

Promoting Diversity in the Courts: Joan Levenson

John Caher:

Welcome to Amici, News and Insights from the New York State Unified Court System. I'm John Caher.

Today's Diversity Dialogue segment is a story of survival, resilience, and generational trauma. It's a story of Holocaust survivors from Poland who met in a displaced persons camp after World War II, found a way to emigrate to America, built a successful business, and raised two daughters who carry their memories, and to some extent, their trauma.

Joan Levenson, principal law clerk to the Honorable Deborah Kaplan and counsel to the New York State Judicial Committee on Elder Justice, has been a member of the court family since 1988. Today we're going to ask Joan to share stories and memories and perceptions that can be difficult to talk about.

Joan, thank you for coming onto the program.

I know parts of this interview may be painful, but I also know we agree that there are experiences, both yours and your parents, that must be understood and must not be allowed to fade into the midst of the passing time. The adage about those who are ignorant of history being condemned to repeat it is sadly true. So let's dive in.

You told me offline that your parents were Jewish, and as children and teenagers were living in occupied Poland at a time when Jews were targeted for extermination in the name of racial purity. What were their names? Where did they grow up?

Joan Levenson:

Well, their names were Meyer and Ida Greenberg. My father also went by Marek in Polish or Mark in English. My father grew up in a very small Jewish village called Stopnica. I recently looked it up online, and in fact, there are pictures from pre-World War II, and it looks like what you might imagine a small European village pre-World War II might look like. If you've seen the movie *Fiddler on the Roof* and *Anatevka*, it looks like that kind of a town, a very rustic, quaint little place. There were probably, less than 5,000 Jews that lived there. I think about 4,500 Jews. My mother, on the other hand, came from one of the largest cities in Poland. It's called Lemberg. I think it was the third-largest city. It's also known as Lvov. It was a large city, as I said, a cosmopolitan city. They couldn't have had more different beginnings in life.

And what happened was right around the start of the war, my father— I don't know how, he was a young teenager— knew or believed there was going to be trouble. I guess that's the understatement of the century, trouble! And he ran away as a young teen. He lived very close to the Russian border. He ran away and joined the Russian army, and he spent the entire war fighting in the Russian army.

John Caher: The Nazi invasion of Poland, I think, was 1939. So that would've been around that point, right?

Joan Levenson: I think right around that time.

John Caher: Even as a child, he saw the writing on the wall?

Joan Levenson: I don't even know how they got news in these small villages, how news traveled to them and how he was aware. I kind of wish I had asked more about that.

The Germans actually came into Stopnica in September 1939. They immediately burned down the entire Jewish quarter, and they established a ghetto there in Stopnica. Then, most of the Jews, about 3000, were ultimately transported to Treblinka, which was an extermination camp. About 1,500 young people, young Jewish people, were sent to a labor camp, and then there were about 400 sick or disabled people that they just murdered right on the spot in the town.

John Caher: Did your father see that, do you know?

Joan Levenson: No. He heard about this later. It won't surprise you if I tell you there are no Jews in Stopnica now.

John Caher: It does surprise me, actually.

Joan Levenson: Now, with respect to Lemberg and my mom, actually the Germans didn't invade Lemberg until later. The Soviets were there, and the Germans didn't invade Lemberg until about 1941.

Between World War I and World War II, there was a large, vibrant Jewish community there, and before the Germans invaded, a lot of Jews from other areas of Poland came to Lemberg. So the population of Jews swelled to about 200,000. And when the Nazis came in, they established a ghetto and then began mass deportations. What I understand is that pre-war Lemberg, Jews made up about a third of the population, and

they wiped out the entire Jewish community there. So I think out of 200,000 Jews, 800 survived. Imagine 800 of 200,000! Now my Mom-

John Caher: Now, you mentioned the Soviets, you mean the Russians?

Joan Levenson: The Russians were there, yes.

John Caher: Okay.

Joan Levenson: The Russians were there before the Nazis came in, and they came in a little bit later. That's why people from other parts of Poland were swarming to Lemberg at the beginning of the war, thinking it was a relatively safe haven, which ultimately it turned out not to be.

John Caher: So they were invaded by one country and then another one in a very short period.

