

Climbing the Bench with Quadriplegia: Hon. Shannon Filbert

John Caher: On October 27, 1998, Shannon Filbert was an active and athletic 16-year-old girl in West Seneca, competitive dancer, cheerleader, softball player, student council representative.

That all changed one day when she was on her way to school with some friends, and they got into an accident.

She broke her neck.

In an instant, she went from being a typical suburban teenager to a quadriplegic, unable to walk ever again, and with minimal ability to use her hands.

It would've been very easy and quite understandable if she just gave up, but she didn't. With the strong support of a family that wouldn't let her give into self-pity, she finished high school, and college, and law school. She worked for Legal Aid as a criminal defense attorney, as an attorney for the child. She was a prosecutor in West Seneca Town Court. She was the first woman ever elected to West Seneca Town Court in 2016.

And while fulfilling the duties of a part-time judge, she served as law clerk to Erie County Family Court Judge Lisa Bach Rodwin.

Then, in 2023, she ran for and was elected to Erie County Family Court.

Welcome to Amici, News and Insights from the New York Courts. I'm John Caher.

Today we will hear an extraordinary and unparalleled story of perseverance, bravery, and incredible optimism. We'll learn more about what daily life is like for someone without the use of her limbs, and hopefully glimpse a little bit of the boundlessness of the human spirit.

Judge, thank you for coming on the program. Let's go back, if we could, to October 27, 1998. You're a typical carefree teenager on her way to school, and then what?

Judge Filbert: My life changed instantly.

I was on the way to school with a few friends, and unfortunately, the friend who was driving lost control of the vehicle, and we swerved and hit a house. And I remember sitting in the car, leaning over the center

console, not being able to talk, breathe, or move whatsoever. I ended up waking up after that in the hospital, paralyzed from the neck down with a spinal cord injury.

John Caher: Did you know immediately the severity of your injury?

Judge Filbert: As a 16-year-old, it hadn't hit me. I knew something was absolutely wrong when I was in the car, couldn't breathe, couldn't move. But the severity of the injury didn't hit me probably until weeks after.

John Caher: Did you know pretty soon that was permanent?

Judge Filbert: As a 16-year-old, you don't really understand too much. It's all very confusing, and I thought I would be fine. I thought, "Oh, this is temporary." And I didn't want to believe anyone who said I was going to end up paralyzed forever, or be in a wheelchair. I didn't believe it. I was in complete denial.

John Caher: What were those first days, weeks, months like? How did you get through the day?

Judge Filbert: Well, I was in the intensive care unit at Erie County Medical Center. And the first week was, I would say, a blur, because I was highly medicated, and I went under anesthesia for a neck fusion to stabilize my broken neck, so a lot of it was a blur. I do recall waking up a couple of times, and I had a tube down my throat, because I was on a ventilator, and that was very uncomfortable, and I was confused. I would cry, try and talk, but I couldn't speak, because of the tube down my throat. They did end up doing a trach so I could breathe through my neck. And my mother says I came out of that surgery with a big smile on my face, so it must have been nice to have the tube out. A lot of it is absolutely a blur, but then, some things are so vivid in my memory and in my mind.

I was at ECMC for four weeks on the ventilator, and I had the most amazing support team behind me, including all the nurses, my family, friends. They would come visit all the time. And at that point, I was in limbo. Because I was on the ventilator, I couldn't get rehab, because they were not equipped sending me to the rehab facility in the hospital, so I was in limbo. My parents fought tooth and nail with the insurance company, and sent me to a specialty hospital in Atlanta, Georgia called the Shepherd Center. I was there for five or six months, and my mom made a huge sacrifice, and went down there with me, and I rehabbed for five or six months. I went to school down there through the hospital.

John Caher: By the time you were in Atlanta, you pretty much knew what the deal was going to be?

