

**Former Albany County Surrogate Cathryn M. Doyle  
(12-05-2016)**

John Caher: For the purposes of our record, it is December 5th, 2016 and we're talking with Judge Cathryn Doyle. Thanks for doing this with us. What made you decide to pursue a legal career in the first place?

Cathryn Doyle: Back in the early 70's, the big movie was *The Paper Chase*. I, like most of my friends, went out to see *The Paper Chase* one day shortly before graduation and I said to myself, "Major in English. Minors in music and philosophy. . . I wonder what I'm going to do for a job?" Then I thought, "Lawyers need to write. I can try law school," so I went to law school.

John Caher: Who are your role models?

Cathryn Doyle: Who are my role models? Back then, hard to say. Now, I can tell you in terms of women in the courts, there weren't any so it was hard to find a role model. I did, however, get to meet Ruth Miner before she passed away. Ruth Miner was the first woman, I believe, admitted in the Third Department. She lived in a big, old mansion out in Slingerlands. She was, I think, one of the first female graduates of Albany Law School. I had the privilege of meeting her before she passed away. She was a good inspiration for me. I also got to meet Penny Noonan, better known as Polly Rutnik. She was an attorney at the time. She just was outgoing and friendly and interested in helping people and she was a big inspiration also.

John Caher: Did they give you any warning about pursuing what at that time was a primarily male profession?

Cathryn Doyle: I don't think that ever even occurred to me. I was raised in a household where there was no difference between the boys and the girls. My father's attitude was, "Get yourself an education and learn what to do with it." It never occurred to me until I got to law school that there was actually a difference between boys and girls in terms of career.

John Caher: What was the environment like at Albany Law School in the early 70's. There couldn't have been many women then.

Cathryn Doyle: No. In fact, I was the class behind Judge Graffeo. She had very few women. We had slightly more, but we were still a tiny minority. Back

then, we had mandatory attendance and mandatory seating. Professor Anderson taught constitutional law. I don't think he cared for the concept of women in classrooms and he would lock the door as soon as the class began, which was a problem for the female students because, at the time, the only bathroom was the one by Helen Wilkinson, who by herself ran the entire school. I think she's now been replaced by about 60 administrators. It was her bathroom so if you had to go to a class in the east or west wing, you'd never make it on time. We had to run over to Albany Med to use the bathroom, and if traffic was bad on New Scotland Road, you were late for class and locked out.

Interestingly, halfway through freshman year they realized they needed to build a ladies' room. During Christmas break, they installed a three or four stall ladies' room on the second floor of the main building off one of the lounges and it was a huge success. Everybody was thrilled. It was open for about a week and they closed it and no one could figure out why. As it turned out, one of my female classmates announced that they had used federal funding and failed to put in a handicap stall so they closed the bathroom for the rest of the school year. At the time, there were no females who needed the handicap stall, but I guess it was all about principle.

John Caher: You've spent pretty much your entire career in Surrogate Court, including 20 years as a chief clerk, I think. I was looking at some statistics about women in the bench in the area and it seems the Surrogate Court, at least in this region, is where women have made the most gains. At the moment, about 67 percent of the surrogates are women, 60 percent Family Court. A whole lot less than the other courts. Why is that? Why do you think women gravitated to those areas, or did they, and why is it still that way?

Cathryn Doyle: Not unlike the reason I went to law school, I think women tend to find more satisfaction in writing, in research, more complicated matters. I may sound prejudiced, but I think women like to take on the longer projects whereas a lot of the men like to go in for the quick flashy stuff, the criminal courts, and all that. I think that it has to do with personality. I think women are more suited towards the long, more complicated things and that's what you have in Surrogate Court.

John Caher: Did you encounter any gender bias in your early career in the courts?

Cathryn Doyle: Yes, and in weird places. When I was still in law school, I was a clerk in the county attorney's office and although I'm five foot eight, I was known as "the little girl" back then. One of the Supreme Court judges continually

referred to me as “little girl,” including when I was in the courtroom. I had been provisionally admitted before getting bar results because I worked for a government agency and I was representing the county. The judge referred to me once again as “little girl.” Another woman in the courtroom got really offended and stood up and started yelling at the judge. I never took offense because I knew that judge and he treated me with more respect than almost anyone else in the building. “Little girl” was a term of endearment to him that he meant no disrespect by.