Joan Levenson: And then another. Yeah. Yeah. Apparently Lemberg kept changing countries.

John Caher: Yeah, they're fluid borders.

Joan Levenson: It was very fluid, yes. Now, my mom's parents were somehow able to obtain false identity papers for my mother that identified her as a Catholic girl, and she was allowed to then go and work in a labor camp rather than be transported, rather than living in the ghetto and transported to a death camp.

John Caher: Let's back up one second. Approximately what year are we talking about here?

Joan Levenson: I think we're talking about 40, 41. So that's what she did throughout the war. She was actually in a labor camp, a munitions factory, where they made parts for different ammunition, I think for fighter planes. Now, it was infinitely safer being in a labor camp than being in a concentration camp, obviously. But it was terrifying, because she was a young girl and had to pretend to be someone she was not. She was afraid she might say something in her sleep. She was not really well-versed in Catholicism. She was Jewish and the other girls were all Catholic, and somebody might suspect something. So I think she must have lived with an enormous amount of fear, but that's how she survived.

John Caher: How much did your parents talk about the experiences that they had?

Joan Levenson: Well, when I was a child, they did not talk about it a lot. I knew that there were sort of these secrets that lurked beneath the surface. Later in their lives, and as we grew older, they did start to open up more. My father came from a large family, and when he started to talk about his siblings, he could never talk about them without crying. He found it impossibly difficult to speak about them, but he did start to, as he got older.

My mom gave us a little more detail and was able to talk about her experience more. She was an only child, and she lost her parents. She had some uncles, at least one uncle that I'm aware of, who also did not survive the war. So she had no family to speak of.

Although they didn't talk about what they had gone through much, I knew I was different than all of the other children. I had no grandparents, I had no aunts, no uncles, no cousins. Everybody else had these extended families, and I didn't. And then of course, I knew something was different because my parents were not like the other parents. They spoke with heavy accents and they were just very obviously not American.

John Caher: Now, your parents must have had to work awfully hard. They came to this country, they had no connections, little education. They were struggling to learn a new language. How did they survive and how did they succeed?

Joan Levenson: My father decided he was going to become a cabinetmaker, and he became very skilled, in fact, at being a cabinetmaker. And ultimately, he was able to open his own business, and it was a very successful business.

He built cabinets and different kinds of fixtures for the army, the navy. In those days, there was a very popular hot dog restaurant called Nedick's, and he built their stores, and some shoe stores. But he worked, John, all the time. As a child growing up, I never saw my father during the week.

We moved to Westchester County when I was a baby, that was "making it," right? moving out of Brooklyn in those days to Westchester. But that meant he was traveling hours a day from Westchester to Brooklyn and working very, very long hours. And on the weekend, he would come home and he would just sort of collapse and would spend a lot of time in bed.

He liked to watch Westerns, actually, and that was his relaxation. He really never engaged in any sort of leisure activities. And I remember, in fact, that he didn't even own a pair of sneakers. When he was teaching

me how to ride a bicycle, he was running behind me wearing his slippers and teaching me how to ride.

But I think that part of the reason that he worked so hard is, yes, they wanted to succeed. They had no one to help them, no one to really support them besides the organizations that helped out a little bit at the beginning. But I think they were deeply grateful that they had been spared. And that was mixed with also tremendous sadness, and I think some amount of guilt. I think by working hard, that was a way of dealing with that sadness and guilt as well.

John Caher: Survivor guilt?

Joan Levenson: I think so. I don't know how anybody would not have that in those circumstances.

John Caher: Well, what about you? If they hadn't survived, you wouldn't be here. Do you ever think about that?

Joan Levenson: I think about that a lot, yes.

John Caher: Your parents obviously knew that their families had not survived. Did they know the circumstances?

Joan Levenson: I don't know. There were these Red Cross lists that came out all the time. And as we know, the Germans kept sort of meticulous records of everything they did. I'm not sure what they found out. They did not share that with us. And it's interesting, until you asked to do this interview, I hadn't really wanted to know or hadn't thought about it much, but now I think I would like to know if there are any lists, if there's anything I could find out.

John Caher: I'm going to stop you right there. You said you didn't want to know.

