

**THIRD JD GENDER FAIRNESS COMMITTEE
PIONEERING WOMEN IN THE LAW**

ORAL HISTORY PROJECT

John Caher: It is September 26th, 2018, and we are interviewing Carolyn George. First, when did you decide to go to law school?

Carolyn George: Actually, I was in my senior year of college and I was a French major, and I didn't know what I wanted to do afterwards. I knew I did not want to teach French. I went to college at Le Moyne in Syracuse and one of my friends was going over to Syracuse Law School to hear the new woman dean, speak, Judith Younger. She said, "Why don't you come along?" It'd be interesting to see a woman dean speak, so I went, a couple of us went over. I was just captivated. I thought her speech was empowering. I just thought she was a huge presence.

She looked like a real person and the tone, the message that she gave, was that even the average person, the average woman, could succeed in the practice of law, and I said, "That's it for me." That was my defining moment.

John Caher: You hadn't thought about it previously?

Carolyn George: I had not. I think generally as far as a career path, I wanted to do something where I had a profession. My dad was a civil engineer, and he held a license, and he worked in a firm, so I wanted to do something where I wasn't like a cog in a big company. I wanted to have a profession where if the bottom fell out, I could just open up my own shop, and run my own business, and be my own person.

John Caher: What was the environment like for a woman at SU in the late 70s?

Carolyn George: Well, it was about 25 percent women. What was interesting about Syracuse in particular is that it drew from, literally, Alaska and Hawaii. We had students from Alaska and Hawaii in our class, we had returning Vietnam vets, we had stay at home moms, we had nurses who were going back to school, so it was very diverse. The women were not particularly friendly. I think women were treated-

John Caher: To each other they weren't friendly?

Carolyn George: No, it was very hard to make friends. The friends that I had were either male, or they were college friends who were still in Syracuse, because I went to college in Syracuse. Women were ... The brilliant ones didn't want anything to do with you and the other ones were just, they were just not a good click personality wise. I'm not sure why.

John Caher: Was that a competitive thing?

Carolyn George: I think the idea of networking with other women wasn't really, people weren't accepting of that yet. I think it was, women can sometimes be competitive with one another, and I think no one wanted to give a hand down. They'd rather hope that someone gave them a hand up, and I think the idea of sharing an opportunity with another woman, that just wasn't accepted then. I think it was a much more competitive atmosphere.

John Caher: That's interesting. So, in law school, while you were in law school, did you develop any particular mentors?

Carolyn George: Well, unfortunately the dean, Judith Younger, left soon after, I think she was only there a year or so, but yeah, we had a professor, Travis Lewin, who's still at Syracuse. He was our evidence professor. He was just masterful and a wonderful-

Then towards my third year I took land use planning with, Robert Anderson, who was the leader in land use planning, wrote one of the major texts on it. I would say those two, Professor Lewin and Professor Anderson were. . .

Judge Kretser: Were there any women professors at the time?

Carolyn George: I just remember one. We had a criminal procedure professor, Patricia Hassett, who was very bright. She had obviously an LLM and she had studied, I think, in England as well, but she was not, again, not friendly. I would not say that she served as a role model at all. I can't think of any other women who were full professors at that time.

Judge Kretser: Yeah, I had one as well, and I was a contemporary of yours in my law school. Very rare.

John Caher: So then you got out of law school, is that when you went to the temporary commission on child welfare?

Carolyn George: Yes, and I sort of stumbled into that. Just knocking on doors, giving out resumes in downtown Syracuse, and a law firm there, Pinsky and Pliskin, the partner, Phil Pinsky, said I can't offer you a job with me, but I can offer you a position for the state, doing research on laws that affect

children. So, I was happy for that. I worked there for about a year and then I realized it was ... Well, first of all, the funding was drying up, and also, I wanted to get in the courtroom. I wanted to do other things and I felt that as much as it was a respected research position, it was too limiting.

As a lawyer, I always saw myself as a lawyer as being in the courtroom.

John Caher: So you left there and what brought you to Albany?

