

Former Ulster County Surrogate Mary Work January 24, 2017

Dolores Bolden: Good afternoon, Judge. I'm Dolores Bolden.

Judge Work: Good afternoon.

Dolores Bolden: Thank you so much for your time today, appreciate it. What did inspire you to become a lawyer in the first place?

Judge Work: I always liked to argue. I'm one of four children. I had three brothers, so I grew up arguing, or debating, I guess. Then, in high school, I debated and enjoyed it. I was unsure as to whether I wanted to be a lawyer or a social worker. I took, I remember, Constitutional Law. That really inspired me, but I still hadn't made up my mind.

I took the law boards and I got all my recommendations in my senior year in college and I worked for the Department of Social Services in Bedford-Stuyvesant for a year. After that, I decided I didn't want to be a social worker. I felt very frustrated. I couldn't really help people in the way I wanted to. I thought that I could do more as a lawyer. So, that was my path.

Dolores Bolden: Thank you. Who were the role models who inspired you to be a judge and also a lawyer, as well?

Judge Work: To go to law school, probably teachers that I had in high school and some of my professors, in college particularly, the one who taught me constitutional law, that was an inspiration. I spent a year my junior year at the University of St. Andrews in Scotland. There was an American professor there who transferred from the Midwest and I remember talking to him about it. He was so incredibly encouraging. I had this stereotype that he was going to be conservative and not approve of women, but quite the reverse. He encouraged me, as well, to go.

Role models as a judge, in law school, my evidence professor was Irving Younger. He's a great evidence professor. He was terrific on that, but he was also a civil court judge. I recollect him talking to us about how you behave in court and how the judge should behave in court and no one sits when they're making an objection and you don't make long objections. I learned so much from him in appreciation of the importance of formality in the court. He was, of course, in the civil court in New York

City, where if you didn't maintain some formality, it was going to be chaos. I recollect him, particularly, as a role model. I could go into once I finished law school and-

Dolores Bolden: Yes, please, and also women role models as well, too, if there's any as well.

Judge Work: Right, yeah. Sure, of course. I practiced law in Legal Services in the Bronx and there were six of us hired at the same time, three women and three men. There was one, she was my age, but particularly a role model at that point, because she was from Puerto Rico and she spoke Spanish and English. We would go into court, then she would go, "da, da, da" in Spanish to her client and then in English. She was just amazing to watch.

There were three of us. There were one or two judges in the Family Court in Manhattan who were an inspiration. One of them, I recall talking to us about how she was dealing with her children — taking her kids shopping in the shopping cart — as well as the bench. I'm thinking to myself, "This can be done." I just recall her being a particularly inspiring person.

We moved up to Ulster County and I had heard about Judge Peters. Her reputation was that she was very tough. I remember going in, having been in the Bronx Family Court and the Manhattan Family Court or the New York County Family Court for a number of years and thinking, "Oh, my gosh, this woman is smart. This woman listens and she's fair. She doesn't brook much nonsense," which was fine. I would certainly say that, as a role model for a judge, it was Karen Peters, walking into her courtroom and seeing that.

Dolores Bolden: Yes, ma'am. Okay, thank you so much. You attended law school in the late 1960s and the early 1970s. What was the law school environment like for women at that point?

Judge Work: All right, I graduated from college in '68, started in '69 there, because I worked that year. NYU started admitting women in 1890. You] have to understand their history. They had been admitting women into their own law school longer than any other law school, I believe.

There was what I would call a critical mass of women in my class. There were enough women so you didn't feel awkward or alone at all. It was probably atypical, because I've talked to other women who went to law school elsewhere at that time and it was quite different, but I did not feel it there.

I don't know if this is the time for this, but I just have to tell this story about NYU. Shortly after I became a family court judge in 1990, I got invited and Judge Peters got invited, Judge [Elaine] Slobod, who was an Orange County judge, and Judge [Judith] Kaye all were invited to come down to NYU to celebrate 100 years of women in the judiciary at New York University.

There's a story in this that I just love. I hadn't been there that long and my secretary wrote the letter to say that we were both coming and enclosed were our photos, because they wanted photos of both of us, "Enclosed, please find a photograph of Judge Peters, Judge Work, the class of," whatever. Karen looked at the letter and she said, "Mary, they're not going to know which is which, who's who here, which one is Judge Peters and which one is Judge Work," so we straightened that out.