Joan Levenson: Yeah, because it's all so unfathomable, and to see it, I think, in writing would make it just even more difficult to process.

John Caher: In any case, your parents both end up after the war in a displaced persons camp, where they met. Where was that?

Joan Levenson: That was in Backnang, Germany, near Stuttgart. And it probably was like a repurposed military barrack. These were not fancy. The DP camps were not fancy places, but it provided sort of basic shelter, food, gave them medical care. They provided vocational training, cultural activities. And in

fact, my parents were both originally going to go to Israel, where a lot of displaced persons went, and they were taking Hebrew lessons, and I think that's where they met, in a Hebrew class.

John Caher: Yet they ended up instead of Israel in the United States.

Joan Levenson: What happened is that they had another friend whom they also met at the DP camp who had somebody in the United States who was well off and able to sponsor them and sponsored all three of them. My mother and father got married in the DP camp in, I think, about 1947, and then they all came over. The three of them came together being sponsored by a cousin of the other woman whose name was Freda.

John Caher: 1947. So they were in the displaced persons camp a couple of years, it sounds like.

Joan Levenson: A couple of years. I think so, a couple of years.

John Caher: Wow, that's a long time to be displaced.

Joan Levenson: It is a long time. It is a long time to have nothing and no one. And they forged new relationships, I guess, and my parents found each other. They never would've found each other had the war not happened. They came from such vastly different backgrounds.

John Caher: So, they are young people probably with not a ton of education. They're newly married. They come to an entirely foreign country and a confusing city in itself in New York City. Where do they live? How do they support themselves?

Joan Levenson: Well, they came here on a ship called the Marine Perch, and we actually have their embarkation cards. My parents saved everything, and my husband put it all together in this incredible scrapbook.

They actually sailed on April 12, 1947. My mom told me that she was unbelievably sick on the ship. It was a miserable experience. I think it was a two-week journey. And I don't think she ever went on another boat or ship in her life that I can recall!

But they did come here, and they did not go through Ellis Island at that time. I think they came to a pier on the West Side. They had a lot of help when they first got here, and they were given shelter. They had a one room apartment in Brooklyn. There was a bathroom down the hall, not in the apartment, but they received financial assistance from the UJA, HIAS,

which is the Hebrew Immigration Aid Society. These are both still in existence and still do incredible work. And the American Joint Distribution Committee also does a lot of good work.

And my father, they initially told him that they thought he should be a baker and they apprenticed him to a baker, but he just didn't like the work. He took some woodworking classes and he really liked that. He became a cabinet maker.

They both went to school in the evening. They got their evening elementary school diplomas. We have their diplomas, which made them eligible to continue if they wanted to go to evening high school.

I know that my father didn't. My mother might've started going. And I wish I'd asked these questions. The number of questions are sort of limitless, and I wish I had asked more. And if anything, I hope people take from this that they should ask questions while their loved ones are here to answer them, because there's no way to get those answers any more.

Throughout their lives, they spoke to each other in Yiddish and Polish, but they didn't teach us, sadly, either language, because they wanted us to speak English and not have an accent. They feared us having an accent.

John Caher: They feared you having an accent in this country? Why?

Joan Levenson: They were "greenhorns," and certainly everybody else looked at them that way, people that come here completely unfamiliar with life here, the culture. They don't have familiarity with the language. They really wanted to make sure that we were "Americans."

John Caher: Now, their story is in many regards, your story. Do you think your childhood, and adulthood I suppose, was impacted by your parents' experiences?

Joan Levenson: I read somewhere that second generation survivors may live aspects of their parents' trauma as if it were their own. I don't know that that's exactly what I experienced, but I did feel at times my parents' profound sadness, and I felt their fears viscerally. Their loss was palpable.

I might not have fully understood the magnitude of all they had lived through and all that had been taken from them. But what I did know was that the worst thing you could imagine happening really can happen, really did happen. How do you process the fact that the world's Jewish population was decimated? Six million Jews annihilated in a few-year

period, and not just Jews, millions of other people were murdered as well. There were Soviet POWs, Poles, people with disabilities, Romani people, homosexual people, many others. So surely a profound awareness of the Holocaust and its impact informs my world view, and probably that of my children, albeit to a little bit of a lesser extent.