I knew some other judges, some of the young, more stallion-like judges, who really resented having a female in the building, especially at the time I was in county attorney's office. That was a male bastion. I was the first assistant and the first female to be hired as the first assistant. I've worked in the county courthouse in Albany since 1975 so I'm sort of a dinosaur. The people you wouldn't expect to be prejudiced and the people who you would have thought would be prejudiced were the most gracious ones around.

John Caher: How did that resentment manifest itself?

Cathryn Doyle: Being called last on the calendar. It wasn't so bad when I was an attorney and it wasn't so bad when I was chief clerk. I first noticed it when I became a judge, quite frankly. There was deep resentment of females in the building. Some of the judges would walk around and say things to your face. "Why don't you go home and make some babies and stay where you belong?" I had a sitting judge say that to me once and it was quite disturbing, especially since up until that time I had seen very little prejudice against women.

John Caher: A sitting judge said *that* to another sitting judge?

Cathryn Doyle: A sitting judge said *that* to a sitting judge. I also had a sitting judge say to me—I had asked for something and he was in a position to decide whether it was going to happen or not. His answer to me was if I learned to ask a question more like a woman, I might get a better answer. I left the room. I didn't get what I asked for and I never forgot it.

John Caher: What about sexual harassment in the courthouse?

Cathryn Doyle: Not prevalent, isolated. My career, as I said, started in the courthouse in '75, very few women. By the time I left the courthouse, I think there were more female attorneys than there were male attorneys. Sexual harassment I did see, especially with the younger girls, younger women who came in not expecting it. I think in my generation you might have

expected it more. I think the younger women were not accustomed to it and I think some of the other attorneys, especially the older ones, would hit on them all the time. Inappropriate, but usually they were fairly well quickly put in their place.

John Caher: You must have endured that yourself personally.

Cathryn Doyle: I think I was always one of the guys, although when we had the softball teams in the courthouse back in the 70's, they definitely knew I was a girl because we wore shorts for the softball team. No one ever actually acted inappropriately. I think I saw more of it as more women came into the field than when there were just a few of us. I think when there were just a few of us, the men were more circumspect about how they behaved. I've had this theory that as women became more prominent in the field, men resented them more. I think when we were a novelty, we weren't seen as a threat. When there became more of us, we suddenly became threatening.

John Caher: Do I recall an incident that you may have told me about, and we don't need to mention the name of the judge, which I would put in the category of physical harassment?

Cathryn Doyle: Yes. There was a judge in the area who very much was into physical harassment, not just with me but I saw him doing it with some female defendants. Definitely was hitting on the attorneys all the time. A lot of them felt pressured to go out with him, which was kind of interesting because I'm pretty sure he was married at the time. You'd see him out in bars with some female attorneys but you'd talk to them afterwards and they're like, "I didn't know what to do. I felt I had to go out. I felt intimidated," and they'd go out and have a drink and then desperately try and get someone else from the firm to cover the case the next time it was before him.

John Caher: I imagine at the time there wasn't much you could do about it. Now you can complain to the Third Judicial District Gender Fairness Committee, or whoever. You can do something about it. What were your remedies then? What could you possibly do in that time to combat that?

Cathryn Doyle: There were no remedies if you were being harassed. Frequently, the person who was doing the harassing was probably the only person you could be complaining to so it would have been cutting your nose off. It would have gotten you nowhere except maybe more harassment.

John Caher: How did you position yourself to become the first woman surrogate in this seven county region?

Cathryn Doyle: I had the fortune of working for almost 21 years for Judge Marinelli, who was old school. I thought he was a dear man. Some people thought he was a curmudgeon. That was a minority of people, but he had three daughters that he put through school and wanted them to be professionals so he was very sensitive towards women in any profession. He had one daughter who had gone into labor management, another daughter went to law school, another daughter actually wound up working for Steven Spielberg in Hollywood doing pretty high-end production work, so he was conscious of females. His wife was a professional. She had graduated Cornell back when few women graduated from there. He was very sensitive towards women professionals and he pretty much mentored me. When he hit mandatory retirement and his position came open, he encouraged me to run for the position because I'd worked there 21 years and there wasn't much I didn't know and understand.

