

Promoting Diversity in the Court System: Hon. Juliet Howard and Norma Jennings, 6/3/21

John Caher: Welcome to Amici, News and Insight from the New York Courts. I'm John Caher. In this Pride Month Diversity Dialogue segment, we have two very special guests—Housing Court judges Norma Jennings and Juliet Howard. Judges Howard and Jennings are believed to be the first married same-sex couple appointed to the same court in New York.

The judges are both African American. They were both raised by single mothers. They both worked for the Legal Aid Society's civil division, where they were involved in housing issues and where they met. They raised two sons together. And earlier this year, when Judge Howard was appointed to Housing Court, she joined her spouse who was appointed two years earlier. Judge Jennings, Judge Howard, thank you so much for coming on the program.

Just a couple of decades ago, the idea that two women could get married, raise a family, live openly, and secure career appointments to the bench would have been pretty much unimaginable, unthinkable. Thirty years ago, could you even imagine this would be your life?

Judge Howard: Let's see, could I imagine this would be our life? I think that we've always been sort of hopeful for these kind of opportunities. We've been together almost 30 years, so definitely two women can be together, have a family. Obviously, we got married later because it wasn't legal back then. We've been together 27 years.

It's wonderful to see that there are these changes happening. It's probably not something I necessarily visualized all those years ago, but something that I think I was hopeful about in society, that these kinds of changes could come about.

John Caher: It seemed like for a long time, there was very, very, very incremental progress, maybe a few steps back. And then kind of all of a sudden there were a few big steps forward.

Judge Jennings: It was. And just to feed off what Juliet said, I think we've sort of always seen ourselves as groundbreakers because we were one of the first couples that we know who actually had children. And then all our friends started having children and now more families who are same-sex couples are having children. It's not thought about the way it was 27 years ago when we had children.

So there has been a lot of progress. Unfortunately, in the last few years there's been some steps backwards, but hopefully we're going to have some more movement in a positive way, in a positive trend. I'm hopeful with that.

John Caher: Judge Howard, tell me a little bit about your background, if you would. Where do you come from? Who were your really role models? Why did you decide to go to law school?

Judge Howard: Sure. I grew up in Sugar Hill, Harlem, and I was raised by my mom, who was a single mom, and also my grandmother, who helped my mother out. And so, a very small family there. We're each only children. I was an only child, my mom was, so was my grandmother. So those were definitely my strong role models, the matriarchs, as I like to refer to them. Very strong Black women who encouraged me. The highest degree my mom had gotten was high school, but she always did encourage me to go to school.

So, education was something that was very, very important in my family. One of the reasons I wanted to go to law school, I think, also had to do with them. They both sacrificed so much because they wanted me to have these opportunities in terms of going to college. They knew that I wanted to be a lawyer for a while. I knew early on that I wanted to serve the public.

Even in law school, I was very much a public interest person. All of my internships and all my fellowships were very much geared towards working with community, giving back to community. And so, I certainly think that being on the bench is an extension of that, of serving the public. That's a little bit about me in a nutshell.

John Caher: That's great. Judge Jennings, same thing. What's your story?

Judge Jennings: I'm completely opposite of Juliet. I am the youngest of seven children. I was born in the projects, a housing project was in Paterson, New Jersey. My role model has always been my mother. She came up from the South. She migrated north. She was born in Georgia. She didn't have an opportunity to get an education, so it was important to her for us to get an education.

I'm the only one in my family who graduated from college and went on to law school. I didn't have a role model around me who was in the law or was a lawyer, not when I was younger. It happened when I got older, when I went to college. I saw people who looked like me, who were

lawyers. And then I always wanted to be a lawyer, but did not think that I could be because of my background, where I came from. I didn't have people who looked like me who were lawyers. Like I said, only when I went to college did I see people who look like me, who were lawyers and who really encouraged me to go to law school. That's how it happened. But my role model has always been my mom.