But I'll tell you one story that I thought of recently that sort of illustrates the impact that the Holocaust has over generations.

My middle child, when she was about, I don't know, she was in fourth or fifth grade, had a tutor to help her with reading comprehension. And the tutor calls me one day and she was expressing concern that my child was having trouble grasping the main idea of a story that they had read together.

So it turns out that the story was about the origin of the Superman character, who apparently first appeared in a comic book around 1938. And my child asked the tutor, "1938, but wasn't that during the Holocaust?" She really had a hard time getting past the fact that while the atrocities of the Holocaust were taking place, regular life was continuing. People were creating superheroes and buying comic books.

But all that being said, I just also want to share that my parents passed down to us a deep love of and appreciation for family and really just gratitude for being alive. And I hope that I am passing that down to my children and grandchildren, also.

John Caher: Gratitude for being alive. What a beautiful concept.

With your parents' background, did they limit or restrict your activities at all? Were they afraid to let you out of their sight or anything like that?

Joan Levenson: Well, that's interesting you should ask that. And I don't think this is only because they were survivors. I'm sure other parents were this way, but they were extremely overprotective.

I desperately wanted to be, I remember, I think it was second grade, there were the Girl Scouts, and I think the younger grades are Brownies, and all my friends were joining the Brownies. And there was a troop in my school, and I desperately wanted to be a part of that. My mother wouldn't let me. And I'm pretty sure that's because she had such an aversion, they both had such an aversion to uniforms. And the Brownie uniforms were brown, and that was pretty much the same shade of

brown as Hitler Youth. And she was adamant that I could not join the Girl Scouts.

John Caher: Oh, my. Oh, my.

Did your parents' experiences have anything to do with your decision to go to law school, do you think?

Joan Levenson: Not really. Not directly. My father, well, both of them really, just wanted me to have a career so that I could always take care of myself. But in fact, I didn't go to law school straight out of college. I married very young. I had two children. I had a third child while I was in law school. But I did love going to law school. I love learning. I love studying. I love reading. I love analysis. I don't love litigation. That's why I've been in the court system my entire career. I don't like confrontation, but I do love the law.

John Caher: What kind of law were you thinking you would practice when you were at Brooklyn Law? You said you don't like confrontation or litigation.

Joan Levenson: Well, I really, really liked criminal law. I took as many classes that were available. I was on the *Brooklyn Law Review*, and I wrote my article on a criminal law topic. And in fact, the first 15 years that I worked in Supreme Court Bronx County, it was in a criminal term.

John Caher: So how did you come to work for the courts?

Joan Levenson: So, first of all, I had no political connections. I still don't. But what happened was that the editor-in-chief of the *Brooklyn Law Review* had done a clerkship in the court system with Judge Bernie Fried, and then she was going to become a law clerk in the Court of Appeals. So she said, "Why don't you apply for my job?" And I said, "Okay."

I had worked as a summer associate in a large firm, and I was nine months pregnant at the time. I think in those days, I was the first pregnant summer associate they had ever had. They didn't quite know what to do with me, but they did love me and they gave me an invitation to come back.

And they said, "We understand that you have a family. We'll keep your hours normal, 9:00 to 7:00." And I'm like, "Okay, that's just not going to work for me with three young children." So I rejected the offer. I didn't know what I was going to do.

She said, "Apply for this job." And I was really, really fortunate to have been hired by Judge Bernard Fried. He was an outstanding judge, and he taught me so much. He was later appointed to the Commercial Division in Supreme Court in New York County. But when I worked for him, he was in criminal term in Bronx County handling major criminal cases, some very high-profile criminal cases.

John Caher: Now, you've been with the court system 35, 36 years, I guess?

Joan Levenson: 36.

John Caher: 36. Congratulations. What positions have you held in those years?

Joan Levenson: So first, I was with Judge Fried for a few years. Then I worked for another judge in Bronx County in a felony drug part, Judge Joseph Mazur. And then I worked with Judge Ira Globerman in Bronx for 15 years. We were very, very close. He died a couple of years ago, and we're still very close with his wife. In fact, we're seeing her this evening. He was in criminal term, but then while I was working for him, he got transferred to a matrimonial part.