Judge Filbert: I was still, I think, a little bit in denial, because in Atlanta, it was all people with spinal cord injuries, and you did see some walk out, and I thought I would be one of those. Luckily, I did have an incomplete spinal cord injury, and every spinal cord injury is very unique, and very different. Luckily, I could feel everything from the neck down, and I had little movements. Every time I would have a little movement, it was hope, and I grasped onto that hope. Unfortunately, I never got the miracle I was hoping for, but I finally grew to accept the injury, and realize this was going to be long-term. But it took me quite a while to get there.

John Caher: I would imagine.

What got you to the point where you could finally accept your situation, and I guess, begin climbing out of what must have been a very, very dark place?

Judge Filbert: It was. I had a lot of lows, and at one point, I remember talking to my mother, and once it hit me, I didn't want to continue. I didn't want to continue if I knew I was going to be paralyzed. In my mind, I thought that was no life to lead. And as the young, active teenager that I was prior to the injury, I couldn't see a future with my new life. At my lowest, I didn't want to continue. My mother was always there for me, and understood my depression, and understood my request, but asked me to give it a month, and see if I truly felt that way after a month's time. And luckily, I didn't, and I turned a path and went the opposite way.

The injury didn't only affect me. It affected my whole family. I took my mother away from my brother and sister for six months. It affects the whole family. My mother was devastated. My father was devastated, and I wasn't the only one that was depressed. It was hard to see my parents and my siblings also suffer from the injury. Overall, it was really tough on the family, but luckily, we are a strong, strong, strong family unit, and I think we all got each other through it.

John Caher: Do you still relive that day and think, if I'd only buckled the seatbelt, if I'd only taken the bus that day, if I'd only overslept, I wish I had the flu that day, or have you long since moved on from that sort of thinking?

Judge Filbert: I wish I didn't still have those thoughts, but I'm not going to lie, and I'm being honest that, yeah, those thoughts still occur. I still always think the what ifs. But, it'll make you crazy if you really go down that path. I try to

reflect. It could have been even worse, I guess. I could have been dead. I could have continued to be on the ventilator. Luckily, I got off of that, so it could have been much worse. I guess, if I am going to continue to do the what ifs, I have to be thankful for what I do have today, and the life that I made out of it.

John Caher: At a certain point, you indicated that you thought you would prefer death when you knew what the consequences were.

Judge Filbert: I did. I did. I couldn't see a life. I couldn't imagine myself not doing what I originally had my life set out, and my plan, and my path of my life to be. It was no longer. It was completely gone.

John Caher: Then you finished high school at West Seneca, I assume. You get a bachelor's degree from the University at Buffalo. You enroll in UB Law School. What led you to law?

Judge Filbert: Well, I come from a family who always has to argue and be right. That's just the way I was raised. I took a business law class my senior year in high school. It was very important to me to graduate on time with my classmates, my friends. Despite missing my whole junior year of high school, I caught up, and graduated with them, and I ended up taking a business law class that piqued my interest. I always loved watching Law and Order and crime shows. That was something that made me think, oh, I could do this. And in my situation, I could be a lawyer moving forward. And so, that was my path. I went to University of Buffalo undergrad, and got an undergraduate degree in legal studies, and then, went to UB Law School, and originally wanted to be a prosecutor.

John Caher: What was your first job when you were admitted in 2008?

Judge Filbert: I was. I graduated in 2007, studied for the bar exam, passed it on my first try, and was sworn in February of 2008. I ended up getting a job at the Legal Aid Bureau of Buffalo, and I represented children in abuse and neglect cases in Family Court for the first 10 years of my career.

John Caher: You seem to have gravitated to work that involves children, AFC, clinical family court judge, family court judge yourself. What do you think led you in that direction?

Judge Filbert: I have to be honest, I never saw my path going that way. It just happened, and I fell in love with it. It was my niche, and I can't imagine doing any other type of law now.

John Caher: But why did you fall in love with it?