Carolyn George: Well actually, I'm from Westchester County, a small town called Valhalla, and my husband was from New Jersey. So, having spent many years in college and law school schlepping up to Syracuse from the down state area, we picked Albany as a middle ground. My uncle was one of the parole board commissioners who lived in Voorheesville, and he was my kids' favorite uncle and I felt, my college roommate was from Clifton Park, so we sort of picked it out as a place where we could make our way and wasn't too far for our families to come up and see us.

John Caher: What was the environment for a young woman lawyer in Albany at that time?

Carolyn George: Well, Pentak, Brown and Tobin was a great place to work. I had an inauspicious start. I overslept on my first day and I didn't have a car, so I had to take the bus. I strolled in at 20 after nine and I'm sure they thought I wasn't going to come at all. I lucked out by stepping on the elevator with senior partner Bill Pentak and I think Bill probably thought I'd just been down getting a coffee. He didn't think anything of it. I'd walked in with Bill, so no one could give me a hard time.

Judge Kretser: Were you the only woman at Pentak, Brown?

Carolyn George: I was the first in a hundred years of the firm. It was originally called Dugan, Lyons, Pentak, Brown and Tobin, and the original firm dated back a hundred years. Tom Brown was very persuasive and had a good way of dealing with people, and Tobin was brilliant on the law, and if you could somehow get between the two of them, you're doing okay.

They did have, we had another woman attorney who came along a few years after me, and I felt as an associate I was treated fairly. I think we all knew what each other were paid, our pay was similar, the men and the women. I don't think assignments were given out unfairly. One thing that did come up, is when I became pregnant and they had to establish a maternity policy.

John Caher: So they had never had to worry about it before?

Carolyn George: No, no, and they did that begrudgingly and it was a rather skimpy policy. Then I had a second baby when I worked there, and they gave a little bit more out, because by that time, 1987, it was becoming something employers had to offer. I left because I was offered a job at an insurance company, but then after I left six weeks later, they named someone else a partner, which I think they were sort of waiting for me to leave.

John Caher: Let's go back. What was the environment like? It sounds like the environment at Pentak Brown was as welcoming as it would have been for any neophyte lawyer. Is that accurate?

Carolyn George: Yeah, the standards were pretty much the same for men or women. When I was there during my first year, someone told me it was traditional for associates not to take a vacation the first year, to show your loyalty to the firm by forfeiting your vacation, and just working. There was also a lot of pressure, as in any private firm, to come in on the weekends, which I just didn't really want to do that. I knew who came in on Saturdays, and I'd come in on Sunday afternoon, and I'd review the notes they left for me and put them back on that partner's desk, so they'd know that I was there.

I got out of that because I felt that I did not want to give up my personal life for my job. I felt that there was no way I could be a successful lawyer, and raise two kids, and have a relationship with husband and family, with that hanging over my head. I just saw that as a black hole.

John Caher: Forfeiting vacation and coming in on weekends was expected of males and females?

Carolyn George: It was.

John Caher: Okay, so there was no discrimination issue there.

Carolyn George: No.

Judge Kretser: Did they have meetings at the Fort Orange Club with clients?

Carolyn George: I don't think, actually someone belonged to the University Club. But let's say if the partner decided to take associates for lunch, it wasn't that just the guys were taken, I think that, I thought that the women were treated fairly. But we were told partnerships were not going to happen for a while, then as soon as I left, somebody got moved up. So I-

Judge Kretser: A male got moved up?

Carolyn George: Correct, correct.

John Caher: What about the judges in the courts? What experiences do you have early on as an associate of Pentak Brown, in the courts?

Carolyn George: Well, as a young lawyer, particularly as a pregnant lawyer you were sort of an anomaly. I remember once being in a deposition and I was overdue and somebody said, "Well, make sure she takes the chair by the door!" So, I mean, good naturedly, and a few times people would say to me, "I'm sure we won't see you again, after the baby comes," assuming I was going to retire.