Now, I knew less than nothing about matrimonial law, but we learned a new area of law and ended up doing matrimonial law for many years. Before I went to Judge Kaplan, I was at the Judicial Institute for a couple of years, and that was wonderful, developing all kinds of really interesting programs for judges and nonjudicial personnel, and that was a lot of fun.

John Caher: Now, you've had a number of positions, as you've mentioned, but I detect a bit of a pattern at least for the last 13 years, and you seem to be closely associated with Judge Kaplan at every turn. What is your relationship with her and how has she influenced you?

Joan Levenson: I think we do influence each other a lot. We work very closely.

I began as her law clerk when she was in a matrimonial part. I became her Chief of Staff when she was Statewide Coordinating Judge for Family Violence cases. I was her law clerk again when she was the Administrative Judge in Supreme Court in New York County civil term. I was Special Counsel when she was the Deputy Chief Administrative Judge for the New York City Courts.

And now I am back to being her law clerk as she presides in a citywide alternative dispute resolution part. And we are just loving that. We've been conferencing and doing settlement conferences in a lot of complex

civil matters for a long time, throughout the time she was Administrative Judge and when she was DCAJ, but now we're doing it full time, and we handle cases from all five boroughs, and all different kinds of cases—personal injury, property damage, contracts, wage and hour, and matrimonial. And it's really exciting work. We have large calendars, but we can really spend the time to work on these cases and try to reach negotiated settlements.

The other thing is that since 2015, Judge Kaplan has been the chair of the New York State Judicial Committee on Elder Justice, and I am counsel to the committee. And we do a lot of work on elder justice issues.

And when I say elder justice, it encompasses so many things—legal, social, health, economic issues. Our committee is made up of judicial, non-judicial personnel, lawyers, social workers, medical professionals, academicians, law enforcement, financial experts, nonprofit service providers, and government agencies. We meet regularly. We have a newsletter, and we do a lot of training and presentations on ageism, elder abuse, particularly financial exploitation, intimate partner violence in later life, issues surrounding divorce in later life.

I recently moderated an elder justice panel as part of the New York City Department for the Aging's two-day national conference on a silver dawning in American cities. We presented remotely to all the Vermont probate judges on elder abuse. We went to the Seventh Judicial District—this is just all in the last few months—we went to the Seventh Judicial District for their daylong conference and presented on elder justice issues.

We were at the Adult Abuse Training Institute in Albany doing a session on financial exploitation, as seen in the courts, how it manifests in the courts. We had judges recently come from Korea to Richmond County. Korea has, I think, the largest aging population in the world, and they wanted to know how we were dealing with elder justice issues. So we did a full presentation for them. And every time we do these presentations, or many times, we have people from our committee join us from outside of the court system. We present to interns, summer interns, we go to the Women's Bar Association annual conference and do presentations. We're really focused on raising awareness about elder abuse and the role of ageism in fostering and promoting elder abuse.

John Caher:

It seems to be an emerging and somewhat new area of law. I think not that long ago, nobody was talking about elder law.

Joan Levenson: I think that's really true. And when the judge was appointed the Statewide Coordinating Judge for Family Violence cases, the thought was that she would oversee, and she did, the domestic violence courts and the integrated domestic violence courts. But what she said at that time, when she was offered the position, she said, "Yes, I would love to do this, but I also want to make elder justice a large component of what this office does." And she did. And that was almost 10 years ago, and we have just not stopped.

And we've just seen enormous changes. And in fact, right now we have the governor's master plan for the aging. And I was fortunate enough to be appointed to some subcommittees, and we just did a round table yesterday. So really the awareness around these issues has grown dramatically over the last 10 years. And I'd like to think we had some tiny role in that growth and awareness.

John Caher: I think it was more than a tiny role.

But now to take a little bit of a step back, do you think that knowing what you know about the dangers of totalitarianism, you have a heightened recognition of the importance of the rule of law and an independent judiciary?

Joan Levenson: The rule of law is critical. I believe we have an independent judiciary, certainly in this state, I have the highest regard for our judiciary. And I've had a lot of experience here. Elsewhere we've seen what happens when there is totalitarian government.