Judge Filbert: Seeing those children, especially doing the AFC work, there is a need for their voices to be heard. They're smart, they're resilient, despite all they've been through, the abuse, the neglect. They are resilient, and their voice needs to be heard. And I felt that I did a good job for them, and I enjoyed working with the children. They need to have a voice.

John Caher: As you know better than me, many of the children in Family Court are in a terrible situation through absolutely no fault of their own. Life just was not kind to them. Do you think you identify with them to some extent?

Judge Filbert: I actually don't think of it that way, because I look at myself as being extremely privileged and lucky, because I grew up in such a strong, loving household. I look at them, and I feel lucky. I don't feel that I identify. Yes, I was dealt a bad hand, having a car accident, and now being in my situation in a wheelchair, and relying on other people. I actually think I have it much better. I know that might be hard for some people to understand, but I feel for them, and I don't feel for myself, and the way I feel for them, because I feel privileged and lucky to have the love and support that I did that they don't have.

John Caher: What a remarkable attitude for a Family Court judge, and thank you for that.

Now, you ran for elective office twice. That involves publicly campaigning, attending events that are probably in locations that are inaccessible to you, shaking a lot of hands. That's a difficult road to navigate for anyone. How did you do it, and successfully, and twice?

Judge Filbert: It's a lot. Campaigning is a full-time job. Luckily, I had a great campaign team, support system again, they backed me up, they were there for me. But you have to make light of it. Yeah, you go to shake hands, and you just don't want them to feel uncomfortable. I don't want anyone to feel uncomfortable. It's not that they did it to offend me, or to hurt my feelings. I would just give them a fist and say, "Pound it," and then we'd make a joke of it.

It was very difficult in some of the situations navigating when they're not accessible, or if they're loud, crowded areas, and I'm trying to get around. That was probably the most frustrating part, not being able to really talk to people eye to eye. Luckily, now I have a new wheelchair that allows me to lift up, so I am speaking eye to eye. But a lot of times it would be looking up to people. It's very difficult, and I'd say I had a disadvantage

there. But luckily, I had a great campaign team, great support system that helped me through it, and I had to have a good attitude throughout it.

John Caher: If October 27th, 1998 had never happened, do you think you would have become a judge?

Judge Filbert: No, I don't.

John Caher: What do you think you would have done?

Judge Filbert: I wouldn't probably be living here in Buffalo, New York with my family. I'd be coming home for the holidays to visit, but I would probably be more of a independent girl down in Florida, or somewhere warm, and I don't know what I would be. I always thought I'd do something with dancing. Maybe be a dance teacher, or be a dancer on a cruise ship. I don't know.

John Caher: Do you ever think that this accident, as tragic as it was, brought you right where you're supposed to be?

Judge Filbert: I do. I used to get so angry at people when I first got hurt: "Everything happens for a reason." And I'd get so angry. "Don't say that to me. Not everything happens for a reason." But, looking back now, I can maybe see it. I can maybe see it. And I do think I'm right where I'm supposed to be. I do love my career. I love my life. It's a difficult life. I'm not going to say I don't have tough days and everything's a little bit more challenging. But, if anyone could do it, it's me, and I like a challenge, so I like proving people wrong, and I think I've done that throughout the years.

John Caher: I would say. Do you think what you've experienced and learned as a result of your accident makes you a different or a better judge than if you were able to walk into the courtroom like most judges?

Judge Filbert: I don't want to say a "better" judge. Definitely, I would say a "different" judge. I have amazing coworkers and judges that are all great, so I'm not going to say I'm better than them because of my accident. But I do think I bring a different perspective to the bench, and I think I'm more compassionate because of that, and understanding.

John Caher: Take me through your workday, if you would. You wake up in the morning, and then what? How do you get out of bed? How do you get ready for work? How do you get to work? How long does all that take?

Judge Filbert: Everything takes a little bit longer. I have the most amazing caretaker. Her name's Maria. She has been with me actually for over 20 years. She's

been by my side, and I am very lucky to have someone who stuck by my side, and has been a consistent role model for me.