John Caher: That's interesting that you both had very strong maternal female role models. Now, Judge Jennings, why law? I mean, why not dentistry or accounting? What brought you to love the law?

Judge Jennings: I thought for a split minute about being a doctor, but then realized that I could not stand the sight of blood, so that was out. I've always been interested in history and the law and politics and how this all works within the community, so I decided to become a lawyer. I have no regrets. I still can't stand the sight of blood!

Judge Howard: Good move, good move.

John Caher: So maybe you shouldn't be a criminal lawyer, I guess, right?

Judge Jennings: No, no, no.

Judge Howard: No, definitely not!

John Caher: You two met about 30 years ago with Legal Aid Society. Were you open about your relationship from the beginning?

Judge Jennings: Yes.

Judge Howard: Absolutely, yes. I was already out. I've been out since I was about 18. I came out when I was at Barnard at college. So, yes, we were absolutely out from the very beginning when we even first started dating.

John Caher: Thirty years ago, of course, that was before the Supreme Court decision. Any sort of pushback? Any sort of negative response? Or were you reasonably well accepted 30 years ago?

Judge Howard: Well, I'm thinking about us. We've been together 27 years, and our oldest son will soon be 24. I would say for me, the thing I remember as the pushback was having a child and having folks in school not necessarily acknowledge that we were both moms. They would assume one was the stepmother. They just couldn't wrap their heads around the fact that our son had two mothers. That's something that I think I definitely

remember, and that felt like that went on for a while. Our son was actually a really big advocate for us starting in preschool. I remember that.

John Caher: What do you mean?

Judge Howard: I mean, having to tell other kids who would say, "You can't have two moms." And he would say, "There are all kind of families." So, I remember very early on, he would talk about the different configurations of family because we would talk about that. It was something that was openly discussed in our family.

Judge Jennings: I think for us it was important to be out because if you're hiding, what does that tell your children? Does that tell your children that your family is somehow different, somehow not normal? I think it was very important for us to show our children that their family was just like any other family, that some people had a mom and a dad, some people only had a mom, some people had two dads. I think for us, it was really important to be out so our children could understand that their family was just like everybody else's family.

John Caher: What a great answer. Now, Judge Jennings, when you decided to pursue a judgeship, you went for Housing Court. Why a Housing Court, Judge?

Judge Jennings: Well, I've been doing housing for quite some time. We both were court attorneys for a long time before we decided to put in our applications to become a Housing Court judge. I think it was 1999 when I did my first application. And then I didn't do it again because I wanted to be involved in raising our sons., I decided now that they're older and they really don't need us as much our youngest is now a junior in high school, they're independent, so I can focus on my job now. That's what I wanted to do, make sure I had the time and the dedication to focus on being a judge and just not running from one child event to another. We've been at every class trip, everything. It was just very important for me to be there.

John Caher: I understand. I understand very much. Judge Howard, how long had you thought about becoming a judge? And why did you follow your partner's path into that court rather than any other court?

Judge Howard: Very similar. I mean, we both had worked in housing. When we met, we were actually doing housing at Legal Aid. And as a court attorney, I also worked in Housing Court for many years. It was the thing that I probably felt most comfortable with. That was one of the reasons why. Also, like Norma, I had tried many years ago, but then we decided together to sort

of focus on our family, focus on our sons. I'm really grateful that we did because I think we had a lot of quality time that was important for us.

We weren't going to apply together. She applied first and she got it and she was just really encouraging. I was a little bit on the fence. It's something I wanted, but I wasn't sure that I was going to really pursue it. She really encouraged me. She really has always been one of my biggest supporters. So, she applied one year and I applied the next year. And then we had the pandemic, but I was appointed to the bench the next time they had an opening earlier this year.

John Caher: How does your background manifest itself in what you do as a judge? Is diversity just a matter of ethnic religious sexual pride or does it have a tangible impact on the justice system?

