

Hon. Beverly Cipollo Tobin
Retired Albany County Family Court Judge
11-18-16

Anne
Wasielewski: Now, where did you get the idea that a young woman could be a lawyer?

Judge Tobin: It all began with my father. My father was an immigrant, and he came to this country with nothing but the clothes on his back, really, at the age of three. He believed that education was the great equalizer, and he had no preconceived ideas ... He told me later that there wasn't any difference between a man and a woman doing that. He put himself through college, through graduate school, he taught college, and then he came to Albany; he went to Albany law school.

He told me that a woman could have a family and be a lawyer, and he told me that a woman should always be able to take care of herself, never be dependent on any man for taking care of her, or for support for her and her family. I never wanted to do anything else. I listened to my father, and that was how it all began.

Anne
Wasielewski: Thank you. Who are your role models?

Judge Tobin: Well, my father certainly was one of my role models, because he had worked hard all his life, and he cared so much about his clients. I remember him going out to see his clients at night, when they were unable to come to the office. Also, my husband. I think my husband has been a great inspiration to me. He is hard working. His integrity is unimpeachable. He worked very hard and very diligently. He was a sitting judge at one point himself. He certainly has been a role model for me.

Anne
Wasielewski: Thank you. What made you decide to pursue a legal career?

Judge Tobin: I decided on a legal career because of the things that I've said about my father. I knew it was a way to help people. I felt obligated to do something for the country ... I know that sounds Pollyannaish, but I think everyone

needs to do something productive for society, and that ... Plus, my father's influence is what made me decide.

Anne Wasielewski: Thank you. You were the only female, I believe, in the Albany Law School, Class of 1962. What was the law experience like for you back in 1962?

Judge Tobin: The class of 1962 from the Albany Law School started with 108 students. There were four women. We graduated with 42 members of the class, and in the second and the third year, I was the only woman. I just didn't think anything of it. The men treated me like their sister. I can't say that there was ever any problem. The professors, in general, were good. There was one who had a daughter, a little bit younger than I, and I asked him how she was doing in school, and if she was coming to law school, and he said, "Oh, no. Never!" A couple of the professors there weren't pleased that I was there.

Anne Wasielewski: Thank you. All right, you answered the question, but did the professors treat you with respect or as someone who was taking a seat that a man could have had?

Judge Tobin: I never had any of them treat me with disrespect or in any way indicate that the professor felt that a man would be better in that seat.

Anne Wasielewski: Okay. Thank you. When you were admitted in the 1960s, what was the environment like for female attorney's in the capital region?

Judge Tobin: There were not that many female attorneys in the Capital Region when I was admitted. I think I was the only one in the group that came here to the Appellate Division for admission in the fall of 1962. My husband and I were admitted together, and then I went to practice law with my father. I had a place to go. My husband was going to be practicing, but not with us.

I think the biggest thrill that I can tell you about being admitted was being admitted to the Supreme Court of the United States. When I went into that admission, I was very pregnant, and Justice Douglas greeted the people who were being admitted at that time, and he said, "Mrs. Tobin and gentlemen, welcome to the court." Wow, I was puffed up over that one in more ways than one!

Anne Wasielewski: Thank you. Did you encounter any gender bias when you were out working as an attorney?

Judge Tobin: One instance stands out in my mind. My client was a woman who had walked in off the street, and she needed help. She wanted to file a paternity suite. Of course, I agreed to help her out. She and I went into the courtroom. I was all dressed up, trying to look professional, and she was missing a few front teeth and was dressed shabbily. It was one of the older judges on the bench at that time. He looked at the two of us, and he said, "Okay, now, which of you is the client?" That was the only time that I can remember ever having any ... I don't want to say embarrassing moment because I wasn't embarrassed. I think I was more angry than anything else at that point in time. Other than that, no.

I asked my husband, "Do you ever remember my complaining about anything, as far as gender was concerned?" He said, "No." My father had been practicing law in downtown Albany. My husband and I were newly admitted, and we were practicing at downtown Albany. I think that we were known in the legal community.

Anne
Wasielewski: Okay. Thank you. How about any sexual harassment?

Judge Tobin: No. No. I don't believe that I ever encountered any sexual harassment at all.

Anne
Wasielewski: Okay. You spent 17 years in the Division for Youth, what led you to that vocation, helping youth?