John Caher: You kind of answered this before and I want to go over it again. When you took office, you were already very well known in the bar and probably as well known as the surrogate himself at that point. Other than the normal deference that attorneys and others show judges and sometimes neglect to show clerks, were you treated any different by attorneys?

Cathryn Doyle: No, but I can tell you a funny story about being treated differently.

I had been elected and it was December so I hadn't taken on the role of judge yet. It was my last month as chief clerk. We had a huge case that had been going on for many months, involved a very wealthy woman in Albany who was lonely and wrote a new will every six months, naming a different attorney as executor and dividing her pretty sizable estate among different charities and a different percentage in each will. The charities got into a big fight and most of the attorneys for the charities were out of New York City.

Some big shot attorney from one of the big firms in New York walked into a conference. There's probably 30 people sitting in the room. He came in and he says, "Where is the judge?" I said, "He's not here today."

It was a scheduling conference. I said, "He asked me to sit in for him and work out a schedule," and he says, "Listen, hon." He goes, "You let me

know when the judge is here because I don't have time for clerks," and he left.

Of course, two weeks later I got sworn in and the next appointment he was at, he came in and he saw me sitting on the bench. He goes, "When's the judge showing up?" I said, "She's here already."

I thought the guy was going to have a heart attack. He did okay in the case, but he didn't take it well.

John Caher: That's a great story. Did you win the contested election? I don't remember. Was it 2001?

Cathryn Doyle: It was contested behind the scenes. There were two very prominent attorneys, one of whom is now a well-placed judge, who were both told by different factions of the Democratic Party they were the candidate.

One of them came in and told me he couldn't wait to get elected because the first thing he was going to do was get rid of me because he couldn't have a woman around who knew more than he did. That upset me because my career plan was to be the 50-year clerk of the Surrogate Court. Having a judge come in telling me I wasn't going to be there anymore was not sitting well with me. That's when I got the idea to run.

Judge Marinelli encouraged me, and there was a major behind-the-scenes war for the Democratic nomination. There never was a primary because prior to the primary, the Republican Party and the Conservative Party announced that they were going to back me. We never even had a primary. I wound up getting endorsed by all the parties.

John Caher: You left the bench in 2014. How were things different for women then than when you came on in 2001?

Cathryn Doyle: Things had improved for women on the bench. I think there was less of a sense of having to battle everything to get fair treatment. I think there was much more acceptance of women on the bench. The one thing I have noticed from 2001 through 2014—actually from 1975 to 2014—is that judges seem to have less autonomy, less power in their own courts. I think it's the same thing that's happened to the medical field. As I like to call them, the bean counters have taken over the running of the courts and the medical practices. I think I'd like to see judges have more autonomy and more power to run their own courtrooms.

John Caher: Gender-wise is it different?

Cathryn Doyle: Much more acceptance of female judges, especially among the attorneys and, quite frankly, among litigants also. I know when I first got on the bench, occasionally you'd hear people complaining they wanted a real judge.

We had a case where the less than bereaved widow came in to fight the children from the earlier marriages. She walked in and said she didn't want a woman judge because no woman would understand what she'd been through. She needed a man. I think she was looking for an older man because I think that was her approach through life. She apparently had a history of marrying older men who suddenly died shortly thereafter. I think she was looking for an older male judge. She made a motion to have me removed from the case on the grounds I was a female. Surprisingly, I denied it.

John Caher: What should the current generation of women lawyers or the people coming up, the younger generation, what should they know about the path that's been blazed for them by a lot of people, by you, by Judith Kaye, by Karen Peters—by a lot of people who have mowed the lawn down somewhat?

Cathryn Doyle: I think they should be aware that it was a difficult fight. I remember when Judge Kaye first got on the Court of Appeals. There was shock and horror. I was working in Albany at the time and there was shock and horror all over the place that this was the end of Western civilization.

I think the lessons that need to be learned from the past are that if you treat everyone with respect and dignity, and expect to be treated the same way, it usually happens.