § 57-4.3 be amended to include specific credentials relating to bias training, in order to be certified as a NY State-approved DASA trainer and that all other required trainings have similar standards
 6. Require use of the Regents’ Framework in all NYS school districts. The Regents used the word “urgent” to describe how critical promoting equitable opportunities that help all children thrive is; we agree

7. the Board of Regents and NYSED should promulgate regulations requiring school districts to ensure time is available during the school day for healing centered practices
3. All children in NYS are constitutionally entitled to a sound basic education
 0. Call upon the legislature to establish an independent Commission reporting on a recurring five-year basis to the Governor and the legislature concerning the cost of educational funding necessary to fulfill the State’s constitutional obligations on a per district basis.
 1. Recommend that the Commission require individual school districts to address the funding inequities that exist among schools in their district and in particular, the disparities between schools that enroll high percentages of students of color and low-income students with those that do not.

D. HEALTH CARE

1. Health care has not been affordable or accessible to communities of color. We recommend the following to address these issues:
 0. Recommend that the Health Law section and Elder Law section jointly consider adopting the Task Force's recommendations to
 0. Create equity in Medicaid eligibility for seniors and people with disabilities by eliminating the income and asset “cliff.”
 1. Expanded Essential Plan to immigrants.
 2. Expanded Medicaid eligibility for incarcerated people prior to reentry.
 3. Expand Medicaid and Medicare coverage of dental care.
 - a. Adopt legislative action to support increasing wages for direct care and entry-level healthcare workers, such as Home Health Aides and Personal Care Aides, Nursing Assistants, Pharmacy Technicians, and Medical Assistants.

E. ENVIRONMENTAL JUSTICE

1. In addressing environmental injustices relating to clean air, seek specific feedback from state and local government section :
 0. New York City (NYC) should finalize implementation of 2019 congestion pricing regulations and utilize funds from the recently passed federal Infrastructure Investment and Jobs Act (Infrastructure Act) to improve the mass transit systems throughout the State, particularly New York City;
 1. NYC should implement Comptroller Lander’s proposal to invest \$500 million over the next eight years to install 25,000 solar panels on rooftops through New York City; and
 2. The state Public Service Commission (PCS) should reduce the number of “peaker” power plants in half by 2025, followed by a complete shutdown of such plants by 2030.

2. In addressing environmental injustices relating to clean water:
 0. The New York State Department of Health (DOH) should require municipal and private water districts to conduct feasibility studies on water treatment;
 1. DOH should provide supplemental grants to low-income communities to cover both the capital cost and subsequent operation and maintenance of drinking water treatment;
 2. DOH and municipal water districts should utilize Infrastructure Act funds to improve the drinking water infrastructure throughout the State; and
 3. DOH and/or the New York State Department of Environmental Conservation (DEC) should require landlords of multifamily apartment buildings (i.e., ten units or more) to annually sample drinking water in their buildings for lead.
3. In addressing government non-accountability resulting in environmental injustices:
 0. The State should conduct workshops for community groups with attorneys and investigators to explain relevant laws and regulations, and how to gather evidence to enable agency determinations about whether to conduct investigations;
 1. The State should hold government agencies accountable for their actions or inactions through judicial review, executive and legislative scrutiny, and public oversight;
 2. The State should conduct third-party audits of municipal and state agencies to assess the determination to open investigations and the grounds for their conclusions; and
 3. The State should establish and publicize the availability of a dedicated communication channel between communities and agencies to facilitate both the supply of information to agencies about problematic activity and to communities about agency findings and decisions.
4. In addressing environmental injustices relating to environmental review/public participation:
 0. The DEC should amend regulations to require that project sponsors provide funding for resident groups or community organizations to hire pro bono attorneys and/or technical experts to assist in analyzing potential impacts of proposed projects;
 1. State and municipal agencies should utilize New York's existing governing infrastructure, including community boards, to serve as a conduit between lead/reviewing agencies and the public with respect to proposed projects that may impact the health or environment;
 2. State and municipal agencies should bolster public participation in meetings concerning proposed projects via several methods including requiring that all public meetings be made available virtually; creating a dedicated hotline/website with information about projects; providing childcare stipends or reimbursement for parents to attend meetings; and boost publicity for projects using traditional media and social media; and
 3. State and municipal agencies should extend public review and comment periods for projects.

F. CRIMINAL JUSTICE

1. Broad and significant changes should be made to New York's sentencing structure aimed at lowering the amount of time people spend incarcerated. We recommend that the Task Force recommendations listed below be addressed by the new Task Force on Modernization of Criminal Justice Practice.
 0. Eliminate mandatory minimum sentences
 1. Allow for review of sentences at the trial level
 2. Empower individuals to earn more time against prison sentences
 3. To further the goal of easing the burden of parole requirements, additional legislation should be passed to complement the Less is More Act
 0. Establish standards and procedures for parole eligibility designed to eliminate bias
 1. Reduce overall time on parole, particularly for older individuals

Consequences of arrests, prosecutions, and convictions must be minimized

- . New York Should End Mandatory Court Fees and Grant Courts Discretion in Setting Fines and Fees

Jury procedures, from eligibility to selection and voir dire, must be updated to guarantee the constitutional principle that one will be judged by a Jury of their peers

- . Felony convictions cannot act as a bar to serving on a jury
 - a. Jurors should reflect the demographic of the court itself, rather than the county-wide approach currently employed, and be compensated in a way that enables more people to serve
 - b. Jurors should receive sufficient compensation to enable broader participation without undue hardship
 - c. Racial bias in jury selection must be eliminated by expanding voir dire opportunities and limiting peremptory challenges.
 0. The New York State Legislators must enact legislation to expand and mandate the amount of time permitted for attorney conducted voir dire.
 1. Legislation should be enacted to compliment *Batson's* prohibition on racial bias in peremptory challenges