That would be from other lawyers. I don't think there was any either direct or indirect discrimination by judges. The only thing would be if a judge seemed to expect that you would have, you'd be available say, after hours. If you need to stay because we're working on a charge at a charge conference, or you need to do research, you were expected to get it done, whereas men would often have a spouse who could pick the kids up, or could just have some other person to help out, whereas if, you didn't want to say, "Well judge, I gotta leave by 5:30 to pick my kids up or I'm going to get fined." You really couldn't bring that up, because that just, it just shouldn't happen.

I felt you had to keep your personal life somewhat invisible. If you did that, you'd be treated pretty much okay, but don't try to say that you need to take your kids to a doctor's appointment, because that wouldn't go very well with the judge. That wasn't accepted. I think, I know later, it's accepted for men or women, but I think back then, you didn't really want to have too many womanly things that interfered with you doing your job.

John Caher: Now did you gravitate towards defense work because that's the work that was available, or because you were interested it?

Carolyn George: Well, in the beginning I think we just knocked on doors and took what-came along. I felt more ... I don't like people who don't take responsibility, and doing civil defense work, a lot of people have no case, they're blame shifting and that's a popular thing when you're trying the case, defending somebody, is to talk about taking responsibility for your own actions. I felt that probably morally and emotionally I was more tied into defense work than plaintiff's work. I do both now, but I think my natural inclination was towards defense work.

John Caher: Was it strictly state courts?

Carolyn George: We represented Amtrak and two of the commercial railroads, so we were in federal court regularly before Judge Foley in Federal District Court. So we regularly went to federal court as well as state court.

John Caher: Was the environment or the climate any different in federal court than it was in state court?

Carolyn George: No, I don't think so. I think, well, federal court, it just seems like a more important court in some ways, and I think the people were probably better behaved, or more professional. I can't think of a single instance where I was discriminated against in a federal court. I tried some cases there, I had many conferences, motions, I can't think of a single instance. Any instances in the state court, like I said, were somewhat subtle. They were indirect.

John Caher: Judge Foley, I think he was a Truman appointee, and by the time you came along, he was not a young man. He had come up in a completely different culture, different environment. How did he treat women from what you saw?

Carolyn George: I thought he treated everyone the same. I can only think of one woman judge I appeared in front of early, Judith Hillery, in Dutchess County, and she was in Supreme Court. I didn't have a trial with her, I had just a couple of conferences with her, but I wanted to see what she looked like or how she came across, because there weren't any women judges that I appeared in front of back then.

John Caher: Did you find the woman judges harder on you or easier on women? Or more demanding on women, less demanding on women?

Carolyn George: Well, Karen Peters stands out in my mind. When I first met her, I could see her as a friend and I thought she was fair. She found out that I worked out, she said, "Here's the number to my health club. If you're ever down in Kingston, tell them that you want to work out as my guest." I was really impressed with her. I think she's one of the finest judges I've ever had the pleasure of being in front of. She's a true trail blazer and I felt that she treated everybody fairly. She was a real pleasure to be in front of.

John Caher: Now you went from Pentak Brown, to Travelers Insurance, right?

Carolyn George: I did. I was home on maternity leave and I got a phone call from the staff counsel at Travelers asking if I wanted to work there. I just said, "No, I'm going back to work at Pentak, Brown, and Tobin." Then after I went back to work for a few weeks with two kids, I said, "I cannot do this." I followed up and ended up working there for eight years.

Travelers had great opportunities, trial trainings, schools that we went to, and we gave seminars, and I think women and men were treated pretty much the same there. I was the first woman and then while I was there, there weren't any additional women. I went to another insurance company

that did have more women. I was not the first woman at that insurance company, but I think that women at the insurance companies were treated pretty much evenly. I also had great bosses at both places.

John Caher: Now in Albany County, it was still somewhat of a rarity to see a woman in courts. We've touched on it a little bit of this, but what judges and practitioners, other than Karen Peters, stand out as particularly supportive of women in those days?