But, when I wake up in the morning, my fiancé helps me get out of bed, and get me ready for work. He now calls himself a professional hair and makeup stylist, something he never thought he'd be doing either. And then Maria comes to my house every morning. I have a wheelchair accessible van that I can ride my power wheelchair into, and we go downtown to work. She helps me take my jacket off, because again, I have to rely on assistance for all of that, which people don't think of. Even pressing the elevator button, getting me upstairs.

Luckily, now that everything is electronic, I don't have any files. Everything is uploaded. Once she gets me set up on my computer, I have complete access to all my files, and can do everything independently, which is absolutely amazing for me. She's obviously there if I need hair moved, or to get me some water, feed me lunch, assist me in the bathroom over lunch, stuff like that. But luckily, I have gotten the accommodations necessary that I truly don't need help with my job. And that's what I want people to know. And I think that's a true testament to the unified court system. They have been nothing but amazing. They have gotten me the accommodations I request, which is a higher desk so my chair can get under it. I have Dragon Dictate so I can dictate my notes, and use my computer independently. They've been wonderful.

John Caher: I'm very, very happy to hear that. Now, I know you're engaged. You mentioned your fiance. And tell me about him. What's his name? How did you meet him?

Judge Filbert: His name's Mark Eagan and he actually grew up in my hometown. We were on the opposite ends. I'll always say East is best, but he'll say West is best. And we just reconnected. He's been in my life now for seven amazing years, and we get each other. I found my person, and that's another thing I never, ever, ever imagined after I got hurt, that someone would be able to love me, or want to be with someone in my situation. And he sees right past it. He doesn't see me as being disabled, or anything like that. And we joke with each other. We have a great time. He calls me lazy, as a joke, obviously. "I'm the only one who does the housework around here." We joke around, and he's got a wonderful sense of humor, great attitude, and I'm so lucky to have him in my life.

John Caher: I think he's pretty lucky as well. What do you guys do for fun when you're not working?

Judge Filbert: Well, we just went on a vacation to Atlantis Bahamas. We do like going on vacations together. We watch Survivor together. It's one of our nights that we do actually watch TV together. Otherwise, I'm always watching Dateline, and he doesn't want to watch Dateline, so he'll do some sports or something like that. We're big football fans, so Go Buffalo! We watch the Buffalo Bills together, and we each play fantasy football. He'll tell you he beats me every year, which unfortunately is true, as competitive as I am. He's a better fantasy football player than I am, but we do a lot of stuff for fun. He takes me on dinner dates, and I make him take me to the casino, because he knows how much I love playing blackjack, so he'll suck it up for me.

John Caher: You mentioned offline that benefits-wise, there's a major disincentive to getting married. And I'd like to explore that, if you wouldn't mind. It seems like a significant public policy flaw if we are discouraging people from getting married. What's the story here?

Judge Filbert: Well, there's a lot of public policy issues in my situation that I've dealt with for the last 27 years. I have been fighting for disabled people to be able to work and not lose benefits, so it's very frustrating. I honestly would probably be better off sitting home, not having a job, and be able to collect more benefits. But, obviously, that's not good for anyone's mental health, and I want to be a productive member of society. But what ends up happening is you end up making too much money and you're not eligible for the Medicaid, which is the only avenue that provides home healthcare, which I need due to my quadriplegic injury. That's been a fight throughout this process that I can't tell you how many times I've cried and wanted to just say, "Okay, I just shouldn't work. They don't want me to work. There is no incentive for disabled people to work because when you do, it affects the benefits that are necessary for you to survive."

Luckily, there are some programs that I have gotten into throughout the years, because I'm refusing to stay home. I didn't go all the way through law school. I didn't fight to get where I am to sit home and feel bad for myself. That's something I'm not going to do.