We went down, but what was particularly moving to me was the number of older women who had been judges. Really, I think the oldest had graduated in the '20s and had been a judge. They told different stories. I know you've heard different stories here. The ones who came out and became judges in the early '40s or came out of law school in the '40s, when the men were at war, had a better experience, in terms of, at least initially, finding jobs.

Judge Kaye, of course, was there. She graduated from NYU and she spoke. What really struck me, and I said this afterwards to people, I said, "We were not meeting in a closet. This was a big room." There were a lot of women there who had been judges and it was a wonderful day. I've never forgotten it.

- Dolores Bolden: Excellent, thank you. Did the professors treat you with respect in law school or as someone who was just taking up a seat that a man could have?
- Judge Work: No, they certainly treated us, I thought, the same. I know that went on in other places and at an earlier time, possibly at NYU, I think it did, but that was not my experience.
- Dolores Bolden: Good. How did you get your first job with the Bronx Legal Services Office?
- Judge Work: Okay, I wanted to go into legal services and that came from my experience as a case worker for the Department of Social Services. I remember watching people get evicted and saying, "I'd really like to do something about that." I wanted to work in legal services or legal aid, so that's where my focus was.

We lived in Brooklyn and there were no openings in Brooklyn, Legal Services on Court Street. There was an opening there in Bronx Legal Services for a one-year position leading rent strikes in the South Bronx. Legal Services used to do that. They're not allowed to do that anymore, but they did then, and there was a grant.

I went up for the interview and it was a man, Lorenzo Casanova—wonderful name—who was running the office. He interviewed me and he said I seemed fine. He said that's the one time they thought they should have a man, because you would be going out in the night in the dangerous South Bronx and they thought it'd be better to hire a man.

I think he was pretty straight about that. I knew that's why he wasn't going to hire me. He said, "We're about to hire a number of staff attorneys and you should come back for that job," so I did. That's how I became a staff attorney. The fellow that got the job, he ultimately became a staff attorney, as well. The truth is, it was much better, because it was a permanent job. It wasn't a grant job. That's how I started at Bronx Legal Services.

Dolores Bolden: Thank you so much. What was it like for a woman to practice law privately in Wallkill, New York in the late 1980s?

Judge Work: I didn't practice all that long and I did a fair amount of Family Court work. I found that I was accepted in the community. There was only one other lawyer. Wallkill, New York is a tiny little hamlet. I did the various real estate, all the wills and the various things, but, obviously, people didn't come to me if [00:09:30] they didn't want a woman lawyer.

One person I remember had a concern and wanted to know how old I was—I was in my 40s—because his lawyer had just died. He was concerned to get a young lawyer, younger anyway. I recollect him, as well. I did so many other things. I did so much in Family Court. At that point, I was doing a lot of law guardian in the Family Court. I was doing a fair amount out of my house. I had an office in the house.

We had three kids. We moved up with a three-year-old, a seven-year-old, and a nine-year-old. I have three sons. When I opened that office, they were only five and nine and eleven. I practiced in an office. We renovated a whole section of the house, so I practiced from there and that worked, but it was a long commute, it still is, 45 minutes to Kingston from Wallkill.

I was doing a lot of Family Court and I was doing some of the regular small practice in Wallkill. Then, my husband moved his office from New

York City. I couldn't have done all of this, unless he was there to take care of the kids. He was there after school.

Dolores Bolden: Yes, thank you so much. Did you encounter any gender bias at all in your career?

Judge Work: I've been really trying to think about that, because I don't think so. I can't recall, I really can't. I'm sure that there were. One of the issues I certainly remember was, I would see it, and not directed at me, but one of the things that I was taught early on was to make sure that the attorneys, particularly in a divorce, that the attorney for the husband would have a habit of referring to his client as "Mr. Jones," and the wife as, "Joanie" or whatever or "Mary," by her first name. You'd have to call them on that.