Carolyn George: Well, a real sweetheart was Judge Ed Conway, Ned Conway, he was just charming to everybody. He was a great guy, always had time to listen to you. I did have, I had a couple trials with Judge Kahn. I thought Kahn was a more modern man that could understand that women might have a professional job. There's a judge in Schenectady, Lynch, Robert Lynch, I tried quite a few cases with him. He was a great guy to work under. Again, no overt discrimination by any judges. Those are the three that stand out in my mind.

Judge Kretser: When did you start doing some criminal work?

Carolyn George: I got into criminal work, other than representing people I knew on minor transgressions, I remember being at the old Colonie courthouse when it was where the town hall is now, and that was probably in the 80s, early 90s. Then somewhere around-

Judge Kretser: I'm thinking of Clyne and Harris. Did you practice before them?

Carolyn George: No, no. But unfortunately, I was divorced, and I had my divorce in front of Harris, who can be notoriously unpredictable, and he was a class act. He said to me, "I look forward to seeing you again under better circumstances."

Judge Kretser: Nice.

Carolyn George: I thought that went above and beyond. I did get into criminal law because of the assigned counsel program. When I was in Ainsworth Sullivan between 2000 and 2005, someone told me about this program, and I thought well, it's a good way to learn the law. The client's already lost, he's been convicted, and you can only make it better. So, I would learn about a suppression hearing, or I'd learn about sentencing standards, or I'd learn about whatever it was, and I still do that today.

I started doing criminal law because I've looked at it from the appellate standpoint. I've had some successes there too. Probably most notably,

Marquis Dixon. I got someone off on a murder charge, which his mother was very happy about.

John Caher: So, you went from Travelers to One Beacon, and then Ainsworth Sullivan, and Hacker Murphy, and now Friedman Hirschen and Miller.

Carolyn George: Correct.

John Caher: Any difference in the way women are treated in any of those places? Or any evolution in the way women were treated, as you progressed through your career?

Carolyn George: I think just as our society as generally evolved to be more respectful of women, that just more came around. Where I am at Friedman Hirschen and Miller, we have one male attorney, two females. I think we're respected for what we do in terms of our pay and our assignments.

I can't think of any negative experiences. I guess in comparison, one of my very first depositions when I was with Pentak, Brown and Tobin, I lugged my bag up to the deposition room and then the other attorney walked in and said, "So where is your machine?" I said, "Excuse me?" After I indignantly convinced him that I was in fact a defense attorney, he said, "Well, then you go first. You question first." I said, "Thank you." You don't see that anymore.

Judge Kretser: Oh yes, I remember it well, and others have reported the same. You were always mistaken for the court reporter.

John Caher: You mentioned the divorce, and we found that with nearly all the women, pioneering women, that we've been interviewing, either they're single or divorced, and very few have children. Can you discuss the stresses and strains that a woman makes to become a successful lawyer, in a personal way?

Carolyn George: That's a very valid point. Because work is uncertain, I mean, now people are more respectful of things like flex time, but back then when you're expected to prepare for trial for the next day, you still have to juggle all the other things that you had to do, and I didn't have the benefit of family close by, and I didn't have a supportive former spouse, so it all fell on me. I spent a lot of late nights at the dining room table after the kids went to bed, preparing for trial the next day. You just sort of always hoped that it worked out.

You hoped that you get back from Poughkeepsie in time to pick your kids up. I had a small network of people I could count on, like if I couldn't get back, I could call somebody who would take my kids home and I'd get

them later, but you could only trust a few people, because you don't want to get the reputation of being unreliable. I'm glad I had kids, and I'm glad that it worked out that way, but as you started off in the field of law, women often would sort of step aside from being in private practice because of that reason.

They went to a more say, nine to five job, so they didn't have to do the juggling that we had to do. It was very difficult, I don't know how I got through it at times. I had kids that turned out just fine and I remarried 11 years ago, so I think it turned out just fine for me.

John Caher: You were well into your career, well, five or six years, when for the first time in history, we have a woman on the Court of Appeals, Judith Kaye, of course, and 15 years into it when Karen Peters, as you mentioned earlier, is the first woman from the Third Department on the Appellate Division. What did those events mean to you, if anything? Judith Kaye. Karen Peters.