John Caher: There certainly wasn't independent judiciary under the Nazi regime.

Joan Levenson: There was not.

John Caher: You said earlier that the trauma your parents experienced was to at least some extent passed on to you, and I would imagine some of your own trauma, hopefully less, found its way to the next generation. Is that true?

Joan Levenson: It informs the way I see the world, and I think to a lesser extent, that also it informs the way my children see the world.

John Caher: Well, the way you see the world, and the way you see your job, and the way you see the judiciary, right?

Joan Levenson: I think that's true. I think that's true.

John Caher: Now, back to the present, your personal life. You've mentioned you have a husband, children, and grandchildren?

Joan Levenson: Yes.

I met my husband in college. We went to NYU together, and we've been married for a very long time. He's a dentist, he's a volunteer president of a rare disease foundation. He's a certified dog trainer. He's an avid gardener. He has an amazing green thumb, and he's an incredible cook and bread baker. It's really hard living with him, because he's so good at so many things. And I should mention that cooking is not so easy necessarily, because we are plant-based. So every day he's coming up with these incredible creative vegan dinners. So I'm very fortunate to have met him when I was young and for us to have stayed together through thick and thin.

We met at NYU. We were in the library at Bobst, that iconic library at NYU, in the basement. I was studying. He was sleeping. And he woke up, and it just happened that a friend came by who knew both of us. He was in the dental program. My husband was in a six-year undergrad dental program. And this guy was with me in the scholars program and also was going to be a dentist. So he happened to know both of us, and we started talking, and that was it. I don't think we've spent 10 days apart since then. And that was a very long time ago.

John Caher: That's beautiful. That's beautiful.

Joan Levenson: And then my oldest child is a rabbi. He's a painter, he's a surfer, he's a yoga teacher. My middle child is an actor and a videographer, and she recently went back to school and received an MA from Columbia University in their school of psychology with a specialty in spirit, mind, and body. And then my youngest is the dean of students at a pre-K to 12th grade school in California. So they're all slouches !

John Caher: They're all very high achievers as are their parents, it sounds like.

Joan Levenson: Yeah.

John Caher: In closing, if there's one thing you hope listeners take away from this interview, what is it?

Joan Levenson: Well, I really thought about this, and I guess what I would ask people to take away, what I would hope they would take away, is to never make assumptions about people. You just don't know someone until you speak

to them and hear their story. We all have an origin story, not just superheroes. And we should share it and ask others to share with us their stories. In that way, I think we come to understand each other better.

People can understand where we come from, what's important to us, what drives us, what angers us, what scares us, and what brings us joy. And we can understand all of those things about them as well. And then I actually have one other thing: practice gratitude.

John Caher: What great advice.

Joan Levenson: I think about that a lot.

John Caher: Let me ask you one other thing. It's a little bit unfair to spring this on you, but I'll do it anyhow. If I had the power to bring your parents back to you right now, what would you say to them or what would you ask them?

Joan Levenson: A couple of things.

I would ask so many more questions about their childhood, and maybe not probe too deeply as to what happened during the war, because that might be too difficult, but certainly more about their childhood. And then right after the war, learn more about the DP camp and everything they were going through and what they were thinking.

Also, and this has nothing really to do with them having been survivors, but just in their role of grandparents, now that I'm a grandmother. I would say I'm sorry for not realizing how important they were to my children, how important grandparents are, and how precious this relationship is between a child and grandchild. And if I denied them in any way or didn't give them even more access, I just wish I had, and I would apologize for that, because they were fabulous grandparents. It was difficult for them being parents right after the war, but grandparents was much easier for them, and they were wonderful.

John Caher: I am abundantly confident that you have absolutely nothing to apologize for. And if your parents were here today, they'd be immensely proud of the person you are, the work you do, the family you've raised.

Joan Levenson: Thanks, John.

John Caher: Joan, thank you for speaking so freely about what I know are painful and difficult memories. And thank you for spending the time with me this morning.

Joan Levenson: Thank you, John. I really appreciate it. And I think sharing origin stories, these kind of podcasts, do exactly that, and I'm very appreciative of you.

John Caher: Thank you.