I can also recall when I had a sanction hearing on an attorney who just flat had not showed up. He brought his, quote/unquote, he referred to her as his "girl," who was in her early 60s. He wanted her to testify as to why he hadn't been there, because she had the nerve to have a family emergency and leave the office, so he had nobody to remind him. I wouldn't let her testify.

That's still around, lawyers calling their staff members "girl." It's not addressed, I don't think, so much to women lawyers, as it is to staff people. That was a battle and the calling by the first names, it was another time that I saw it. You certainly see it, it's just I don't think it's addressed. Certainly once you're a judge, they're sort of careful.

The people, they used to call me "honey" or "hon." They would be elderly women and they would call me "hon." I never was offended by that, because that was just not even a conscious thing. That was not a putdown. That was just, that's how they spoke. No, not as an attorney, and certainly not in Legal Services, I didn't encounter that. There were enough women and we were all going to save the world, join together and ...

Dolores Bolden: Excellent, thank you so much. Did you endure any sexual harassment at all in your career?

Judge Work: No, I can't recall.

Dolores Bolden: Thank you.

Judge Work: I don't want to quote it, but I remember meeting with one lawyer when I was a law guardian who made some sexual ... They weren't directed at

me, but they were totally inappropriate. That's the one and I have a clear memory of that, wanting to get out of his office.

Dolores Bolden: Yes, ma'am, understandably so. Okay, is a judge something that you had always aspired to do? I think you answered that, but ...

Judge Work: No, what happened, I can remember riding home on the East Side Drive from the Bronx to Brooklyn and pounding on the steering wheel and saying to myself or sometimes out loud, "If that judge had only given me five more minutes and been more patient or listened," and just the frustration, and then came up to find a judge who did that in Ulster County and that was a miracle. I can remember that.

I became a judge after my predecessor died in office. He died, truly, in office, Judge Feeney. He was getting ready to go to work when he died. I can't say that I was sitting there, waiting for his term to be up or anything else. Certainly, Judge Peters had several more years in her term. I was doing a lot of Family Court. I did law guardian, then I became the Department of Social Services lawyer, prosecuting abuse and neglect in family court. I was doing a lot of that.

When he died, the governor appoints a replacement for the election, so I applied for the vacancy with eight others. I was the only woman who applied for the vacancy. Then, I got rated as well-qualified by my bar association and then, ultimately, I was appointed by Governor Mario Cuomo to fill the vacancy. Then, I ended up in a Democratic primary, because I really wasn't real well-known at the time. I won that and then I ran against the Republican and was successful. That's how I became a judge. As far as positioning ... I think the question was positioning.

Dolores Bolden: Or aspired to.

Judge Work: Aspired? Right.

Dolores Bolden: Yeah.

Judge Work: I think, really, the question for me is, "Was I prepared to be a Family Court judge?" I was, because when I was a Legal Services lawyer, I represented parents accused of abuse and neglect of their children, so I had been on the defense side. And then I had been a law guardian and then I had prosecuted abuse. I had seen the whole range. I really have to say that I knew the law for the Family Court.

Then, I sat down with Judge Peters, because even though you've done a lot of it, which I had, you don't see it from the same angle as a judge. Someone had told me this story, I don't know if it's true or not, but a judge getting on the bench the first day, they call the case, "All rise," everybody sits down, and then the judge looks at the clerk and says, "What do I say next?" I didn't want to be that judge.

I went and I sat down with Judge Peters. She had her little son, he was a baby, Avanti was a baby, in her office on a weekend with a yellow pad. We went through every single kind of case there was, starting with domestic violence and neglect and custody, each article this, because it's all in articles in the Family Court.

I said, "Karen, what do you say first?" Literally, we went through that. By the time I took the bench, and I didn't have much time, I had seen it from her perspective and it is different. When you're a lawyer, you pay attention to what you were going to say next. You worry about what the judge is going to say next, but you don't really think about how it's structured. Those are the things I think prepared me to be a judge.

Dolores Bolden: Thank you so much, Judge Work, appreciate that.

Anne Wasielewsk: How did you position yourself politically to run for Ulster County Family Court in 1990?

Judge Work: It was sort of an ex post facto positioning, because what happened was I was appointed to fill the vacancy. The Democratic Party was split. I didn't even know about this, but the year before, there had been an attempt to replace the Party chair. There was probably, I don't know, 40 percent of the Democratic Party that opposed him. I was not his choice.