Carolyn George: Well, I've argued in every Appellate Division and in the Court of Appeals once, and whenever I remember appearing in front of Judge Mikoll in Third Department, and when I would argue in the Appellate Division, I always felt pleased and I sort of pitched my arguments at the female judge. When I argued in the Court of Appeals, I believe there were two, I think Judge Read was there as well. I of course gravitated towards them when I was making an argument. I thought they would understand me better as a kindred spirit.

I think there still is a shortage of women judges and again, it's hard to be good at everything. If you want to raise a family, it may preclude you from spending the time on the career track or becoming a judge. I think there still is a glass ceiling. Sometimes I'm not sure how much the needle has moved. I know there have been all women law firms around here, and I don't know that they're as successful as firms with men.

I mean, just as an aside, we realize at our firm that our boss, who's male, he'll get more money when he settles the case than we will. If we go down to settle the case, they won't pay us as much money as when he goes to settle the case. We know that. We share as partners in the overall profits of the firm, so we don't mind that, but we know in many instances that his name will bring the money that ours don't. It's not due to ability, it's because he's a man.

John Caher: Is he better known?

Carolyn George: He has a great reputation. He's a wonderful person to learn from. He's not a show boater. He's very quiet and reserved, and yeah, he is well known.

Is he a great trial lawyer? Probably a better trial lawyer than me, but we also know that if he goes down to settle the case, they'll probably pay him more money than they will us, even in 2018.

John Caher: Getting back to that question, that was when the moment when Judith Kaye got appointed, is that memorable? Do you remember that moment? Can you share?

Carolyn George: Yes, I've met her a couple times. I met her at State Bar functions, and I thought she was just a lovely woman, warm and friendly, terrific writer. I do remember when she was appointed, it was kind of a big deal. It reminded me of when Judith Younger became the dean of Syracuse Law School, it was a big deal, a very big deal, late in coming.

John Caher: Same with Karen Peters?

Carolyn George: Yes. I didn't know of her because I didn't practice in family law. I didn't know of her background. I did have one of her first trials, and many, many times argued in the Appellate Division in front of her, and I was always so impressed with her. I had tears in my eyes when she had her retirement party, when her son was there. It was just a wonderful moment.

John Caher: What should future generations know about what it was like to be a woman lawyer in the 70s and early 80s, and on? What advice do you have for them?

Carolyn George: I think back then we had to quietly break trails. I always felt that, personally, one of my strengths was just being likable. I may not be the smartest person in the room, but I think I'm pretty likable, and I think I can get along with people pretty well, and I can get the job done. As a lawyer, a lot of times people just hire us to take care of a problem.

I think back then, we wanted to be respected as lawyers without trying to be offensive, and I think today, that's still a good approach, but I think today you can feel more comfortable networking. You can call up a colleague, a woman, you can help another woman without it taking away from yourself, whereas I think back then it was much more competitive.

My clock is always on all day long. It's a terrific profession and you can have a lot of success and make some money at it. As far as advice for today, I guess just keep plugging. Don't let it deter you. There's room for women now, of different types and diversity, that there wasn't back then.

John Caher: I'd like to revisit something that you mentioned a moment ago and when we first started about the networking, and how it was kind of non-existent in law school, and became much more so now. I would have actually kind of thought it would be the opposite, because networking would have seemed so much more vital in the 70s than now. Why do you think that has changed?

Carolyn George: I think there's more women, I think there's just more women and I think networking is the way to go. Back then is if you knew something, you hung onto it yourself. People really didn't work in blocks.

Judge Kretser: They didn't have a women's law caucus?

Carolyn George: They did, it was just not well received, and not all women belonged. There was no incentive or pressure to join women's groups. I don't think people saw benefit in that.

John Caher: Do you think women are more likely to refer cases to other women?

Carolyn George: That's a good question. When I refer a case to somebody, I don't necessarily pick the attorney based on male or female.

John Caher: You want to give them a good lawyer.