Judge Tobin: Well, I was always interested in youth and youth problems. My interest led me to that. I was called on the telephone and asked if I would like a position with the New York State Division for Youth. It sounded intriguing. Also, it offered me the opportunity to get into the state, to the state retirement system ... My father was getting older, and it appeared to me that it would be a good opportunity for me. I needed regular hours. It was perfect background for Family Court, juvenile justice law. It really worked out.

Anne
Wasielewski: Thank you. How did you balance career and family?

Judge Tobin: Well, I think, probably, I had it much easier than nowadays. It was difficult, but I had a lady come in. I had three kids, and when I was with my father,

of course, there was no problem. If I had any issue, my father was there to take care of it, but then when I went to work for the Division for Youth, of course, I had regular hours, etcetera. Then, after the kids got in school, my blessed mother, I tell you she was so good. Doctors' appointments, somebody gets sick at school, orthodontic appointments, whatever. My mother took care of it. I think I had it a lot easier than women do now.

Anne Wasielewski: Thank you. How did you position yourself to become the first woman, Family Court judge in a region, and were you politically involved?

Judge Tobin: Not with a capital "P," really. I read a book about Family Court in the City of New York, and this was while I was working for the Division for Youth. I said, "I can do a better job than that." Then, I heard that one of the judges was retiring. I went to see the County Democratic Chairman, and I said, "I would be interested in that position." He asked me why and what my background was. At that point, I had been president of Albany Law School Alumni Association. I was on the Appellate Division Character and Fitness Committee. I was on the Albany County Bar Grievance Committee, and on a couple of boards. I had a lot of community involvement, and these things that I was doing involved law, they involved families, and I thought that I had the background to be able to do it. I asked for the nomination, and it was given to me.

Anne Wasielewski: What year did you first run for office and was gender an impediment or benefit?

Judge Tobin: I first ran for office in 1988. Well, first of all, I think that the Albany County Democratic Committee determined that it was time for a woman, and because of my background with the Division for Youth, working downtown in private law practice, and these community things in which I had been involved, I think that all helped and they gave me the nomination. It was time for a woman, it really was. Madonna Stahl had been on the City Court, and there had been a woman in Family Court for six months, appointed way back when, but it was definitely time for a woman. I had three kids. I was obviously interested, so I was fortunate.

Anne Wasielewski: Thank you. How were you treated when you first arrived?

Judge Tobin: How was I treated when I first arrived? Very welcoming. I knew the people, and so it all seemed to flow. I had never really set out to be a

judge. It just all came together at the same time, really. I didn't give much thought about settling in.

Anne

Wasielewski: You were the only female judge, or one of the very, very few for quite a while. Was it lonely?

Judge Tobin: No, there were other women Family Court judges at the time in other counties, so I did not feel lonely. There weren't too many. The men were welcoming. I had known most of them before I became a judge. I always felt welcome.

Anne
Wasielewski: What was your reaction when Judith Kaye was appointed to the Court of Appeals?

Judge Tobin: I was absolutely delighted. She was certainly a role model for all of us, too. I have to say, when Mae D'Agostino went to federal court, that I thought was wonderful. Just for a woman to get a federal court appointment at that time was great.

Anne
Wasielewski: How was the environment for women different when you retired than when you began your career?

Judge Tobin: The environment has certainly changed. You have to remember, that was 54 years ago. When Judge Kaye and Judge D'Agostino both became judges, I think that whole world opened up for women. Women saw themselves as able to be judges. I think that the benefit for women in the law profession.

Anne
Wasielewski: What would you say to the next generation of women attorneys, the people who are maybe now just starting law school? What would you say to the next generation of women attorney's?

Judge Tobin: Well, to the next generation of women attorney's, I would say, "Become involved in things in your community that give you an idea of what area of law you want to participate in. You need to know whether you like people or not, whether you are somebody who is going to be able to get along with your fellow attorneys."

Anne
Wasielewski: Okay. What do they need to know about the bad, old days?

Judge Tobin: I'm afraid that I'm a poor one to answer that because I don't remember any bad, old days. I always loved what I was doing. I never felt that anyone was holding anything against me, professionally, because of what I was doing.

Anne Wasielewski: What do they need to do to continue the progress for those who follow them?

Judge Tobin: Women who are starting out in law, in order to give good example, they have to follow the age old precepts of integrity, honesty, compassion. They have to do what they know is right. I don't think there's really anything new under the sun about that. You just have to do your best at all times and put the rest of the world before your self.