When I got appointed by the governor to run and I ended up running against his choice in the primary, I had a built-in support that I didn't even know I was going to have of all these people that had opposed the chair and were happy to see someone running against this candidate. That's why I say it was ex post facto.

We had to go in to a few political meetings, but we hadn't been there all that long. I certainly wasn't positioning myself to run as a judge. As soon as I figured out the dynamics of it all, I realized they were the folks I had to go to. You just go to all the committee meetings that you can and meet as many people as you can. They had helped me. They gave me a lot of advice, because I really didn't know how to run a campaign.

I found someone who supposedly could do it, but she was never available when we needed her, so ultimately my husband ran the campaign. He learned it on the fly, but we had a lot of very good advice from a lot of people on how to do it politically and certainly it's political. You got to win the election if you're going to be a judge, at least in the county.

Anne Wasielewsk: Was gender an issue, pro or con, in that race?

Judge Work: It was an interesting issue, because of course, the other judge was a woman and this is Ulster County. When Karen [Peters] ran, which was in 1983, it was really tough. The same party chair who wouldn't support me had said to her, "You're a girl," I'm sure she told you that, that's the line, "How could you run for judge?" They've had one and she was very good, so that helped. I worried, because I was running against a man, that there would be some feeling that they shouldn't have two women in the Family Court. That was my concern.

One of my favorite stories on this is there was an attorney who was then president of the bar association, highly respected. His father, he must have been in his late 70s, he died recently in his 90s, was highly respected. I said to this attorney, "What do you think, is this going to be a problem, that there's going to be two women, that I'm going to be the second woman?" He said, "I don't know, I'll ask my father."

He comes back and he says to me, "My father said to me that he didn't understand the question." It was a wonderful answer. I thought, "If Norman doesn't understand the question ..." He was, of course, kidding, but he was basically saying to me, "That's ridiculous to be worrying about that," so I just went on. Nobody certainly raised it, articulated it to me that it was a problem. I'm sure, for some, it was.

Anne Wasielewsk: Mm-hmm (affirmative), okay. Thank you. You went from Family Court judge to surrogate in 1990 to serve?

Judge Work: No, I became the Family Court judge in 1991. I was actually appointed in 1990. I served for 15 years. Judge Traficanti, who was the surrogate in Ulster County ... I was asked about role models. I learned so much from Judge Traficanti as well because he did a lot of Family Court work before I became a judge. I appeared before him a lot. He was always a good person for advice, as we all know.

He's the one who actually got me to go to Rochester, New York in February to help out with their Family Court, so I went and Judge Kaye, who later went to the Appellate Division, went. Judge Traficanti used to

say that it should be said when they were memorializing him, that he convinced two otherwise sane, judges to go to Rochester, New York in the dead of winter to sit in the family court, so we did.

Anyway, I digress. In 2004, I guess it was when Judge Traficanti announced in March, I had thought about it. I had been a judge. I was 15 years in the Family Court. I loved the Family Court. I will always say that the Family Court was the most important work of my life, of anything I ever did, but it was grueling and I was just afraid I wasn't going to be as good a judge as I wanted to be there. That was one concern I had.

I also wanted to just try something else and do something new. I knew that if I became a Surrogate, I would also become an acting Supreme Court justice, because a Surrogate just does. That's what they do in Ulster County. I wanted that experience. I never really presided over jury trials and I wanted that experience.

I also thought about Surrogate's Court, and I was right, that it's a lot like Family Court. There were sometimes their big estates and there were complicated financial issues and estate planning issues, but there are an awful lot of families that are just families in pain, just like in the Family Court, stepmothers and children of their husbands, second wives or siblings. I did see that a lot in Surrogate's Court.

I came across on the website for OCA that Judge Traficanti ... I thought he would retire as deputy chief administrative judge and just stay on as surrogate. When I saw that he was leaving everything, immediately, I called my husband, really, the same day, and I said, "Vic, call the party chair," who, by this time, was somebody totally different, "and tell him that Judge Traficanti is retiring from everything. I want you to be the first to tell him. Don't wait, call him now and tell him that I want to run," which he did.