Judge Jennings: I think diversity is very important. I'll go back to the question before, and then I'll answer that one. I always thought a interesting word was "following." I don't think we "followed" each other. I think we decided to go at separate times because, obviously, we would knock each other out maybe if we applied at the same time. So I don't know if "follow" is appropriate word. I think you just have to realize what's the time when it's appropriate time to apply. So that's my response to that question.

But I think diversity is very important, especially in Housing Court because the majority of people that we see are people of color. Where I come from, I think I understand the issues that many people face who come to Housing Court. Do I pay the rent or do I put food on the table for my children? Do I pay the rent or do I let the lights get cut off? So, I think with my background, I understand that.

I also understand, because we're here, we're impartial, I understand the opposite side from the landlord, especially a small landlord who has that house and is trying to hold onto that house that may have been in the family for generations and just trying to hold onto it as best as they can. So, I understand both sides. We're not supposed to be political, but just understanding the background of many of the people who come into the courthouses, I think is important.

John Caher: Judge Howard, what's your take on that?

Judge Howard: I definitely concur that diversity is important, to answer that part of your question, diversity and all aspects. I do think about the fact that a majority of litigants in Housing Court are often people of color. So, I think it's important to be able to see people of color reflected on the bench.

And of course, as someone who's out as a lesbian, a queer person, I think that's also important to have diversity in all of those aspects.

In my prior job certainly as a court attorney, I was impartial already in that role. It is also important to bring that expertise about being able to listen. I think that's really an important part about being a judge as well, having each side have their day in court and be able to be heard no matter what the ruling might be from the court. That's also something that's important to bring to this position.

John Caher: There've been a number of seminal opinions in the last five or 10 years. Are we where we ought to be legally? I know there are social changes that take place, but are there legal barriers still to be broken in LGBTQ litigation?

Judge Jennings: That's a touchy one, but I think we obviously have to have more understanding of the transgender community, and when the transgender community comes into the courthouse, respecting them and respecting their identify and speaking to them in the pronoun that they're more comfortable with or that they want. I think that's always, not always, but it's been an issue for some time with the court.

I think not only in Housing Court, but within the country we have to have more understanding of the transgender community. You see these recent, not only court decisions, but legislation in some states that are banning transgender athletes. I think we have a long way to go with the transgender community and allowing them to have their voice and have their voice be heard.

Judge Howard: Absolutely. I would definitely concur with that. I think there's a long way to go. And even in the LGBTQIA community, I mean, we're always glad to see a lot of the changes, to have rights expanded. And I think there's still even room for that, more expansion of our rights.

Judge Jennings: Like I said, the last few years, we've gone backwards on a lot of state legislation with the LGBTQIA community. I'm hoping with the changes we can change and progress where we were, at least back to where we were.

Judge Howard: Right. At least move forward, to try and recover from some of the steps backwards that we've taken in recent years, which again, has impacted us.

John Caher: Just the example that you two set must be a wonderful inspiration for young people who can look out and see you. And when you were their age, you could not look forward and see you.

Judge Howard: That's right, absolutely. Absolutely. That's the reason why we love the opportunity to be able to just be represented and talk and be ourselves and say, "Yes, we are out. We're out, we're queer. You can, too. You can pursue whatever your dreams are." Because you're right, I think part of it is maybe all those years ago that we weren't necessarily told that we could dream that big, that we could have these kind of goals. Is that something that could really be realistic for us?

Judge Howard: And so, to let folks, not just young people, of all ages, know that you can pursue that, because it could be any point in your life where you sort of feel stuck by what you think society expects you to do.

John Caher: What you just said, I think, is the theme of the whole program. "You can dream this big!"

Judge Howard: That's right.

Judge Jennings: Right. We thank you for the opportunity to come out and speak because there are people within the court system who still don't feel comfortable coming out. So we're hoping to, like you said, to set examples where they'll feel comfortable being themselves.

Judge Howard: Absolutely. Absolutely.

John Caher: I hope so. Judge Howard, Judge Jennings, thank you so much for coming on the program. And thank you for your service.