Anne Wasielewski: How has the increased presence of women impacted the legal profession and the judiciary?

Judge Tobin: Well, the increased number of women in the judiciary is certainly a good thing. There are psychological differences between men and women. I believe that each gender brings necessary components to things. That may not be what everyone wants to hear, but I do think that we need the perspective of both men and women.

Anne Wasielewski: What changes have you observed in the way women attorneys are treated in court? You mentioned the first time you appeared in court with your client. What changes do you see now?

Judge Tobin: I've been retired for over 12 years now. I have not been in the courtroom to be able to give you a good report on that, on how women are treated differently. I know I certainly would have never treated anyone differently, regardless. I can tell you that my husband and his firm hire women. My father, when I left, hired other women, so I don't know of bias in the hiring practice. As I said, I've been out of touch for a bit.

Anne Wasielewski: Thank you. Are there any aspects of how women are treated in the legal profession, or in the judiciary that you still feel need improvement?

Judge Tobin: It's been too many years for me to give you a good answer to that.

Anne Wasielewski: Thank you. What should women now entering the profession know about the struggles of the past, and what obligations do they have to further blaze trails for those who follow?

Judge Tobin: After I had been in practice about 10 years, some woman came up to me and she said, "Oh, Mrs. Tobin, we younger women appreciate what you pioneers did." I looked at her, and I thought, "I was not a pioneer." I guess, maybe I was, but I never thought of myself as being different from the men with whom I was practicing. To repeat myself, I think what they have to do is to do their best and follow the law, follow their conscience, give it their all. That's the best that I can say, in order to be a good role models.

Anne Wasielewski: Thank you.

Judge Kretser: You are the type of person who actually sees the good in everyone, and doesn't look for discrimination that you might have encountered. So think about it, were you treated differently than your male colleagues on the bench or as an attorney?

I know I was. The instances of outright sexual discrimination or sexual harassment were rare, if at all, for me, but I know that I was treated somewhat differently in little ways, like first name basis—"Mr. So and So," and "Dear." Or, "Oh, you don't look like a lawyer." You know, all these little things that ... Do you think you encountered any little differences in treatment, looking back on it?

Judge Tobin: Looking back, if someone called me "dear," I probably ignored it. I don't remember instances of that. I had the benefit of having my father and having my husband around me as I was practicing. That was certainly a great benefit. They knew us; we were like a trio. I just never encountered that.

Judge Kretser: Judge Peters talked about little things, like bathroom accommodations. You must have encountered some of those problems in law school.

Judge Tobin:

In law school, I did encounter problems. The men had a huge, big lounge. The women had the ladies room with three lockers; one for each of us in each of the classes. There were three women when I graduated, the freshmen, the junior, and I was the senior. We laughed that off. The room was big enough for the three of us; and we weren't playing cards between class. That worked out all right.

Judge Kretser:

What about when you were in practice, and then when meeting at the Fort Orange Club, or the University Club?

Judge Tobin:

When I was on the Appellate Division Character and Fitness Committee, I did encounter discrimination, but it wasn't by the Office of Court Administration or by the committee; it was by the Fort Orange Club. The committee took us to lunch after the Character and Fitness meeting was over, and they smuggled me in the back door of the Fort Orange Club, and up the stairs. You take it as it comes.

Judge Kretser:

There were some instances I remember perfectly, and I know that you are the type of person who probably didn't let it bother you.

Judge Tobin:

No.

Judge Kretser:

But it wasn't right. Were you given maternity leave?

Judge Tobin:

Well, when I was pregnant, three times, I was always working for my father, so if I had any morning sickness or anything, I would call up and say, "Daddy, I'm going to be a little late this morning." I really was blessed with an easier environment for the practice of law than young women after me.

Judge Kretser:

Can you tell us more about how when you were pregnant, and you didn't want to show your pregnancy, and you wore a hatching jacket?

Judge Tobin:

It was a jacket, but it flared out, and you wore it over a skirt. The skirt had an expandable placket in the front, and the jacket just sat down over the top. We had them for all occasions. Mine, of course, were always very sedate and very dark. It worked out well.

Judge Kretser:

Have you ever encountered people saying when you were seven or eight months pregnant to stop working? Why are you continuing working?

Judge Tobin: No one ever questioned my being a lawyer. Maybe one or two lawyers downtown said, "Why don't you retire and go enjoy yourself. What are you still doing around here," or something like that. But that was rare."