I wanted to get to him, because his daughter worked in the court system. I thought, "She's going to call him first." Anyway, that's when I decided to run. I had already run for re-election to the Family Court. I had also run for Supreme Court and lost in 1994 and got a lot of help from Rachel and other people in that race, but I wasn't successful.

I was certainly known in the county. When I decided that I wanted to run for Surrogate, I had the complete support of my party. We, by that time, had a Republican governor, Governor Pataki. He appointed someone in May, I guess. I applied for the appointment, not that I thought I would get

it, but I thought I can at least slow the process down. The less time he can be called "Judge," the better, for my running against him.

It did slow it a little bit. I went up for the interview and we went through the whole thing. I filled out all the long forms and everything, but of course, he got it and, actually, he turned out to be very good at it, I understand, but I was successful in defeating him.

Anne Wasielewsk: Okay, thank you. Was gender an issue, pro or con, in your race for family court?

Judge Work: When I ran, certainly. For the appointment, you never know on the appointment, but two of us were rated highly qualified by our local bar association. David Clegg was the other one and he certainly was a fine person. He would've been a fine judge.

I've always thought that probably what tilted it towards me was my gender. It's interesting, because I talked to him very recently at my retirement party. He was a very good lawyer, but he decided to go to Divinity School at Yale and he became a minister.

He said to me, "We both ended up in the right places," because that probably wouldn't have happened had he become a judge. As far as running, I don't know. I don't think people voted for me just because I was a woman, but I certainly don't think that I lost for it, either.

Anne Wasielewsk: Thank you. Why did you decide to ultimately run for Surrogate's Court in 2005?

Judge Work: I think I've kind of explained that. I'd been there for 15 years in the Family Court and it was grueling. It was just wearing me down. I wanted to be as good a judge as I could and I think I was good at it. As I said, I think it was the most important position that I ever filled in my life, but you had to be all there for it and I was just ready to do something different.

I actually continued, because they didn't put anyone in that position for a while. I continued going back to Family Court for some part of the year and then they appointed someone to fill the vacancy. I immediately went in to doing acting Supreme Court. If I have any regrets, if that's the question, it's that I never got to be the full-time Surrogate because I was always doing something else.

Anne Wasielewsk: Thank you. After 15 years, after you first ran for public office, how had the dynamics changed for women, or had it changed?

Judge Work: This is a very hard question, because certainly with what we've just seen in the recent election, it hasn't improved for women everywhere. In Ulster County, because I had done it for so long, it was known. We had another, the person that followed Judge Peters was a woman, Judge Mizel, who's still there, so they had kind of accepted it. That's misleading, because I think Ulster County is unusual in that respect.

Ulster County is an incredibly open kind of place. It isn't just because of Woodstock and New Paltz, but we do have those liberal or more progressive. If you look at the results of this election, we're the only county that went for Hillary Clinton. All the contiguous counties voted for Donald Trump, so we are unusual. It wasn't just the courts. When I worked for the DSS, I worked for Tom Roach. Everyone said he'll never hire a Democrat. Well, he did. He was Mr. Republican and he did. He cared so much about kids. He was a great commissioner of social services.

It's a great place. I just fell on my feet. We moved there, in part because we had a weekend house, but it was a good place to be. That's why I don't want to be misleading or Pollyannaish about how lovely it was for me, because it's not been for women elsewhere and they've really felt it. I was sort of in an unusual place. A lot of credit has to go to Karen Peters, because she was the first and she turned out to be really good at it.

What might get lost in all of this is how good a Family Court judge she was. She's doing a whole lot of other things now, but she was an outstanding trial judge. That word gets out, so that helps. I don't know. I suppose it had changed, because all over there are more women. I know that there's a big struggle in a lot of places for women still in this state.

Anne Wasielewsk: Thank you, Judge. It appears to be that Surrogate Court, at least in this region, is where women have made the most gains, as you were saying, Judge. At the moment, about 67 percent of the Surrogates in the 3rd Judicial District are women and 60 percent of the Family Court judges are female. Why did you gravitate to this area? You mentioned you had a weekend home, but I'm guessing it wasn't because of an environment that was more friendly towards women that made you and your family move here.