Carolyn George: Correct. Right. I always try to give two choices though.

John Caher: What have I forgotten?

Judge Kretser: I can't think of anything you forgot, but following up on the style, you have a style. You're easy to work with, and I wonder if you thought that by being aggressive as a woman, that might have been received poorly.

Carolyn George: Yeah, my personality doesn't really do aggressive, and I think that's probably something that doesn't ... I don't work well in that. I can be persuasive, but I'm not aggressive, and I'm not combative. I think I'm more conciliatory or let's just find a way to solve this.

Judge Kretser: That's something that often people say women bring to a situation, they're more conciliatory and bring people together. There was I think, a perception that aggressive, it was a negative perception of aggressive women-

Carolyn George: I think we make good mediators. I think women make good mediators or arbitrators, because we can find solutions. Even something as simple as a real estate closing, people can sit there with their arms folded and say, well, it's my way or the highway, but you-

John Caher: Or you could solve the problem.

Carolyn George: You just basically negotiate an outcome, because that's what you have to do. You can fold up your file and go back, but your client's going to sit there, say, "Well, how come we didn't close?" You can't lose your temper. You have to find a way to get the job done, it's what they hired you to do.

Judge Kretser I think that men are often hampered by their testosterone. They can't help themselves. It's just part of this, just something within them, so they're combative and maybe it helps them in a trial, but certainly not in the arbitration, mediation context.

Carolyn George: I was fortunate to learn from people who taught me how to settle a case, how to make demands, and how to respond. I had great people, and actually the people I'm thinking of are all male, because there weren't any women before me, but I had good models. I was fortunate to learn with people who saw the big picture and see that our job is to solve problems and get it done.

No one's going to pay you just to flaunt your big ego. They're paying you to get a job done. I try to see it as what would I want if I was the client, and I try to put myself in the client's shoes. Maybe today I'm a personal injury plaintiff, and then maybe tomorrow I'm defending a municipality, so you have to look at it, what would the client want.

Judge Kretser: So is there anything we've missed that you'd like to bring out?

Carolyn George: I was up in Plattsburgh one time, going to a settlement conference. I walk in and I find where the lawyer's room is. I walk in, I say I'm looking for my adversary. First man I talk to said, "Hey so and so, there's a gal lawyer here looking for you." I'm like, okay. I knew I was in the old boy's club, because I noticed that they were all drinking out of ceramic coffee cups. They had their own cups and I didn't have a cup, and I was an outsider, and I was a "gal lawyer."

I was a little bit miffed, but then I got over it, because it wasn't about me. It's about the client. That's probably about as bad as it ever got, being called a "gal lawyer." No one ever criticized my clothing or said anything sexist to me. That was inappropriate, but that's about as much as I've ever experienced.

Judge Kretser: You were fortunate.

Carolyn George: I was. I've had a very lucky career.

Judge Kretser: Now when you met with clients and the firm had this agreement, or this membership at the University Club, did you have any problems just walking in with a client on your own?

Carolyn George: No, and the only time we went there was a firm function, like a Christmas party or something like that. I was not a partner until my current job, so I didn't have the opportunity to interview clients down there.

Judge Kretser: I remember being smuggled in the back door at the Fort Orange Club by people, and then I decided ... that was before we decided we weren't going to go to the Fort Orange Club until they changed their policy.

Carolyn George: We had a case come up some years ago, my current job, where it was a labor law case, and I was talking to the claim rep from Buffalo about the trial and he said, "Well we expected so and so to try the case." I said, "Well, he's asked me to try it." He goes, "But we wanted a man trying the case." The claim rep tried to indicate that they only chose our firm because this particular lawyer was going to try the case.

Anyway, I did meet with the fellow, he did come out to the trial, and you know what, I got a no cause. He was pleased with that, but I was just kind of surprised that this late in the game somebody would say, "But we expected a man to try the case." I was like, really? That's sort of old fashioned. Nobody thinks that way anymore. They shouldn't think that way ever, but I was just surprised that somebody would come out with that in this day and age.