We've been engaged now for five years, and when you just look at the big situation, it's not worth getting married, because then they would take his income, and I've already had to go into a pooled trust to spend down into Medicaid. It's very complicated. But, again, I do require home health aides. My private insurance is provided through the court, and no insurance provides home healthcare. It's a public policy issue that's very frustrating. But we're happy. We don't need a piece of paper to say we're

married. It would be nice. We call each other husband and wife. We're just not legally married.

John Caher: You have the most wonderful attitude, and I admire that, and I hope I can emulate it in this new year. Do you think the day will come technology-wise when you're able to regain at least some use of your limbs?

Judge Filbert: It's been 27 years, and I was always extremely hopeful. But, after a while, you have to move on and say, "I can't only focus on that." I'm not saying that there's not going to be future progress, but because of the atrophy, and the collateral consequences of the spinal cord injury that I've been dealing with now for 27 years, I don't know if people who have chronic injuries and have been in a wheelchair for 27 years will truly ever be walking and normal again. I'm hoping that someday I will have more use of my arms.

People always think, oh, walking is better. But I would give up walking any day if I could have independence and use my arms to brush my hair, brush my teeth, not have to have someone put a lip liner in my hand. I think that is what I would look forward to. If technology were to advance, I would want to regain some arm movement. Obviously, I would love to be able to walk, but I don't see that being realistic from my body being so atrophied. I have tried to do physical therapy throughout the years but I decided not to focus solely on that, and I move forward with my career.

John Caher: I suppose it will be unhealthy to cling to what might not be realistic.

Judge Filbert: I remember laying in the bed at ECMC in the hospital, and watching Rosie O'Donnell, and Christopher Reeve was on there. And back then, 27 years ago, they were talking about regaining after a spinal cord injury, and using mice, and that. And I was always so hopeful. I'm hopeful for new injuries that they have this someday, so no one ever has to live like I've lived, but I don't see it being realistic in my lifetime that I will be normal ever again.

John Caher: Let's hope you're wrong on that one.

Judge Filbert: I hope so too.

John Caher: What do you most wish that those who don't have your physical limitations knew or understood?

Judge Filbert: That's a complicated question. Again, you don't want people to feel bad for you, so you always put on a smile, and pretend everything's great. But

I guess I would want everyone to know that it's not that I'm just sitting in a chair and nothing else is affected. There are so many collateral consequences to having a spinal cord injury that people overlook. It takes a lot to get through a day sometimes. And if I'm having a bad day, it's not intentional. I think able-bodied people have bad days. Just understand that life's a little more difficult for us. But it's hard because I don't want people to feel bad for me. I guess, just be kind to everyone. There are physical disabilities that you can't see, that you don't know are there.

John Caher: Yes, thank you for that.

I am quite certain that right now there's some kid lying in the hospital with a spinal cord injury who thinks life is over. And I think maybe hearing this will give them hope.

Judge Filbert: I hope so, too.

John Caher: I've only met you a few times, but I've noticed something every time I've met you, and that is a great, big radiant smile. And you also mentioned that when they took the trach out, you gave your mother a great, big radiant smile. And you mentioned a moment ago that sometimes maybe you're smiling to pretend that things are great even if they're not. Still, you strike me as a happy person. Are you?

Judge Filbert: Overall, I would say, "Absolutely!" I'm a happy person. I've had bouts of depression, I'm not going to lie. But, overall, I would say yes, I'm a happy person. No one wants to be around a miserable person all the time. And I try and associate myself with likewise happy people, and people that look at the bright side, and the silver lining, because if you look at the bad side of everything, you're just going to live a miserable existence.

John Caher: What great advice and what a great way to end this program.

Judge, thank you so much for your insight, and for your work in Family Court. I know that is probably the most difficult court, and I admire anyone who does it, and it's clear you do it very, very well, and we appreciate that.

Judge Filbert: Well, thank you so much for having me, John, and it was nice chatting today.