Judge Work: No. First of all, your figure, and it's right, but we have seven counties in the 3rd Judicial District. Only three of them elect surrogates separately, the others all have two or three hatters. There are lots of men that are doing surrogate work in our district, it just so happens that Ulster County,

Rensselaer County, and Ulster County are the three, so right now, two-thirds of our Surrogates are women.

I think if you really wanted to look for evidence for that position, you'd look in New York City, where they've had women Surrogates for a long time. Just starting with the Surrogate's Court, it would have to be, obviously, speculation. I was told that I might have a hard time running for Surrogate in Ulster County, because it was considered a man's job, because you deal with money and all these complicated estates and that that might be an issue.

I wish I could hear Kate Doyle's, but Kate Doyle had a lot of background in Surrogate's Court before she became a surrogate. I remember when I got out of law school that some women were encouraged to go into estate work because it was less time consuming and they had to balance it with families. I think we can never forget about women is that they're so often balancing children.

As for the Family Court, there were always a lot of women, but in New York City, the mayor appoints the judges. There were a number. Judy Sheindlin was there. Judge Judy was the judge when I first started practicing in New York County. I don't know whether women get into that for the same reason, because it's a less demanding time-wise. It's hard to know. Some people think that's more of a woman's job, because there are children involved.

Anne Wasielewsk: How would you counter? You mentioned that some people would discourage women to go into Surrogate's because it's dealing with money and finances. To me, it gives the perception that women ...

Judge Work: Are not.

Anne Wasielewsk: Are not, exactly.

Judge Work: Right, I know. There's a lot of-

Anne Wasielewsk: How would you respond to that question?

Judge Work: I don't know that anybody certainly ever asked it that way or that whole idea, but it's...

Anne Wasielewsk: Implicit?

Judge Work: Oh, I know. There are a lot of gender stereotypes on both sides, that women are going to be more sensitive, that women are better communicators, therefore they belong in the Family Court.

Where it's, to me, the most interesting, and I've never done it, it's the area that I know the least about. Every once and a while they call me to arraign someone, but I have no experience in criminal law. I know that the governor appointed a woman to be the county court judge. She was a Democrat and she lost in the election. I think that part of that was this stereotype that you need this tough guy to be a criminal court judge. That's one place where I really saw it, because she was smart and she was good. She did a good job, but she lost in the general election. I think that's probably still going on.

John Caher If I can interrupt one second, who was that?

Judge Work: Deborah Schneer.

John Caher: She was there for, how long a time?

Judge Work: It was less than a year she was appointed.

John Caher: She was appointed by Governor Andrew Cuomo and then was not-

Judge Work: Yeah, and then lost.

John Caher: She had a running start and then didn't win?

Judge Work: Yeah, and then she lost the election.

Judge Work: What they used on that was "soft on crime," and, "She's just a woman." She was very concerned about civil rights, I think it would be. She ran against someone who's now our county court judge, who is Mr. Law and Order and had been an assistant DA or had been the DA, I guess. That's another way that people get into county court, is that they are DAs and then they seem to be logical to be the judge, so that's one. It was disappointing what happened there.

Anne Wasielewsk: That could be a challenge, too, for women. She may work as an attorney in the district attorney's office-

Judge Work: And they do.

Anne Wasielewsk: ... but would she be the DA?

Judge Work: That's right, would she get there?

Anne Wasielewsk: Exactly.

Judge Work: When I first got out of law school, I applied for the Brooklyn DA. I got the first interview and they called me back for the second interview. I thought to myself—"I don't really want to be a DA." That's when it was really clear to me that that was not what I wanted to do with my legal career, to go into criminal law, and I didn't. But a lot of women have and they've become DAs, but not in Ulster County.

Anne Wasielewsk: That's interesting, because you mentioned how progressive...

Judge Work: Right, but they've never had a woman district attorney, ADAs, yes. That's where I think this whole law and order thing is ...

Anne Wasielewsk: Okay, thank you, Judge. Can you speak to the impact of the major trailblazers, people like Judith Kaye, Karen Peters, that you've mentioned?

Judge Work: Yes. First, I've talked a lot about Karen, let me just talk about Judge Kaye. Judge Kaye, I remember, used this expression, I'm sure it came from her, that people had spoken to her about the sense of inclusion and inspiration that she provided. It was a wonderful phrase, because that's both. It's the sense of inclusion that you get from seeing somebody who's in, she was on, of course, the Court of Appeals before she was the chief judge, but all that time, in most of the time that I've been a judge, she was up there, until she was forced to retire, so certainly having her there.

Judge Kaye was incredibly approachable. You could talk to her and she always knew know who I was. She remembered everybody's names. After I finalized an adoption between two men of a developmentally disabled child—they had done a super job as foster parents for this kid—I wrote her a letter about it. I said, "This never would have happened, but for you." I can remember that summer when that case on adoption by same-sex couples and also unmarried couples was before the court. It went on and they were very slow in rendering a decision. We all were imagining Judge Kaye up there, pulling people's arms.

Anyway, I wrote her that and told her about it. It was a wonderful story, because this little boy, they were telling me that he was in kindergarten. They said they want to stop giving him special services, and they were so proud, because he really didn't need them anymore. I said, "Whatever they'll give you, take it."

It just was an inspiring story, so I wrote her that. Quick, in handwriting, I get back a note from her. I wrote her more than once and I always got an answer from her. Surely, Judge Kaye, whatever meeting you went to, she was there. She was always open and gracious. It can be done. She had three kids. That was another thing, she did it with three kids. Karen Peters, I think I've spoken a lot about her. She was just an inspiration and still is and really helps women along, in terms of hiring. You can just see, she's been a huge inspiration, I would say.

Anne Wasielewsk: Women are multi-taskers.

Judge Work: Right, yeah.

Anne Wasielewsk: We are. I'm guessing they did change the landscape for women and their achievements.

Judge Work: Right, yes, they did change.

Anne Wasielewsk: Make yours possible and-

Judge Work: Yeah, certainly mine. Oh, absolutely that Judge Peters did. She had the energy. When she ran, I was barely conscious of it because we just moved up, but that she wasn't expected to win. She ran against the law clerk of, I think, the other judge, Judge Feeney's law clerk, who had also applied for the vacancy.

This is one way that women have succeeded in the early going on this, the story is that she worked very, very hard and he kind of didn't. He took it easy, he thought he was in, and she's just that energy that you saw when you see her. Karen was just devoted to that. She went to every event and met everyone and got up at 5:00 in the morning and went to the factories. If there was a factory that closes, she would be there to hand out her things. No, there's no doubt about it. I think "breaking trail in the snow" is probably a good way to put it, because that's tougher than-

Anne Wasielewsk: I like that, yeah.

Judge Work: She did that. For a lot of women and just for every woman who comes into that court, especially in those early years, and there's a woman judge, it gives you a sense of inspiration and inclusion, in the words of Judge Kaye.

Anne Wasielewsk: Yes, inclusion. What would you say to the next generation about their responsibility, if you think they have one, to carry the torch further, for the young women and men, too?

Judge Work: Right. Certainly, not to lose ground. For the first time, we're having to think about that, not to lose ground. One of the things that I always tell women, I didn't practice law for a few years, about four year, five years, when my kids were really little and I thought I was never going to be a lawyer again, let alone a judge, that your path may not be exactly the same as a male's, but you can have it and you can make it and you need to. You're just going to have to work very hard if that's what you want.

Of course, a lot of women who are lawyers and a lot of women judges don't have children and choose that path, but for those who do, it's certainly doable and we've seen it done. I think the generation of women coming up that are coming out of law school right now, they have their work cut out for them in the next four years.

There's just a retrenchment on all the things that women have fought for so long going on. They have a lot of people that went before them and a lot of people to talk to. Certainly, to them, I would say that you've got to be out there. Even if you're not running for judge whatever, you've got to be active on the women's issues.

Anne Wasielewsk: Mm-hmm (affirmative), organize or be a part of?

Judge Work: My great niece, she's in her 20s, she took a semester off from Florida to go to North Carolina to work for Hillary Clinton, and of course, was absolutely devastated. During the Women's March or after the Women's March, she tweeted and said, "This is all great, but you people have got to clipboards and pens and go out there, door to door." I thought, "I hope she goes to law school."

Anne Wasielewsk: In the trenches, exactly, to go in.

Judge Work: Yeah, right.

Anne Wasielewsk: You mentioned, Judge, and I don't think it's personal, but it piqued my attention, about there was a moment of maybe four or five years where you didn't think you would practice?

Judge Work: Absolutely.

Anne Wasielewsk: Can you share, if you don't mind?

Judge Work: It was when my middle one was two, I guess, and I was just having a rough time doing all of it. We wanted to have a third child, which we did. When I was in New York City, my friends would call that I knew from the law and they'd say, "We got this job. Why don't you come back?"

Then, we moved up here. There were a lot of reasons to move up here, which I won't go into, but I was not really enthusiastic about it. I love the city. I thought to myself, "You're going to go up there," I really did, I thought, "I'm never going to be a lawyer again, let alone a judge." That's what I thought, but you don't give up.

We got up here and I had one friend who I had known from Legal Services. I don't know if you want this or not. She would come to dinner and say to me, "Mary, when are you going to open an office here?" because I didn't open it immediately. She said, "When are you going to open an office?" She'd say, "Vic, order her some stationary." I remember this so clearly.

Anyway, she helped me enormously. That was another woman, Andrea, who helped me get started. Then, I went into Family Court and that's where I got going, but I can remember that feeling that I wasn't going to be able to get back to it. But I got back to it much easier than I thought.

I do think Andrea Moran was the person that I should mention, because she really did. She had a practice and she had moved up from Legal Services, because her husband was teaching at SUNY New Paltz. He got a job there, so she was already here and had an office. She was a person that helped me at that very early stage. Yes, women don't take necessarily the straightest paths to where they get.

Anne Wasielewsk: No, we don't.

Judge Work: I read up before I came about Judge Kaye, that apparently there was a period that she was really not practicing law, she was assisting the dean when her kids were real young. There are just times that other responsibilities take over.

Anne Wasielewsk: Mm-hmm (affirmative), we're multifaceted, which I think gives us our strength. All right.

Judge Kretser: You talked about stereotypes and, boy, do I remember, when we, and you were before me by a little, graduated from law school. Didn't you feel that you were steered towards certain, like family court, although I know you love that and maybe you went there on your own? I know

many of us felt like we were being steered in certain directions and steered away from other fields.

Judge Work: Because I really wanted to work in Legal Services, and I didn't feel steered towards that, that was what I went into law school wanting to do, so I didn't feel steered. In Family Court, I had had kind of an interesting start. When I was interviewed for that job up in Legal Services, they said to me, I remember this and I got to know him well, one of the attorneys on the panel said to me about family court, "If you were asked to represent a woman who said that if you got her off, she was going to beat her child and just keep beating her child, would you represent her?"

I said, "This is a ridiculous question. Nobody is going to say that, number one. I know this is to prove that I'm going to defend anybody," and I said, "No, I wouldn't take the case." He said, "You better not work in the family court." I ended up working in the Family Court, nobody ever said that to me and it was never an issue for me defending people accused of this. Anyway, no, but that's because maybe the unusual way that I decided to go to law school.

Judge Kretser: You were asked a question that I'm not sure a man would've been asked. Were you asked questions in the interview process that you think you might've been asked because you were a woman?

Judge Work: It's interesting, I never thought about whether it would be asked of a man because those were the kinds of questions in the criminal area. I thought he was treating it like criminal law, that you have to be tough enough. It may have been, "You have to be tough enough to not care whether the person you're representing is going to go out and murder five more people."

That was the impression I got from that question and it really annoyed me. It just angered me, because I just thought it was a stupid question. I didn't really think of it as being sexist, but you may be right. Maybe he was thinking I wasn't tough enough.

I knew what the right answer was: "Oh, of course. I would represent her to the hilt." I wasn't going to say that. That was ridiculous.

Judge Kretser: Oh, did you have any woman professors at NYU, full professors?

Judge Work: No, I did not have any women professors certainly that made any impression at all. I don't think, if I went back and checked, that I would find that I had any and not all that many in college, either, and I went to a

co-ed university, the University of Pennsylvania. To the extent that there was encouragement, it was from male professors.